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THE
HISTORY
OF THE
COUNCIL of CONSTANCE.

jacques
By **JAMES LENFANT.**

by Stephen Thacker
Translated from the New EDITION, Printed at *AMSTERDAM*,
which the AUTHOR not only Revis'd and Corrected, but con-
siderably Augmented.

Illustrated with several Curious COPPER PLATES.

V O L. I.



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To the REVEREND
Dr. HENRY BLAND,
DEAN OF DURHAM.

Reverend Sir,



Nothing was a greater Encouragement in the Translation of this History, than my Hopes that you would honour it with your Protection; your good Nature in gratifying that Ambition, is what I shall ever esteem among the best Fortunes of my Life.

WHEN I consider'd what Character would be requisite in a PATRON for so valuable a Work; that, besides Eminence of Station, Learning and Judgment, there must be Pie-

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ty,

ty, Virtue, and good Sense, and a strong Attachment to what is true, as well as what is pleasant, it will be seen immediately, that I was naturally led to this Address; and that I must have heard very little of Men and Things if it had escap'd me.

THE Author, Mr. *Lenfant*, who had the Honour to be Chaplain at the Court of *Berlin*, and dedicated his History to his *Prussian* Majesty, was, when living, in the greatest Esteem with the most illustrious Persons both for Merit and Quality, and his History has met with the unanimous Approbation of all Lovers of Truth; those especially, who not only love, but understand it; who are not only delighted with the Variety and Beauty of this Performance, but edified with the Historian's Accuracy and Sincerity.

I shall not enter into Particulars, nor mark out Instances of this Sincerity and Accuracy: For as your Penetration would soon have discovered the Vices of History contrary to those Virtues, so will it open to you every Excellence, and give you that unspeakable Satisfaction, which Minds of like Ability

Ability and Taste, find in Communication with one another.

THE COUNCIL of CONSTANCE must be acknowledged to be one of the most important Events of the XVth Century, and the greatest of all Oecumenical Synods, if with the Number and Dignity of the Prelates and Doctors we consider the Dignity and Number of the Princes and Lords who assisted at it, after the Example of the then Christian Emperor SIGISMOND of Germany. It will be confess'd, that the true Spirit of Reformation did not operate in this Assembly as it did a hundred Years after; but even in that dark Age it had Vigour enough to struggle with the Papal Hierarchy, and to assert the Freedom of the Church, in Opposition to the Usurpation and Tyranny of the Bishops of Rome; of whom not less than three were actually set aside by this learned Congress of Divines, and a fourth elected, who owned the Papacy to be subject to a Council.

THIS notable Struggle takes up a great Part of Mr. *Lenfant's* History, in which will

will be seen by what *wicked Arts* the Popes endeavour'd to maintain their lawless Empire, and by what wise ACTS and DECREES the Synod baffled all their Intrigues, and at last, in a very solemn Manner, subjected them to the Authority of the COUNCIL.

BUT I ought not to anticipate the Matter in this Work, nor to enlarge here upon its Contents, so fully explained by the learned Historians Dr. *Burnet* and *Le Clerc*, in the following Preface. And that it may be thought worthy of your Acceptance, and the Translator of your Pardon, is the humble Hope and Prayer of,

REVEREND SIR,

Your most humble,

most faithful,

and most obedient Servant,

London, March 1.

1729-30.

STEPHEN WHATLEY.



T H E

Tranflator's PREFACE.



O set the State of the CHURCH during the XVth Century in its true Light, and to represent it to the Life, no Materials could be of so much Service as a particular History of what pass'd at the Councils of CONSTANCE and BASIL. That learned Divine, my Author, has oblig'd the World with an Account of both those Assemblies, written with that Plainness, Circumspection, and Impartiality, that there's no Room to suspect that he suffer'd himself to be byass'd by Passion or Prejudice*.

By this History, the Reader will be enabled to guess at the Characters of the Popes who were at the Head of the Church for fifty Years together. He will perceive, that the *Christians* of both Sides acknowledg'd for *Christ's* Vicars, Popes whom they detested and abhorred, and who indeed were so little worthy of the Station they enjoy'd, that several of them were depos'd for *Heresy, Simony* and *Perjury*; that they were Men who sacrificed

† The History of the Council of *Basil*, which by reason of the Author's much lamented Death, has been somewhat retarded at the Press, is like to be publish'd very soon in *Holland*; and if this History of the Council of *Constance*, which now appears

for the first Time in the *English* Language, has a favourable Reception, the Booksellers, who have been at the Expence of publishing this, will be encouraged to spare no Cost to put out that of *Basil*, as soon as possible, in the same Language and Form.

the

the Peace and Quiet of the Church to their own private Interests and Pleasures; that they damn'd without Mercy, as far as lay in their Power, all who were not of their Obedience or Party; and that they would without Scruple have involv'd all Christendom in a bloody War upon their Score, if the secular Princes had not been wiser than themselves, and if they had been as unconcern'd for the Temporal Interests of their Subjects, as those Popes were for their Welfare in Spirituals. But I stop here to leave Room for the Testimonies of two great Writers, which, tho' more might be added, are in my humble Opinion, sufficient of themselves to establish the Credit of any History whatever, and shall refer the Reader for the rest, to the Account of the Author's Life and Writings, which is prefix'd to the Translation.

DR. GILBERT BURNET, late Bishop of SARUM, in his Preface to the third Volume of the *History of the Reformation*, gives the following Character.

‘ THERE is another History written in *French*, and
 ‘ which, I hope, is soon to appear in our own Lan-
 ‘ guage, which I cannot recommend more than it de-
 ‘ serves. It is Mr. *Lenfant's* History of the COUNCIL
 ‘ of CONSTANCE, in which that excellent Person has
 ‘ with great Care, and a Sincerity liable to no Excepti-
 ‘ on, given the World so true a View of the State of
 ‘ the Church, and of Religion, in the Age before the
 ‘ Reformation, that I know no Book so proper to
 ‘ prepare a Man for reading the *History of the Reforma-*
 ‘ *tion*, as the attentive Perusal of that noble Work:
 ‘ He was indeed well furnished with a Collection of

‘ ex-

‘ excellent Materials, gathered with great Fidelity and
‘ Industry by the learned Dr. *Vander Hardt*, Professor
‘ of Divinity in the University of *Helmstadt*, and pro-
‘ cured for him by the Noble Zeal and Princely Boun-
‘ ty of that most serene and pious Prince *Rodolph Au-*
‘ *gust*, the late Duke of *Brunswic-Wolfembutte*, who
‘ set himself with great Care, and at a vast Charge,
‘ to procure from all Places, the Copies of all Papers
‘ and Manuscripts that could be found, to give Light
‘ to the Proceedings of that great Assembly. That Col-
‘ lection amounted to six Volumes in Folio.

‘ From these authentick Vouchers, the History of
‘ that Council is now happily compiled. And if that
‘ learned Author can find Materials, to give us as full,
‘ and as clear a History of the Council of *Basil*, as he
‘ has given of that of *CONSTANCE*, I know no greater
‘ Service can be done to the World: For by it, Popery
‘ will appear in its true and native Colours, free from
‘ those palliating Disguises, which the Progress of
‘ the Reformation, and the Light which by that has
‘ been given the World, has forced upon those of that
‘ Communion. We have the celebrated History of the
‘ *COUNCIL* of *TRENT*, written with a true Sublimity
‘ of Judgment, and an unbiassed Sincerity. But how
‘ well, and how justly soever the History which Father
‘ *Paul* gave the World of that Council is esteemed, I
‘ am not afraid to compare the late *History* of the
‘ *COUNCIL* of *CONSTANCE* even to that admired Work;
‘ so far at least, as that if it will not be allowed to be
‘ quite equal to it, yet it may be well reckoned among
‘ the best of all that have written after that noble Pat-

The Translator's PREFACE.

tern, which the famous *Venetian* Fryar has given to all the Writers of Ecclesiastical History.

The Reader cannot have a juster or fuller Idea of this celebrated History, than what is given by *M. le Clerc of Holland*, to whom the learned World is so much oblig'd for the accurate Accounts he has published in his numerous *Bibliotheques* of all the most valuable Books that have appeared in the *Republick of Literature*.

HE gives a particular Account of this History of the *Council of Constance*, in the second Article of his *Bibliotheque Choisie*, Vol. XXVII. from whence we have taken the following Abstract.

THIS is an Ecclesiastical History, which treats entirely of Matters relating to Doctrine and Discipline, and faithfully represents the Conduct of the Council of *Constance* in general, and the particular Sentiments of those who assisted at it. The Author, who had his principal Memoirs from the Members of that Council, has so strictly observed the Laws of History, with Regard to Sincerity and Impartiality, that very few Histories of the Kind can in that Respect equal it.

HE represents the Sentiments of the Doctors who were in this Council, and of those who treated of it soon after, in the same Manner as they express 'em themselves; and as to Facts, his Vouchers are the publick Acts, and the Authors who wrote in that Time, whom he examines with great Care, and compares with one another, in order to discover the Truth, or at least what comes nearest to it. All manner of
Readers,

‘ Readers, not excepting the *Roman* Catholicks, may
‘ read this History with Pleasure, and without fear of
‘ being imposed upon by a Representation of Things
‘ different from what they were in Reality. The Stile
‘ is clear, easy and unaffected, and has all the Beauties
‘ that the Subject would admit of.

‘ OF all the late Councils there’s none, except the
‘ Council of *Trent*, whose History and Decisions are of
‘ more Importance than this of *Constance*. Where the
‘ Author has descended to Particulars, and to such Dis-
‘ cussions of Things, as seem at first View of no
‘ great Importance, one may perceive in reading this
‘ History, that it would not have been compleat with-
‘ out it, and that the Series of the Narrative made it
‘ absolutely necessary. The Author has not confin’d
‘ himself only to the Proceedings of the Council, but
‘ has also taken all the Care he cou’d to give the Lives
‘ and Characters of those Members of the Council es-
‘ pecially, who made any Figure in it.

‘ *M. Lensant* has a fine Preface before his History,
‘ in which he justly observes, that this was a very me-
‘ morable Council, and that the Things therein trans-
‘ acted were of the last Importance.—The deposing
‘ of two Popes (*Gregory XII.* and *Benedict XIII.*); the
‘ voluntary or forc’d Abdication of a third (*John*
‘ *XXIII.*); the Re-union of all the Christian States;
‘ the Presence and perpetual Activity of the Emperor
‘ *Sigismund*, for the Support and Success of this As-
‘ sembly; the Superiority of General Councils over
‘ Popes, which was therein established; the Decisions
‘ upon such Matters as concern’d all Christendom; the

‘ Punish-

Punishment of *John Hus* and *Jerome of Prague*; the
 Reformation in Discipline and Morals demanded
 with incredible Instances; which were back'd by one
 Part of the Council, and always eluded by the o-
 ther; and finally, the Election and Coronation of a
 Pope: All these Subjects are very proper to raise the
 Attention of Readers, tho' of ever so little Curiosity,
 and to inspire them with a just Impatience to know
 all the Particulars, and to penetrate into the Motives
 and Springs of such great Events. And I can en-
 gage from my own Experience, that such as have
 Leisure to read the History throughout, will not re-
 pent of their Trouble.

THIS Council was considerable, not only for the
 great Number of Clergymen of all Orders, who re-
 pair'd to it, but also for the Princes, who were
 there, besides the Emperor; not to mention the Am-
 bassadors of such as could not go to it, and a Multi-
 tude of the Nobility. It was not the only Business
 of this, as it was of most of the preceding Councils,
 to determine certain Points of Doctrine or Discipline,
 to condemn real or pretended Hereticks, and to re-
 form such Abuses as had only crept into some Parts
 of *Europe*, or among a certain Order of Men:
 This Council had greater Work upon their Hands,
viz. to restore Peace to all the West, which was rent
 by a Schism of near forty Years standing. In a
 Corruption so general as the Clergy were in at
 that Time, it was very difficult to find out a Person
 for *St. Peter's* Chair, that wou'd be acceptable to so
 many Nations, who were divided by separate Inte-
 rests,

rests, and taught, by Experience of what had pass, to be more upon their Guard whom to chuse. Upon this Head, the Council was not wanting either in Prudence or Vigour, and never did any Ecclesiastical Assembly signalize its Authority with regard to Popes, by Decrees that were more severe, and at the same time more just.

IN this History the Reader will find new Light in the Affair of *John Hus*, and his Safe-conduct, as well as with regard to his Opinion. Such as had not throughly examined this Matter, imagin'd that *John Hus* and his Disciple *Jerome* of *Prague* were the Fore-runners of *Luther* and *Calvin*, and that their Sentiments were much the same. But the contrary appears from the Account given by *M. Lensart*. They both believed Transubstantiation, and that the Adoration of the Host was an indispensable Duty; they also held the Invocation of Saints, and most of the other Tenets, which are disputed betwixt the Protestants and the Church of *Rome*. They did not so much as require the Communion in both Kinds; nor did they teach that it should be celebrated in that Manner. The Council was most offended with them for the Inclination they shew'd to shake off the Yoak of Ecclesiastical Authority; not so much for its being a Tyranny in itself, which they maintained afterwards, as for the Abuses of that Authority, and the Ill-manners of the Clergy. The other Opinions which they were charged with holding; in Opposition to those of the *Romish* Church, were express'd in such obscure strange Terms, that it were
3 easy

' easy to put a Construction upon them in Favour of
 ' that Church according to her Principles and their own
 ' Ideas. But it seems, that the Council were not in-
 ' clin'd to hear them, in order to render them the
 ' more guilty and to make an Example of them, and
 ' for reclaiming the other *Bobemians* to their Duty,
 ' who refus'd Submission to their Bishops. But the
 ' best Way to form a right Judgment of the whole,
 ' is to read *M. Lensant's* History with Attention.

' As for the Helps which *M. Lensant* had to write
 ' it, he tells us himself, that besides the Annalists, Col-
 ' lectors of Councils, Chronologists, and the like Au-
 ' thors, whom he has not neglected, he has chiefly
 ' made Use of the *German* Historians, and the Monu-
 ' ments of that Time lately discover'd in *Germany*.
 ' But nothing has render'd this History so exact and
 ' compleat, as the great Collection of the Acts of this
 ' Council in six Volumes in *Folio*, for which the Pub-
 ' lick is oblig'd to the Liberality of *Rodolph Augustus*,
 ' Duke of *Brunswic*, who employ'd a very learned
 ' Man, that was Divinity Professor at *Helmstadt*, to
 ' collect them. And the Author owns in his Preface,
 ' what vast Obligations he had to this Collection. He
 ' has also consulted the best Histories he could find of
 ' the Affairs of *Bohemia*, *Poland*, the Acts of the fa-
 ' mous Assembly at *Paris*, by *Gerson*; *Recanati's* His-
 ' tory of *Florence*; the Acts and Monuments of *Eng-*
 ' *land*, collected by *Mr. Rymer*; the History of that
 ' Country by *Rapin Thoyras*, and many other Authori-
 ' ties, too tedious to mention, which he has carefully
 ' quoted and mark'd in the Margents'.

THE



THE
Author's PREFACE
TO THE
FIRST EDITION.



THE fifteenth Century is distinguish'd by many Characters which richly deserve the publick Attention. Then it was that the Sciences began to emerge out of that profound Oblivion into which they were plung'd by the Barbarism of the former Ages. A great Number of able *Grecians*, having brought their Language into *Europe*, reviv'd at the same Time a Taste for the *Belles Lettres*, which by the Help of Printing, till then unknown, spread univerlally, as it were in a Moment.

II. THE World being more enlighten'd, there was Reason to hope that the Church which had been for a long Time envelop'd in the general Corruption, and actually rent in Pieces by the most violent and obstinate Schism that ever was, wou'd not overlook a Conjunction which

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had the Aspect of a Crisis in a desperate Disease: And indeed, several General Councils were call'd to endeavour the Unity and Reformation of it, as that of *Pisa*, those of *Constance* and *Basil*, not to mention the Councils of *Ferrara* and *Provence*.

III. As to what pass'd in the Council of *Pisa*, it can only be construed as the first rough Draught of the Reformation. It lasted but four Months and odd Days, which undoubtedly was too short a Term for the great Views of calling it. 'Tis true, that in this little Space of Time, Affairs of very great Importance were dispatch'd. Two Popes were therein depos'd, one chose, and some Regulations made which had a Tendency to the publick Satisfaction. But all this had no Effect. *Alexander V.* whom they chose, refus'd to perform a Tittle of what he had promis'd; and the Popes that were depos'd, wou'd not stand by the Judgment of a Council whose Authority they had indeed just ground to question. For it was assembled only by the Cardinals who were Creatures to *Benedict XIII.* and *Gregory XII.* and had withdrawn from their Obedience. Several Kings and Princes had indeed consented to the calling of this Council, and actually sent their Ambassadors to it. But the Emperor *Robert*, who, in quality of Protector of the Church, shou'd have been the *Primum Mobile* of this Assembly, protested against all the Decisions of it as null and void; and the Council was look'd upon as a Nullity, not only by the deposed Popes, but also in some Measure by the Council of *Constance*; because in order to oblige *John XXIII.* to resign the Papacy, a fresh Process was carry'd on against his Competitors, and they acted almost in all Respects as if there had been no Council at *Pisa*. What is moreover remarkable, is, that *John XXIII.* who had succeeded *Alexander V.* cou'd never get the Council of *Constance* to be deem'd as a Continuation, and by Consequence as a Confirmation of the preceding Council. Matters remaining almost in the same State as before, the Council of *Constance* was call'd, of which I shall here premise a general Idea.

IV. THIS Council was undoubtedly one of the most memorable that had till then been assembled, whether we consider the important Events that resulted from it, or the Number, Dignity and different Character of its Members; or finally, whether we have regard to the great Affairs therein treated, and the Manner of Proceeding in it. The Deposition of two Popes; the voluntary, or forc'd Abdication of a Third; the Reunion of all the Christian States; the Presence of a great Emperor always in Action; the Superiority of General Councils, or rather their Majesty, taking Revenge on the Incroachments of the sovereign *Pontiffs*; several Decisions upon Matters in which all Christendom was concern'd; the Punishment of *John Huss* and *Jerom* of *Prague*; an intestine War kindled upon that Occasion all over a flourishing Kingdom; the Election and Coronation of a Pope, with Circumstances and Precautions till then unusual;

unusual; all this, without doubt, is enough to attract the Attention of the Publick, and to inspire them with a very justifiable Curiosity to know the whole Detail, and to penetrate into the Motives and Springs by which such great Events were produc'd.

V. THERE was neither Kingdom, nor Republick, nor State, nor scarce any City or Community in *Europe*, but had its Ambassadors or Deputies in this Council. According to the Lists made at that very Time, there cou'd not be less than 30 Cardinals, when they were all together, three or four Patriarchs, about 20 Archbishops, near 150 Bishops, above 100 Abbots, 14 Auditors of the Rota, 18 of the Pope's Secretaries, above 140 Writers of Apostolical Bulls, 47 Writers Penitentiary, 273 Attorneys of the Pope and Cardinals, not reckoning the Writers of several Kingdoms, above 150 other Prelates, as well Generals of Orders, as Priors, sent from divers Places, and above 200 Doctors. Two Popes presided in it by turns, one at the Beginning, the other at the Conclusion of it. The Emperor was never absent from it, unless it was to attend the Affairs of the Council elsewhere. There were 4 Electors present, *viz.* the Electors of *Mentz* and *Saxony*; the Elector *Palatine*, who was Protector of the Council in the Emperor's Absence; *Frederic* Burgrave of *Nuremburg*, who receiv'd the Electoral Cap there; besides Envoys from the other Electors. A great many other Sovereigns repair'd thither, *viz.* the Dukes of *Bavaria*, *Austria*, *Silesia*, *Lignitz*, *Brieg*, and divers other Princes, as well Margraves as Burgraves, Counts, Barons, and an infinite Number of Gentlemen, besides the Ambassadors of those that were absent. The Computation abovemention'd is taken from the Lists of *Dacher* and *Reichenthal*, which will be insert'd, at least in part, at the close of this History, as they are publish'd by *M. Von der Hardt*, in the fifth Part of his Collection. In the *Breslaw* M.S. of which I shall speak hereafter, there's a List of the Members of the Council, somewhat different from the above, which having never yet been printed, it may be proper to insert in this Place. Pope *John XXIII.* was present at this Council. There were 3 Patriarchs, 23 Cardinals, 27 Archbishops, 206 Bishops, 33 Titular Bishops, 203 Abbots, 18 Auditors of the sacred Palace, all Doctors, 444 Doctors of Divinity, as well as Law, exclusive of the Auditors just now mention'd, about 27 Prothonotaries, 242 Writers of Bulls, 123 Attorneys of the Pope and Cardinals. (1) Also 24 *Sportulani*, 28 Vergers of the Consistory, 128 Earls, 600 Barons and Gentlemen, 48 Goldsmiths with their Workmen, 450 Shopkeepers and their Journeymen, 122 Shoemakers and their Journeymen, 222 Taylors and their Men, 86 Furriers and their

(1) I know not what was the Office of these *Sportulani*. They seem to have been Persons appointed to carry the Baskets, in which they put the Presents or Offerings, either in Provisions or Money, to give to the Clergy or others on their Feasts, and the like solemn Occasions. See *St. Cyprian* Ep. 1. and the Bishop of *Chester's* Note upon this Passage.

Workmen, 88 Carpenters and Blacksmiths, about 300 Vintners, and Victuallers with their Drawers, 72 Bankers and Money Changers, (*Campores de Florenis*) 65 Apothecaries and their Journeymen, 236 Barbers, 505 Fiddlers, 718 Common Women, 27 Embassies from Kings, Dukes and Counts. There were also Deputies from several Bishops, Universities, and from the Imperial Cities, and other Towns. 'Twas a glorious Sight to see all the Estates of Christendom, and all that were most distinguish'd in *Europe* for their Learning and Dignity, thus collected in one Place!

VI. IT must be allow'd that the Wisdom of any Council was never exercis'd upon Affairs of greater Importance. It was not the sole Business of this, as it had been of most of the preceding Councils, to decide certain Points of Doctrine or Discipline, to condemn real or pretended Heresies, and to reform Abuses that had crept into some Parts of the World only, and among one certain Order of Men: For in the first Place, the Business of this Council was to restore Peace to all Christendom, which had been miserably distracted for near 40 Years, by a Schism that made all *Europe* uneasy. Now in so general a Corruption as was then among the Clergy, it was not easy to find out a Person fit for St. *Peter's* Chair, who should be approv'd of by so many Nations divided by separate Interests, and who were taught by Experience of what had happen'd, to be more cautious for the future whom they chose. The Council was not wanting upon this Head either in Wisdom or Vigor; and never did any Ecclesiastical Assembly signalize its Authority by Decrees that were more severe, and at the same time more just. It was uncommon, if not unprecedented, to see Popes who pretended to be the Arbitrators and Judges of the whole Earth, not only summon'd to make their Appearance before this Tribunal, but condemn'd by it, and forc'd to acknowledge Superiors, and to submit to the Judgment of general Councils.

VII. ALTHO' the Conduct of the Council upon this Article did not meet with universal Approbation, yet it must be granted that the Method they took to unite the Church, and to suppress the Schism, was truly great, and worthy of the Praises of Posterity. Its Decrees touching the Superiority of Councils over the Popes were not indeed receiv'd in all Places. The Choice which was therein made of *Martin V.* was not pleasing to all People, and perhaps they might have made a better. Nor was the Schism entirely extinguished, notwithstanding the Measures taken to cut up all the Roots of it. But such is the Fate of human Things! There is still some Imperfection or Weakness in the best of Enterprizes; and among so many different Interests and Passions, often opposite to each other, 'tis impossible but there must be a great number of Malecontents. However, to do justice to the Council, they went in this Affair almost as far as they could answer, and made a happy Use of their Authority.

VIII. But we cannot say as much of them in the second Affair which fell under their Consideration, *viz.* the *Reformation of the Church in its Head and*

and Members, and the Re-establishment of Ecclesiastical Discipline. The Evil was generally confess'd, but few agreed in the Remedy. Tho' the Affair of the Union was a difficult Point, yet it was more easy to procure the Consent of all to depose wicked Popes, or to oblige such to resign, than to compel the Clergy to divest themselves of that Avarice, Ambition, Sensuality, and the other Passions which were the Source of their Disorders. The immense Profit which the Popes reap'd from their *Gratie Expectative* (Bulls granting Mandates for Church Livings before they became void) *Reservations, Dispensations, Exemptions*, their arbitrary *Impositions*, in a word, by the Sale of Spiritual Livings, and of Ecclesiastical Offices, was too delicate a Morsel to persuade them to part with.

IX. THE rest of the Clergy, in Proportion, were no less concern'd to hinder the Reformation from extending too far. It was propos'd to oblige the Bishops and other Pastors to reside in their Cathedrals and Parishes; charitably to visit their Flocks, without oppressing them under pretence of unnecessary Maintenance; to renounce several good Benefices, and to content themselves with such as they might legally possess; to live with the Modesty and Frugality answerable to their Character; to preach the Word of God themselves, instead of committing that Charge to ignorant or profane Priests, who debas'd Religion by their unworthy Preachments; in a word, to engage all Christians to reform themselves by their own good Examples. Nothing gives a greater Idea of this Council than their having propos'd for noble and pious a View; and no Praise would have been too great for them, if they had shewn as much Vigor to surmount the Difficulties they met with in it as they had manifested to vanquish the almost insurmountable Obstacles that oppos'd the Union. However, the Council undertook this great Work, and wou'd undoubtedly have brought it to Perfection, if it had been possible to have employ'd such Commissioners in it as had not been Judges and Parties themselves. A Work so laborious absolutely requir'd a Hand almost as rough and severe as that of *John the Baptist*; but the Matter was handled so tenderly, that they could only touch upon it; and the Event was what some Orators of the Council had often prophesied, *They strain'd at a Gnat, and swallow'd a Camel.*

X. THE third Affair under their Consideration was of no less Importance than the former, *viz.* the Extinction of *Heresy*, to use the very Expression of the Council. The Right of deciding *Matters of Faith* was scarce disputable with the Council, saving Appeals from their Decrees; and 'tis certain that the Council of *Constance* cou'd do nothing more worthy of 'em than to reform Doctrine, which was at that time no less corrupt than Morals. But if the Right of the Council seem'd indisputable in that respect, Sentiments are very much divided about the Use they made of their Authority; and it was the Opinion of the major Part of Christendom, that instead of employing it for reforming Religion, they made use of it for authorizing those Abuses and Superstitions, which Ignorance, Self-Interest

Interest and Ambition had introduc'd into the Church. After the *Vandois* and *Albigenses*, driven from *France*, were dispers'd in several Parts of *Europe*, there was an incessant Demand of a Reformation, and continual Complaint of numerous Abuses, but especially against the Tyranny of the Ecclesiastical Government, and the *Hierarchy* of the Church of *Rome*, the Multiplication or ill Administration of the Sacraments, and against several Traditions or Constitutions which appear'd to be contrary to the Decisions of Scripture. This was what stirr'd up *John Wickliff* in *England*, *John Hus*, *Jerom* of *Prague*, and *Jacobel* in the Kingdom of *Bobemia*, which these Disputes had made the Theatre of a bloody War. Instead of hearing the Complaints of the *Bobemians* against the Abuses which they found in Religion and the Church, instead of giving Satisfaction to the Malecontents by a due Reformation, instead of leaving to the Doctors the Right and Liberty they had of explaining, and even of defending their Opinions, and instead of endeavouring to convince them, and to reclaim them by persuasive Methods, they began with Acts of Violence. Persons were imprison'd in breach of the Publick Faith, and the most sacred, the most inviolable Rights were transgress'd. Piles of Faggots were lighted, Burnings ensued; in a Word, instead of extinguishing the Flame, it was carry'd up and down every where by rash Decisions and violent Executions.

XI. THIS Conduct of the Council of *Constance*, with regard to *John Hus* and the *Hussites*, has made a very great Noise in the World. Persons have judg'd of it differently, every one according to their Knowledge, or Prejudice or Passion. It appear'd by the Speech of *Pibrac*, the Ambassador of *France*, at the Council of *Trent*, that the Method of Burning for the Cause of Religion, was not generally approv'd in the Church of *Rome*, no more than in other Parts. Thus saith that Ambassador, (1) 'Because 'tis possible that Mankind may form a Judgment of this Council by what has happen'd in some Councils, let all the World know that 'tis not now as it was formerly, that the Conduct is alter'd, that 'tis free for every one to dispute, that this is not a Council wherein Controversies are decided by the Faggot, and wherein Faith is violated.' I dare affirm that in this History the Reader will find some new Lights supported by incontestable Proofs, touching the Affair of *John Hus* and his safe Conduct, as well as with relation to his Sentiment. The Publick will thereby be undeceiv'd of a great many Errors in Fact which they have fallen into upon this Subject thro' the Negligence or Partiality of Historians.

XII. WHILE the Council acted with so much Zeal against the *Hussites*, who ought to have been more tenderly dealt with, as they found too true by fatal Experience, they gave Offence to whole Nations by their Indolence, and by their Toleration of capital Errors, which sapp'd the very

(1) See the Substance of this Speech in *Father Paul's History of the Council of Trent*, *Lib. VI. p. 489.* of the Translation by *Amelot de la Houffaye*, and *Dupin's Nouvelle Bibliothèque*. *Tom. XV. p. 211.*

Foundations of Religion and Christian Morality, and affected all Mankind. This was what obliged the celebrated Doctors, particularly *Gerson*, to say in publick, that this Council had double Weight, and double Measure, and that they weigh'd Causes in uneven Balances. The Knights of the Teutonic Order, who had full Scope to range their whole Neighbourhood with Fire and Sword, under pretence of converting the Infidels, and reconciling the *Greeks* to the Latin Church, were supported by the Council, notwithstanding all the Instances of the King of *Poland*. It was in vain to solicit the Condemnation of an impious and furious Libel, written by a Monk (a) who had dar'd to exhort all Christians to murder that King, and to massacre all the *Poles*; tho' that detestable Piece, had been condemn'd by the unanimous Opinion of all Nations, and even of the Cardinals. The King of *France* had no better Success in prosecuting the Errors of another Fryar, (b) who had been so insolent as publickly to vindicate the Assassination committed by the Duke of *Burgundy's* Order, upon the Person of the Duke of *Orleans*, only Brother to the King of *France*. Moderate Resolutions were form'd in the Council against the cruel and bloody Sect of the *Flagellants*, a Sort of Fanaticks who under colour of Devotion committed all manner of Abominations, and ran into Libertinism and boundless *Independantism*. But tho' the Council of *Constance* did not answer the publick Expectation in many things, yet we find by all that has gone before, that never was any Council assembled for more important Reasons.

(a) *J. von Falkenberg.*

(b) *John Petit.*

XIII. IT will not be improper now to treat of the Method which the Council pursued in their Debates. If the Partisans of the Pope and the Court of *Rome* had not been contradicted, all those Princes who were at the Council wou'd have made no better a Figure than mere Spectators, or wou'd have serv'd only as a Decoration of the Theatre, and must have been contented with the Honour of Obeying. But very proper Measures were taken immediately to hinder the Clergy from ordering all Matters according to their own Passions or Interests; and if they kept up more Authority than perhaps belong'd to them, it must be ascrib'd to the Necessity of the Times, and to the Force of Custom. The Princes not only assisted at the publick Sessions, but bore a Part in the most important Negotiations, and often supported the Council by their Advice and Courage. If any offer'd to disturb it, they were either severely punished for it, as happen'd to the Duke of *Austria*; or else they did it underhand, which was charg'd upon the Duke of *Burgundy*. Notwithstanding the Emperor's Inclination to spare the Pope, the Cardinals and all the Clergy, he was sometimes oblig'd to make use of his Authority, and to act with an Air of State which they had not been accusom'd to for a long time. By his resolute Spirit he determin'd the Assembly to take a Method till then unknown in Councils, but what was equitable and of the utmost Importance

portance as things stood then; which was to vote not by Heads or Persons, but by Nations. 'Tis true, this Prince wanted Resolution in the Affair of *John Huss*, by abandoning him as he did at length to the Rage of the Clergy, instead of procuring due Respect, *vis & modis*, to a Safe-Conduct so authentic as that which he had granted him. But it may be said in excuse for him, that 'tis highly probable the Council wou'd have been dissolv'd, and consequently the Schism must still have continu'd, if the Emperor had not made a Sacrifice of *John Huss* and his own Authority into the Bargain, as will appear from very substantial Proofs in the Course of this History.

XIV. THIS Method of voting by Nations entirely disconcerted *John XXIII.* because by the Means of his Cardinals, of a prodigious Number of poor Prelates of his own moulding, and of a vast Multitude of Fryars and other Ecclesiastics, whom he look'd upon as his Creatures, he expected to carry every Point by a Majority of Voices. There were some well-meaning Persons in the Council of *Trent* who wou'd fain have had this Method renew'd; but the Cardinal *Del Monte*, one of the Pope's Legates, acted so cunning a Part by his artful Promises, that he warded off this Blow which might have been fatal to his Master.

Dupin, T. XV. p. 31. c. 1.

ONE Thing which also makes for the Honour of this Council, was the Measures they took to keep the Cardinals in awe. As they had render'd themselves very much suspected by the Choice of the Anti-Popes, and as the Creatures of *John XXIII.* supported him either in publick, or clandestinely, even after his Escape, several of the Members were for excluding them entirely from all Affairs of the Council. But it had been impossible to strike so bold a Stroke without raising too great a Clamour. They contented themselves therefore with this Expedient, namely, that they shou'd not give their Votes as Cardinals, and Members of that College, but only as Members of their Nations. As to the Assemblies which were held for the Reformation, they only singled out some of the most able and best affected; and in the Election of the Pope, they associated with them 4 Deputies of every Nation who were vested with the same Authority as they. The Cardinals were forc'd to put up with it, and all they cou'd obtain, was, that it shou'd be mention'd in the Decree, that it was for this once only that the Deputies of Nations were associated with them in the Election of a Pope. Nevertheless

Aeneas Sylv. Counc. Basil. p. 93.

Dupin. ut supra p. 356.

this Method was renew'd at the Council of *Basil*, in the Election of *Felix V.* And it was no doubt for the very same Reason, that when Pope *Pius IV* fell sick, there was a terrible Alarm in the Council of *Trent*, for fear that if he shou'd dye, they wou'd follow the Steps of the two preceding Councils in the Choice of another Pope. Whether therefore we consider the Number and Quality of the Persons who compos'd this Council; whether

ther regard be had to the importance of the Affairs which were therein to be treated, or finally, whether we attend to the manner of proceeding there, it can't be deny'd, but this was one of the most celebrated, and most solemn Ecclesiastical Assemblies that had been held since the Birth of Christianity. Such was the Judgment pass'd upon it by several Orators of the Council, and by the Historians of that time (a).

(a) *Dugl. s.
Hist. Pol. Lib.
XI. p. 359.*

XV. 'Tis no wonder that a Council which had declar'd itself superior to the Popes, which had undertaken to try, and even to depose them, and had given such great Blows to the Privileges, and to the Authority of the Cardinals, was not relish'd by the Court of Rome, nor approv'd of by the Popes or their Divines, nor by the *Ultramontane* Canonists. But it will appear by this History, that this Council was not defective in any of the Conditions which form a general Council; and that if this was not, there never was a legal Council in the World, for which it may be proper in this place to produce some Reasons. 1. Deputies came to it from all Parts of Christendom, not excepting even the *Greek Church*. 2. Whether it was the Popes Prerogative to call a Council, which the Popes pretended to, or whether it was a Right belonging to the Emperor, which there were Doctors who publickly maintain'd, there was nothing wanting in this respect in the Council of *Constance*, because it was assembled in concert with a Pope acknowledg'd by the greatest Part of Christendom. 'Tis true, that in the beginning of this Council, the whole Church was not yet well reconcil'd. *Gregory XII.* had a small share of Obedience in some Parts of *Italy* and *Germany*. *Benedict XIII.* had all *Spain* for him, together with *Scotland*; and the Counts de *Fois* and *Armagnac*. But I know not whether so small a Part of Christendom, can be set in a Parallel with *Italy*, *France*, *Germany*, *Bohemia*, *Hungary*, *Poland*, *England*, *Denmark*, *Sweden*, and all the *Norb.* 3. When *Gregory XII.* had resign'd, when his Obedience was united to the Council, as well as that of *Benedict XIII.* after his being depos'd, and when *Martin V.* who was chose by the unanimous Consent of all the Nations, had himself approv'd of the Council, I don't see what room there is left for any Pretence to degrade the Council of *Constance*. Nor does it seem that the *Ultramontanes* can dispute the Authority of this Council, without calling in question the Election of *Martin V.* who was therein chose, and consequently the Election of all his Successors. Besides, if the Council of *Constance* be not a legal Council, *Martin V.* was guilty of a gross Blunder in approving all its Decisions, not excepting even those that set Councils above the Popes; which he did, by declaring that he subscrib'd to every Thing that had been resolv'd *conciliariter*, that is to say, in full Council. For 'tis manifest, that the Decree which establishes the Superiority of Councils, and their co-active Authority over Popes, is of this number,

C

because

because it was unanimously approv'd in the fifth Session. 4. 'Tis very strange and unaccountable Conduct, to own a Council in one Sense, and to reject it in others, as if the Holy Spirit was capable of blowing hot and cold in a Breath, and after enlightening the Fathers in some Points, to leave them in the Dark in others. 'Tis not surprising that Persons who do not own the Infallibility of Councils shou'd give themselves the Liberty of approving and rejecting what they find good or bad in them; but as for those who hold them infallible, they ought to be more uniform. There is no Medium; they must be entirely rejected or receiv'd in their full Scope, especially when the Question is about Matters of Faith, as this is, *viz. Whether a Council is superior to the Pope, or whether the Pope is superior to a Council*; and this other, *whether Persons ought to communicate in both kinds, or only one*. One cannot help being surpriz'd at the uneven Conduct of the Council of *Trent*, with Respect to the Council of *Constance*. When any of those tender Points came upon the Carpet, in which the Pope's Authority might suffer the least Infringement, the Councils of *Constance* or *Basil* cou'd not be urg'd without raising the Indignation of the Legates. But when the *Germans* and *French* demanded the Communion in both kinds; the Divines arm'd themselves with the Decrees of the Council of *Constance*, as with a Buckler. *Salmeron* the Pope's Divine, *Andrada* the King of *Portugal's* Divine, *Mandolphus* the Archbishop of *Prague's* Divine, the *Spaniards* and the *Italians* themselves maintain'd the Authority of this Council, and *John Baptist d'Ast*, General of the Order of *Servites*, went so far, as to extol it above all the other general Councils. The Bishop of *Montefiascone* did not forget to urge the Decrees of this Council, in favour of the Ecclesiastical Privileges and Immunities. By all these Remarks, I think it evidently appears, that the *Italians* meerly rejected this Council from Passion and Self-Interest, and not from any Reason that cou'd deprive it of the Quality of being a general Council.

XVI. HOWEVER, this was what was attempted to be done at the close of the last Century, by Dr. *Emmanuel d'Schelsstrate*, Canon of *Antwerp*, and Deputy Librarian of the *Vatican*, in two Treatises he caus'd to be printed upon the Subject, against the *Gallican* Church, the one at *Antwerp*, in 1683, and the other at *Rome*, in 1686. In these two Performances, the last of which is much larger than the other, *Schelsstrate* undertakes to prove four Things, from certain Acts of the *Vatican*, which no body had publish'd before him. 1. That the Decrees of the fourth Session of the Council of *Constance* were corrupted by the Council of *Basil*. 2. That the first Decree of the fifth Session of the Council of *Constance*, which establish'd the Superiority of general Councils, was not form'd with mature and sufficient Deliberation. 3. That at the Time of the said fifth Session, the Council of *Constance* cou'd not be deem'd Oecumenical or General, nor by consequence represent the universal Church, because.

because the three Obediences were not yet reconcil'd. 4. That after the Union of those Obediences, neither the Council nor *Martin V.* authoriz'd the Superiority of Councils, and that the said *Pope* was so far from approving the first Decree of the fifth Session, that he indirectly oppugn'd it. I have in this History prov'd the Nullity of all these Pretensions from Facts that are undeniable. This was what had been done to my Hand with very great Success, by several Divines of the *Gallican Church*, as *M. de Launoy*, *Richer*, *Maimbourg*, *Dupin*, of whom the two last have made it their Business to confute the first Dissertation of *Schelstrate*, but they had not the Opportunity of perusing several Acts, and other Pieces, which wou'd have sav'd them a great deal of Time and Argument with the Under-Librarian of the *Vatican*.

Since I wrote this History, and even after I had finish'd this Preface, there was sent me from *Holland*, a posthumous Work of the famous *Anthony Arnauld*, Doctor of the *Sorbonne*; wherein he confutes the first Dissertation of *Schelstrate* with that Evidence and Strength, which never fail'd him when he had a good Cause to maintain. I was impatient to read it, and was overjoy'd to find that I had jump'd in Opinion, almost every where, with an Author of his Distinction, without having consulted him. I must however observe, that he has omitted a great many Things which wou'd have answer'd his Purpose, and that he is mistaken in some others, for want of having seen the Acts of *Germany*, which were not publish'd then, no more than the second Performance of *Schelstrate*. For Example, if he had seen the Acts of *Germany*, he wou'd not have asserted as he has done, that the Clause of *Reformation in the Head and Members* is in all the Acts of the fourth Session; because 'tis certain, that Clause is in none of the Acts of *Germany*, written in the Council itself. On the other Hand, if *Schelstrate* had seen the Manuscript of the Abridgment of the Council of *Constance*, made by Order of the Council of *Basil*, he wou'd not have accus'd this last Council so boldly as he does, of having corrupted the Acts of the fourth Session of the Council of *Constance*; because in this Manuscript, which is to be seen at *Wolfembutte*, there is this Expression, *and for the Faith*, which by a Mistake is wanting in the printed Copies; and because we don't there meet with the Clause for the *Reformation of the Church in its Head and Members*, which are in the common Editions, and in most of the Manuscripts of *France*. This Manuscript decides the Question against *Schelstrate*, and wou'd have sav'd *M. Arnauld* a great many Arguments, which he urges indeed very *a propos*, in support of the Fidelity of the Council of *Basil*. Besides *M. Arnauld* wou'd not have insisted so much as he has done upon the fourth Session, nor laid so much Stress upon Cardinal *Zabarella*, if he had read the Acts of *Germany*; the last Piece of *Schelstrate*, and some cotemporary Historians, as *Gobelin Persona*, who all report unanimously, that Cardinal *Zabarella* curtail'd the De-

crees of the fourth Session, and that the said Session being look'd upon as null and void, it was repeated in the fifth, which is the only decisive Session upon the Superiority of Councils. All these Facts will be clear'd up in this History.

XVII. AFTER these Reflections, which serve for the general Idea of this Council, nothing remains but to give an Account of the Memoirs which I have follow'd, and the Authors I have taken for my Guides in writing this History. I need not here mention the Annalists, the Collectors of Councils, Chronologists, Ecclesiastical Writers, Authors of the Lives of the Popes and Cardinals; as *Ciacaninus*, *Onuphrius*, *Auberi*, *Frisson*, and finally *George Joseph Egges*, in his *Purpura Docta*, 6 Vols. Folio; with a great many others, whom it wou'd be too tedious to mention. As I have not neglected any of these, so I have not confin'd my self to them; " Because those general Histories are commonly destitute of the " Details, which are necessary for a particular History. Of the *French* " Historians, there are three of that Age who have furnish'd us with a " abundance of Light: One is the Monk of *St. Denis* (who is suppos'd to " be *Dr. Benedict Gentian*, but in my Opinion, with little Foundation) " (1) a Spectator and Member of the Council, who in his History of " *Charles VI.* has given an Abridgment of that of the Council of *Con-* " *stance.* The second is *John Juvenal des Ursins*, Archbishop of *Rheims*, " who also wrote the History of *Charles VI.* As he was the Son " of *John Juvenal des Ursins* the King's Advocate, and a Person of great " Distinction at that Time, we meet with considerable Particulars in it " relating to the Affair of the Schism which gave Occasion to the Coun- " cil of *Constance.* I will here set down what he says in Substance, " relating to this Council, because it wou'd be difficult to bring it in " elsewhere. *At that Time was held the Council of Constance, which was* " *very notable, and wherein all the most celebrated Scholars of Christen-* " *dom in all the Sciences were assembled. And since mention is made of the* " *said Council of Constance, you must know that there was an Appeal* " *brought on the Part of the Duke of Burgundy, from the Sentence pass'd* " *by Montague, Bishop of Paris, upon the Proposition of Master John Petit.* " *The Cause was committed by the Council to two Cardinals, and the Matter* " *was discuss'd and laid open. And to shew that it was justly revers'd,* " *there were Master Peter d'Ailli, Master John Jarson, and Master Jor-* " *dain Morin, whom it was pleasant to hear plead; and they were great* " *and notable Clerks. On the other Hand was the Bishop of Arras, who* " *answer'd them in writing, and read the Answers in a Schedule, every* " *Time that he was to answer and reply. After many Propositions,* " *the Cardinals declar'd by their Sentence, that the Appeal of the* " *Duke of Burgundy's Council was good. For in the first Place, they*

(1) See the marginal Note in p. 106. of the Original.

" said

“ said, that the Bishop of Paris was not a competent Judge; and alledg’d
“ several Reasons for it: Secondly, that the principal Party, that is to
“ say the Duke of Burgundy, had not been cited. Thirdly, that accord-
“ ing to the Method in which they had proceeded, and the Reasons they had
“ alledg’d, it was the same thing as making a new Article of Faith: And
“ there were great Disputes and Allegations again. At last, after many
“ Debates on the Part of the said Jarson and his Adherents, there was
“ an Appeal from the said Cardinals. And by this means
“ the Matter remain’d undiscuss’d and undecided. (a) The
third is *Enguerrand de Monstrelet*, a Gentleman living hereto-
fore at Cambray in the Cambresis, as the Title of that Hi-
story imports. The last enters farther into Particulars than the others,
especially with regard to Foreign Affairs; as for Example, the Coro-
nation of *Sigismond* at *Aix la Chapelle*. As for the Character of these
three Historians, I have given it in the Preface to the *History of the Coun-
cil of Pisa*. I shall here only add these Verses which are in the Front of
Monstrelet’s History.

(a) History
of Charles VI.
p. 284.

P. L. Huillier to P. Gamin, Son to P. Gamin a Citizen
of Cambray, on account of this Author’s being of
the same Town.

Lorsque le Bourgignon contre l’Orleanois
Cousin contre Cousin, Francois contre Francois,
Et l’Anglois sur eux deux venant a la traverse,
Vaincu, ores vainqueur, par fortune diverse,
Emplissoient tout de feu, & de sang, & d’effroy,
Le beau pays de France Orphelin de son Roy,
Gamin mon grand Amy, un homme de ta Ville
En dressoit le Discours, bien qu’en mal poly fite,
Suffisant neantmoins pour la verité,
Transmettre tesmoignage a la posterité
Des Francois qui partant en devoient rendre grace
A Cambray sa Cite, & mesmes a sa race
S’il en restoit aucune, ayant par son moyen,
Exemple domestic pour cognoistre combien
Et quant de maux jadis sentit la France
Par un discord suivy d’une double Vengeance:
Et sages de cela pour veoir qu’à l’advenir,
Tel meschef ne leur peult encores survenir.

’Tis

'TIS of the more Advantage to confront these two Historians, because they were of different Parties; the first of the Party of the King and the Court, the second of the Duke of *Burgundy's* Party. But among those Authors not professing to be Historians, who have been of greatest Service to me for the Affairs of *France*, and in particular for the famous Affair of *John Petit*, I must place *John Gerson*, who was himself one of the principal Actors of this Scene. In the fifth Part of this Doctor's Works, of which the illustrious *M. Dupin* gave us so curious an Edition in 1700, I had the good fortune to meet with all the Acts of the famous Assembly of *Paris*, and of the Transactions at *Constance* concerning that Affair, which was not to be found in the other Editions. I found a true Pleasure in being able to entertain the Publick with so curious a Piece of History in its full Extent. The Treatises which were compos'd by *Peter d'Ailli*, Cardinal of *Cambray*, may also be deem'd as authentic Acts and Monuments of the History of the Council of *Constance*. Such of our *French* Historians as have lately treated more at large of the Council of *Constance*, as Messieurs *Dupin* and *Maimbourg*, having only done it upon occasion of the great Western Schism, of which they wrote a History, or else upon account of Sentiments in Religion, which was the Motive of *M. Varillas*, there was a Necessity of having Recourse to other Sources, in order to give a compleat History of this Council. We have been vastly oblig'd for Information concerning it to several Historians of *Italy* in that Age, as *Leonard Aretin*, *Pogge Florentin*, *Blondo Flavio*, *Antonin* Archbishop of *Florence*, *Æneas Sylvius*, afterwards Pope by the Name of *Pius II. Bartholomew Platina*; of all which Historians there's a Character in the Preface to the Council of *Pisa*. I shall only add one Particular touching *Leonard Bruno*, call'd *Aretin* because he was of *Arezzo* near *Florence*. He was Chancellor of that Republick, and his Tomb is still to be seen there with this Epitaph, *Depuis la mort de Leonard, l'Histoire est en deuil, l'Eloquence est muette, & les Muses Grecques & Latines n'ont pu s'empecher de le pleurer, i. e.*

(a) *Mabil-*
lon Mus. Ital.
Part 1. p.
165.
him. (a)

Since the Death of Leonard, History is in mourning, Eloquence is dumb, and the Greek and Latin Muses cannot help bewailing

No wonder that *Germany* affords more Discoveries on the Subject of the Council of *Constance* than any other Country of *Europe*. Towards the Close of the fifteenth Century, a History of this Council (b) was printed at *Augsburg* in *Hig-Dutch*, compos'd by *Ulric de Reichenthal*, a Canon of *Constance*, who was present at the Council, and also bore a Part in several important Affairs, as will appear in this History. *Reichenthal's* Account is very superficial, and not very methodical. The Author is also frequently mistaken in important Facts, as I have been convinc'd of it by the Acts, either from the Badness of his Memory, or from his trusting

(b) In 1483.
It was re-
printed in
1536. and in
1575.

a little too much to the Report of another Person in Things which he had not seen, or of which he himself was not a capable Judge. One might imagine that *Reichenbal* was not very well skill'd in the Languages, from the Explanation he gives of the Word *Herefuarque*, by calling it a *Coffer*, *Vessel* or *Cask* (*Arca*) in which all Herefies are contain'd; unles he took a Fancy to give it that Turn: Mean time, in another Place he translates the Word *Herefuarque* with fomewhat more Justice, by the *Patriarch* of *Herefies*. However, one may depend safely enough upon this Historian in what only concerns the exterior Part of the Council, as the publick Ceremonies, the Arrival and Reception of Ambassadors or Deputies, *Acts of Faith*, or *Autos de Fe*, as they are call'd in Countries of the Inquisition, the Coats of Arms and Achievements of the Popes, Princes, great Noblemen, Kingdoms and States, whose Ambassadors were at the Council, Processions and other Things of that Nature. But 'tis necessary to have Recourfe elsewhere, to be well inform'd of what was done within Doors.

IN the following Age, *John Stumpbius*, whom the *Swifs* call their *Titus Livy*, caus'd a *German* History of the same Council to be printed, which was much more exact and circumstantial than the former, because the Author improv'd by the Lights and Errors he had observ'd in *Reichenbal*, and had an Opportunity to see the Abridgment of the Acts of the Council drawn up by Order of the Council of *Basil* in 1442. of which Abridgment I shall soon have an Opportunity to treat. In this Author I have found more Light than elsewhere into the War which the *Swifs* were oblig'd to declare against the Duke of *Austria* who had promoted the Escape of *John XXIII*. As this Author is a Protestant, and as there are some Facts in which he might be suspected of Partiality, I have follow'd him very carefully with the Acts always in my Hands. I say the same of *Zachary Theobaldus*, or *Thibaud*, another Protestant Author, who wrote the *History of the War of the Hussites* in the *German* Tongue; (1) and at the same time part of that of the Council of *Constance*, which gave occasion to that War by the Punishment of *John Hufs*, by the Condemnation of the *Hussites*, and by the forbidding of the Cup in the Communion. Nevertheless, I have made use of this Author with so much the less Scruple, because *Bogiflas Balbinus*, a Jesuit of *Bobemia* who has written a very good History of that Kingdom, gives a very advantageous Character of his Exactness. Nevertheless, *Thibaud* fail'd in this Point upon the Subject of *John Hufs*, by supposing that this *Bobemian* Doctor deny'd (a) Transubstantiation, and several other Doctrines of the *Romish* Church which he own'd to the last, as evidently appears from the Works of

(a) *Theobald Bell. Hufs*, Cap. 11. p. 3.

(1) The first Part of this Work was printed at *Wittemberg* in 1609. and the two Parts together at *Nuremberg* in 1621. There was

printed the same Year at *Heildeberg*, the Latin Translation of the first Part, by *James Dupont*.

Joh²⁴

John Huss himself, and from the Acts of the Council. But it's the wretched Effect of the Spirit of Party, from which no Historian of what Religion or Nation soever is infinitely exempt, to render the Truth of Facts, never so little distant in point of Time, hard to come at: For as *Stumpsius*, *Thibaud*, and other Protestant Authors have too fondly imagin'd that *John Huss* embrac'd all their Opinions; on the other hand, *Aeneas Sylvius*, *Cochleus*, and the other *Anti-Hussite* Authors have falsely imputed to him all the Opinions of the *Vaudois*, tho' there was Difference enough betwixt the *Vaudois* and the *Hussites* to distinguish them, as the Reader will be convinc'd by this History.

AMONG the Authors I have made use of, I must not omit to mention a Manuscript History of the Emperor *Sigismund*, written in the German Language by *Eberhard Windek*, who was one of his Privy-Council, and accompanied him in most of his Negotiations for the Council, either at *Constance*, or elsewhere. Tho' he only mentions the Council *en passant*, yet we find several Particulars of that Assembly which may be rely'd upon with the more Safety because this Historian does not dissemble his Master's Faults. *M. Von der Hardt* had in his Hands three Manuscripts of this History taken from several Libraries, one from the Library of *Vienna*, another from that of *Gotha*, and the third from the Library of the famous *M. de Leibnitz*, who might himself be call'd a very rare and copious living Library. The Extracts which *M. Von der Hardt* gave of that History in his Collection, and those which he had the Goodness to send to me, made me impatient to see and consult that History with my own Eyes. By good Luck, a Copy of it was found at *Leipfic* in the Hands of *M. Zollman*, Privy-Counsellor to the most serene Prince of *Cc-burg*, who generously communicated all the Papers to me that might be of any Service to my Design: *Windek* speaks of himself and his History in his Preface, as follows; "I *Eberhard Windek*, Citizen of *Mentz*, have liv'd during the Space of 40 Years at *Prague*, at the Courts of the Kings of *Bohemia*, *Hungary*, and the Emperor. I was carry'd into *Bohemia* at 15 Years of Age by a very eminent Merchant: From that time I was always in the Service of Kings, Princes and great Lords, till the Death of the Emperor *Sigismund* my Master. 'Twas by his Order that I was present at all the Actions describ'd in this History; and that I was an Eye-witness of a great many Events which were next to Miracles. I wish that others had undertaken the same Voyages into those remote Countries, that they might be able to testify the Truth of the Facts which I here advance. And if there are Persons who refuse to believe me, because I relate a great many Things which seem incredible, I take God to witness, that I have written Things down as they happen'd, without Favour or Prejudice."

XVIII. THO' there was a sufficient Fund in the Authors now mention'd for writing the History of the Council of *Constance*, yet that was

not enough to determine me to set about it ; and there was an absolute Necessity of Help from more plentiful Fountains. This I found in that ample and magnificent Collection of the Acts of the Council of *Constance*, for which the Publick is oblig'd to the Generosity and Munificence of the late most serene Duke RODOLPH AUGUSTUS OF BRUNSWICK, of glorious Memory, as well as to the Care, Industry and indefatigable Labour of *M. Herman Von der Hardt*, Professor of the Oriental Languages at *Helmstadt*, and Provost of *Mariembourg*. This Collection is known to the Learned, and is the Ornament of Libraries: But we must give an Account of it to the Publick, in order to do Justice at the same time to the Prince who has made them so fine a Present.

XIX. 'Tis an Example worthy to be propos'd to all Princes. As they ought to be the Protectors of the Sciences, they can't make a better Use of their Wealth and Credit, than by sheltering the History of memorable Events from the Injuries of Time, by taking out of the Dust of Libraries, and the Darknes of a Closet, so many rare Manuscripts, whose Publication might be of such great Use to the whole World. 'Tis a perfect Piece of Vanity to have a Parcel of Manuscripts mysteriously conceal'd in the Bottom of a Library, where they are only seen by some curious Persons, who can only talk about the Binding, the Parchment, the Character, Age and Quality of the Manuscripts ; because for the Generality they know not what is in them. But there's a real Grandeur in making those Treasures publick, and I look upon it to be altogether as unjust, and as great a Piece of Imprudence in those who have them, to keep them conceal'd, as for a covetous Man to hide his Money instead of improving it. They wou'd find a certain Interest for their Generosity in the Acknowledgments of the Publick, whereas from such a dark Booty, while 'tis closeted, nothing cou'd arise but Smoke and Vapour. It often happens also, that those Treasures, of which they are so fond, are taken from them by Wars, Fires, Inundations, a Loss which they might avoid by dispersing them abroad by the means of Printing. This has been experienc'd in many Parts of *Germany*, where abundance of curious Manuscripts have unhappily perish'd by such Accidents.

M. Von der Hardt gives several Instances of it, which shou'd engage those who have the Direction of Libraries to prevent those Misfortunes by the Publication of what is a Rarity, and most worthy to be transmitted to Posterity. A Fire happen'd in 1623. at *Konigsberg* in *Prussia*, where among many other Manuscripts there was consum'd a History of the Council of *Constance*, compos'd by *John de Wallenrod*, Knight of the *Teutonic Order*, who was at this Council, as well as another *John de Wallenrod*, Archbishop of *Riga*, his near Kinsman. Those Writers who have made mention of this History, give us very great reason to regret the Loss of it. The same thing happen'd at *Constance* in the Cathedral, at *Spire*, at *Brunswick*, and in 1697. in the Convent of *Salmanweiler* in *Swabia*,

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where

where the Fire consum'd several Manuscripts, among which were some relating to the Council of *Constance*. 'Tis known also by what means the Manuscripts of *Sweden* and the *Palatinate* came to the *Vatican*, where 'tis the same thing almost as if they were lost to the Publick, especially those of a Council which was not favourable to the Court of *Rome*. Mean time, this famous Dispute, which arose in the last Century touching the Authority of Councils between some Doctors of the *Gallican Church* and the late *M. de Schelstrate*, has given the Publick the Advantage of seeing some Acts of this Council taken from the Manuscripts in the *Vatican*; by the Help of which that Librarian has made great Efforts for setting the Popes above Councils, and for turning the Council of *Constance*, as was said before, out of the Rank of General Councils.

XX. THOSE were the Reasons which engag'd Duke *Rodolph Augustus* of *Brunswick*, to publish all the Manuscripts of the History of the Council of *Constance* which were in the Libraries of *Brunswick*, *Wolfenbüttele*, *Helmstadt* and *Zell*. There were more Pieces concerning that Period preserv'd in all those Libraries, than in any other of *Europe*; and tho' there were no other Helps to be had, those would be sufficient for writing a very good History of the Council of *Constance*. These are the principal Pieces which were brought to light out of those Libraries by *M. Von der Hardt*, to whom the Duke committed that Trust, and who acquitted himself of it with a Diligence, Fidelity, and if I may so call it, a Sagacity that can never be enough admir'd. He found in the Library of *Brunswick*, 1. The entire Acts of the Council of *Constance*, which is no small Discovery. 2. A History of the Council of *Constance* finish'd in 1417. by an *Augustin Monk* of *Osnabrug*, nam'd *Theodoric Vrie*, who was present at the Council. 'Tis a Dialogue betwixt the Church and Jesus Christ, dedicated to the Emperor, and written both in Prose and Verse with the Title of the *Church's Consolation*, after the manner of the *Philosophical Consolation* of *Boetius*, and the *Theological Consolation* of *Gerson*. This Piece had been printed in 1484. and together with some Pieces of *Henry of Hesse*, and *John Hufs*, made the fourth Tome of *Gerson's* Works. But they did not appear in the other Editions, which were afterwards printed, of the Works of this Chancellor of the University of *Paris*; so that the Work of *Vrie* the Monk had like to have been lost for ever, had it not been for the Care of *M. Von der Hardt*. 3. There was also found at *Brunswick* the Bishop of *Lodi's* Discourse upon the Punishment of *John Hufs* and *Jerom* of *Prague*, and the Character which that Prelate gave of a Pope to the Council. 4. The Emperor's Negotiation in *Arragon* for the Union of the Church, and the Concordat of *Martin V.* in *Germany*. 5. The Privileges which the Pope and the Emperor granted to the City of *Brunswick*. A greater number of Manuscripts of that Time might have been found in the same City if they had not been lost, I

know not by what Accident, nor at what Time. *Flaccius Illyricus* affirms in his *Catalogue of the Witnesses of the Truth*, that in *St. Andrew's Library at Brunswick*, there was a Letter written in the Name of *J. C.* to the Council of *Constance*, which imported, among other Things, that the Council of *Constance*, which promis'd to reform the Church, but reform'd neither the Pope nor his Court, was like the Mountain in *Labour*, which brought forth a ridiculous Mouse (1).

*Von der
Hardt T. 1.
Proleg. 17.
& Præf. P.
3.*

XXI. THE famous Library of *Wolfenbuttle* furnish'd many considerable Pieces; viz. 1. A MSS. History of the Council of *Constance*, by *Ebbard* or *Eberhard Dacher*, who was present at this Council, and who was charg'd by the Elector of *Saxony* to make a Search and prepare an exact List of all the Foreigners who then came to *Constance*. Dr. *Von der Hardt* promises to publish it with other *German Histories* which belong to that Time. Mean Time the Doctor has insert'd in his Collection some Extracts of it, whereof I have made a good Use, and which shew that *Dacher* is an Historian of a good Character, more judicious and more methodical than *Reichenthal* who wrote in concert with him.

*Von der
Hardt T. V.
Proleg. 20.
21.*

I will here give the Preface of *Dacher's German History*, according to *Von der Hart's* Latin Translation of it. "The Christian World was at that Time distracted by the Machinations of three Popes, who disputed for the Pontificate. Each of those Competitors having his Obedience in several Kingdoms, every Thing was thrown into Confusion by the most cruel of all Schisms, and to the great Prejudice of the Faith. As this Fire cou'd not be extinguish'd but by a General Council, the Emperor *Sigismund*, by his skilful Management, assembled one of several Nations of Christendom, as *Italians, Germans, French, English, Spaniards*, and the neighbouring People. This Prince therein vigorously press'd the Reformation, but all that he cou'd obtain, was to draw from the Clergy a Confession of their Crimes, especially *Simony*, and of their Divisions and Disagreements in Faith, to depose the three rival Popes, and to get Cardinal *Otto Colonna* elected unanimously, by the Name of *Martin V.* This was what happen'd at *Constance* in this Council, which continu'd three Years, nine Months, and ended in 1418. Pope *John XXIII.* came to it, but he retir'd from it clandestinely, soon after he came. *Huss* and *Jerome* were summon'd to it. The former was brought thither by the *Bohemians*, with a Safe-Conduct from the Emperor, and was accus'd of Heresy by the Court of *Rome*. The Emperor being made to believe, that

(1) Concilium promittens Reformationem Ecclesie, nec tamen reformans Papam & Curiam, simile est Fabulæ *Ælopicæ*, cum par-
turiunt Montes, & nascitur ridiculus Mus. *Catalog. Test. Ver. Lib. 19. p. n. 1878.*

“ according to the Decretals he was not oblig'd to keep his Word with
 “ *John Hufs*, violated the Safe-Conduct, which he had granted to him,
 “ as well as the *Bobemians*. Consequently, *Hufs* and *Jerome* were burnt
 “ for having preach'd in *Bobemia*, that according to the Institution of *Je-*
 “ *sus Christ*, and the Example of the Antients, the Sacrament of the
 “ Eucharist ought to be administer'd under both Species, and for ha-
 “ ving actually administer'd it in that Manner. The Council separated
 “ without giving any Opportunity for the Reformation so much desir'd
 “ by the Emperor, and hitherto so much dreaded by the Clergy and
 “ Laity. Nevertheless, they resolv'd to assemble another Council in five
 “ Years, and after that, to call one every ten Years. Except what is
 “ just now mention'd, the whole Business of the Council might be re-
 “ duc'd under these Heads. Masses, Papal Benedictions, Indulgences, Pro-
 “ ceSSIONS, Ceremonies, Solemn Pageantry, Consecrations of Loaves, Fire,
 “ Water, and Tapers, Unctions, *Lustrations*, *Agnus Dei's*, Roses, Hymns,
 “ ringing of Bells and the like. *Bridget* was also canoniz'd in this Coun-
 “ cil. After the Council was over, the Emperor besieg'd *Prague*, but

(a) *Von der*
Hardt T. 1.
 Part 2. Pref.

(b) See his
 Life in the
 same Tom.

“ to no Purpose; and Pope *Eugene* did every Thing in his
 “ Power to hinder the Council (a) of *Basil* from Assem-
 “ bling”. 2. A MSS. of the Letters of the famous *Ni-*
 “ *cholas de Clamangis*, (b) one of the most distinguish'd Au-
 “ thors of that Time, who was a Canon of *Langres*, and
 “ Chanter of the Church of *Bayeux*. He had been Secretary
 “ to Pope *Benedict XIII.* and his great Favourite; but being
 disgusted at a Court so corrupt as the Pope's was at that Time, he
 retir'd from thence to lead a private, tho' not an idle Life, because in
 his Retirement, he compos'd several excellent Pieces concerning the Re-
 formation of the Church, and did as much Service to the Council of
Constance, as if he had been present in it, which may be seen in this
 History. A great Part of those Letters was indeed publish'd in 1612.
 (1) But in that Edition, there are so many wanting, and those which
 are inserted, are so defective, that the MSS. of *Wolfenbuttle* may be
 consider'd as a Piece perfectly new. 3 The MSS. of the Abstract of the
 Acts of the Council of *Constance*, as it was drawn up in 1542 by Order
 of the Council of *Basil*. This Abstract had lain dormant a long Time
 in the Closet of a Professor of Law at *Ingoldstat*, who, at the Sollicita-
 tion of the learned Men of that Age caus'd it to be printed at *Haguenau*
 in the Year 1500. It was afterwards printed at several Places; as at *Pa-*
ris in 1506, at *Haguenau* in 1510, at *Milan* in 1511; at last it was in-
 serted in the Collection of the Councils, and particularly in the Appen-
 dix of Father *Labbe*, but so disfigur'd, that it was not easily distinguish-

(1) By the Care of *Job's Martin Lyde* the Pastor, who has added very curious
 Notes to this Edition.

able.

able. We shall treat of the Importance of this Piece elsewhere. 4. The fourth Piece which was found at *Wolfembuttel*, are the Acts of the Council of *Pisa*, which was the Foundation of the Council of *Constance*. These MS. Acts compar'd with those which were also found in Manuscript at *Vienna*, and with the printed Acts, are capable of giving great Light into the Council of *Pisa*. 5. The fifth is a Description of the Investiture of the Electorat of *Brandenbourg*, granted to *Frederic*, Burgrave of *Nuremberg*, during the Council. Some Letters are also taken from the Library of *Zell*, which may be of service to the History of this Council.

XXII. Of all the Libraries of that Country, none has furnish'd more Materials than that of *Helmstadt*, which since the Death of *Rodolphus Augustus* has been enrich'd with the best part of that Duke's printed Books and MSS. 1. There is a MS. of *Clemangis's* Treatise, touching the *Ruin* or *Corruption* of the Church, much more correct than that which had appear'd. 2. Two Treatises, one of *Peter d'Ailli*, Cardinal of *Cambray*, and the other of *Gerson*, touching the Reformation of the Church, and the Speeches of several Doctors upon this Subject. All those Pieces will have a Place in our History. 3. A MS. of the Council of *Peace* and *Union*, given towards the Close of the fourteenth Century, by *Henry de Hesse de Langenstein*, of the Order of the *Carthusians*, a Canon of *Worms*, who was Vice-Chancellor of the University of *Paris*, from whence he was call'd to *Vienna*, by *Albert*, Duke of *Austria*, to be Professor of Divinity. This Piece had been printed with *Gerson's* Name, but *Dr. Von der Hardt* has restor'd it to *Henry de Hesse* by such Tokens as are indisputable, and indeed *M. Dupin* has ascrib'd it to him in the second Tom. of his beautiful Edition of *Gerson's* Works. We shall have Occasion to speak of the Importance of this Piece, with regard to the Council, in the last Book of this History. 4. An Investive of *Theodoric de Niem*, Secretary of *John XXIII.* against that Pope's Escape. 'Tis a material Piece never before printed, and contains an exact Narrative of all that pass'd in the Council, from the Arrival of *John XXIII.* to his Escape. The same Author, who was in the Council, wrote a larger History of it afterwards, which was printed a long Time ago, in the Collection of *Meibomius*. *M. Von der Hardt* has thought fit to insert it in his, for the Conveniency of the Publick, who had rather see all the Documents together, relating to one and the same Affair. 5. A Discourse of *Gerson* upon the Emperor's Voyage to *Arragon*, and a Relation of this Prince's Negotiations in that Country. 6. An Anonymous Treatise against *Jacobel* the Restorer of the Communion in both Kinds in *Bohemia*; and the Conclusions of the Divines of *Constance* against that Practice. 7. Lastly, two Treatises concerning the Power of the Church, one by *Peter d'Ailli*, and the other by *Gerson*.

XXIII. So many fine Monuments of the Council of *Constance* did not yet come up to the Idea and Plan of *Rodolphus Augustus*. As he knew that there were a great many Manuscripts concerning this Council in the vast Library of *Vienna*, he desir'd the Emperor *Leopold* to let him have them. He being a very magnanimous wise Prince, gave a more favourable Ear to his Request, because the Duke's Project had a clear Tendency to the Glory of one of his most illustrious Ancestors, as well as to that of the Empire and the whole Nation of *Germany*, which distinguish'd themselves in this Council in an extraordinary Manner, by their Zeal and Stedfastness for the Reformation, and for the Union of the Church. The Duke was not deceiv'd in his Expectation, but receiv'd a vast Number of Pieces material to his Design, with inexpressible Joy. I will note the chief of them. 1. An Abstract of the Acts of the whole Council, drawn up by *John Dorre* a Civilian, and by *John Elstraw* a Counsellor of *Austria*. 2. As for the Reformation of the Church, the Treatises of the Cardinal of *Cambray*, of the Cardinal of *Florence*, of *Tbierrri de Niems*, and of *Gerfon*; several Speeches of the Doctors upon the same Head, address'd as well to the Council, as to the Pope and the Emperor; the Rules of the Chancery of *Martin V.* the Scheme of a Reformation which he propos'd to the Deputies of the Nations; his Agreement with the *German* Nation; but the greatest Rarity of all, is a double Protocol of the Consultations of the *Reforming College*, drawn up in the Council it self. A Work the more curious and important, because as this Project for a Reformation was but very imperfectly executed, we shou'd never have known, without such Discovery, how far the Deputies of the Council design'd to carry it. 3. As to the Affair of the Union, there are several Letters of *Gregory XII.* to the Emperor and other Princes; Bulls and Briefs of *John XXIII.* to make a Party in the Council; his Intrigues with the Duke of *Austria* for concerting his Escape, and several Pieces for and against that Pope; together with the Consultations of the Cardinals, as well about the Method of dealing with the Anti-Popes, as the Manner of electing a new Pope. 4. As to Matters of Faith, there's a Treatise of *Paul Voladimir*, the King of *Poland's* Ambassador at the Council, to prove against the Knights of the *Teutonic* Order, that 'tis not lawful to make use of Force of Arms for the Conversion of Infidels; a Treatise of the Cardinal of *Cambray*, concerning the Reformation of the Calendar; several Treatises for and against the Communion in both kinds, written in the Council it self; and finally some Pieces relating to the Canonisation of *St. Bridget*.

XXIV. *Rodolphus Augustus* not content with so fine a Collection, was resolv'd to enrich it with all the MSS. that cou'd be pick'd up in the other Libraries of *Germany*. With this View he cou'd not do better than to apply himself to the King of *Prussia*, whose Library

is very amply stock'd with scarce Books, both printed and Manuscripts. Upon this occasion the King made no Scruple to gratify that noble Taste which inclin'd him to favour the Sciences, especially when the Point in view was to give a new Lustre to Religion, or to render any important Service to the Church. It was also very natural for him to interest himself in a Project which could not be executed without recording the glorious Deeds of *Frederic Burgrave of Nuremberg*, the first Elector of *Brandenburg* of that Family. This Prince appear'd at the Council with a Splendor which seem'd to foretel the future Glory of his Family, as will appear from the whole Course of this History. The Commission to make a Search for all the Manuscripts that related to this Council in the Royal Library of *Berlin*, was granted to the late Baron *Ezekiel de Spanheim*, one of his Ministers of State, and his Ambassador in several Courts of *Europe*. He discharg'd it with the Zeal of a true *Mecenas*, which he really was. In this Library several important Pieces were found, which answer'd the Duke *Rodolphus's* View. Such as the Bull of *Martin V.* for granting the Emperor one Year's Tenth upon the Clergy of *Germany*, to make that Prince satisfaction for the prodigious Expence he had been at in the Assembling and Progress of this Council; the Mandate of *John Abundi*, Archbishop of *Riga*; of *John de Weldaw*, Bishop of *Brandenburg*, and of *George Count de Hobenlo*, Bishop of *Passaw*, for putting this Bull in execution; the Complaints of the *German Clergy* against this Tax: A Treatise of *Maurice of Prague* against the Communion in both kinds; and an old Manuscript of a Treatise upon the Reformation of the Church, written in 1404. by *Paul l'Anglois*, with the Title of *Speculum aureum Papæ, Curie Romane & Cleri*, i. e. The Golden Mirror of the Pope, the Court of *Rome*, and the Clergy. This Work is printed in *Goldast's* Collection, but so full of Errors, that this *Berlin* Manuscript may pass very well for a Work not yet printed.

XXV. ALL Mankind was encourag'd by such illustrious Examples, and every one strove to promote Duke *Rodolphus's* Design. The Duke *de Gotha* furnish'd certain Manuscripts which were in his Library. 1. The entire Acts of the Council of *Constance*. 2. The Articles of Reformation propos'd by the *German Nation* to *Martin V.* and the Propositions of the Pope upon the same Subject. 3. The Debates of the Chapter of *Benedictins* which were held during the Council. The City of *Nuremberg* must not be omitted upon this Occasion, nor did it refuse to contribute every thing in its Power to the Duke's Satisfaction. It might have been capable of doing more, if the curious Library of *Pirkheimer* had not been bought by the Earl of *Arundel* and carry'd to *England*, where the famous *John Conrard Feverlin*, Pastor of *St. Giles's*, who dy'd lately at *Norslingen*, declares he saw it. Here I must give notice by way of Advertisement to the Learned in *England*, that *M. Von der Hardi* conjectures, that *Wallenrodt's* History which I mention'd may be found in this Library.

Library. The City of *Nuremberg* furnish'd the Manuscript of *Gerson's* Tract against *Simony*, and some Pieces concerning *Hussitism*. The City of *Erfort* furnish'd a great Volume of Sermons preach'd in the Council, of which upon occasion we have made use. Among the Libraries of *Germany*, there's scarce one that has given more Helps than that of *St. Paul* at *Leipsick*. We may see how rich it is in Manuscripts by the Catalogue of *M. Feller*, Librarian of that Academy. This Library furnish'd,

1. The entire Acts of the Council of *Constance*. They agree with those of *Brunswick*; but 'tis suppos'd they were not written till about the time of the Council of *Basil*, by reason of the Titles and Arguments prefix'd to them, which are not in the Acts written in the Council of *Constance*.
2. The Rules of the Chancery of *Martin V.* which were also found in the Library of *Vienna*.
3. The Funeral Oration of Cardinal *Zabarella*, who dy'd at the Council of *Constance*, by an anonymous Person. A Discourse of the Archbishop of *Genoa*, for encouraging the Emperor to the Reformation of the Church; another Discourse of the Bishop of *Posen* to engage that Prince to pacify Christendom.
4. The Intrigues of *John XXIII.* with the Duke of *Austria*, for the Dissolution of the Council.
5. The Letter of *Pogge* of *Florence* to *Leonard Aretin*, concerning the Punishment of *Jerom* of *Prague*.
6. The Censure of *Wickliff's* Articles by the Divines of *Constance*; the Apology of *James de Mife*, or *Jacobel*, for the Communion in both kinds.
7. The Order establish'd in the Council of *Constance* for voting by Nations.
8. The Pleas of the *French* and *English* touching the Right of Suffrages.
9. The Funeral Oration of the King of *Arragon*; the Speech of *Mainfred de la Croix* when he did Homage to the Emperor on behalf of the Duke of *Milan*, and some other little Pieces which we shall mention upon occasion. I ought not to forget the Helps I met with for this History in a considerable Manuscript relating to the Wars and Troubles in *Bobemia* upon account of *John Hufs*. This Manuscript was generously communicated to me by the Learned *M. Gottlob Krantz*, Professor of Philosophy and History at *Breslaw*, and known by several good Compositions. The Author of this Manuscript is not nam'd; but as far as I am able to conjecture, 'tis the same that is often quoted by *Zachary Thibaud* in his War of the *Hussites*, and by *Procopius Lupacius* in his *Journal* or *Calendar* of *Bobemia*, by the Name of Master *Lawrence*, and by the Title of Professor of *Mathematicks*. The reason why I guess so is because *Thibaud*, speaking of the great Eclipse of the Sun which was seen at *Constance* the 7th of *June* 1415. and which is mention'd in this History, has a Quotation, as from Master *Lawrence*, almost in the same Words as I find in the Manuscript. The Words of *Thibaud* are, *Anno, &c. 1415. 7. Id. Junii. Sole in 24 gradu manè tantæ fuerunt exortæ tenebræ ut volucris in terram delapsis stellæ apparerent. Ideoque M. Laur. in suis historiis scribit, Constantiæ absque candela lumine Missam nullam celebrari potuisse, in testimonium Solem justitiæ Christum, in Prælatorum*

Praelatorum qui Hussium interimere jam decreverant cordibus abfufcatum esse. And these are the Words of the Manuscript, *Item vii die mensis Junii quae erat festum post Bonifacii hora 9 eclipsatus est totus Sol ita quod non poterant Missae sine luminibus celebrari, in signum quod Sol justitiae Christus in cordibus Praelatorum multorum ad mortem M. Johannis Huls de proximo mortificandi anbelantium.* Be this as it will, the Manuscript is antient, and writ by an Author who declares he saw and heard the Things he relates *ea quae fidelibus oculis & auribus in veritate percepi praesenti pagina duxi scripto tenus fideliter commendanda.* His History begins in the Year 1414. and ends Anno 1467. There are a great many Particulars in it which are not to be met with elsewhere, or which serve to confirm what others have reported upon these Heads. 'Tis a Latin Manuscript in Folio, written in Gothic Characters, and contains 81 Sheets.

XXVI. IT was natural to have recourse to *England*, whose Libraries are so famous over all *Europe*. Yet very little was found there in comparison of what might be expected from so good a Repository. The Agreement of *Martin V.* with the *English*, and the Treatise of *Richard Ullerston* concerning the Reformation, are the only Pieces that came from *England*, at least that I know of. We learn by the Catalogue of *Sir Robert Cotton's* Books, that there is still a very full Harvest to be reap'd in that Country, with respect to the History of the Council of *Constance*. Nothing wou'd be more worthy of the Vigilance and Generosity of the *English* Prelates, than to inquire after those precious Monuments, and to make them publick. It wou'd also redound to the Honour of a Nation that appear'd in the Council with so much Lustre, and which signaliz'd its Zeal for the Reformation of the Church then, as much as it does at this Day for the Propagation of the Faith among the Infidels.

XXVII. THERE was reason to hope that several Monuments of the Council of *Constance* were also to be found in *Swabia* and *Switzerland*, because of the Neighbourhood of those Countries. This engag'd Duke *Rodolph* to desire Duke *Eberhard Lewis* of *Wirtemberg* to employ his Credit for collecting all that could be found in the Libraries of that Country. The Duke of *Wirtemberg* gave this Commission to one of his Counsellors, nam'd *John Ulric Pregizer*, a Member of the Imperial College of History, who executed it with more Diligence than Success. He went himself to *Constance*, and other Parts of *Swabia* and *Switzerland*, where he thought he could make any Discovery; and there indeed he saw several Pieces belonging to the History of the Council of *Constance*; but *M. Von der Hardt* declares, that those Pieces were not communicated to him, and he was oblig'd to be content with the notice which *M. Pregizer* gave him of them. There is the more reason to lament that he could not obtain Copies of them, because since that time all the Manuscripts of the Abbey of *Salmanweiler* in

*Von der
Hardt, T. 1.
Prol. p. 8.*

E

Swabia,

XXIX. THIS large Collection is the Foundation I have built upon for the General Affairs of the Council ; and as to the Particulars, or what pass'd in *Europe* out of the Council, with respect to the Ecclesiastick State, I have made use as much as I could of contemporary Authors, or such modern Writers as had recourse to good Fountains. The Chronicles of *Germany* are numerous and well known to the Learned, and we have elsewhere treated very largely of what *Germany* has furnish'd us. As to the Affairs of *Bobemia*, besides the Histories published a long time ago, I have made very great use of a modern Author whom I quoted before in this Preface, viz. *Bobuslaus Balbinus*, a Jesuit of *Prague*. In 1677. he publish'd very a copious Abstract of the Affairs of *Bobemia*, in which there are more Particulars concerning that Kingdom than in any other I ever knew ; and he advances nothing but what he proves from authentic Monuments. Some Years after, he publish'd four great Volumes of Miscellanies, in which he has inserted every thing that the Reader can desire relating to the Ecclesiastick and Civil State of *Bobemia*, *Moravia*, and the neighbouring Provinces. There are few Collections of its kind so good. The Affairs of *Hussitism* are treated with Proofs that are new and solidly supported. As this Author was upon the Spot when he wrote his Work ; and as he had an Opportunity of searching the Records and Libraries publick and private, his Word may be taken in Matters of Fact when he does not speak from Conjecture, which he does but seldom, or from Passion, which he has not always avoided.

XXX. As to the Affairs of *Poland*, besides the Historians and Collections we find upon that Subject in Libraries, I have had great Lights from *John Dlugoss*, or *Longinus's* History of *Poland*, which had been imperfect all along, but was publish'd entire while I was writing this History. This Present is owing to the Generosity and Care of the Baron de *Huyssen*, Minister of State at the Court of *Russia*. In *Dlugoss* there are several important Particulars concerning the Council of *Constance*, and the Ecclesiastical Affairs of that time. He deserves Credit as much as any other Historian in what relates to the XVth Century. He was of that Age, and one of the most learned Men of his Time. Moreover, he was a Man of Weight and Authority, having been Minister of State to *Ladislaus Jagellon* King of *Poland*, and employ'd on divers Embassies in the greatest Part of *Europe*, which had given him an Opportunity of gratifying his natural Curiosity for every thing relating to History. Moreover, without departing from that Moderation and Gravity which become an Historian, he always speaks with a Frankness and Freedom, even upon Subjects where one would think it was his Interest to have been sparing.

XXXI.

XXXI. It will be thought perhaps that I have been too large upon several Subjects, and that instead of treating things in a more general and abstracted manner, I have made it my Choice to set down tedious Deliberations, and to give the Substance of many Pieces which are of very little importance to most Readers. I confess, that another Method would have sav'd me a great deal of Labour, and not have put my Patience to so tedious and painful an Exercise; but I know not whether I should by so doing have pleas'd the Readers of a certain Order. I know very well however that I shou'd not have been pleas'd my self, if in writing such a History some Discussions had been left out disagreeable to effeminate Readers and *Libertines*, whose Pursuit is after Mirth and Pleasure. I have not writ for Readers of this Sortment, but for such as love to be inform'd of things thoroughly, and to have a clear Insight into an Affair which cannot be attain'd to without giving the Detail of it at large. Where I have been tedious, Prolixity was not my own Choice, it was extorted from me by the Things themselves in spite of my natural Temper which strongly inclines me to Brevity. 'Tis not with the History of a Council as it is with another History, where the Reader impatient to know the Events, may well be tired with a Speech or a Debate, which for the main of it is generally feign'd. The Events of a Council are Deliberations, Disputes and Decisions upon Matters of Faith and Discipline. It enters indeed into some Events, in which all Mankind is more concern'd; but when all's done, this is by meer Accident; for Faith and Discipline are the Principal, and all the rest but Accessories: Therefore a Man must either totally renounce the Reading of the History of a Council, or resolve to bear with some dry and tedious Passages, which are of Importance indeed with regard to the Age in which Things happen'd, but very indifferent to any other. History is not a Romance; it ought to represent the Times exactly as they were, and the Historian is not allow'd to give them a Politeness and Agreeableness which they had not: In a Word, he is bound to have more Regard to Truth than to what is pompously call'd the *Majesty of History*. This is the only Place where I thought it necessary to say something for myself by way of Apology. I shall not make any as to my Fidelity, because I don't believe I have any where fail'd in that Point. As to Exactness, I have made it my Particular Study; and for this End have not spar'd any Pains of my own, or neglected the Advice of Friends, or the Assistance of Men of Knowledge. If any body accuse me of Partiality, I own 'tis very difficult to be entirely exempt from it; but I can assure the World, that I have been very strictly watchful to avoid it; and I desire my Readers to take heed that while they form a Judgment of my Work they don't split upon that Rock themselves. On the contrary, there are others perhaps

xxx *The* AUTHOR'S PREFACE *to the first Edition.*

perhaps who will think that I have discover'd too much Indifference and Impartiality in some Articles where it was natural for me to seem partial; I shou'd be very fond of such a Censure, and shou'd with reason conclude from thence, that at least in this respect I have been an Historian. As to the Turn of Stile and Narration, I confess that I have great need of publick Indulgence; but I had rather be expos'd to all their Severity than to court their Favour in vain.



T H E



THE
Author's PREFACE
TO THIS
SECOND EDITION.

L HIS new Edition contains at least one third more than the former; and in many Places the Reader will find considerable Alterations, as well with Regard to Facts, as to Order and Expression. The new Pieces which have been discover'd, and which never saw the Light, till after the first Edition was abroad, have been the Basis, and the Subject of those Additions, as will be observ'd hereafter. As to the Alterations, they consist in the first Place, and more especially in the leaving out of some Passages, which were plac'd in order of Time, in the *History of the Council of Pisa*, which was not written till about ten Years after the Council of *Constance*; altho' the former was four or five Years before the latter. 1. In Remarks which some Friends have done me the Favour to communicate to me, either towards

towards authorizing certain Facts, or amending some Turns and Expressions, and explaining some Customs. As the Persons from whom I had those Hints were so just as to allow me the Liberty of making what use of them I thought proper, I have taken the Freedom not to use them in some Places, and where I have done so, which is but seldom, I have taken care not to offend the Respect which is due for Hints of that Kind, even though they should not be altogether approv'd of.

Hanc veniam petimusque damusque vicissim.

II. THIS Edition therefore might be intitul'd, *A new History of the Council of Constance*, with a little more Justice than that Book which M. *Bourgeois du Chastenet* caused to be printed at Paris in 1718, as I observ'd by the Way, in the Preface to the History of the Council of *Pisa*. But this laborious Compiler did not duly consider the Character of *my History of the Council of Constance*, or he did not regard what he said, when he represented it as a meer *Extract of Pieces* (from *Von der Hardt*) in *Form of a French History*. Whoever will but read this History throughout, and particularly the XVII, XXVI and XXXth Paragraphs of the former Preface, as well as the List of the Authors I have made use of; will perfectly be undeceiv'd, and convinc'd that 'tis a History in all Respects, and as compleat as any other History of Councils. But of this there cannot be a clearer Proof than the Letter, which M. *du Chastenet* did me the Honour to write to me himself concerning this History; wherein he confess'd, that *his Treatise was in a proper Sense but a Supplement to mine*. 'Tis as follows.

SIR,

" I AM very sorry that I cou'd not embrace the Offer you so generally made me in the Letter you sent me, things being in too great a Forwardness on my Part, to touch a Work over again, which is actually in the Hands of a Censor. I have not so much pretended to give the Publick a compleat History of the Council of *Constance*, as to improve by that excellent one which you have written; and remembering your Declaration that M. *Von der Hardt* had got nothing out of the Libraries of *Paris*, as well as your pointing to some MSS. in the Library of *St. Victor*; I presently found in a private Gentleman's Closet, the Roll which M. *l'Abbe le Grand* had mention'd to M. *Barbeyrac*, of which I took a Copy. 'Tis a verbal Process of the Assembly of the Clergy of *France*, which was held at *Constance* for the Council, begun the 15th of *October* 1415. and sign'd by the Secretary of the said Assembly. M. *Von der Hardt* has given the last half of it, but the first Part which he mis'd is in the Roll.

" This

“ THIS Piece made me curious to search among the Libraries of *Paris*, most of which I have seen, at least, of those that have any MSS. I found none but in that of *St. Victor*, from whence I have transcrib'd all the Pieces which *M. Von der Hardt* has not given, those even where I observ'd any Difference, with Relation to the Affair of the Schism, and among others the two Councils held at *Paris* in 1398 and 1406. which none of our Clergy had vouchsaf'd to give. There is an Account of what was done to put *France* in a Capacity of Subsisting without the Pope's Help, and to free her from the Necessity of sending Money to him. There's also a very long and exact Journal of what pass'd in the Council of *Constance*, as to the Deposing of the three Competitors for *St. Peter's* Chair, even to the Result of the Conference of *Narbonne*. I have not said a single Word of *John Huss*, nor *Jerome* of *Prague*, because you, Sir, have exhausted that Subject. And as we have at present the Misfortune to be in a Situation, little different from that we were in during the Schism with the Court of *Rome*; I thought it wou'd make my Work more important and useful, to confine it to what related to our Liberties, which the Court of *Rome* will slip no Opportunity to attack, as it has done for these three Centuries past.

“ THUS, Sir, my Work, properly speaking, is but a Supplement to Yours. I have only rang'd my Pieces in order of Chronology, and prefix'd a Discourse containing an Abridgment of them; and as every one is not capable of reading Scholastic Disputations with Delight, such as are of that Taste may please themselves. I do not undertake to combat your Sentiments. I have read your Work with the same Pleasure as all honest Men do, who approve as much of your Stile, as they praise your Moderation. I do not expect mine will have so happy a Reception; the Bookselling Trade is at such a low Ebb in *Paris*, with all Commerce in General, that I know not whether I shall find a Bookseller that will undertake it, tho' it has been examin'd by the Attorney General, who tells me he likes it. If, Sir, there be any other Opportunity, wherein I may be serviceable to you. I desire you to depend absolutely on whatsoever is in my Power. I have the Honour to be

Paris, July 1. 1717.

Sir,

Your most humble,

and most obedient Servant,

BOURGEOIS DU CHASTENET.

F

Altho,

ALTHO' this Supplement is confin'd, and treats only of Pieces, most of which were printed before in several Collections, yet we are oblig'd to the Author for having reduc'd them in one Volume, to save the Reader the Trouble of going to seek them in other Volumes, which are not always to be met with. I own for my self, that some Anecdotes of this Collection were of great Use to me, as well for the Council of *Pisa*, as for that of *Constance*.

I. IN the Preface to the first Edition, I gave a very full Account of the Fountains I had recourse to. Nothing more remains for me on this Head, but to speak of the other Helps which I have had since. A second Revisal of my Manuscripts, and of the Collection of *M. Von der Hardt*, has already produc'd Alterations, some of which will be visible enough to those who have the Curiosity to compare the two Editions, and the others, tho' imperceptible, will however render the Work less defective. As for the Authors that have appear'd since the first Edition; in order to begin with *Germany*, where the Council of *Constance* was held, I have thought fit to make use of the Letters from the Deputies of the University of *Cologne* at the Council, and those from that University to its Deputies, which I found in the second Tome of the Anecdotes of the Benedictin Fathers *D. Martene* and *Dom. Durand*. These Letters, which are to the Number of above forty, may be look'd upon as true Acts, and contain a great many Particulars, which serve not a little to illustrate, or to confirm several Facts, reported in this History. As there are some which cou'd not be brought into the Course of the Narrative, or which escap'd me, the Reader will not be sorry to find them here. Those Deputies (1) arriv'd at the Council of *Constance*, in *January 1415*, and they take notice that there were at the Council Deputies from six Universities of *Germany*, and from about seven of *France* and *England*. They say, in their first Letters, that for the two first Months of that Year, there was the finest Prospect that cou'd be of the Union of the Church, by the absolute Resignation of *John XXIII*. But it was a short-liv'd Joy, as appears not only from this History, but also from the other Letters, and from that which the Council it self wrote to the University of *Cologne*, to acquaint them of the Withdrawing of the Pope, and the Continuance of the Council.

AMONG other Particulars in these Letters, there's one relating to a certain Monk, nam'd Fryar *John Malkaw* of *Prussia*, accus'd of Heresy, whose Affair was brought before the Council. I have not insert'd it in the History, because not being clearly satisfied in some Circumstances, I had resolv'd to write to *Cologne* for better Information. But the Im-

(1) The chief were *Tbierri de Munster*, *John de N.v.lende*, *Anthony de Velme*, *John de V.ire*, *Peter* Bishop of *Rypen*, *Conrad de*

Susat, *Lambert de Stik* Professors of Divinity and Canon Law. *John de Mounce* Professor of Divinity.

pression of this History was too far advanc'd for me to expect those Proofs in time. I will therefore mention what I find about it in these Letters. *John Malkaw* of *Prussia* a Fryar, of what Order is not said, having render'd himself suspected of Heresy at *Cologn* and other Places, the Inquisitor of the Faith (1) in the Diocese, by consent of the University, caus'd him to be apprehended. But as *John de Malkaw* had been absolv'd by *Gregory XII.* (*absolutionem ab omnibus suis excessibus obtinisset*, i. e. had obtain'd Absolution for all his Extravagancies) he thought himself not bound by the Oath he had taken not to make his Escape, and fled to *Constance* to demand Justice. The University which was under the Obedience of *John XXIII.* when *Malkaw* was arrested, wrote to the Council to know which ought to have the Preference, the Absolution of *Gregory XII.* or the Excommunication fulminated by *John XXIII.* The Affair was committed to the Cardinal *de Ragusa*, but I do not find what Judgment was given on it, nor what *Malkaw's* Heresy was (a). The same University wrote likewise to the Cardinal *d'Ostia*, who during the Vacancy of the See, had the Administration of Justice committed to him, to recommend the Cause of one of its Members, nam'd *Anthony de Velme*. This Man was a Competitor for a Prebend in *St. Paul's* Church at *Leige*, with one *Thierry Hoskelem*, Bastard of a Prebendary, who had obtain'd a Benefice in the same Church as his Father, tho' he was not fourteen Years old. The University desires the Cardinal to remove this Scandal, and to give a favourable Ear to *Anthony de Velme*. The Affair was put off till the next Election of a Pope (b). There are in those same Letters some Memorials concerning the Collation to Benefices in the Diocese of *Cologn*, and the Privileges of the University, but as those Matters are of little Importance to the Publick, they are but just touch'd. For the rest, those Letters concerning *Cologn* have been taken from *M. Bigot's* Manuscripts. The able Collectors of those Anecdotes acquaint the Publick, that among the said Manuscripts there are Letters from *Sigismund*, which they have not inserted in their Collection, because they are in the *German* Tongue (2). 'Tis pity, and for my own Part I am very sorry for it. But as those Gentlemen have not undoubtedly given that Advertisement to no purpose, 'tis hop'd that in case of necessity they will not refuse the Communication of those Letters. I have also reap'd great Benefit from the *Ecclesiastical History of Germany*, printed in 2 Volumes, in 8vo. in 1724, without the Name of the Author, in order to have a more particular

(a) *Marten Anecd. T. II. p. 1708. 1710.*

(b) *Ul. Supra p. 1711. 1712.*

(1) He was call'd *James de Susat*.
 (2) Sequuntur in MS. Literæ Sigismundi, quas quia ignoto nobis idiomate scili-

cet Germanice scriptæ sunt, prætermittimus. ub. supra p. 1655.

Knowledge of the Archbishops and the Bishops of *Germany*. Tho' I think this History very exact, yet it may be corrected by the Lists of the Members of the Councils of *Pisa* and *Constance*.

IV. As to *England*, besides the Authors mention'd in the Preface to the first Edition, I found a perfect Treasure in the Acts of that Nation, collected by Mr. *Rymer*. But as I have spoke fully enough of these in the Preface to the History of the Council of *Pisa*, the Reader will permit me to refer him to it. Neither have I neglected the History of *England* by *M. de Rapin Thoyras*; the general Applause which that excellent History has met with, is its Panegyric, and very well justifies the Concern of the whole World for the Loss of so able an Historian. Nor have Mr. *Wood's* Antiquities of the University of *Oxford* been of small Service to me, with Respect to *Wickliffism*; Nor the Life of *Wickliff*, publish'd in 1720 in *English*, by Mr *John Lewis*.

V. As to *France*, I lately made occasional Mention of some Anecdotes, publish'd by the illustrious *Benedictin* Fathers, *D. Martene* and *D. Durand*, in which I have found no less Assistance for the Council of *Constance*, than for that of the Council of *Pisa*, as I said in the Preface to the last mention'd History. I also therein made mention of the History of the University of *Paris*, by *Cesar Egasse du Boulai*, Professor of Eloquence, Rector and Secretary of the said Academy, publish'd in 1670. The fifth Tome which takes in all the fifteenth Century, furnish'd me with a great many important Acts which I shou'd not have met with elsewhere. It appears from that History, that the Emperor *Sigismond* had communicated his Design of assembling a Council to that University. The Letter is not mention'd in the History, but we find the University's Answer to it, dated the seventh of *May* 1414, which contains a fine Panegyric upon the Emperor. In the same History we see the University's Instructions to the Deputies whom they sent before the calling of the Council, to the Neighbourhood of *Bobemia*, to several Princes, and to divers Academies and Societies of *Germany*, to concert necessary Measures with the Emperor, Prelates, Princes, and particularly with the Ambassadors of the Duke of *Burgundy* for convoking the Assembly. These Instructions had chiefly in view the Suppression of *Hussitism*, which the University had very much at Heart, the Reformation of the Church in its Head and Members, its Union under one and the same Head, and the Liberties of the *Gallican* Church. The chief Deputies that were sent first of all, were *John Gerson*, Chief of the Embassy, *John Dachery*, *John Despars*, *Benedict Gentian* and *John de Temples*. Immediately after their Arrival, which was on the 21st of *February* 1415, they went to visit the Pope, by whom they were very well receiv'd, as also by the Emperor. The University with the same Views sent a new Deputation afterwards, consisting of 8 Doctors of
Divinity,

Divinity, as well as of the Canon and Civil Law. In this Tome of the History of the University, the Reader will find the Negotiations and Acts, as well of *Paris* as of *Constance*, with Respect to the Liberties of the *Gallican* Church and the Collation of Benefices (a).

(a) History of the University of Paris Tom. V. p. 316. 331.

AMONG the *French* Authors there are few that have furnish'd more Helps towards this second Edition than Father *Noel Alexander*, a *Dominican*, who in the eighth Tome of his Ecclesiastical History makes an Apology for the Council of *Constance*, as he had done for the Council of *Pisa*. (1) This famous *Dominican* had a great deal of Trouble, for having strenuously defended the Independency of the Kings with regard to Temporals, the Liberties of the *Gallican* Church, and the Superiority of General Councils. Father *d'Euguen*, a Brother of his Order, reproach'd him on this Occasion with *having degenerated from the Dominican Family, accus'd him of High-Treason against the Majesty of the Pope, and confuted him by a Treatise*, which was never answer'd. He had carry'd his History as far as the XIIIth Century, when in 1684. *Innocent XI.* proscrib'd it together with all that Author's Works, and prohibited the reading of them on pain of Excommunication. This Prohibition was renew'd when he publish'd the XIVth Century. Nevertheless he continued it, notwithstanding the Thunder of the *Vatican*. I am told by the judicious and learned Divine M. *John Francis Budeus*, that Pope *Benedict XIII.* now in the See, has been more equitable and more moderate than his Predecessors, because he has taken the Works of his Brother *Noel Alexander* out of the *Index Expurgatorius*. (a)

(a) Comment. on the Fallibility of the Infallible Pope.

BE this as it will, his fourth Dissertation, which he has insert'd in the History of the XVth and XVIth Centuries, is an Apology for the Council of *Constance*, in all respects against *Emanuel Schelstrate*, Deputy Librarian of the *Vatican*, of whom mention was made in the former Preface to this History, and against an anonymous Author, who had combated the Liberties of the *Gallican* Church. This celebrated *Dominican* compos'd his Dissertation to justify the Assembly of the Clergy of *Paris* in 1682. who explain'd themselves in these Terms concerning the Authority of the Apostolical See, and that of the Council of *Constance*, especially with regard to the Decrees of the IVth and Vth Sessions of that Council. " That the Fullness of the Power which the holy Apostolical See, and " the Successors of *St. Peter*, the Vicars of *Jesus Christ* have over spiri- " tual Things, is such nevertheless that the Decrees of the holy General " Council of *Constance* contain'd in the fourth and fifth Sessions, approv'd " by the holy Apostolical See, and confirm'd by the Practice of the whole " Church and the Roman Pontiffs, and religiously observ'd at all times.

(1) See the Preface to the History of that Council, §. V. p. xiii, xvi and the History itself, p. 309.

" by.

“ by the *Gallican Church*, remain in their full Force and Virtue ; and
 “ that the Church of *France* does not approve of the Opinion of them
 “ who infringe those Decrees, or who weaken them by saying that their
 “ Authority is not duly establish'd, that they are not approv'd, or that
 “ their Tendency relates only to the Time of the Schism.” The Dis-
 fertation of *Father Noel Alexander* is so convincing that it wou'd have de-
 serv'd a Place with the Latin Pieces, if it had not been too long. I
 have made very good use of it in the *Historical and Apologetic* Dissertation,
 which I shall treat by and by. In the mean time, I will here give an
 Abridgment of this fourth Dissertation of the *Dominican*. It consists of
 three Articles divided into several Paragraphs. In the first Article 'tis
 prov'd, that the Decrees of the fourth and fifth Sessions of the Council
 of *Constance* are of undoubted Authority. 1. Because they were receiv'd
 and confirm'd by the Church and by the Apostolical See, as by *Martin V.*
 by the Councils of *Sienna* and *Basil*, by *Eugene IV.* before the Transla-
 tion of the Council of *Basil* to *Ferrara*, and by *Pius II.* from whom he
 quotes these Words, taken from his Bull of Retraction, *Cum his & ge-*
neralis Concilii auctoritatem & potestatem complectimur quemadmodum aeo-
nostro Constantiæ, dum ibi fuit Synodus universalis, declaratum
definitumque est. Veneramus enim Constantiense Concilium, &
cuncta que præcesserunt, a Romanis Pontificibus nostris prædeces-
soribus approbata. (a)

(a) Bull Re-
 tract. ap. En.
 Sylv. p. 160.

2. *Noel Alexander* proves his Thesis from several Passages of holy Scrip-
 ture, explain'd in favour of General Councils by several Popes, as *Cales-*
tin I. St. Leo, Gregory the Great, Sylvester II. &c. and he answers the Ob-
 jections of *Bellarmino*, and the anonymous Author abovemention'd. 3. He
 establishes the same Thesis by the Tradition of the Fathers, and by Ec-
 clestiaical Rules, as has been demonstrated in the *Historical and Apolo-*
getical Dissertation; and he likewise answers the Objections of *Bellarmino*,
 and the other Author taken from Tradition and the Canons of the Church.
 4. He proves that the Decree of the fourth Session of the Council of *Con-*
stance is come to our Hands without any Alteration, in contradiction to *Schel-*
strate, who had pretended that the Fathers of *Basil* had alter'd the said
 Decree. 5. He shews that the Decrees of the fifth Session of the Council
 of *Constance*, concerning the Authority of General Councils over the Pope,
 were not made till after very mature Deliberation. This is demonstrated in
 the same *Historical and Apologetical* Dissertation. 6. He shews that the
 Council of *Constance* in the fourth and fifth Sessions, sufficiently represented
 the universal Church, and that the Decrees of those Sessions oblige all
 Believers in what part of the World soever. 7. In the other two Articles
 he maintains, that the Clergy of *France* with Justice disapproved of those
 who pretend that the Decrees of the fourth and fifth Sessions relate only
 to the Time of the Schism; and that those Decrees have not had suffi-
 cient

cient Sanction to obtain the Force of a Law. That's the Substance of the said Dissertation.

VI. I HAVE given an Account in the Preface to the first Edition, of the Assistance I have had from Italian Authors. *Pogge Florentin's* History of *Florence* publish'd by *John Baptist Recanati*, a noble *Venetian*, had not yet seen the Light when the first Edition appear'd. It has not been neglected in this Edition, tho' we have been able to get but little Assistance from it, because 'tis very short, especially with regard to Matters Ecclesiastical. This History begins at the Origin of the Republick of *Florence*, and goes down to 1455. that is to say, to about four Years before the Author's Death, which happen'd in 1460. when he was 78 Years of Age. We have observ'd elsewhere that he was at the Council of *Constance*; but we have not taken notice that he was accompany'd in this Journey by one *Bartholomew de Montepulciano*, upon which the Reader may consult the *Poggiana*. (a) We find in this same Treatise, that *Pogge* improv'd his Stay at *Constance* in learning the Hebrew Language from a Rabbi whom he banter'd very pleasantly in these Words, (b) *Dicebam multa de literis Hebraicis, quibus operam dabam, plura jocabar in Doctrinam ut quidem incultam atque agrestem facetiis quibusdam leviter perfringebam*, i. e. I said many things concerning the Hebrew Language which I study'd; I crack'd many Jest's upon my Teacher, a whiffling, silly, maggoty Man. Nay, I banter'd both the Language and the Doctrine as unpolish'd and wild.

(a) Advertisement on Part II. of *Poggiana*, No. XXII, XXIX. (b) P. 9.

GREAT Use was made of the Histories of *Leonard Aretin* in the former Edition; but at that time I had not seen his Letters, of which the learned and laborious Professor *John Albert Fabricius* publish'd last Year a new Edition. In the *Poggiana* we read that *Leonard Aretin* accompany'd *John XXIII.* to *Constance*. I have however some Doubt about this Fact. 'Tis very certain that he went to *Constance*, because among those Letters there's one dated from that City, wherein he gives a very agreeable Relation of this Journey to his Friend *Nicolas Nicolo*. But he could not arrive with the Pope at *Constance*, because the latter came thither on the 28th of *October*, 1414. whereas according to this Letter *Aretin* was still at *Verona* about the Close of *November* (the 5th of the Calends of *December*.) Neither cou'd he have been above one Year at *Constance*, because on the first of *January* 1415. he receiv'd at *Arezzo*, his own Country, a Letter from *Pogge*, dated the 13th of *December*, in the preceding Year. It appears by this Letter, 1. That there was very great Confusion in that Council, and such a Slowness in the Deliberations, that *Pogge* was quite weary of it. 2. That the Cardinals were very much neglected in the Council (for this is what I understand by the Word Senate) and that they were fallen into that Contempt, which in *Leonard's* Judgment they had richly deserv'd.

3. It

3. It seems that *Pogge* had exhorted *Leonard* to return to *Constance*, or perhaps to *Rome*, or to *Florence*, of which he was Chancellor; for this may be construed in either Sense; *Quod me mones, properem recte, atque ex officio arbitror te fecisse. Etsi enim Patria, Domus, Familia me plurimum oblectant, tamen dulcissima recordatio Curiae & tot amicorum familiaritas, sic interdum movet animum, ut omnibus posthabitis advolare cu-*

(a) P. 119. *piam*; (a) i. e. As you advise me I will make haste directly, believing it proceeds from pure Kindness. For altho' I am vastly delighted with my Country, my House, and my Family, yet the most grateful Remembrance of the Court, and the Acquaintance of so many Friends do sometimes so work upon my Mind, that I desire to postpone all Considerations and fly thither. 'Tis probable this was to *Florence*, because in 1416 he was actually at that City, from whence he return'd to *Arezzo*. From thence it was that he wrote a Letter to *Pogge*, wherein he complains ænigmatically of the ill Conduct of the Council; I pity the poor People, says he, more than the Fathers, because they are commonly the Victim of the Faults of their Superiors. Where-upon he quotes these Verses of *Horace*.

Hor. Lib. I. *Quicquid delirant Reges, plectuntur Achivi,*
 Epist. II. 14. *Seditione, Dolis, Scelere, atque Libidine, & Ira*
 & Seq. *Iliacos intra muros peccatur & extra.*

THERE is another Letter from the same Place to the same Person, in which he thanks him for having recommended his Interests to *Martin V.* to whom *Leonard* wrote a very curious Letter, wherein he proves the Precedency of the Pope's Secretaries before the Advocates of the Court of *Rome*, who contested it with them. The principal Reasons were, 1. Custom, *I have*, says he, *been at the Election of three Popes, Gregory XII. Alexander V. and John XXIII. The Popes had the Precedency there before the Advocates.* 2. *The Secretaries belong to the Popes, and are of their Families, whereas the Advocates belong only to Clients, and are only employ'd in litigious Causes such as Tryals.* 3. *The Secretaries are they who prescribe to the Advocates the Pieces by which they are to regulate themselves in pleading, because they are the first who form the Decretals and Rescripts of the Popes.* 4. *The Secretaries may become Bishops, and still remain Secretaries, which cannot be said of the Advocates.* He instances modern Precedents

for this in *Francis* Bishop of *Arezzo*, and *Bartholomew* Bishop of *Cremona*. I just now mention'd the Relation which *Aretin* gave of his Journey from *Italy* to *Constance*, in which I find somewhat particular concerning this City. "I have, says he, ask'd several Citizens touching the Origin and Antiquity of *Constance*, but scarce met with one that knew so much as the Name
 " of

“ of his Grand-father, so far was I from being able to get Information of the Antiquity of that City. At length, after a great many Inquiries, I found a marble Table with old Characters upon it, by which it appear'd, that the City of *Constance* was so call'd by *CONSTANCE*, Father of *Constantine*, who was made *Cæsar* by *DIOCLESIAN* and *MAXIMIAN*, and that it was formerly *VITUDURUM*. No body at *Constance* can read this Inscription, and the vulgar Opinion is, that 'tis some sacred Monument of the Christian Religion (*Sanctuarium quoddam præcipuæ Religionis*.) For this Reason the silly Women and the Populace have almost blotted out the Characters; by continually rubbing it with their Hands; however the Names we read there, are not the Names of Saints, but of Persecutors of the Christian Faith (a).

(a) *Uti supr.*
L. 10. Ep. II.
P. 115.

VII. A Treatise was printed at *Rome* in 1720, which I read with Greediness, in hopes of finding something in it to enrich this second Edition. But I was quite deceiv'd in my Expectation, for instead of being the better for it, I was oblig'd to correct it in several important Passages relating to the Council, and to *Gerson*, who was one of the chief Members of it. For it pretends that *Gerson* and the Council of *Constance* retracted their Principles touching the Pope's Infallibility, which they had deny'd, and the Superiority of the Council, which they had affirm'd. This engag'd me to join to my History an historical and apologetical Dissertation for *Gerson*, and for the Council of *Constance*, against Father *BERNARD DESIRANT*, an Hermit of the Order of *St. Augustin*, D. D. Author of the said Treatise. And that I might not be oblig'd to do it twice, I have to that Dissertation added a Confutation of some Passages of a *Theological Tract upon the Authority and Infallibility of the Popes*, printed at *Luxemburg* in 1724. by the Reverend Father *Dom. MATTHEW PETITDIDIER*, Abbot of *St. Peter de Senones*, of the Order of *St. Benedict*, and President of the Congregation of *St. Vannes* and *St. Hidulphus*. Forasmuch as that Author attacks the Council of *Constance* in its Vitals, I could not remain in silence without betraying the Cause of the Council, and mine own too. This Dissertation, in which the Reader will find several Points clear'd up, as well of Ecclesiastical History in general, as of that of the Council of *Constance*, will stand in a very proper Place with the *Apology for the Author of the History of the Council of Constance against the Journal de Trevoux*, printed at *Amsterdam* in 1716. As there has been no Reply to this Apology, it still subsists in force, and demands a Place in this History.

Berlin, Decem-
ber 4. 1725.

G

PIECES



PIECES added to this Second Edition of the History of the COUNCIL of CONSTANCE.

- I. AN Historical DISSERTATION on the first Edition of the Acts of the Council of *Constance*. [It begins the next Page.]
- II. AN Historical and Apologetical DISSERTATION for JOHN GERSON, and for the Council of *Constance*, against Father DESIRANT, and against Father PETITDIDIER.
- III. AN APOLOGY for the Author of the History of the Council of *Constance* against the *Journal de Trevoux*, for the Month of December, 1714.
[The two last are added to the Second Volume.]



AN



AN
HISTORICAL DISSERTATION (1)
ON THE
First Edition of the ACTS
OF THE
COUNCIL of CONSTANCE.



THE Curious Art of Printing was unknown at the Time of the Council of *Constance*; for it was not till twenty or thirty Years after, that all *Europe* was oblig'd for this Present to *Germany*. Therefore 'tis no wonder that Acts of such Importance, as those of this famous Council, were bury'd in the Dust of publick and private Libraries. Nor was it till the latter End of the 15th Century, that any body took it into their Heads to bring them out to the Light.

(1) This Dissertation is taken from the *Bibliothèque Germanique*, Tom. XII. p. 1. &c.

THE Publick is oblig'd in the first Place for so useful a Design to *Conrad Summerhardt*, a Professor of Divinity at *Tubingen*. This able Man, whose Memory deserves to be immortaliz'd, having heard that *Ferom* of *Croaria*, Professor of Law at *Ingoldstadt*, had the Acts of the Council of *Constance* in his Possession, wrote a Letter to him, pressing him to communicate that Treasure to the Publick. Here is his Letter, which, were it only for the Importance of the Subject, ought not to be bury'd in Oblivion. (1) "There's no Effort more becoming a Man of Sense, than to transmit memorable Works and Facts to Posterity, in such a Manner as may for ever secure them from Oblivion. They who have done this, have merited the Esteem and Favour of their own Age, and acquir'd immortal Glory from Posterity. But you'll say, what is this for? I'll tell you; 'tis for this. Having your Glory in my Eye, it came into my Mind, that I ought not to let you rest, till you have made a Present to the Publick of the Acts of the Council of *Constance*, which you have had so long in your Custody; for in Time out of Mind nothing has happen'd more deserving the publick Attention, than this famous Assembly, whether we consider the Maturity of their Deliberations, and the great Usefulness of them for a long Time to come; or the Importance of the Affairs which were therein treated; or whether we cast our Eyes upon the Solemnity and great Number of Persons that appear'd there with Lustre. In this Assembly, several Schisms and Heresies were suppressed, our Catholick Faith confirm'd and establish'd by the Help of the Emperor *Sigismund*. There we saw the five most eminent Nations of *Europe*, the *Italians*, *French*, *Germans*, *Spaniards* and *English*, all zealous Defenders of the Catholick Faith. Certainly, if by your Favour, and the exact Care you take, the World may be acquainted with the Particulars of what pass'd in it, the Sessions of Cardinals, Bishops and Priests, and the Number of Princes therein present, you wou'd deserve a Place among the principal Historians. Therefore I exhort you to it, and earnestly intreat you.

Dated at *Tubingen*,
September 5. 1499.

THIS Letter was accompany'd with a small Poem of *James Locher*; address'd to *Croaria* for the same Purpose. 'Tis pity that this too shou'd be suppress'd.

(1) The Subscription is, *CONRADUS SUMMERHART*, Saceræ Theologiæ Professor in Studio *Tubingensi* ordinarius, *Classiaro* ac Nobili viro *HIERONYMO DE CROARIA*, J. U. D. *Ingolstadiensis* studij ordinario ac præstantissimo S. P. D. And *Croaria* is therein stil'd, *Jurisconsultorum eminentissimus*, a most eminent *Civilian*.

JACOBI

JACOBI LOCHER *Philomusi, Poeta & Ora-*
toris Laureati, ad Nobilem ac Præstantissimum Ictum DOMINUM HIERONYMUM de CROARIA.
Carmen Admonitorium.

Fidus amor nexu stabili, Clarissime Doctor,
 Me tibi conjunxit, Palladiumque decus.
 Est etenim studium nobis commune duobus,
 Virtutis concors est tenor atque favor.
 Tu quodcumque jubes, præsto tibi nostra voluntas
 Paret, & obsequium jussa benigna facit.
 Namque tuo Monitu nihil est perfectius unquam,
 Nec citra rectum stant tua facta modum.
 Quid tamen ipse velim, Musarum candide Fautor;
 Accipe, non utar garrulitate cliens.
 Te penes Hammonis tanquam responsa tonantis,
 Concilij sacri grandia facta latent:
 Solus habere cupis, juvenes quod mille foveret,
 Quod cupiunt Latij Teutonicique Patres.
 Da, precor, in lucem moritura volumina nunquam.
 His rebus patriam nobilitare potes.
 Acta sacri Cætus lector mirabitur omnis,
 Tractatusque graves admemorasse juvet.
 Cæsar, ab excelso majorum stemmate natus,
 Intereras Synodo, Cardineusque Chorus.
 Intererant Gentes ex omni parte receptæ,
 Intererant Reges, magnanimique Duces.
 Sed ubi purpuream frontem radiosque coruscos
 Erigit, & fessos Sol ubi sistit equos,
 Et quæ flammivomus Pnyllorum flumina siccant,
 Qua fremit & Boreas, Sarmaticumque mare,
 Hoc ad Concilium Populi venire potentes,
 Et voces varias gens peregrina dedit.
 Da, precor, in lucem rerum præconia, differ
 Et nihil illud opus, quod novitate valet (a).

(a) Von der
 Hardt T. IV. Pro.
 p. 7.

Croaria having receiv'd these two Pieces, return'd a favourable Answer to both in these Terms. "Gentlemen (*Viri celebratissimi*) On the 11th of September I receiv'd your Sollicitations both in Prose and Verse. As it was an Honour I did not expect, I was not insensible
 I. " of

“ of it, and I therein found a powerful Incentive to publish the Acts
 “ of the Council of *Constance*, as you so earnestly desire. I confess
 “ my Concern that Things so considerable, and so worthy of the pub-
 “ lick Attention, shou’d lye conceal’d in the Corners of Libraries.
 “ This made me search with so much Vigilance and Care for this pre-
 “ cious Treasure, that at last the Volume you require of me is fallen
 “ into my Hands, and I have found it of such Service to all Christen-
 “ dom, that I make no scruple to publish it. Several other curious Gen-
 “ tlemen importune me to do it, but nothing more strongly determines
 “ me to it, than your Intreaties, because I know your Authority in
 “ Learning, and your Discernment in Things of this Nature. I am
 “ also engag’d to it by the Exhortations of *John Rymann*, and by
 “ the Confidence I have in him. That discreet Gentleman, having re-
 “ ceiv’d this fair Manuscript from my Hands, undertakes to get it
 “ printed, and ’tis not doubted but a Man so curious as he is to en-
 “ rich *Germany*, with a great Number of good Books, will do it ex-
 “ actly. I have therefore comply’d with so many Instances, as well
 “ for the publick Use, as the Honour of the Country, and I have
 “ put my Manuscript into the Printer’s Hands, &c.

THEREFORE ’tis to *Serem* of *Croaria*, that the World is oblig’d for the first Edition of the Council of *Constance*, publish’d in 1506 at *Haguenau* in 4to. as has been said in the first Preface to the History of this Council I know not how it came about, that neither *Summerhardt* nor *Croaria* were mention’d, but ’tis Justice to make them Reparation here; because ’tis a sort of Ingratitude to suppress the Names of Persons who have perform’d such important Services to the Publick. *Mr. Michael Mattaire* (1) has not forgot *Croaria* in his List of Works, printed in 1500. *Concilij Constantiensis Acta & Decreta. Studie & Opera Hieronymi de Croatio (Croaria) per Johannem Rymann (Rynman). & Henricum Gram.* We shou’d have given the Picture of *Summerhardt*, with as much Pleasure as that of *Croaria*, if we cou’d have found it, as we did that which may be seen at the Head of this Dissertation.

MR. *Cave* has made mention of the former, in the second Part of his *Literary History* of the Ecclesiastical Authors, in the Year 1490. Probably he did not know that *Summerhardt* had been the zealous Sollicitor, and, as we may say, the ἐπιτολιμαριος of the Edition of the Acts of the Council of *Constance*, because he wou’d not have omitted a Particular, which does so much Honour to that learned Man. This is all that he says of him, *CONRAD SUMMERHART* of *Swabia*, Professor of Divinity, and the Ornament of the University of *Tubingen*, in the Beginning of its Foundation, flourish’d in 1490. He was born in

(1) In his Annals, of Brising, of which a third Volume is newly printed at *Amsterdam*, by *P. Flaubert*.

1465. and dy'd in 1511. He wrote some Tracts of Divinity and of Canon Law mention'd by *Cave*. As to *Croaria*, he is only known to me hitherto by his Letter and by his Picture.

WE must now give a fuller Account of this Manuscript than cou'd be done, either in the Preface, or in the Body of the History. I observe in the first place, that the Council of *Constance* is the first of the Councils whose Acts came to the Press, till the Year 1500. We see in *M. Maittaire's* List, Authors antient and modern, sacred, ecclesiastick and profane, Historians, Orators, Poets, Divines, Civilians, Physicians, Canonists; but no Acts of Councils, except those of the Council of *Constance*; which is the more surprizing, because the Council of *Basil* being much more fresh in Memory, the Acts thereof would be the more easy to come at; and that treating almost upon the same Subjects, and others of equal Importance, they would tend no less to excite a Curiosity. However that be, this Manuscript was intituled, *Acts of the famous Council of Constance well worthy of the public Notice, and learnedly compil'd.* (*Concinnata.*) A Preface is added to it of ten Latin Verses by *James Locher*, Professor of Poetry at *Ingolstadt*. *Acta scitu dignissima doctoque concinnata Constantiensis Concilii celebratissimi.*

JACOBI LOCHER, *Philomusi Poeta & Oratoris Laureati, Ordinarii Poeticae Studiis Ingolstadiensis.*

DECATOSTICHON.

Ad LECTORES.

Temporibus nostris atas cum cedit averum,
Scribere gestorum candida facta licet.
Non tantum Mavors Germanis praesidet oris,
Jamque suas aras inchoata Pallas habet.
Ergo quod electis Synodus Patresque sacrarunt,
Continet iste Liber, Adhucque sancta refert.
Plaudere jocosulis manibus, Constantia, debes,
En tibi Consilii postrema fama redit.
Pristina fama redit tersa depicta Libello,
Delicium cujus pectora docta petunt.

AT the End of the Manuscript there's the same Poet's Congratulation of the City of *Constance*.

Di bene vortant.

THAT

That Work is concluded, and the first Attempt, after this manner.

PHILOMUSI ELOGIUM AD CONSTANTIAM.

Fausta tuis meritis Constantia, plaude, triumpha,
In te spem fidam Maxmilianus habet.

Cæsareas tutare vices, Constantia, Fauni
Nil tibi cornigeri monticolæque nocent.

Tuta sacris Aquilis, *Constantia* bella manebis,
Pavonis caudam conspice mirificam.

Concilio quondam sacro tua testâ dedisti,
Templum recta fides incoluitque tuum.

Fausta tuis gestis, *Constantia*, plaude, triumpha,
Tu culmen Regis, Imperiique decus.

After which the Author adds this Subscription; *Acta & Decreta Generalis Concilii Constantiensis diligenter elaborata & impressa in Imperiali Oppido Hagenow per industrium HENRICUM GRAN inibi Incolam, expensis providi viri Johannis Rynman, finiunt feliciter Anno Salutis nostræ MD. die xi. Mensis Aprilis, i. e. The Acts and Decrees of the General Council of Constance being diligently compil'd and printed in the Imperial Town of Hagenow, by the industrious Henry Gran, an Inhabitant thereof, at the Expence of that careful Person John Rynman, were happily finish'd in the Year of our Salvation, 1500. the 11th Day of April. By this it appears, that Croaria gave the Manuscript, and that H. Gran printed it at the Expence of J. Rynman.*

If those able and zealous Personages were, as one may say, rais'd to such a Pitch of Extasy at the sight of a meer Abridgment of the Acts of the Council of Constance, and if they therein found so great matter of Triumph for the Republick of Learning, how transported would they have been if they had had the entire Acts, such as they were penn'd in the Council it self, and such as M. *Von der Hardt* took them in 1690. from the several Libraries of Europe; whereas that Abridgment was not compos'd by Order of the Council of Basil, till about 20 Years after the Council of Constance. This appears from that Bull of the Council of Basil, which Croaria took care to prefix at the Head of his printed Copy, such as he found it in his Manuscript, and which I have not met with in the other Collections of the Council of Basil.

‘ THE sacred General Council of Basil lawfully assembled by the Holy Ghost, and representing the universal Church in perpetuam rei memoriam.

‘ WHEREAS the Memory of Mankind is frail, and they are very fond of Novelty, we plainly perceive that in order to govern the Lord’s
‘ Flock,

' Flock happily, 'tis necessary for the Publick to communicate to Posterity
 ' the Acts of the General Councils duly attested, because Cases often happen
 ' which have been already decided in those Councils. And as in doubt-
 ' ful Questions many Reasons are alledged on both Sides, the Authority of
 ' antient Councils, and the Decisions of the Fathers are of great Weight
 ' to determine Controversies: For it is written, *Inquire, I pray*
 ' *thee, of the former Age, and prepare thy self to the search of* (a) *Job viii.*
 ' *their Fathers: (a) And in another place, Ask thy Father, and* 8.
 ' *he will shew thee, (b) thy Elders and they will tell thee. Be-* (b) *Deut.*
 ' *sides this, in the General Councils, Errors are condemn'd,* xxxii. 7.
 ' which are started against the Holy Faith; Questions are therein decided
 ' which appertain to the Catholick Faith; 'tis therein declar'd how the
 ' Commandments of God ought to be understood; sacred Canons are there-
 ' in made, which because they regulate the Lives and Conduct of Men,
 ' ought to be made known to the whole World, in order that they may
 ' avoid what is prohibited, and adhere to what is permitted. Therefore
 ' considering these and several other things, we find it very useful and
 ' advantageous to collect in one Volume, of the Authentickness of which
 ' no doubt can be made, the Acts of the great Council of *Constance*,
 ' which was assembled for the Extirpation of Schism, Errors and Here-
 ' sies, and for the *Reformation of the Church in its Head and Members*.
 ' For as several things pass'd in it of Importance, and worthy to be
 ' for ever remember'd, who is there would not applaud a Design to
 ' consecrate it to Posterity? Who would not think it proper to make
 ' known to all the Faithful, how by means of the sacred Council of *Con-*
 ' *stance*, the Catholick Church, which had been divided for near 40 Years
 ' by a horrible Schism, was at last united by the Election of *Martin V.* of
 ' happy Memory? Who is there would not be delighted to hear and
 ' know the Decisions and Decrees of this Council by the Declaration of
 ' the Authority of the Universal Church, and of the General Councils
 ' which represent it, for the Extirpation of the said Schism, for the Sup-
 ' pression of Heresies and Errors, and for the *Reformation of the Church*
 ' *in its Head and Members*? We therefore perceiving the great and ma-
 ' nifest Service of such Knowledge, and having a Regard to the publick
 ' Welfare, and to the general Advantage of Mankind, have resolv'd and
 ' order'd that the Acts of this Council be faithfully extracted, and the
 ' Decrees therein form'd reduc'd to Writing, and that they be corro-
 ' borated with the Bull and Seal of this sacred Council of *Basil*; and for
 ' the Execution of this Work we have commission'd our most dear *Lewis* (1)
 ' Cardinal of *St. Susanna*, and *John*, (2) Cardinal of *St. Calixtus*, and

(1) This is *Lewis* a German, Native of *Baycey*, a zealous Partisan of the Council of *Basil* against *Eugene IV.*

(2) This is *John de Turrecremata*, a mighty Stickler for *Eugene IV.* and the Sec of *Rome*, and a great Canonist.

I *An Historical DISSERTATION on the first Edition*

‘ the venerable *William* Bishop of *Verceil*, and *Thomas* Bishop of *Dunkeld*
 ‘ in *Scotland*, with our dear Sons, *Thomas de Corcelles* and *Martin Bawisti*,
 ‘ Doctors of Divinity, and *John de Wathenstein*, Archdeacon of *Zagrab* in
 ‘ lower *Hungary*, Doctor of Laws. The said Commissioners having there-
 ‘ fore employ’d all the Time and Diligence necessary in that Work, have
 ‘ according to our Order collected, faithfully extracted, and reduced into
 ‘ one Volume, the Decrees and Acts of the said sacred Council of *Con-*
 ‘ *stance*, in Manner and Form following, *Acts of the sacred General Council*
 ‘ *of Constance, &c.*’ At the End of the Volume, are these Words of the
 Council, ‘ We therefore, that for the future those Acts may not be ex-
 ‘ pos’d to the Lash of Contradiction, do, by the Authority of the univer-
 ‘ sal Church, will, require, and decree, That in what Place, or at what
 ‘ times soever, the Decrees and Acts above-mentioned are produced and de-
 ‘ monstrated, absolute Regard be had to them, and as much Credit given
 ‘ to them, as if they were authorised by a Bull of the Council of *Con-*
 ‘ *stance* it self, without need of any *auxiliary* or other Proof. It shall not
 ‘ therefore be lawful for any one whatsoever, to infringe this Bull, which
 ‘ contains our Will, Decree, Statute, and Command. And if any one
 ‘ presume to do it, let him know, that he will incur the Displeasure of Al-
 ‘ mighty God and the universal Church. (3).

At *Basil*, *Febru-*
ary 4. 1442.

IT must be observed however with *M. Von der Hardt*, that *Croaria’s* Copy was not the Original which was collected by the Fathers of the Council of *Basil*. ’Twas a Copy of another Copy made in the Council of *Basil* it self, duly collated by *Michael Galteri* Secretary of the Council, *Subscripta Gestæ & Decreta sacri Concilii Constantiensis concordant cum volumine & tenore, sub Bulla sacri Concilii Basileensis plumbea bullatis, & manibus propriis dictorum Deputatorum subscriptis, facta collatione per me MICHAELEM GALTERI Notarium ipsius sacri Concilii Basileensis, reducta in nonaginta octo chartis seu foliis, præsentis in numero hujusmodi computato.* ’Twas from this Copy of *Galteri*, that *John Huober d’ Inderdorf*, M. A. and B. D. copy’d that which was in the Possession of *Jerom de Croaria*, and which, as has been said, he caus’d to be printed in 1500 at *Haguenau*. And to the end that there might be no Reason to question *Croaria’s* Fidelity, *John Huober* attested, That it was committed to the Press just as he had copy’d it. *Ego JOHANNES HUOBER ex Inderdorff, quæ alias Villam bassam vocant, Brixnenfis Diæceseos, Artium Liberalium Magister & sacræ Theologiæ Baccalaureus, Sessiones & Decreta Sacrosancti, Magni & Generalis Concilii Constantiensis, præscripta ab exemplari authentico,*

(3) Instead of these Words, *Universal Church*, the Pope’s Bulls commonly say, *St. Peter* and *St. Paul*.

col-

collationato & Bulla plumbea pendente in cordula sericea roborato, in uno, Missionis Spiritus Sancti in specie columbæ, in altero verò lateribus horum verborum, Sacrosancta Generalis Synodus Basileensis, sculpturas supra in principio depictas continente, & prefata cordula sericea per omnes chartas inferioris marginis transeunte, manu propria descripsi atque consummavi x Cal. Jul. Anno a Nativitate Domini 1490. And finally, that there might be no Doubt neither of the Truth of *John Huober's* Testimony, it was attested by that of a Notary nam'd *Strimbach*, *Concordant Sessiones & Decreta supra scripta sacri Generatis Concilii Constantiensis cum exemplari de pergamento Bulla plumbea sacre Generalis Synodi Basileensis, modo, forma & Notario, quibus supra, bullato & auctoritate, facta una cum prefato Magistro Johanne superscriptorum scriptore collatione diligenti per me Matthiam Strimbach Clericum Eichenstensis Dioceseos, publicum Sacre Apostolica Auctoritate Notarium, subscriptum, rogatum & requisitum in fidem & testimonium omnium & singulorum premissorum redacta in tantum & viginti tribus foliis presenti in numero computato, quod protestor manu & Signeto solito meis propriis.* There is no Date to this Act.

THIS therefore is the Genealogy of the first Edition of the Acts of the Council of *Constance*. A Copy of the entire Acts produc'd the Abridgment or Extract of *Basil* in 1442. That of *Basil* produc'd at *Basil* it self next Year, the Copy of *Galteri*. This produc'd that of *Huober* in 1490, which next Year brought forth that of *Croperia*, now before us, at *Haguenau*. A thousand Copies of this first Edition were work'd off in 4to. It was receiv'd with so much Applause, that they were soon oblig'd to think of a new Impression. There was one publish'd at *Paris* in 12mo. in 1506 by *Petit*, with this Clause at the End of it. *Acta & gesta Sacrosancti Concilii Constantiensis impressa in præclarissima Parisiorum urbe per Solertissimum virum Johannem cum cognomento le Petit Universitatis Parisiensis Librarium, Ann. D. 1506, die vero 12 Mensis Maii.* This Edition was perfectly conformable to that of *Haguenaw*, only some pieces were added at the End, as the Confirmation of the *Caroline* Bull with the *Caroline* it self. The latter was confirmed by the Council of *Constance* in the sixth Session, as may be seen in the History of this Council (a). But since we could only mention it, *en passant*, for fear of breaking the (a) Vol. I. Thread of the Narrative, we shall here take Occasion to treat of it more particularly.

THE Bull of *Charles IV.* in favour of ecclesiastical Liberties and Immunities, is comprised in these Terms, *Constitutio Carolina de Libertate Ecclesiasticâ sessione confirmata CAROLUS IV. divina favente Clementiâ Romanorum Imperator, semper Augustus & Bobemiæ Rex, &c. ad perpetuam rei memoriam. Etsi Imperialis benignitatis clementia quorumlibet devotorum fidelium, quos Sacrum Romanum ambit Imperium ex officii debito teneatur necessitatibus & injustis oppressionibus consulere, & de opportunis remediis providere: Ad illos tamen permaximè dirigitur nostræ mentis affectatio, quos indebitè pati*

cognoscimus, quorumque oppressionibus, status Ecclesiasticæ Libertatis, quem semper nostris temporibus augeri volumus, in nihilum redigitur, & nimis debito prægravatur. Sane ad Imperialis Majestatis audientiam pro parte honorabilium Præpositi, Decani, & aliorum Prælatorum & Capituli Magdeburgensis Ecclesiæ, devotorum, nostrorum dilectorum, insinuationem, quæ querulose suppliciter est deducta, quod seculares quidam in potestatibus & officiis publicis constituti, videlicet Duces, Comites, Barones, & alii Domini temporales, nec non Consules Civitatum, Villarum, Oppidorum, & Locorum Rectores dicti Magdeburgensis, Moguntinensis & Colonienfis Provinciarum, Dei nomine postposito, statuta singularia & iniquas Ordinationes, motu proprio, & de facto, contra Personas Ecclesiasticas & Ecclesiarum Libertates & Privilegia condiderunt, eis publicè & de facto insistere præsumserunt contra legitimas, civiles & canonicas Sanctiones, puta, quod nulla bona temporalia in Ecclesiasticam Libertatem transferantur, neve Clerici, in sacris constituti, ad agendum & testificandum in civilibus, & maximè in piis causis, aliquatenus admittantur: quodque excommunicati Laici & publicè denunciati à Fora civili minimè repellentur.

Item prædicti Domini temporales, Consules & Rectores, per secularem potestatem res & bona Clericorum occupant & arrestant, oblationes fidelium diminuant & restringunt, exactiones & tallias indebitè de bonis Ecclesiæ & redditibus exigunt & extorquent, possessiones Ecclesiarum & Personarum earum devastant incendiis & rapinis, contractus inter Clericos & Laicos factos legitimos ad Libros Civitatum Oppidorum, Villarum, & Locorum recusant inscribere, & sigillata, donata & legata ad fabricas & Ecclesiarum structuras, contra Prælatorum voluntatem & aliorum, quorum interest, præsumunt, usurpant, contra justitiam, in fraudem & odium Clericorum: & de bonis & rebus etiam Clericorum quas non causa negotiationis sed pro usibus propriis per terram ducunt, seu duci faciunt, telonium exigunt, & recipere non verentur, & confugientes ad Ecclesias & Cæmeteria inde extrahere contra Imperiales Sanctiones præsumunt.

Quæ omnia & singula abinde secuta, cum per sacras & civiles & canonicas Sanctiones expressè reprobata sint, & in fraudem Ecclesiasticæ Libertatis de facto præsumpta, de Principum, Ducum, Comitum, Baronum, Fideliumque nostrorum consilio, ex certâ scientiâ, Imperiali auctoritate cassamus, irritamus & annullamus, cassataque, irrita, & nullius esse momenti penitus, deducimus, & expressè pronunciamus. Præcipientes, sub indignatione Imperialis banni, universis & singulis Magdeburgensium, Moguntinensium, Colonienfium, & locorum vicinorum Principibus & Dominis temporalibus, Consulibus, Potestatibus, & in Officiis publicis constitutis, quatenus mox visis & intellectis presentibus, dicta ipsorum Statuta & Ordinationes sicut in præjudicium Ecclesiasticæ Libertatis edita sunt, omnino revocent & de luce tollant. Quodque secundum ea non judicent amplius, nec sententias dicant, aut eisdem, in judicio vel extra judicium quodlibet, pro se & contra Ecclesiasticam Libertatem petantur.

Item

Item pronunciamus & declaramus Imperiali auctoritate, quicumque Laicus, cujuscumque status vel conditionis existat, ausu sacrilego & propria temeritate audacia Sacerdotem vel Clericum, Secularem vel Religiosum, diffidaverit, vel captitaverit, proscripserit, spoliaverit, occiderit, vinculaverit, mutilaverit, aut in carcere detinuerit, aut hujusmodi maleficia perpetrantes scienter receptaverit, vel favorem in his eis præstiterit, præter pœnas, à Sacris Imperialibus & Canonicis Sanctionibus eis inflictas, sint ipso facto infames, ac omni honore privati, nec ad placita vel consilia Nobilium admittentur quovis modo.

Volumus etiam, hortamur & requirimus, ipsos Prælatos Ecclesiasticos, ut banc nostram Legem & Constitutionem in Synodis & in Ecclesiis publicari procurent, & requisiti executionem pœnarum & sententiarum denuncient, ne in præmissis extendendis per simulatam ignorantiam suas malitias valeant excusare.

Nulli ergo omnino hominum liceat banc nostræ cassationis & immutationis, seu pronunciationis aut denunciationis paginam ausu temerario infringere, aut ei quomodolibet contraire, sub pœna mille marcarum puri auri, quas ab eo, qui contra fecerit, toties, quoties contra factum fuerit, irremissibiliter exigi volumus, & eorum medietatem nostri Imperialis, residuam vero partem injuriarum passarum usibus decernimus applicari. Signum serenissimi Principis. Datum Tangermunde (1) Anno Domini, M. CCC. LXXVII. Indictione 15. v Kal. Julii, Regnorum nostrorum anno xxx. Imperii vero xxiii (a)

(a) Von der H.
T. IV. p. 523, 524.
ex M. S. Vindeb.

THIS Bull was confirmed, with Addition, at the Council of *Constance*, the 23d of *September* 1415, and the Execution of the said Confirmation was committed on the 24th of *January* 1416, to the Bishops of *Basil* (b) and of *Lausanne* (c) and to an Abbot of *Constance*. The said Confirmation was granted at the Instance of the Clergy of *Constance*, who made great Complaints in the Council, of the Oppression they suffer'd from the Magistrates and Temporal Lords. 'Tis not to be found in any of the Manuscript Acts of the Council, that *M. Von der Hardt* had a Sight of, (d) which made him form a very probable Conjecture, that it was not read in the 19th Session in which it was order'd. He thinks it might have been read in the Congregation preceding that Session, or after the Session, when the Vice-Chancellor, according to order, drew up the Act of it. What is certain is, that this Bull of the Council, in Confirmation of the *Caroline*, is entirely conformable to the Decree of the Reforming College, which runs thus: *This sacred Synod of Constance excommunicates all those who demand and receive Tribute, or any other Imposition whatsoever from ecclesiastical Persons, and from their Estates, as Corn, Wine, and other Provisions, which are not transported for Trade, declaring them actually excommunicated now as well as hereafter, and requiring that they be shunn'd by all the Faithful, till having restor'd all that they have demanded and received, they deserve to obtain Ab-*

(b) Hartman
Mun: de Mucbe-
stein.
(c) Anthony de
Cbalant.

that *M. Von der*

(d) Tom. IV. p.
571, 572,

(1) Therefore *M. Struve* is mistaken when he said that this Bull was granted at *Minden*.

folu-

solution only from their Ordinary, or his Vicar, in Spirituals. And if any Prelate has transgress'd in this sort, and does not speedily restore what he has so scandalously receiv'd to the Dishonour of his Function, which he ought to defend against the Laity to the last Drop of his Blood, he shall not be absolved, but in articulo mortis, by the sovereign Pontiff alone. And in order to assure him, that such ecclesiastical Estates are not destin'd to Commerce, the Clergy to whom they appertain shall testify the same, by Letters which shall be produced to the Receivers of the Imposts, without need of other Order from their Masters. There is another Act of the Reforming Colledge, which has a Relation to the preceding one, " In order to proceed against Princes, " whether Ecclesiastical or Secular, and against the Advocates and Defen- " ders of Churches and Monasteries, who, by a very remarkable kind of " Exaction, charge the Abbots, Priors, Provosts, and other Fryars and " their Monasteries, beyond what is required from an honest convenient " Hospitality with the Carriages and other Services for Huntsmen, Falconers, " Dogs, Birds, or such as put Dogs to the Secular
 (a) Von der H. " Clergy to maintain; we excommunicate them by the pre-
 Tom. VI. p. 729, " sent Constitution on the same Foot, as in the Article
 7, 9. " above-mentioned (a).

THIS probably was all that we should have had of this Bull of the Council, had it not been for the Care which was taken by *John Petit* the Printer, to annex it to his Edition of Acts, made according to that of *Haguenaw*. This he demonstrates in the short Preface which he has put before this Bull or Constitution. " Several Things, says he, were decided " in the Orthodox Council of *Constance*, which indeed are touch'd in the " foregoing Sessions, but not fully enough explain'd. Therefore we " have thought fit to annex some Pieces upon Matters maturely digested " and concluded in this Council, especially upon such as concern Ecclesia- " stical Liberties, as the Confirmation of the Constitutions of *Frederick II.* " (upon this Head) approv'd by *Honorius III.* (1) towards the End of " the xiiiith Century before the Council of *Constance*, and of the Bull " call'd the *Caroline*, granted in favour of the Clergy, by the Emperor " *Charles IV.* of most blessed Memory. This engag'd the Council of " *Constance* to renew and amplify those Constitutions (which had been often " violated during the Schism) and to order the Vice-Chancellor of the " *Roman Church* in the sixth Session, to grant Letters for Execution " thereof in due Form." Upon this, *Felix Hemmerling*, call'd *Malleus*, (*Malleolus*) L. L. D. says in his Treatise of Ecclesiastical Liberty, " That it was order'd in the Council of *Basil*, That the said Golden " Bull should be added at the End of the *Clementines*."—*M. Van der Hardt* has observ'd very well as to the rest, That the *Paris* Editor

(1) He might add the Decree of the La-
 teran Council in 1525, under *Innocent III.*
 for the ecclesiastical Liberties mention'd in

the Bull of *Constance*, *Vond. H. T. IV. p.*
573. Dupin. Bibl. Eccl. Tom. X p. 110.

has not given this Bull entire, because at the End there is Mention of a succeeding Chapter, which did not appear, either because the Editor did not meet with it in his Original, or because he did not think it could be of any Service to his Design. The Paris Editor (*John Petit*) has added to this Bull another small Piece, as being of the Council of *Constance*, which must have relation to this; because the Design of it was to hinder the Pope from raising the Tenth upon the Clergy, without pressing Necessity, and without the Consent of a general Council. The Title of this Piece is of the same Council of *Constance*; when the Tenth may be paid or refused. And the Act it self runs thus: *Cum paterna pietas filiis hominum providere debeat, licet in casu necessitatis valeat vicissitudo laudabilis, declarat Sancta Synodus non licere Romano Pontifici indictiones sive exactiones quasunque super Ecclesiam, vel Ecclesiasticas Personas imponere per modum Decimæ vel alio quovis modo. Si vero necessitas acciderit Pape, quod esset eidem debitè subveniendum, vocato generali Concilio, secundum quod expediens videbitur & utile, secundum Decretum Concilii provideatur eidem.* (a) There is no such Piece in the Acts themselves, but we find something like it in the Protocol of the College for the Reformation, and in the Articles presented to *Martin V.* by the German Nation. According to both Pieces, the Pope ought not to raise the Tenth upon the Clergy without a great Necessity: (b) But this Article was not executed, *Martin V.* having only engaged not to raise the Tenth upon the Clergy, but on a pressing Occasion, and by the Advice of the Cardinals, without making Mention of the General Council, as may be seen in the History of the Council of *Constance*. (c)

(a) Vond. H. ut. Sup. p. 571.

(b) Vond. H. T. I. p. 620, 1011.

(c) T. H. L. VI. p. 198. Vond. H. T. IV. p. 1540.

SOON after *Croaria's* Edition, and the *Paris* Edition, came out several others, to which certain Pieces were added from Time to Time, taken from the entire Acts. Such was the Edition at *Haguenau* in 1510, and that of *Milan* in 1511: However I dare not affirm, that the two latter were augmented, because I only speak of them from the Report of *M. Von der Harst*, who had not seen them himself, and only rely'd for what he said of them upon the Evidence which *M. John Ulric Pregitzer*, Privy-Counsellor to *Eberhard Lewis*, Duke of *Wirtemberg*, gave in his Account of the Discoveries he had made in *Switzerland*, and in *Swabia*, by Order of his Master, touching the Manuscript of the Council of *Constance*. (d) The Acts of this Council appear'd to be more compleat in the Editions of *Cologne* by *Surius* in 1567, and by *La Bigne* in 1606, as well as in that of *Venice*, and in the *Paris* Edition of the *Louvre* Impression, procured by the Cardinal de *Richelieu*: But this latter Edition was scarce distinguishable from the others, but by the Magnificence of the Characters and the Paper. In the XIIth Tome of the *Paris* Edition, procured by the Fathers

(d) Vond. H. T. I. Pro. leg. p. 12.

Fathers *Labbe* and *Coffart*, there's a considerable Appendix concerning the Council of *Constance*, which was communicated to them by *Felix Contelor*, and by Order of Cardinal *Barberini*, but so defective, that the Publick has got nothing by the Augmentation; for, says *M. Von der Hardt*,

(a) T. IV. 'tis in the *Roman*, (a) *Valde mutilata multis lacunis conspicua, immò mille locis aded per Amanuensem ex MS. incaute describendo corrupta, ut Actorum vix ac ne vix quidem aliquam referant speciem, i. e.*

There are so many Chasms and cropt Periods, and the Sense is so corrupted in a Thousand Places by the Carelessness of the *Amanuensis*, that they scarce bear the Shape of Acts. What had been publish'd therefore in this Respect till that Time, was not sufficient fully to satisfy and inform the Public on the Head of the Council of *Constance*. This was an Honour due to the Generosity of Duke *Rodolph* of *Brunswic*, as *M. Von der Hardt* has set forth at length in his *Prolegomena*, and as hath been very amply shewn in the Preface to the first Edition of the History of this Council. The Acts put together by Order of that Prince, and collected by the Care of *M. Von der Hardt*, are so compleat and authentick, that Father *Hardouin* has produced nothing afresh thereupon in his new Collection of Councils. There's nothing in it but the Acts of the *Vatican*, produced by *Schelstrate*; those of *France*, and those of *Germany*. One need only confront all those Acts collected from all the Libraries of *Europe*, to repel the slanderous Charge exhibited by *Schelstrate* and other *Ultramontanes*, that the Acts of the Council of *Constance* are falsify'd.

THIS rash Objection has already been answer'd in the Preface to the first Edition of the Council of *Constance*, and is likewise answer'd in the

History itself; but as Father *Desirant* has been pleased to renew it (b) with the same Front as if it had never been confuted, even from the Catholick Authors, 'tis fit to set the Matter in a new Light. The Accusation turns upon the

fourth Session, wherein 'tis pretended that the Council of *Basil* caused to be added in the Abridgment printed by their Order, these Words, *The Reformation of the Church in its Head and Members*, which were not read in that Session, and which are not express'd in the Acts of the Council that are in the *Vatican*. 'Tis true, that this Clause, *the Reformation of the Church in its Head and Members*, was not read in the fourth Session, because at the Solicitation of the Cardinals, who were Creatures of *John XXIII. Zabarella* suppress'd it, tho' it had been resolv'd by the Nations in the General Congregation which preceded that fourth Session: An unfair Dealing! for which that Cardinal was smartly reproach'd, and which was repair'd in the following Session. But if these Words do not appear in the Manuscript Acts of the *Vatican* alledg'd by *Schelstrate*, nor in those of *Germany*, publish'd by *M. Von der Hardt*, 'tis certain that they are in several Manuscripts of the Library of *St. Victor*, as *Mr. Maimbourg* and *Arnaud* have declar'd, and as I have heard from the illustrious *Abbe Bignon*. The

Reason of this Difference between the Manuscripts of the several Countries, is this; the Notaries of *France* wrote the Acts of the Session, as they were agreed to by the Nations; whereas the Notaries of *Italy* and *Germany*, at least those, whose Acts have been published, wrote them down just as they were read by *Zabarella*; so that on neither Side has there been any foul Play. The same Thing has happen'd with regard to the Abridgment of those Acts made by Order of the Council of *Basil*, wherein there is also a Difference. In the magnificent Library of *Wolfembuttel*, for Instance, there is a Manuscript of that Abridgment, which I have seen and read myself, wherein the Clause of the *Reformation of the Church in its Head and Members*, is not inserted, undoubtedly, because the said Abridgment was made from the Acts which had not those Words in them. Therefore, neither Father *Desirant*, nor the others, will have room to say, that the Fathers of *Basil* have corrupted the Acts of the fourth Session of the Council of *Constance*, because here's a Manuscript as ancient as the Council of *Basil*, and copy'd from the Abridgment made by Order of this Council, which is perfectly conformable to the Acts of the *Vatican*. Mean time 'tis true, that the Editions of *Hagenau*, *Paris*, and those that followed, which probably are the only Editions that the Accusers of the Council of *Basil* have seen, contain the Clause of the *Reformation of the Church in its Head and Members*. Whence comes this Difference? 'Tis possible, that the Editor of *Hagenau* had been furnish'd with the Acts which express'd those Words. *M. Maimbourg* declares, That he had seen ten Manuscripts at *Paris* with this Clause: 'Tis possible there might have been such in some Parts of *Germany*, as in *Alsace* and *Swabia*, *M. Von der Hardt* having not seen all. But even without having Recourse to this Supposition, tho' very natural, it was not necessary, that *Croatia* should have any other Pieces but his Manuscript, because one need only read the Words which are at the Head of the fourth Session, and which were publickly read, to judge, that if those Words were not read at the End of the Decree, it was an affected Omission, because they are at the Head, as Messieurs *Maimbourg* and *Arnaud* have very well observed. They are these, *In nomine sanctæ & individue Trinitatis, Patris, Filii, & Spiritus Sancti, Amen. Hæc sancta Synodus Constantiensis generale faciens Concilium pro extirpatione presentis Schismatis, & unione ac reformatione Ecclesiæ Dei in CAPITE, ET IN MEMBRIS fienda, ad laudem Omnipotentis Dei in Spiritu Sancto congregata legitime, ad consequendam facilius, securius, uberius ac liberius, unionem, & reformationem Ecclesiæ Dei, ordinat, definit, statuit, decernit, & declarat ut sequitur (a) i. e. in the Name of the* (a) *Von der H. T. IV. p. 87.*

.. Holy and Undivided Trinity, the Father, Son, and Holy Spirit, Amen. This sacred Synod of *Constance*, constituting a general Council, legally assembled for the Extirpation of the present Schism, and for the Union and Reformation of the Church of God, IN THE HEAD AND MEMBERS, to the Glory of the Almighty,

ty, do for obtaining the Union and Reformation of the Church of God more easily, more securely, more fully and more freely, ordain, determine, statute, decree, and declare as follows. Now in the Decree which follows there is no mention of the *Reformation of the Church in the Head and Members*. So that the End contradicts the Beginning,

(a) Hist. Treat. of the Church of Rome p. 212.

or at least suppresses it. *Who does not perceive, as M. Maimbourg says very well upon that Head, (a) that in order to have the Sense compleat, according to the Intention and express Words of the Council, one can't stop short there, (1) and that there must necessarily follow, and for THE REFORMATION OF THE CHURCH IN ITS HEAD AND MEMBERS? And this is what we find in our true Copies, and what is wanting in his (2); which insufferable Omission discovers that they are defective. M.*

(b) Arnaud's Tract of the Authority of Councils and Popes, p. 139, 191.

Arnaud has made the same Reflection (b). And what immediately follows, is the first Decree in question. 'Tis therefore necessary that the Reformation of the Church be mention'd in it, because the Council expressly declares, that 'tis the Reformation of the Church in the Head and Members for which it was assembled, which it had in View in making that Decree.

*By Consequence a Man must either renounce common Sense, or conclude from thence that all the Editions which have at the End of this Decree the Words ET REFORMATIONEM GENERALEM ECCLESIAE DEI IN CAPITE ET IN MEMBRIS, have certainly what ought to be in them, and what the Council inserted in them, and that all the Manuscripts, where those Words are not contain'd in this Decree, are faulty and defective. My Reflection is, that I am surpriz'd that Cardinal Zabarella did not stick at the Beginning to those Words, in the Head and Members, because when he had once read them, he cou'd not suppress them a second Time, without subjecting the Act to a Contradiction. But perhaps such Inconsistency must be charg'd to the great Stir among the Cardinals before this Session. Be it as it will, it appears by all the foregoing Remarks, that there has been no Falsification on either Hand. If there had been any such, it cou'd have been charg'd by no Means upon the Council of *Basil*, because its Manuscript is conformable to the Acts of the *Vatican*, and those of *Germany*. That's the Conclusion which *M. Von der Hardt* (3) draws from it. Nor is there any Falsification*

(1) That is to say, at those Words which appertain to Faith, and to the Extirpation of *Schism*, where *Zabarella* stopp'd in reading the Decree it self.

(2) And in those of *Germany*, publish'd by *M. Von der Hardt*.

(3) Ex quo elucet suspicione plane potuisse supersedere; illos qui magno molimine ut in *Schellstrateno* liquet, malæ fidei accusarunt Concilij *Basil*. Patres, qui

data opera Acta Decretaque Constantiensis Concilij corruperint, in Sessione 4. præcipue. Si quidem in *Wolfenb*. Cod. Compendij *Basil* res uti Constantiæ gesta integre planeque comparet ut *Wolfenb*. Cod. ille, & scrupulum hæsitantibus prompti eximat, & *Basil* Consil. Patribus fidem atque auctoritatem omnino reddat, Proleg. Tomi iv. p. 16.

on the Part of the Editor of *Haguenau*, because he only inserted what had been improperly omitted, against the Consent of the Nations through the Importunity of the Cardinals, and what even cou'd not be omitted without a manifest Contradiction, as has been just now demonstrated.

BUT here is another material Remark for which we are oblig'd to *M. Maimbourg*. "The Council of *Basil*, says he, ten Years before it had made the Extract, which tis pretended it has falsify'd, exhibited this Decree of *Constance* just as we have it, and renew'd it in the second Session. Cardinal *Julian*, who was nominated by *Martin V.* to preside in this Council, and who after that Pope's Death, actually presided therein, in the Name of *Eugene IV.* consented for the Pope to this Decree in that second Session, and warranted it in the Letter he wrote to *Eugene*, to shew him the Reasons which oblig'd his Holiness not to attempt the Dissolution of this Council. If this Decree had not been a very fair Exhibition of that of *Constance*, wou'd he have consented? Wou'd he not have exclaim'd against the very manifest Adulteration? Wou'd he not have protested that what is added at the End of the Decree was not there? he, who very well knew his Council of *Constance*, and who study'd it daily, having express Order from Pope *Eugene* to act at the Council of *Basil*, as he shou'd think necessary, according as he was enjoyn'd and order'd by the Decrees of the Council of *Constance*.

"DOES any body require more? Here then is enough sure to satisfy him. *Eugene IV.* in the Bull which he publish'd at the Time of the sixteenth Session, declares that according to the Decrees of *Constance*, he had call'd the Council of *Basil* for the Extirpation of Heresies, for the Peace of the Christian People, and for the general Reformation of the Church *in Capite & in Membris*, and that as the Council was legally begun, it hath always continu'd, and ought still so to continue in order to obtain those three Ends, as if it had never been dissolv'd. He afterwards annuls all that he had done to dissolve it, protesting that he approves of it, and desires to continue it purely, simply, and with all Manner of Devotion and Favour. Thus saith this Pope, who, while a Cardinal, was present at the Council of *Constance*, of whose Decrees he cou'd not therefore be ignorant; and consequently if the Decree of the second Session of *Basil* reported by this Council, as the Decree of the Council of *Constance*, had not been the same in the very Terms, no doubt but *Eugene* wou'd have said it was false, and then have re-jected it (a).

(a) *Maimbourg Hist. Treat. of the Ch. of Rome* p. 210, 211.

To this I add another Remark inferr'd from the Bull whereby the Council in 1442, commissions the Cardinals, Prelates and Doctors, to make an Abstract of the Acts of the Council of *Constance*, as abovemention'd. In this Bull the Council of *Basil* own'd that the Council of *Constance* was assembled for the Extirpation of Schism, Heresies, Errors, and for the *Reformation of the Church in its Head and Members*. Who can be perswaded that the whole Council of *Basil* wou'd offer to corrupt the Acts of the Council of *Constance* by a Bull in all its Forms? And if the Pope excommunicates the Falsifiers of the Pope's Bulls upon every Holy Thursday, wou'd not the Fathers of *Basil* have been liable to the Thunder of the *Vatican*, if they had dar'd to corrupt and falsify the Decrees of a general Council, which undoubtedly are as valid as the Bulls of the Popes, and wou'd not themselves have been excommunicate, as often as they read the Bull, *In Cena Domini*, during the Continuance of the Council, which was above ten Years? The same Remark is applicable to the Commissioners appointed to make this Abridgment of the Acts of the Council of *Constance*. They were chosen with the greatest Impartiality. There were some of the Council's Party, others of the Pope's Party. If therefore the Words, *the Reformation of the Church in its Head and Members*, had not been made use of in the fourth Session of the Council of *Constance*, wou'd the Cardinal *Torquemada*, or *Turrecremata* have suffer'd them to be plac'd at the Head of the Acts of this Session, even in those where they are cut off in the Decree? But as he himself was present at the Council of *Constance*, and cou'd not but know very well what pass'd on this Occasion, he left Things as they stood in the Acts, from which the Abridgment was made. Therefore if any one is to be suspected in this Affair, they are certainly the Collectors of the Acts of the Council of *Basil*, who in their Collection have not insert'd the Bull which orders the Abridgment to be made of the Acts of the Council of *Constance*, and which makes use of the Terms *Reformation in the Head and Members*. I do not find this Bull neither in *Surius*, nor in *Binius*, nor in the Royal Impression of the *Louvre*, nor in the Councils of *Labbe* and *Coffart*, nor finally in the new Edition of Father *Hardouin's* Councils. This Suspicion of private Men for having made a Collection of Councils to their own liking, is not to injurious by far as the Accusation laid at the Doors of a whole Council, of having falsify'd the Acts of another Council, and of having authentically approv'd such a Forgery. *For this Collection was faithfully transcrib'd, and had a leaden Seal to it, with a silk String which ran along the inferior Margent of all the Pages; as has been shewn above. Upon which M. Arnaud says very well. ' M. de Schelstrate may depend on't, ' that those new Manuscripts A& shall be receiv'd with all Manner of*

Respect,

“ Respect; provided he can shew us that they have as fair
 “ Marks of their being Authentick, and such illustrious Pledges (a) *Ubi supra*, p. 21.
 “ of their being undeniably true (a).

BUT what need we insist more on the first Decree of the fourth Session of the Council of Constance? It has been prov'd to Demonstration in the History of this Council (b) that the said Decree was curtail'd by Cardinal Zabarella, who stopp'd short at these (b) *Ubi supra*. Words, *the Reformation of the Church in its Head and Members*; that this fourth Session was look'd upon as null, and that Zabarella's Omission was repair'd in the fifth Session, which is liable to no Manner of doubt, and whose Acts have not been corrupted by the Council of Basil, as the Accusers of that Council have acknowledg'd. Now in this Decree of the said fifth Session the *Reformation of the Church in its Head and Members* is formally express'd. The Fathers of the Council of Basil were undoubtedly very unskilful Corrupters in confining themselves to corrupt the Acts of a Session which had no Credit, and in sparing the Acts of a Session unanimously approv'd and confirm'd by Pope Martin V. himself. Upon this it comes immediately into my Thoughts, says M. Arnaud speaking of M. Schelstrate, that 'tis therefore to very little Purpose to know whether any Alteration has been made in the Decree of the fourth Session, because 'tis manifest by his own Confession, that none has been made in that of the fifth Session. I am not ignorant that the Ultramontanes raise other Objections against this fifth Session. But they are fully answer'd in the Dissertation against Father Desirant, inserted in the new Edition of the Council of Constance; and Messieurs Maimbourg and Arnaud, as well as M. Von der Hardt have thereupon given the Publick entire Satisfaction.

THEREFORE nothing more remains in order to finish this Dissertation; but to insert in this Place the Words of M. Arnaud, upon the Charge exhibited by Schelstrate (and by Father Desirant) against the Fathers of Basil, for having corrupted the Acts of the fourth Session of the Council of Constance. “ Setting a-part the Probity of those whom he charges with this Falsification, for what Reason shou'd they go about to do it, and how cou'd they resolve to do it, if they had a Mind to it? People are not wicked for nothing, and a Man must be stark blind indeed, to commit a Crime, of which he cou'd not see a Way to prevent being very easily convicted. But here both Cases meet. For supposing, what there's no Appearance of, that this Clause *Et Reformationem Ecclesie Dei*, &c. was not in the Decree of the fourth Session which the Deputies of the Council of Basil revis'd, what wou'd they have got by inserting that Clause? Wou'd it not have been enough for them, that it was without Dispute in the first Decree of the fifth? Therefore they cou'd never have been inclin'd to such a Falsification, unless they had a Mind to be wicked for no End and Purpose.

“ AND

“ AND what evidently shews that they had no need of this Decree
 “ of the fourth Session, and that it was a Thing indifferent to them
 “ which Way it was read, is that when they had reported in several Ses-
 “ sions, what had been decided in the Council of *Constance* for the Su-
 “ periority of Councils, they only quote for it the first and second De-
 “ crees of the fifth Session.

“ 'TIS no less evident that 'tis charging them with excessive Blind-
 “ ness, to suppose that they cou'd resolve to be guilty of so mean an
 “ Action, tho' they had an Inclination to it. For 'tis not to be doubt-
 “ ed but at that Time, a great many Copies of those Decrees of the
 “ Council of *Constance* were spread throughout the whole Church, and
 “ that even several of those Copies pass'd for Originals, which were
 “ dispatch'd by the Notaries of the Council; for we find by the Acts
 “ that this was the Manner. Therefore it wou'd have been exposing
 “ themselves to be convicted of a Falsification by all their Adversaries,
 “ who were very numerous at that Time, because it was a Time of
 “ the greatest Broil betwixt this Council and Pope *Engene*, if the Per-
 “ sons deputed at *Basil* for collecting the Acts of the Council of *Constance*,
 “ had added any important Words to this first Decree of the fourth
 “ Session, which were not to be found in the other Copies of this Coun-
 “ cil.



THE

THE
HISTORY
OF THE
COUNCIL of *CONSTANCE*.

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THE





The HISTORY of the
COUNCIL of CONSTANCE.

BOOK I.

L



LL *Europe* was so far interested in the COUNCIL of CONSTANCE, that 'tis absolutely necessary in the first place to give a general View of the then State of this part of the World, even with regard to Temporals. There was scarce a single Kingdom at Peace, or none at least but what was involv'd somewhere or other in War. *Hungary* was a Prey

The State of Europe.

to the Invasions of the *Turks*. *Bohemia* was on the Brink of Ruin by Intestine Commotions, which an indolent King neglected to suppress in their Birth. The *Poles* and the Knights of the *Teutonic Order* were in a War which rag'd with the greater Fury, because Religion was the Pretext of it. A great part of *Germany* was carry'd away by this Torrent, not to mention the particular Hostilities that were exercis'd among the Princes and Prelates, whose Interests happen'd to

K

clash

clash with each other. France was disturb'd by the Factions of her great Men, which England improv'd to its Advantage. As to Italy, the Ambition of the Popes and Princes, and the Competitorship of Lewis of Anjou and Ladislaus of Hungary for the Kingdom of Naples, had created such a Confusion in that Country, that it had as many Tyrants as Princes. Tho' Ferdinand had been elected King of Arragon, nevertheless the other Competitors to that Kingdom made a Disturbance in Spain, where Benedict XIII. kept up the Division, that his Sway there might be the greater. As the Schism was partly the Cause of this universal Combustion, and as the Pretext of the War among the Princes, was the Support of the Pope, whom they acknowledged; 'tis absolutely necessary to premise a general Idea of the State of the Church, before we enter into the Detail of this History.

State of the Church.

Nem de Schism. L. 1. Cap. xix. p. 19. The 25th of March, &c. Theod. Vrie apud Ven der Hardt, Tom. I. p. 48.

(a) In the Month of Junr.

Election of Pope John XXIII. May 17. Nem ubi supra, 246.

(b) L. IV. p. 5, 6.

Death of the Emperor Robert, and Election of Sigismond.

Gesniana p. 27. Nem vit. Job. apud Meibom. Rer. Ger. Tom. III. p. 20.

Gobel. Perf. ib. p. 331. Platina ut

supr. Spondan. ad annum 1410. num. VII.

II. ALL Europe was for near 40 Years miserably distracted by the Factions of the Anti-Popes. Each of them asserting, that he was the only lawful Pope, they anathematiz'd one another; and each put the Princes and People, who paid Obedience to the others, under an Interdict. This great Schism, which was no less pernicious to the State than to Religion, was begun in 1378, by Urban VI. and by Clement VII. who after the Death of Gregory XI. were elected; the one at Rome in the Month of April, and the other at Fondi, in September following. It was continued by some others, Benedict XIII. succeeded the Anti-Pope Clement VII. who held his See at Avignon, where the Popes had resided for near an Age; and Urban VI. had for his Successor at Rome, Boniface IX. The latter dying in 1404, was succeeded by Innocent VII. and in 1407, they chose Gregory XII. The Council of Pisa, which met in 1409, to determine this important Affair, did but exasperate it, and render it more perplex'd and troublesome. Benedict XIII. and Gregory XII. were indeed therein deposed, and Alexander V. placed in their Stead (a). But the two first, who had refused to appear at the Council, either in Person or by their Proctors, did not acknowledge the Authority of the said Council, and maintain'd their Election with more Obstinacy than ever. So that instead of two Popes, which there had been before, there were now three (1).

III. Alexander V. dying at Bologna in the Beginning of May 1410, Balthasar Cossa (alias Coxa, i. e. Thigh) Cardinal-Deacon of St. Eustachius was chose Pope, with the Name of John XXIII. by the Interest of Lewis of Anjou King of Sicily. As this Pope is often to appear upon the Theatre, it would be natural to give his Character here: But this is done so copiously in the History of the Council of Pisa, that 'tis sufficient to refer to it (b).

IV. THE Beginning of the Pontificat of John XXIII. was very prosperous. He was acknowledg'd by the greatest Part of Europe. Benedict XIII. had only Spain and Scotland for himself, besides some

(1) *Bivira suavam & triviram me fecerunt*, i. e. I was the Widow of two Hus-

bands, and they have made me the Widow of three. *Vrie ubi supra*, p. 148.

particular Noblemen, as the Counts *de Foix* and *Armagnac*. *Gregory XII* was in a manner left to shift for himself at *Rimini*, having no Interest but in some Places of *Italy* and *Germany*, where the Emperor *Robert* also fomented a Party for him. But this Emperor dying soon after the Election of *John XXIII*. the latter was thereby rid of a powerful Enemy, and thought to make himself as potent a Friend, by favouring the Election of *Sigismund*, King of *Hungary*, who was unanimously own'd King of the *Romans* (c) (1) after the Death of *Josse* (2) *Margrave* of *Brandenburg* and *Moravia* his Competitor for the Empire. The Character of *Josse* is given at large in the History of the Council of *Pisa* (d). I shall only add one Particular here, which I found relating to him among the witty Sayings of *Alphonfus* King of *Arragon*, viz. That *Josse*, after his Election to the Empire, going to pay a Visit to his Cousin-German *Wenceslaus* King of *Bohemia*, the latter took him into his Closet, and address'd him thus, *Tho' I am sensible, that 'tis no Credit for me to have been divested of the Dignity of Emperor by the Electors; nevertheless 'tis my Comfort, that the Honour is not gone out of our Family: Therefore I accept you heartily for my Successor.* *Josse* kneeling, at those Words, before *Wenceslaus*, to declare to him that he had no Hand in the Election, and that it was carry'd without his Knowledge, *Wenceslaus* said to him, *Fear nothing, for I do not quit the Empire with Regret; and had I a Mind to retain it, it shou'd not be to the Prejudice of a Prince of my own Blood. Therefore take good Courage, and govern the Empire well which is committed to your Charge; I am content with my Bohemia, and you are as welcome to make Use of my Soldiers, my Arms, and my Substance, as your own* (e). As to *Sigismund*, besides what is said of his Election in the History of the Council of *Pisa*, I shall here add the Account of it which is given by *Eberhard Windek* his Counsellor, of whom I made Mention in the Preface (f). 'After the Death of *Robert*, which happen'd in 1410, says *Windek*, the Electors assembled that same Year, about the Festival of *St. Bartholomew*, to chuse a new King. *John* (of *Nassau*) Elector of *Mentz* and *Frederic* (Count of *Sarverden*) Elector of *Cologne*, nominated *Josse*, Marquis of *Moravia*, call'd the *Bearded* (3): But the Elector of *Treves* (*Werner de Koningstein*) gave his Vote for *Lewis* of *Bavaria*, the Elector *Palatine*, Son to *Robert*. On the other hand, *Albert* Elector of *Saxony*, who at that Time was Vicar of the Empire, declar'd for *Sigismund* King of *Hungary* (4), Marquis of *Brandenburg*

(c) In 1410.

(d) Part II. p. 11.

(e) In Di&. & Fa&. Alph. Reg. En. S. Comment. Lib. III. p. 138.

(f) History of *Sigismund* by *Windek* his Counsellor, a M. S. in the Hands of Dr. *Vonder Hardt*.

(1) Tho' *Sigismund* had been elected to the Empire, yet he never assumes any Title, but that of King of the *Romans*, and 'tis the only one that is given him in the Acts of the Council, and by contemporary Authors, because he had not yet been crown'd Emperor any where.
 (2) As to *Robert* and *Josse*, see the Hi-

story of the Council of *Pisa*, Lib. IV. p. 10, 11.
 (3) Others add the Ambassadors of *Bohemia* and *Saxony*, *Rer. Mogunt.* Tom. I. p. 727.
 (4) Others say, that the Elector of *Treves*, the Elector *Palatin* and *Frederick Burgrave* of *Nuremberg*, gave their Votes to *Sigismund*. *Rer. Mogunt.* ubi supra.

' *bourg*. As soon as *Sigismund* had Notice of it, he sent an Embassy
' to his Cousin *Josse*, to know whether he was disposed to go to
' *Francfort* to accept of the Empire. *Josse* telling him it was his In-
' tention; And I, says *Sigismund*, am going to *Moravia*. Accordingly
' *Sigismund* was making the necessary Preparations for that Journey,
' when he heard of *Josse's* Death, and that the Electors of *Mentz*
' and *Cologn* had chose him King of the *Romans*'. It appears by
this Account given by a cotemporary Author, who was an Eye-Wit-
ness of the Event, that what *Dubrawski*, Bishop of *Olmutz*, says in
his History of *Bobemia*, that *Sigismund* nominated himself, is an ill-
grounded Tradition (1).

Niem apud
V. u. der
Hardt ubi su-
pra, p. 359.
Spond. ad
Ann. 1411.
n. I II.
Niem ubi
supra p. 365.
Leonard A-
retin p. 257.
Juven des
Urf. History
of *Charles VI.*
p. 251. *Nau-*
cl. æt. 48. p.
1043. *Colo-*
niæ an. 1579.
Spondanus
ad an. 1412.
n. I.
Niem ubi su-
pra 357 &
378.
John XXIII.
unites with
Sigismund to
assemble a
Council
1413. *Niem.*
p. 378.
Leon. Aret.
257, 258.
Rayna'd ad
an. 1413.
Bzov. ad
an. 1409. n.
13.
Rayna'd ad
an. 1409. n.
55.
Spond. ad
an. 1409. n.
16.

NEVERTHELESS *John XXIII.* met with some Mortifications in the
midst of his Prosperity. On the one hand, the Fleet that *Lewis*
of *Anjou* had put to Sea against *Ladislaus* was defeated, which was a
very great *Remora* to this Pope's Affairs: And on the other hand,
Friuli was taken from him, with some other Places which he possess'd
in *Romagna*. But this Loss did not abate his Courage. Being assist-
ed by *Lewis* of *Anjou*, he went to *Rome* to make his solemn Entry.
He was receiv'd with publick Acclamations, and stay'd there while
Lewis of *Anjou* march'd against *Ladislaus*, over whom he gain'd a com-
plete Victory, which would have render'd him Master of the King-
dom of *Naples*, if his and the Pope's Generals had improved it. But
Lewis of *Anjou* returning to *France*, *Ladislaus* was quickly in a Con-
dition to terrify the Pope, who was obliged to publish a *Croisado* a-
gainst him, as a Schismatick, and a Disturber of the publick Tran-
quillity. *Ladislaus* fearing, on his Part, that this *Croisado* would draw
a general Conspiracy against him, made a Treaty with *John XXIII.*
equally scandalous to both, because neither was true to his Faith; and
therefore it did not last long: For *Ladislaus* returned to *Rome* next Year
with a great Army, and drove out the Pope, who was obliged to fly
with Precipitation to *Florence*. *Theodoric de Niem*, who was in his
Retinue, has given a very full Account of the Adventures of this
Retreat, by which the Pope's Court were very great Sufferers (2).

V. *John XXIII.* perceiving plainly, that it was impossible for him to
stand against so potent an Enemy as *Ladislaus*, and that he should never
hold the Pontificat in quiet, as long as the Schism continued, had Re-
course to *Sigismund*, King of the *Romans*, to find Means to put an End to
it to his Advantage. This Prince was then in *Italy*, whither he
went to treat with the *Venetians*, touching some Places in *Dalma-*
tia, and to observe the Motions of *Ladislaus*, with whom he had had

(1) See the History of the Council of
Pisa, Part II. p. 11, 12.

(2) This Description may be seen in

the History of the Council of *Pisa*, Part
II. p. 179. 181.

great

great Quarrels, and whose Ambition still made him very uneasy. 'Tis true, that *Ladislaus* had been excommunicated at the Council of *Pisa*, which declar'd in favour of *Lewis* of *Anjou*. But the latter, as has been observed, not improving the fair Opportunities he met with, had left *Ladislaus*, as we may say, Master of the Field, and put him above the Reach of the Thunderbolts of a Council, which he had not acknowledged, and whose Sitting he oppos'd. Therefore *Sigismond* thought that the most effectual Means to be rid of an Enemy so troublesome, and who had stood so often in his Way (1), was to unite with a Pope acknowledg'd by almost all *Christendom*, for assembling a General Council; which not being liable to Suspicion, for want of any Formality, might confirm that of *Pisa*, as well with Regard to the Deposing of *Ladislaus*, as with Regard to the Union and Reformation of the Church attempted in that Council, but always shifted off. He had this Affair at Heart the more, because, during the Schism, he saw no Appearance of his being able to reconcile the Christian Princes, to act in Concert with him against the *Turks* who ravaged his Kingdom of *Hungary*.

VI. *John XXIII.* had indeed call'd a Council the Year before, according to the Decree of the Council of *Pisa*; wherein it was resolved, That, at three Years End, one should be assembled at a convenient Place, of which Notice should be given a Year before hand. But whether it was on account of the Wars with which *Italy* was disturbed, or because of the Apprehension that this Council being assembled at *Rome*, would not be so free as it ought, there were but very few Members at it (2), and the Pope was probably obliged to prorogue it.

VII. As *John XXIII.* when he prorogued the Council, did not specify either Time or Place, *Sigismond* wrote to him (3) not to determine either till he had sent him an Embassy on purpose to agree those Points together, with which the Pope was obliged to acquiesce. People were at that Time very much divided as to what might be expected from a Council, for the Suppression of Schism, and the Reformation of the Church. In the Year 1410, the celebrated *Peter D'Ailli*, then Bishop of *Cambray*, and afterwards a Cardinal, had written a Treatise concerning the *Difficulty of Reforming the Church in a General Council*. One of the Arguments he urg'd, and which was founded on the Vacancy of the Empire, did not subsist long, because *Sigismond* was that very Year chose King of the *Romans*: But there

Council meets at *Rome* in 1412. *Sessio XXII. apud Vcn der Hardt, T. II. p. 155. Gohol. Perf. Cosmod. Æt. VI. c. 90. p. 331. Various Sentiments about the calling of a Council. Alliac. apud Von der Hardt, T. I. Part V. & ap. Gerf. T. II. p. 867. Henr. Hassiac. Confil. Pacis ap. V. d. Hardt. T. II. p. 20, 21, 22. & apud Gerf. p. 810.*

(1) *Ladislaus* had been his Rival for the Empire, and still aspir'd to it. *Niem Labyr.* p. 467.

(2) There is a large Account given of

this pretended Council, in the *History of the Council of Pisa*, Part II. p. 93. 93.

(3) See *Sigismond's* Letter to *Charles VI.* ap. Von der Hardt. T. VI. p. 8.

were

were other Reasons still which render'd the Success of a Council very doubtful. On the one hand, the Cardinals pretended that it was solely their Prerogative to decide which of the three Competitors was the lawful Pope; and 'tis certain, that the Cardinals were for a long Time in Possession of the Right of chusing the Sovereign Pontiffs: (1) But the Case then was very extraordinary. Divided as they were in their Obedience to three Popes, they were not then in a Condition to determine this Affair which absolutely required their Union. On the other hand, the three Competitors could not consent to the calling of a Council, without referring their Election to Arbitration, and even without renouncing it, as was demanded of them afterwards. *John XXIII.* ran still a greater Hazard than the two others, who being already deposed, had nothing to lose but the Possession; whereas *John XXIII.* having been Canonically elected, and being almost generally recognized, might lose the Right and Possession both together. Besides, they could not summon *Benedict XIII.* and *Gregory XII.* to the Council, without derogating from that of *Pisa*, which had depos'd them: And if, on the other hand, a Council should be assembled without them, it was to be fear'd that they would look upon every thing done in it as void, since they did not own *John XXIII.* There were People of very good Sense, and such too as were well-dispos'd, who talk'd very freely of the ill Success of Councils in general, and were apprehensive, that as the Council of *Pisa* had produced three Popes instead of two, this now to be assembled, would breed a fourth. (2) Mean Time, the most general Sentiment was for the Necessity of calling a Council. *Gerson*, Chancellor of the University of *Paris*, removed the Objections of *Peter D' Ailli*, by his Treatise of the Reformation of the Church in a General Council; and *Peter d' Ailli* being convinced by his Answer, compos'd a Tract upon the same Subject. *France*, in a General Assembly of the Prelates of the Kingdom, declared for this Side of the Question; and all the World was so convinced of the Necessity of a Council, that to disbelieve it was enough to make a Man suspected of a Desire to keep up the Schism.

Gerfoniana,
p. 48.

Gerf. O. T.
II. p. 162. ap.
V. d. Hardt,
T. I. P. V.
Gerf. T. II.
p. 885, ap. V.
d. Hardt, I.
T. I. P. VI.
Hassiac. ap.
V. d. Hardt,
T. II. p. 33.

Sigismund's
Negotiation
with *John*
XXIII. about
the calling of
a Council.
Sigismund's
Letter to
Charles VI.
ubi sup. p. 13.

VIII. *Sigismund* too thinking no Means would be more effectual to restore Peace to the Church, as well as to retrieve the Affairs of the Empire, which the Schism had put into Confusion, sent an Embassy for this Purpose to *John XXIII.* who, as we observ'd, had taken Refuge in *Florence*. The most able Doctors of that Age were of Opinion, that the Emperor had a Right to assemble a Council by

(1) In the XIIth Century under *Innocent II.*

(2) *Et verendum nimis ne si Concilium Constantiense effectum ceperit quatuor formetur; i. e.* And it was too much to

be fear'd, that if the Council of *Constance* took Effect, there would be four. *Ibid.* *Vric Hist. Conc. Const.* ap. V. d. Hardt, T. I. P. I. p. 148.

his

his own Authority, especially in a Time of Schism, when the Business in hand was to unite the Church, and to reform it by beginning at its Head. *Henry of Hesse* had prov'd it above thirty Years ago, by several Examples drawn from Church-History; and *Theodoric de Niem* had lately done the same Thing in his Treatise of *Schism*, as well as *John Gerson* in the Tract of *Reformation*, already mention'd. *John XXIII.* who had promis'd to wait for *Sigismond's* Ambassadors, resolv'd to receive them favourably, chusing rather to assemble a Council in Concert with him, than to be forced to accept of one which this Prince would have called against his Will. In order to do it with the better Grace, he himself sent an Embassy soon after to *Sigismond* in *Lombardy*, consisting of *Anthony Cardinal de Chalant*, and *Francis Zabarella* Cardinal Deacon of *St. Cosmo* and of *St. Damianus*, known by the Name of the Cardinal of *Florence*. He associated with them the celebrated *Emanuel Chrysolorus*, (1) who, by the Report of *Leonard Aretin* his Disciple, contributed so much to the Restoration of the Greek Tongue, and the *Belles Lettres* in *Italy*, whither he had been sent, as well as to several other Countries of *Europe*, by the Emperor *John Paleologus*, to implore the Assistance of the Christian Princes against the *Turk*.

In 1381.
Henric. Haiffac. ap. V. d. Hardt, T. II. p. 1. Niem de Schif. l. 3. c. 7, 8.
Leon. Aret. 253, 257. Gob. Perf. p. 331. Spond. Auc. p. 26. col. I.

IX. THOSE Legates, after many Disputes about the Choice of a Place for holding the Council, were at length obliged to consent that it should be summon'd to *Constance*, an Imperial City in the Circle of *Swabia*, because they plainly perceiv'd that their Master had need of *Sigismond*, and that it was of Importance to humour him. This City had been already celebrated for some memorable Assemblies. The Archbishop of *Genoa*, in a Speech which he made to *Sigismond* during the Council, spoke of a Synod held at *Constance* under the Emperor *Henry III.* wherein this Prince appeas'd the Troubles of *Germany*, and made a great many Regulations truly worthy of a Christian Prince. This Peace was call'd the Peace of *Constance* (2). In this no doubt the Archbishop follow'd *Marianus Scotus*, who speaks of this Assembly as of a Synod or Council: But *M. Von der Hardt* has very judiciously observ'd, that it was an Assembly of Princes, and not a Council, as very evidently appears from the Chronicle of *Theodoric Engelbusen* (a). Be this as it will, there's a great Affinity betwixt these two Assemblies at *Constance*, whether we consider the Motives of them, or the Conjunctions and Circumstances. They were both call'd by an Emperor during a Schism;

The City of *Constance* is chose for holding the Council. V. d. Hardt, T. I. P. XV. p. 812.

In 1044; or 1045.

Von der Hardt, ubi supr. Praef.

(a) Engeline Chron. p. 199. This Author wrote in the XVth Century.

(1) As to these three Legates, see the *History of the Council of Pisa*, Par. I. p. 281, 282; Part II. p. 185, 186. where you may also see what was the Issue of this Negotiation. *Chrysolorus* died at the

Council of *Constance*, April 15, 1415. *Von der Hardt*, Fast. T. IV. p. 25.

(2) *Nauclerus* places this Peace of *Constance* in the XIIth Century, in the Reign of *Frederic I.* *Nawler. Gener.* 40, p. 861.

and,

and, what is remarkable, at a Juncture when there had been three Popes who were degraded to make Way for a legal Pope, viz. *Suidert*, Bishop of *Bamberg*, who was chose Pope by the Name of *Clement II.* in 1056. It was an Hermit, Confessor to the Emperor, who persuaded him to make use of his Authority for putting an End to this Schism, as appears by the Words of *Engelbusen*, reported in the Margin (1). In fine, Regulations were made both in the one and the other, with respect to Spirituals and Temporals. The Historian that I have just now quoted, tells us that the Emperor *Henry* dismiss'd the Merry-Andrews, (*Histrionum Collegium*) and caused the Money they had gain'd by that Calling to be given to the Poor; that he turn'd a vast Number of loose Women out of the Army; that he pardon'd those who had offended him; that he forgave a great Number of Debts, and repair'd all the Injuries that he had done. The same Author adds, that when an End was put to the Schism, he exacted an Oath of the *Romans* never to chuse a Pope without the Consent of the Emperor, because their Competitorship had been the Cause of so great a Schism. (2)

WHAT is certain is, that there was a Council at *Constance* in the same Century under *Gebhard*, Bishop of that City; and that a great many good Regulations were therein made, touching Ecclesiastical Discipline: Therefore it was a Place of a very good Omen. Besides, they could not have chose one more commodious, more free, and more at hand to all the Parties concern'd. Nevertheless, as it was a City at the Emperor's Devotion, 'tis very surprizing that the Legates of *John XXIII.* gave their Consent to this Choice; for they were both his Creatures. He had made *Anthony de Chalant*, Cardinal Bishop from a Cardinal Priest that he was before; and had bestow'd the Purple on *Zabarella*. If they were not forced to this Choice by the Necessity of the Times, 'tis a very advantageous Testimony to their Probity, that they preferr'd the Interest of the Publick to their Master's particular Inclination; and I had rather pass this Judgment on them, than to accuse them of Insufficiency, as *Bzovius* has done, who was one of *Baronius's* Continuators.

Dispatches
for calling
the Council.
(a) Part II.
p. 190, 192.

X. AFTERWARDS, all the necessary Dispatches were drawn up and sent for calling the Council. In the History of the Council of *Pisa* may be seen (a) *Sigismond's* Edi&ct for inviting all Christendom to it; his Letters to *Gregory XII.* and *Benedi&ct XIII.* his Embassy

(1) *Tum Eremita quidam Confessor Regis scripsit & eleganter in hæc Verba. Imperator Henrice, Omnipotentis Vice, una Suamitis nupsit tribus maritis. Dissolve connubium, triforme dubium. Rex, sicut erat homo discretus, collecto exercitu Constantiam venit. Ubi Synodo Principum, Pacem hæcenus inauditam statuit,*

& per Edi&ctum, sicut Conradus inceperat, confirmavit, ubi supr.

(2) *Idem Henricus, tempore quo sedavit Schisma, compulit Romanos jurare, quod sine consensu Imperatoris, nullus assumatur in Papam, eo quod tantum Schisma fecerunt. ut supr.*

to the King of Arragon, to reduce that Anti-Pope ; together with that Emperor's Letter and Embassy to Charles VI. and lastly, John XXIII.'s Bull for calling the Council.

XI. THINGS being thus regulated, John XXIII. and Sigismund parted, in order to meet again by the Time appointed. The former went strait to Mantua, where he spent the Winter with the Marquis John Francis de Gonzague, his Friend and Protector. The following Spring he return'd to Bologna, to set his Affairs in Order against Ladislaus, who having a great Army then on Foot, with which he made all Italy tremble, was resolv'd to go and besiege John XXIII. in Bologna itself, and to pursue him whithersoever he went. The Pope was never reduced to such a fatal Extremity as this. The Bolognese so disliked his Government, that he could not trust them ; and all the Force that he was able to rendezvous, was not sufficient to make Head against Troops puff'd up with their late Victory, and encourag'd by a Leader newly provok'd at the League which several Princes and Cities of Italy had just then form'd against him, with John XXIII. and Sigismund. Even the Pope's best Friends were seiz'd with a Pannick, some retiring to Ferrara, and others to Venice, for Shelter from the Storm which they saw was rising. In this Extremity he was very agreeably surpriz'd with the unexpected News of the Death of Ladislaus, who, as he was on the March to Bologna, was attack'd with a violent Distemper, which obliged him to return to Naples, where he died in a few Days, (a) in the Flower of his Age, and the Bloom of the fairest Hopes. His Death, which was variously talk'd of, gave Italy some Respite, and deliver'd Sigismund, as well as John XXIII. from a formidable Enemy.

As to his Death, I will here report the Words of Theodoric de Niem. In the midst of all these Alarms, says he, we heard the agreeable News of the Death of Ladislaus. As he was preparing to come to Bologna with a great Army, he was seiz'd with a violent and incurable Distemper, which obliged him to go back to Rome, from whence he embark'd to Naples with Paul Des Ursins, whom he carry'd away Prisoner, with Design to put him to Death. He was scarce arrived at Naples, when being tormented with cruel Pains all over his Body, and especially in a Part not mention'd, by the just Judgment of God, he died miserably, before he had measured half the Days of Man (1). Monstrelet affirms it for a Certainty, that he was poison'd by a Physician's Daughter that he was in Love with, to whom her Father gave a Dose that dispatched them both. The Italian Hi-

1414.
Death of
Ladislaus,
Aret. p. 258.
Naucl. Plat.
ubi supr.

Niem ap.
V. d. Hardt,
T. II. p. 388.
Leon. Aret.
Bzov. Spond.
Raynal.
(a) In Aug.
1414. En-
guerrand. de
Monstrelet,
Vol. I.
p. 130.

(1) Ubi, postquam cum vehementibus doloribus, quibus torquebatur in corpore & præcipuè igne Sacro in membro virili, iusto Dei judicio, pervenerat, infeliciter

obiit antequam dimidiaret dies suos. De Rebus & Fatis Joan. XXIII. ap. V. n. d. r. Hardt, T. II. Part XV. p. 388.

L

storians

1414. storians of that Time, whom I had an Opportunity to consult, as *Pogge*, *Leonard Aretin*, and *Anthony de Florence*, do not speak of Poison, but only of a Distemper. *Scipio Ammirasi*, (a) a more modern Author, says, that 'twas a high Fever, accompany'd with a Delirium, during which he continually threaten'd the Death of *Paul des Ursins*, and the Ruin of *Florence*. This both *Pogge* and *Antonin* report, almost in the very same Words (b); and thus also does *Pandolpho Collenuccio* relate it in his History of *Naples*. Indeed he also mentions the Story of the poisoning, almost in the Terms of *Monstrelet*, according to the Relation, says he, of some, and according to common Fame, which he looks upon as uncertain; and also in the Opinion of many as fabulous (1). Among the Manuscripts in *St. Paul's Library at Leipsie*, I met with a Letter from an *Italian*, named *Simson of Perusa*, Advocate at that Time to the Pope's Consistory, written to King *Wenceslaus*, and dated the 12th of *August* 1414. This Letter says, that *Ladislaus* died at *Naples* of an Ulcer, upon the 4th of that Month; and that he expired raving mad, continually calling out upon the Devils; (*Diemones continue exclamando*.) However, I would not too fondly give Credit to *Simson* of *Perusa*, as to this pretended Despair, because he was a Creature of *John XXIII.* very much incens'd against *Ladislaus*: Neither do I know whether greater Credit ought to be given to what *Windeck* reports, in his History of *Sigismond*, that his Death was contrived by the Clergy of *Hungary*, and especially by the Archbishop of *Strigonia*: However that be, thus died this Prince, after having been the Terrour of the whole World. No wonder that the Historians, devoted to the Court of *Rome* and the Popes, have drawn frightful Characters of him, because he once reduced *Rome* to the last Extremity, and made himself Master of it but just before his Death. Yet *Collenuccio* has not drawn so horrid a Picture of him. He represents him indeed as an ambitious Prince, but then he gives him Capacity enough to support it. "He was," says he, Warlike, Valiant, Laborious, and Vigilant; Magnanimous "in his Conduct, and in the Execution of his Designs; formidable "to all, and especially to the *Florentines*, for whom he had so inveterate an Aversion, that they thought themselves secured by his "Death from all Manner of Dangers and Alarms. The Art of War "was his Passion, and he was in Person at all Battles and Military "Expeditions, unless he was hinder'd by invincible Obstacles. He "was moreover well shap'd, and his Conversation was engaging, affable, and honourable to Strangers. 'Tis true that he had an im-

(1) Illius autem mortem testantur quidam (& communis quoque fama est) veneno fuisse procuratam, Perusæ viz. a muliere cum qua Veneream consuetudinem

habere soleret; quæ Florentinorum indigno pudendum venenato medicamento inungens illum quoque infecerit. *Pandolph. Collenuc. Hist. Neap. L.V. p. 387, 488.*

“pediment in his Speech, which, as ’twas believ’d, was owing to
 “the Poison he received in his Youth. He was Liberal to every
 “body, especially the Soldiery, to whom he could deny nothing,
 “tho’ he was very plain in his Manner, particularly in the Army.
 “The Poison that was given him, had render’d him suspicious and
 “timorous; and as he often went into the Camp to view the Soldiers,
 “he took Care in the first Place to see what they eat; for he eat with
 “them of every thing indifferently, without any Royal State or Pomp.”
 In a word, *Collenucio* thinks that *Ladislaus* has a Right to be rank’d
 with the good Princes, rather than with the bad. I thought myself
 obliged to put out this Picture, in Opposition to other Pictures of this
 Prince, drawn by different Hands; and among the Moderns by the
 Jesuit *Maimbourg* in his *History of the Great (a) Western Schism*, leav-
 ing the Reader to his Liberty of judging.

(a) *Par. II*
 p. 112, 113.

HAVING no Issue, he left his Kingdom, by his Will, to his Sister
Joan, Daughter to *Charles* of *Durazzo*, which gave Occasion to the
 Prophecy then current, That she would be the last of the *Durazzo*
 Family that would possess the Kingdom of *Naples*; (1) which was
 fulfill’d about thirty Years after, the Kingdom devolving into
 the Hands of the *Arragonse*. The Monk of *St. Denis*, a cotemporary
 Author, tells us, that the greatest Lords of the Kingdom of
Naples sent a Deputation at first to *John XXIII.* to desire him to dis-
 pose of this Crown according to his own Will and Pleasure, as being a
 Pief of the Church. But he adds, that the Ambassadors who were
 sent to the King of *France* to carry the Tidings of *Ladislaus’s* Death,
 reported, that his Sister was Mistress of the best Part of the Kingdom;
 and that being acquainted that the Pope intended she should marry
 one of his Nephews, she immediately sent, by the Advice of the Barons
 of *Sicily*, for (2) *James* of *Bourbon*, Count de la Marche, (3) because
 of the Reputation he had of being a Prince very discreet, well shap’d, and
 very stout in his Person; that she sent him a good Sum of Money to defray
 his Journey; that she and her States received him with great Joy; that
 she marry’d him; and that he assum’d the Title of King, tho’ the King-
 dom had been newly confirm’d by the Church to (4) King *Lewis* of *An-
 jou*, who was detain’d at that Time by a grievous Distemper which
 hinder’d him from prosecuting his Right. (5) Mean time, *Collenucio* re-
 ports the Matter otherwise. He says not a Tittle of any Offer
 made to the Pope of the Kingdom of *Naples*; nor does he say that
Joan took a Resolution to marry, that she might not be oblig’d to

(1) *Ultima Dyrrachi fact Destructio Regni. Collen. ubi sup.*

(2) That is to say, the Great Men of *Naples*.

(3) *Collenucio* says ’tis the Marquise of *Ancona. Picenum.*

(4) At the Council of *Pisa*.

(5) Monk of *St. Denis’s History of Charles VI.* translated by *M. le Laboureur*, whose Version I have follow’d; *Lib. 54. p. 963, 964.*

have the Pope's Nephew, but that it was to appease the Murmurings of the Great Men and Courtiers, who were very much incensed against her, for abandoning the Administration of the Kingdom and the Court to the Count of *Naples*, her Chamberlain, whom she always took along with her after the Death of her first Husband, Count *William of Austria*, and whom she lov'd even to Distraction. In a word, *Collenucio* declares, that so far was *James* of *Bourbon* from assuming the *Name of King*, that *Joan* only marry'd him on Condition that he should not take it; that he should content himself with the Title of *Prince* or *Duke of Tarentum*; and that he even satisfy'd himself with the Title of *Count*, tho' the *Grandees* would fain have proclaim'd him *King* (a). This Prince will appear again in due Place.

(a) *Collenucio*.
ubi supra.

1414. Con-
vention a-
bout the
manner of
receiving the
Pope at
Constance.
Bzov. ad an.
1414.

XII. THE Pope was in suspense what Course to take upon this News, which to him was a Sort of Crisis. On the one hand, he saw himself now at full liberty to keep his Word by assembling the Council, which *Ladislaus* would no doubt have thwarted to the utmost of his Power, as he had done that of *Pisa*. But on the other hand, as he did not now stand in such great need of *Sigismond*, he was much rather inclin'd to return to *Rome*, which was ready to receive him with open Arms, in order to establish his Authority there, than to go and expose it in a Town beyond the *Alps* at the Emperor's Devotion. 'Tis certain, that he would not have gone to *Constance* if he had been rul'd by his Kindred and Friends, who warn'd him *to take care lest tho' he went there as Pope, he should return as a private Man*.

Raynald ad
an. 1414. n.
6. p. 436. c. 2.

But if we may believe some Annalists, his Cardinals gave him more generous Advice. They apprehended with reason enough, that if once he was at *Rome* a quiet Possessor of his See, he would think no more of the Council, and that all the Hopes of the Union would vanish into Smoke. Therefore they made an unanimous Representation to him, that he might give his Orders to his Generals and his Lieutenants, as to Temporals; but that it was for the Honour of his Character to go to this Council to answer the Expectation of the whole World, in labouring for the Union and Reformation of the Church. At length he went to the Council, but not without violent Reluctance; and having therefore sent Cardinal *James de l'Isle*, or *Isolani*, a *Bolognese* Gentleman, to *Rome*, to exercise the Sovereign Authority there in his stead, and to reduce that City and the whole ecclesiastical State under his Obedience, he bent all his Thoughts to the Council. This Cardinal embracing the Ecclesiastick State after the Death of his Wife, signaliz'd himself very soon by several Negotiations. *John XXIII.* gave him the Purple in 1410. with the Title of Cardinal Deacon of *St. Eustachius*, afterwards of *St. Mary le Neuve*, as a Reward for his Services. During his Legateship at *Rome*, *Ladislaus* had

Raynald ad
an. 1414. n. 6.

had committed him Prisoner to the Castle of St. *Angelo*, but General *Sforza* set him free. He was so great a Favourite with *Philip Mary*, Duke of *Milan*, that he made him Governor of *Genoa*. He was sent Legate to *France* by *Martin V.* to appease the Troubles there. He died at *Milan*, upon his Return from his Embassy, in 1431. (a)

(a) George
Jesph Egg's
Purpura Doc-
ta, Lib. III.
p. 32.

JOHN XXIII. before his Departure, did not forget to concert all possible Measures with *Sigismund* for his Security. With this View he sent an Embassy to him; in pursuance of which, *Sigismund* order'd *Andrew* Archbishop of *Colocza* in *Hungary*, who was his Commissary at *Constance*, to oblige the Magistrates of that City to swear and sign, and to swear and sign himself in his Name, the Articles which we shall here specify, after having given the Letter which the Emperor wrote thereupon to the Magistrates and Burghers of *Constance*. " Trusty and well-beloved, some time ago our most holy Father the Pope desir'd of us by Nuncios, that you would sign and promise certain Articles which you will see underneath. We have been also acquainted, that perhaps he will not come to the Council if he does not receive these Articles duly seal'd with your Seals before his Departure. Therefore, that he may have no Pretext for not repairing to the Council, we wish, and expressly command you in quality of King of the *Romans*, without delay to swear and promise the Observance of those Articles before the Reverend *Andrew* Archbishop of *Colocza*, a Doctor of the Civil and Canon Laws, our trusty and well-beloved Counsellor, who shall receive your Oath on the part of our most holy Father Pope *John*. This we hope ye will not fail to execute, lest ye should incur our Displeasure, and that of the holy *Roman* Empire. We enjoin you likewise to give entire Credit to the said Archbishop in such Informations as he shall give you, and we have expressly enjoin'd him to set out forthwith, and to ride Day and Night, in order to carry those Conventions to the Pope, to the end that he may have no Pretence for not coming to the Council.

THESE are the Articles of the Treaty, " That he shall be received at *Constance* with the Honours and Ceremonies paid to the Popes upon the like Occasions. That he be there acknowledg'd for the true and only Pontiff. That he shall always have full liberty to stay there, and to retire without any Molestation. That his Jurisdiction shall be freely exercis'd by him and his Officers, as well with regard to Spiritualls as Temporals; and that he be there treated as long as he stays, both he and his, with all manner of respect. That if any Person belonging to the City of *Constance* make any Attempt against his Courtiers, or against any Person that shall come thither to assist at the Council, the said City do immediate Justice upon him as the Pope himself shall do with regard to his Officers,

Bzov. ad. an.
1413. n. 7, 8,
9.
V. d. Hardt.
T. V. p. 6.

“ Officers, if they should attempt any thing against any one of the Ci-
 “ tizens. That the said City shall pay and cause inviolable Respect
 “ to be paid to every Safe-Conduct granted by the Pope or his Cham-
 “ berlain to any one whatsoever, provided he be not a rebellious Sub-
 “ ject or Enemy of the said City. That the Magistrates of Con-
 “ stance shall take care that all the Places of their Territory be free
 “ and accessible, that Persons may pass and repass without being in-
 “ commoded or molested.” This Convention was solemnly made at
 Constance, and was there sworn and sign’d with all the necessary For-
 malities. I don’t find the Date of it, but ’tis certain, that the Pope
 receiv’d this Piece before he set out for Constance, and that there it
 was renew’d before his Escape from that City.

AMONG the Anecdotes of *Dom. Martene* and *Dom. Durand* there
 are some Pieces relating to the Measures taken in France, to send
 Deputies to the Council. A Council was assembled at Paris with this
 View in November following, wherein it was resolv’d to send thither
 from every Province some Archbishops, Bishops, Abbots, Doctors
 and other considerable Persons, to labour for the Union of the Church,
 according to the Injunction of Pope *John XXIII.* In this Assembly
 also the Expence of every Deputy was settled. An Archbishop was
 to have ten Livres a Day, a Bishop eight, an Abbot five, a Doctor,
 or a Gentleman, or an Officer of the King, three Livres, and those
 who were neither Doctors nor Licentiates two Livres. It appear’d
 by this Act that for the Province of *Roan* were nominated *William*
de Cantiers, Bishop of *Evreux*, (1) three Abbots and four Doctors.
 Among those Acts was a Letter also from the Vicars of the Bishop
 of *Evreux* upon the same Affair, and another from the Council of
 Constance to *Lewis de Harcourt* (2) Archbishop of *Roan*, which or-
 ders him to send Deputies from the Province. These Letters are
 dated in the Year 1415. the See being vacant.

Encomium
 of the Card.
de Viviers,
 Trith. Chr.
 Hors. p. 336.
 Nauch. p.
 1044.
Francis du
Obijne Lives
 of the French
 Cardinals, L.
 II. Cap. 164.
 p. 592.

XIII. *John XXIII.* after having taken these Measures, sent three
 Cardinals before him to Constance, viz. *Anthony de Chalant*, Cardinal
de St. Cecilia, *Francis Zabarella*, Cardinal *de St. Cosmo*, and *de St.*
Damianus, and *John de Brogni* Bishop of *Ostia*, known by the Name
 of the Cardinal *de Viviers*, to give in conjunction with the Emperor’s
 Commissioners and the Magistrates of Constance, all the necessary Or-
 ders for holding the Council. As this Prelate almost always presid-
 ed there during the Vacancy of the holy See, in quality of Dean of the
 Cardinals, and Vice-Chancellor of the Church, ’tis but just to give

(1) He was at the Council of *Pisa*.

(2) He was the Son of *John III.* Count
 of *Harcourt* and *Amale* by *Jean* Sister to
Charles V. King of *France*. In 1405. he
 had for his Competitor to the Archbisho-

prick of *Roan* *Jehan Armagnac*, Bishop
 of *Auch*. But he was confirm’d in 1405.
 by a Council which the *Gallican* Church
 held during the Neutrality. He dy’d in
 1422.

his

His Character. He the rather deserves an advantageous Place in History, because his Talents had rais'd him from the Dregs of the People to the chief Ecclesiastical Dignities. (1) His Father *John Fracón* was but a poor Peasant of the Village of *Brogni*, near *Anneté*, between *Chamberry* and *Geneva*; and in his Youth he kept Swine. Some Fryars met him one Day in that vile Employment, and observing that he had a great Genius and Vivacity, they propos'd to him to go to *Rome* for Study. The Lad accepted of the Proposal, and went instantly to buy Shoes of a Shoemaker, who gave him credit for Six-pence that he was short in Payment; in hopes, said the Shoemaker with a Smile, to be paid when *John de Brogni* was a Cardinal. Having made a very great Progress in his Studies at *Rome*, he had a Fancy to go and shew himself in his own Country, where he embrac'd the Order of *Carthusians*. But *Philip the Hardy*, Duke of *Burgundy*, soon took him out of it, that his fine qualities might appear in their full Lustre. After having been put in possession of some Benefices, the Anti-Pope *Clement VII.* created him Bishop of *Vriers*, and in 1383. a Cardinal-Priest, with the Title of *St. Anastasias*. In 1398. *Benedict XII.* created him Cardinal Bishop of *Osia*, and consequently Vice-Chancellor of the *Roman* Church. But as this Pope persever'd no less than *Gregory XII.* his Rival, in his Refusal to give Peace to the Church by his Resignation, *Brogni* with other Cardinals separated from him and went to the Council of *Pisa*, whetein those two Popes were depos'd. In 1410. he was created Archbishop of *Arles*, but he generally bore the Name of the Cardinal de *Vriers*, because that was his first Bishoprick; and this also is the Name by which I shall call him in my History. As I said before, he generally presidid in the Council during the Vacancy of the Holy See, and it was he that consecrated *Martin V.* About the Year 1420. he had the Administration of the Bishoprick of *Geneva*, after the Death of *John de Courtecuisse*. The Author from whom I have taken most of these Particulars says, that in a Chappel, which he caus'd to be built at *Geneva* before the Gate of *St. Peter's* Church, he order'd the Adventure before-mention'd to be engrav'd, having caus'd himself to be painted young and bare-footed, keeping Swine under a Tree; and all round the Wall he caus'd Figures of Shoes to be plac'd in remembrance of the Favour done him by the Shoemaker, who gave him Credit for Six-pence, which he wanted in full Payment for the Shoes he bought, and who by conse-

(1) Father *Ally* the Jesuit differs from *Francis des Cossin* in his Account of the Family of *John de Brogni*; and as to his Adventures, they are for the greatest part ascrib'd to *Sixtus V.* but 'tis more natu-

ral to refer it to the Monument of *Genaroa*. See *Albi*, *The Encomium of the illustrious Cardinals*, p. 31. and the *Life of Sixtus V.* by *M. Leti*, p. 10, 11.

quence

The History of the Council of CONSTANCE.

quence was the first Author of his Advancement. This Monument is still at Geneva, tho' Francis du Chesne said it was destroy'd.

OF this I was assur'd by the famous M. Piçet, Divinity Professor at Geneva, by this Letter, dated June 6. 1711. As to JOHN DE BROGNIER, I must tell you, 1. That in an Inscription which was upon a Bell belonging to the Dominicans, he is call'd,

Reverendissimus Dominus Johannes de Brogniaco
Episcopus Ostiensis & S. Roman. Eccl. Cardinalis.
Et Vice-Cancellarius me fieri fecit, Anno M.CCCC. quint.
Die xx. Mensis Decembris. Ave Maria.

2. THAT there's still to be seen upon the Walls of the Philosophy-Lecture-Room, which was his Chappel, a Man keeping Swine under a Tree, which Figure is yet entire.

3. THAT there still remain the Figures of Acorns and Oak-Leaves.

4. THAT there are certain Figures round the Walls exactly resembling Shoes.

5. THAT in the same Room there were two Pictures, on which a Man was represented driving a Hög; one of them is at present in the Library, and the other in a Church in the Country.

Reichent.
Fol. 12. 2.

THIS Cardinal arriv'd the 12th of August at Constance with a magnificent Train, consisting, according to Reichenthal, of two Coaches and a Guard of 83 Horse. The same Author reports, that he took up his Lodging at the House of Albert de Bickelspach, Dean of the Cathedral of Constance. The latter not being able to walk, he caus'd himself to be carry'd into the Court to meet the Cardinal, who desir'd him to receive him within Doors, and told him in the Latin Tongue, that he hop'd not to stir from his House till Christendom was reunited under one Head. To which the Dean answer'd in the same Language, what Jesus Christ said to Zaccheus, *Salus huic domo facta est hodie*, i. e. This Day is Salvation come to this House. History says that John de Brogni gave great Alms during his Stay at Constance.

THEN it was no longer question'd that John XXIII. would repair to the Council, tho' it had been a Doubt before, because after the Publication of his Bull there was no more Talk of the Council, and for two Months he was very much in suspence whether to go or not. Mean time, the Servants of great Noblemen arriv'd every Day to chuse Lodgings for their Masters. In the beginning of June came Frederic Graffnecker, Abbot of St. Gars in Hungary, and a Competitor for the Bishoprick of Augsburg, with Count Eberhardt de Nellenbourg, Counsellor to the Emperor, who had been at the Conference at Lodi, and had given Reichenthal an Account of what had pass'd in it, ordering

dering him at the same time, on the part of *Sigismund*, to make every thing ready at *Constance* for the holding of the Council.

XIV. *John XXIII.* set out from *Bologna* on the first of *October* with Store of Jewels and Money, in order to corrupt some by Presents, and to dazzle the Eyes of others by the Splendor of his Court. However, notwithstanding all his Precautions he thought himself still in jeopardy. Having made a Resolution to stay no longer at *Constance* than while Things took a Turn in his Favour, he contriv'd to make Friends upon the Road, where he might in Case of Necessity be sure of a safe Retreat. With this View, as he pass'd thro' *Tirol*, he made a secret Treaty at *Meran* with *Frederic* Duke of (1) *Austria*, to whom that Province belong'd, to engage him to support him with all his Power at the Council, and to bring him off from thence whenever he had a mind to come away. *Gerard de Roo* (a) Librarian to Archduke *Ferdinand* reports nevertheless in his History of *Austria*, that the Pope made no Mystery of this Treaty to *Sigismund*, and that he only promis'd him to go to *Constance* on condition that *Frederic* of *Austria* would take him into his Protection. To this the same Author adds upon the Credit of Manuscripts which he had in his Hands, that the Pope also stipulated with the Emperor, that if the Air of *Constance* did not agree with him, or that if he had any Suspicion of his Security there, he should retire to some Imperial Town, or to the Duke's Territories, on condition however of staying there till the Council was broke up. Be this as it will, he could not apply better any where, than to this Prince; for besides the many strong Places that he held in the Neighbourhood of *Constance* to serve as a Retreat for *John XXIII.* and besides his being no Friend to *Sigismund*, he had some other particular Reasons not to wish for the Continuance of the Council, but to procure the Dissolution of it. The Bishops of *Trent*, *Coire* and *Brixen* in *Tirol*, made such grievous Complaints against him there, that without great Favour indeed, he could not expect a happy Issue of it. Moreover, the Interest of his Ally, *John* Duke of *Burgundy*, (2) engaged him to thwart the Council all that was in his Power, because *France* was therein to solicit the Condemnation of the Murder committed upon the Person of the Duke of *Orleans* by the Duke of *Burgundy*, and of the Doctrine of *John Petit*, this Duke's Advocate. *John XXIII.* having therefore found so happy a Correspondent in *Frederick* of *Austria*, made him Captain-General of all his Troops, and of those of the *Roman* Church, with a

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John XXIII's Treaty with the Duke of *Austria*, and his Departure for *Constance*, *Ven. d. Hardt*, T. I. Part I. p. 1. *Reichent. Edit. Francof.* 1576. p. 13. *Niem ap. V. d. Hardt*, T. II. p. 388. *Raynald* ad an. 1414. n. 6. p. 436. c. 2. (a) *Gerard de Roo* de *Rebus Austriac.* L. 6. p. 136.

V. d. Hardt, T. II. P. ix. p. 145, 146.

(1) *M. Blanc* in his History of *Bavaria*, Tom. III. p. 18. says, that the Dukes of *Austria* were intitl'd Archdukes in 1245. by the Emperor *Frederick* II. but 'tis the most probable Opinion, that they had not

this Appellation till a long time after.

(2) *Leopold* of *Austria*, Brother to *Frederick*, had marry'd the Duke of *Burgundy's* Sister. *V. n der Hardt*, T. IV. p. 60. *Sbond.* ad an. 1415. n. xi.

M

Pension

1414.

V. d. Hardt,
T. IV. p. 60.
Leon. Aret.
258. *Nauch.*
P. 1046.
(a) *Rev.*
Mogunt. T.
I. p. 729.
Some Particulars of
John XXIII's
Journey.

(b) *Dlugoffi*
Hist. of Po-
land, L. xi.
p. 360.
Reich. p. 12.
Tritheim.
Chron.
Hirsaug. P.
336.

Reich. p. 13.
Edit. Franc.
an. 1576.

Pension of 6000 Florins in Gold, to be paid out of the Apostolical Chamber, as appears by this Pope's Brief, dated the 5th of *October*. He also afterwards secur'd in his Interest *Burchard* Marquis of *Baden*, to whom he made a Present of 16000 Florins of Gold, out of the Revenues of the same Chamber, in the Dioceses of *Mentz*, *Cologne* and *Triers* (1): But his particular Dependence was upon *John* Count de *Nassau*, Elector of *Mentz*, who was no great Friend neither to *Sigismund*, because he was apprehensive this Prince would assume too much Authority under some Pope at his Devotion, if *John XXIII* was over-powered. History reports also, that (a) *Sigismund* and the Elector of *Mentz* had some Disputes this Year, but that they were soon reconcil'd, at least in Appearance.

XV. THUS did the King of the *Romans* and the Pope try to baffle one another. *Sigismund* pretended to acknowledge *John XXIII*. for the true Pope, while he had form'd a secret Resolution to oblige him to renounce the Pontificate; and the Pope on his Part seem'd hearty for calling the Council, while he only did it for Form sake, and had laid a Design to dissolve it as soon as it was assembled, if their Pulse did not beat in his Favour. All Authors are unanimous that *John XXIII*. undertook this Journey against the Grain, and that his Heart fail'd him a thousand Times. An Author of that Age (b) reports upon this Occasion, a Saying of a Jester in the Pope's Retinue. When he had pass'd thro' the City of *Trent*, this Jester said to him, *Pater Sante qui passo Trenta, perdo. i. e.* The Holy Father, that passes thro' *Trent*, is undone. Being upon a Mountain of *Tirol*, call'd *Arleberg*, his Equipage overturn'd, and he fell without any Hurt indeed, but a great Colour rose in his Face. When they asked him very hastily, if he was not hurt? (2) *By the Devil*, said he, *I am down, I had better have stay'd at Bologna*. Then looking towards the City of *Constance*, from the Top of the Mountain, *I plainly perceive*, said he, *here's the Disch where they catch the Foxes*.

WHEN he arriv'd at *Creutzlingen*, which is but a League from *Constance*, he gave the Mitre to the Abbat of the Monastery of *St. Ulric* (3). This Particular seems, at first View, of too little Importance to be remark'd. But 'tis not so insignificant with regard to *John XXIII*. for it shews, that he made as many Creatures as he could upon the Road, and that he let slip no Opportunity to signalize his Passage by Proofs of his Papal Authority. The Pope alone, by a particular Privilege, could give Abbats that Ornament, which

(1) This Treaty with *Burchard* is dated at *Constance* Jan. 29. 1415. It may be seen at the End of this History.

(2) *Jacco hic in nomine Diaboli.*


(3) His Name was *Ebard Linden*.

This Monastery of *Benedictins* was founded in 1120 by *Ulric* Count de *Kyburg* and Bishop of *Constance*. *Hispinian de Orig. Monach.* p. 362.

is fuitable to none but Bishops, who also complain'd of it often as an Abuse. And afterwards we shall find the *College for Reformation* limiting the Authority of the Popes in this respect, as well as in many others.

XVI. *John XXIII* enter'd *Constance* on Horseback the 28th of *October*, attended by nine Cardinals, several Archbishops, Bishops, and other Prelates, and by the greatest Part of his Court. There were at that Time about 33 Cardinals in the College. There were 24 living when *John XXIII* was advanced to the Pontificate. He created 20 after his Election, and out of those 44 there dy'd 11 before the Council was held. He was receiv'd at *Constance* with all the Magnificence possible. The Body of the Clergy went to meet him in solemn Procession, bearing the Relicks of Saints. All the Orders of the City assembled also to do him Honour, and he was conducted to the Episcopal Palace by an incredible Multitude of People. Four of the chief Magistrates rode by his Side, supporting a Canopy of Cloth of Gold, and the Count *Rodolph de Montfort*, and the Count *Bershold des Ursins*, held the Bridle of his Horse. (1) The Sacrament (*das Sacrament*) was carry'd before him upon a white Pad, with a little Bell about its Neck. After the Sacrament, a great yellow and red Hat was carry'd with an Angel of Gold at the Button of the Ribbon. All the Cardinals follow'd in Cloaks and red Hats. *Reichenbal*, who has describ'd this Ceremony, says there was a great Dispute among the Pope's Officers, who should have his Horse, but that *Henry of Ulm* put an End to it, by saying, That the Horse belong'd to him, as he was Burgomaster of the Town, and that he caus'd him to be put into his Stables (a). The City made the Presents to the Pope that are usual upon these Occasions (b). It gave a Silver-Gilt Cup weighing 5 Marks, 4 small Casks of *Italian Wine*, 4 great Vessels of Wine of *Alsace*, 8 great Vessels of the Country Wine, and 40 *Maldres* (Measures) of Oats; all which Presents were given with great Ceremony. *Henry of Ulm* carry'd the Cup on Horseback, accompany'd by 6 Counsellors, who were also on Horseback. When the Pope saw them before his Palace, he sent an Auditor to know what was coming. Being informed that it was Presents from the City to the Pope, the Auditor introduc'd them, and presented the Cup to the Pope in the Name of the City. The Pope, on his Part, order'd a Robe of black Silk to be presented to the Consul.

XVII. THE first Care of *John XXIII*. upon his Arrival, was to confirm the Opening of the Council for the first of *November*, according to Publication that had been made thereof before, and as was agreed with the Emperor in the foregoing Year. On the first of

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John XXIII's
 Arrival at
Constance the
 28th of *October*.
V. d. Hardt,
 T. IV. p. 5,
 6, 7.
 Onuphr.
 Rom. Pontif.
 p. 269.

(a) *Reich.*
 p. 13, 14.
V. d. Hardt,
 T. IV. p. 9.
Naucler p.
 1044.
Dauber op.
V. d. Hardt.
 (b) 31 *Octob.*

The Opening of the Council deferred.

(1) *Infulis ornati*, i. e. adorn'd with Mitres.

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November the Pope contented himself with celebrating Mass, and, by Advice of the Cardinals, put off the Opening of the Council to the 3d of the same Month, which was read in full Congregation, by Zabarella Cardinal of Florence, almost in these Terms, Pope John XXIII. has resolv'd at Lodi, to celebrate a general Council at Constance, in Continuation of that of Pisa, and to open it upon the 3d of November. It was very much for the Pope's Interest, that the Council of Constance should be look'd upon as a Continuation of the Council of Pisa, wherein Benedict XIII. and Gregory XII. his Competitors, had been deposed; and by virtue of which, he had succeed- ed canonically to Alexander V. 'Twas for this Reason, that while John XXIII. is Lord and Master, he takes the Precaution to declare, that the Council of Constance is a Continuation of that of Pisa. But we shall see the Face of Things very soon alter'd; because, in order to facilitate the Union, it was thought fit to have no Regard to the Deposition of Benedict XIII. and Gregory XII. and to consider the Council of Constance as independent of every other Council. We find by some Manuscript Acts of Germany, that the Opening of the Council was deferr'd, by reason of the ensuing Festivals of *All Saints* and *All Souls*. But as the Pope and Sigismond could not be ignorant, that these Holidays always came round at the Beginning of November, (1), 'tis very likely, that John XXIII. only delay'd the Opening of the Council, because he had not yet secur'd a sufficient Number of Cardinals: For next Day there arriv'd 6, who were solemnly receiv'd, the other 9 having met them in Ceremony. The same Day the 12 Auditors of the *Rota* were (2) conducted to St. Stephen's Church, where 12 Seats were rais'd for them, to hear Ecclesiastical Causes publicly three Days a Week, viz. *Monday, Wednesday, and Friday*. Afterwards, the Pope's Deputies, in Conjunction with those of the King, and the Magistrates, and the Burghers of Constance, made a Regulation concerning the Lodgings (3).

2 Novem-
ber, Reichen.
p. 13. Vers.

(1) 'Twas Gregory IV. who in 835, with the Agreement of Lewis the *Debonaire*, order'd, that the Feast of *All Saints* should be celebrated in France and Germany on the first Day of November. As to *All-Soul's* Day, it was Odillon the fifth Abbat of Clugni, who at the same time requir'd, that the Commemoration of all the Faithful departed, should be celebrated by all his Order on the next Day after the Feast of *All Saints*, which has since been follow'd by the whole Roman Church. Platina, *Life of*

Greg. IV. The Abbe de *Choisi's* History of the Church, T. VII. p. 85, 86.

(2) The *Rota* is as it were the Pope's Parliament, consisting of at least 12 Judges, or of 16 at most.

(3) The Hire of a Bed and its Appurtenances was taxed at two German Florins per Month; the Rent of Stables at 3 per Horse; and the Host was oblig'd to furnish new Dishes and clean Linnen every Fortnight. *Reichen. Fol. 13. b.*

XVIII. WHEN the 2d of *November* came, the Pope again thought fit to put off the Council to the 5th. We don't find the Reason of this second Delay in the Acts. 'Tis only mention'd in some Manuscripts, that for *certain Reasons* the Pope again deferr'd the Opening of the Council. The Truth is, that there were but few Members come, and that the principal Persons concern'd, were not arriv'd. Nevertheless I am of Opinion, with Dr. *Von der Hardt*, that the Pope had another particular Reason for it. It has been already shewn, that the Design of *John XXIII.* was to leave the Council very soon, and return to *Bologna*. But as he wanted to confirm at *Constance* the Condemnation which he had already pass'd upon the Opinions of *John Hus*, in his pretended Council at *Rome*, he was not willing to have any Beginning made till *John Hus* himself arrived, in order, before his Departure, to signalize his Zeal by the Conclusion of that Affair.

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The Pope puts off the Opening of the Council again. *V. d. Hardt, T. IV. p. 11.*

XIX. THEY did not stay long for *John Hus*; for he arrived the 3d of *November*, with the Lords to whose Care *Sigismond* and his Brother *Wenceslaus* had committed him. The Chief were *John de Chlum*, *Henry de Latzenbock*, and *Wenceslaus de Duba*, Lords of *Bobemia*, who lodged with a Widow, nam'd *Fida*, whom *John Hus* calls another Widow of *Sarepta*, or *Zarephath*, as appears by a Letter he wrote from *Constance* to *Bobemia* (1). This Date of the Arrival of *John Hus* is so generally acknowledged, that 'tis very unaccountable how *Ulric Reichenthal*, who was himself at *Constance* when *John Hus* arriv'd there, could assert, that he delay'd his coming so long that the Council was obliged to excommunicate him. There were but six Days between the Arrival of *John XXIII.* and that of *John Hus*. Besides, how could he be excommunicated by reason of his Delay, since they had not so much as open'd the Council when he arriv'd? This Historian is as grossly mistaken, when he says, that the Council perceiving that *John Hus* obstinately refused to come, desir'd *Wenceslaus* to send him. *John Hus* set out from *Prague* about the 11th of *October*, and arrived at *Nuremberg* the 22d of the same Month. It was impossible therefore that they could be ignorant at *Constance*, that he was upon the Road, and just at hand. *Reichenthal* must have been very negligent, when he compos'd his History, since, for want of Memory and Care, he has referr'd things to this Time, which happen'd perhaps several Months before. 'Tis true indeed, that *John Hus* had been excommunicated at *Rome*. 'Tis possible also, that when he was summon'd to the Council, he did not care to venture thither without a Safe-Conduct from the Emperor.

Arrival of *John Hus*, *V. d. Hardt, T. IV. p. 12. Reich. p. m. 203 Verli. V. d. Hardt. T. IV. p. 11.*

(1) *Omnes vestri, praesertim Christianus, reptam, Op. Hus. T. I. Fol. LXXIII. fuit circa bonam viduam velut alteram Sa-*

But

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But both the Summons and the Demand of a Safe-Conduct, were made before the Council, because 'tis certain that he came thither one of the first. We shall have Occasion elsewhere, to examine *Reichenthal's* Authority for what he says with Regard to *John Huss*.

Origin of Hussitism.

XX. THE Story of *John Huss* keeps pace in the *History of the Council of Pisa*, with the Progress which *Hussitism* made in *Bohemia*. An Account is also therein given of his Works, and his History is carry'd down to the Council of *Constance*. Therefore here I shall only recapitulate what is scatter'd up and down in several Parts of the *History of the Council of Pisa*, in order to save the Reader the Trouble of Retrospection, and I shall give an Account in due Time of the Letters and other Works of *John Huss* during the Council, as well as of his Conduct, and that of the Council, with Regard to him even down to his Punishment. But in order to inform the Publick of these Matters with Exactness and Fidelity, I shall only refer my self to Authors who liv'd in that Time, or such as have nicely follow'd them, and to the Works of *John Huss* himself, without insisting upon the Testimonies of any Moderns, unless it be to correct them, when they are mistaken in Articles that are essential to the History. *John Huss*, (1) alias *de Hussinetz*, was so call'd from a City or considerable Town of *Bohemia*, in the South Part of the Kingdom in the Circle of *Prachin*, where he was born the 6th of July 1373. It was the Custom of those Ages to name famous Men after the Place of their Birth. 'Tis therefore a childish Folly, or very malicious Ignorance for a modern Historian (a) to say, that *John Huss* took the Name from his Village, because he knew not who was his Father; on purpose, no doubt, to insinuate that he was a Bastard (2). I never heard but Peasants knew their Extraction as well as other Men. I shou'd have thought on the contrary, that Persons of mean Birth, being not in such a Condition, nor by Consequence so much expos'd to leave their Country, and not so liable to a thousand

(a) *Varillas* Hist. of Heresy of Wickl. p. 65. *Holl. Edic.*

(1) This Word signifies a Goose in the *Bohemian*, and *John Huss* frequently alludes to this Interpretation in his Letters. *En. Sylv. Hist. Bobem. Cap. 35. Dubrav. Hist. Bob. p. 613.*

(2) If we consult the Publick as to the Impressions that a legal or illegal Birth forms on their Judgment of a Man, we may find them divided into three Classes. The ignorant Vulgar wou'd immediately be prejudic'd against a Bastard, and find a Horoscope

in his Nativity ready cast to their Hands. The more solid Part of Mankind wou'd find nothing significant in it, much less decisive, and wou'd confine their Inquiry into the Truth of the Fact. And I persuade my self that there wou'd be a third Class of People who wou'd look for greater Things from a Bastard, than from another Man: But what great Authorities and Arguments they have ready to justify their Expectation, is the Thing to be demonstrated.

Kinds

Kinds of Intrigues, which render the Birth of Men uncertain; there were no People so unlikely more fall under this sort of Uncertainty, Ignorance or Oblivion than they. I cou'd even draw up a long List of Persons, whose Birth was only conceal'd from them because it was too high. M. *Varillas* adds, that *John Hufs* was oblig'd to take his Surname from his Village. If the Argument of this Historian is conclusive, we need go no farther than the Age of which he writes the History, to find an infinite Number of illustrious Persons so meanly descended, that for want of knowing who were their Fathers, they were oblig'd to borrow the Surnames of their Towns or Villages. We must say the same Thing of *Nicholas Clemangis*, one of the greatest and most eminent Clergymen of that Age, who was never known by any but his Christian Name, and that of *Clemange* a Village of *Champagne*, where his Father liv'd, whose Name also was *Clemange*. There are very few Persons who don't know that the famous Chancellor of the University of *Paris*, *John Gerson*, was call'd *Charlier*, and that *Gerson* is also a Village of *Champagne*. If I had a Mind to multiply Examples on this single Passage of the Historian, I cou'd duce enough to make a Book as large as his History. But I shall only observe that what he says of *John Hufs*, he might have said with the same Propriety, of *Jerom of Prague*, and *James de Mife*, *Peter of Dresden*, *John de Rocquezane*, and a Thousand more of that as well as former Ages, because they only took their Names from the Towns where they were born.

IT seems very manifest that if *John Hufs* was of mean Birth, *obscuro loco natus*, as *Aeneas Sylvius* a cotemporary Author (a) says, he was however descended from honest Parents, who took great Care of his Education. When he had gone thro' the lower Forms in the Place where he was born, his Mother then a Widow, carry'd him to a more considerable School at *Prachatitz*, a neighbouring Town. They say, that when his Mother, carry'd him to *Prague* to have him enter'd into the University, she took a *Goose* and a *Cake* with her for a Present to the Rector, and that by Mischance, the *Goose* fled away, which Accident the poor Woman taking for an ill Omen, fell down on her Knees to recommend her Son to the Protection of God, and went on her Journey with great Heaviness of Heart, that she had nothing to make a Present of but the *Cake* (b).

WE don't find any where that he study'd by the Books of a Gentleman whom he serv'd at the College. M. *Varillas*, who has asserted this Fact, has no doubt confounded *John Hufs* with *John de Rocquezane*, who was also of mean Parentage, but a great Genius, and a considerable Man among the *Huffites*. This is what *Aeneas Sylvius*

(a) *Æn. Sylv. ub. supra.*

(b) *Wilhel. Seyfried Disseratio de Job. Hufs p. 7. 12.*

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(c) *Æn.*
Sylv. Cap. 45.(d) Trith.
Chron. Hir-
saug. T. II.
p. 315, 338.

vius says of him? "There's a Town in *Bobemia* near *Pelzin*, which they call *Rocquezane*. In this Town was born one *John* of poor and obscure Parents. When he was a Youth he came to *Prague* begging his Bread. He there learnt *Grammar* and *Logick*. When he was grown up, he was appointed *Præceptor* to a young Gentleman. Being a Man of Wit and Eloquence, he was admitted into the Poor's College, where he attended the Lectures of *Jacobel*. Being ordain'd a Priest, he set himself to preaching the Word of God at *Prague*, and took the Name of *Rocquezane* which was the Place of his Birth. He was already in great Reputation and Authority, when *Ziska* besieg'd *Prague*. (c) All the Authors of that Time, testify that *John Hufs* was a Man of Wit, Eloquence, and in great Esteem for the Regularity of his Behaviour (1). The Abbot *Tribemius*, who wrote about the Close of that Century, speaks of him as a *Man of very great Note for his Judgment, Subtilty, Eloquence, and his Knowledge of the Holy Scriptures*". (d) The Jesuit *Balbinus*, who is by no Means his Friend, but had very good Authorities at *Prague*, has given this Character of him. *He was, says he, more subtil than eloquent, but the Modesty and Severity of his Manners, his unpolis'd, austere, and entirely blameless Life, his pale thin Visage, his good Nature, and his Affability to all, even to the meanest Persons, was more persuasive than the greatest Eloquence* (2).

NOTHING makes a better Discovery of Mens Characters than the Letters which they write to their particular Friends, especially in some nice Conjunctions, when they open their Hearts, and depend upon Secrecy. The Letters which *John Hufs* wrote from *Constance* were of this Stamp. He had no Design that they shou'd be made publick to gain him Applause. On the contrary, it was his special Request that they might be shewn to no Person living, lest they shou'd bring himself or his Friends into Trouble. For in these Letters we shall find a great deal of Passion express'd against the Church, or the Clergy of *Rome* in general, and against his Judges in particular. But there's Matter enough in this History to apologize for him on that Head. For the rest, every impartial Person will observe in all his Letters, a Piety, Candor, Simplicity, Zeal, Charity, Constancy, and a Greatness of Soul wor-

(1) *Johannes Hus lingua potens, & mundioris vitæ opinione clarus, i. e.* A Man of Eloquence, and Esteem for his Virtue. *Æn. Sylv. ubi supra.* Humili quidem loco sed non spiritu natus, *i. e.* The Place of his Birth was mean but his Mind was great.

Jacob. Piccolom. Cardinalis Papiensis apud Freher. p. 203.

(2) *Tristis & exhausta facies, longum corpus, &c. i. e.* A sad meagre Countenance, and tall. *Bohuss. Balbinus, Epit. Rer. Boh. L. IV. C. V. p. 431.*

thy of the Apostolical Ages. This will be discover'd from his Letters as we shall exhibit them either in whole or in part.

HE liv'd in Times that were very favourable for the Improvement of all his various Talents. The University of *Prague* (1) was at Time in a flourishing State, by the great Refort of Scholars to it from all Parts. *John Hufs* had gone thro' all the Degrees of Honour in it, except that of Doctor, which I don't find he had. In the Year 1393, he was made Bachelor, Master of Arts in 1396, Priest and Preacher at *Betlehem* in 1400, Dean of the Faculty of Divines 1401, and Doctor of the Academy in 1409. This we find written with his own Hand in the Archives of the University of *Prague*, (a) where he had very great Authority, and where he signaliz'd his Rectorship by the good Order he procur'd there.

XXI. HE was as much esteem'd in the Church as in the Academy. In 1400 he was appointed Confessor to *Sophia* of *Bavaria*, second Wife of *Wenceslaus*, a Princess of great Merit, and over whom *John Hufs* had a very great Ascendant (b). It was thro' this Queen's Favour as well as thro' his own Merit, that he soon acquir'd powerful Friends at Court. *Balbinus* affirms without Proof, that after the Condemnation of *John Hufs*, and the Death of *Wenceslaus*, the Queen repented that she was ever engag'd in *Hussitism*. What is certain is, that by Order of the Emperor *Sigismund*, she was oblig'd to retire to *Presbourg*, which is no very great Proof of her Conversion. She dy'd in 1425.

IN 1405 *John Hufs* made himself very famous for the Sermons he preach'd in the *Bobemian* Language, in the famous Chappel of *Betlehem*, of which he was Parson (2). It does not appear that he had been charg'd with any Innovation before that. 'Tis true that *Balbinus* (c) pretends that Anno 1402, he secretly supported *Ferome* of *Prague* and *Jacobel*, who propagated the Opinions of *John Wickliff* in the University of *Prague* (3). Some of *Wickliff's* Works had been brought into *Bohemia*, by a *Bohemian* Gentleman, nam'd *Faulfisch* (4), when he return'd from the University of *Oxford*. But

(a) *Op. Hufs*
T. I. imit.
Balb. Epit.
Rer. Bob. p.
403.
Continua-
tion of the
Affair of
Hussitism.
(b) *Balbinus*
sup. supra p.
412.

(c) *Ubi su-*
pra p. 411.

(1) It was founded by *Charles IV.* in 1347, under Pope *Clement VI.* as *Balbinus* testifies, who had seen the Original Deed of its Foundation. *Epit. Rer. B. b.* p. 359.

(2) See the Foundation of this Chappel, *Op. Hufs* Fol. 91. b. *Balb. Epit. Rer. Bob.* p. 414. History of the Council of

Pisa, Part II. p. 79. and *Seyfried ubi sup.* p. 20.

(3) *Seyfried* joins with them, *Wenceslaus* the Preacher, *Nicholas de Lythomitz* Divinity Professor, *Stephen* a Canon and B. D. and *John* call'd the Sophist.

(4) i. e. *Rotten. Fish. Æn. Sylv.* cap. 35. *Cochl. Hist. Hussit.* Cap. 2.

N

Theo-

1414. *Theobaldus* (d), who *Balbinus* (1) says, was better inform'd of the particular Circumstances of *Hussitism*, than all the other Authors, pretends that *John Huss* at the very first abhorr'd *Wickliff's* Books, and even censur'd them as *fit to be burnt*; and *Balbinus* himself declares upon the Evidence of *Hages* (e), that *John Huss* at first held *Wickliff's* Opinions in Abhorrence, and that he advis'd that his Book might be thrown into the River. 'Tis true that another Author (f) who wrote the Life of *John Huss*, taken partly from his Works, and partly from the History or Protocol of *Peter de Mladoufwitz*, a Notary, and from a Journal of *John Huss* himself, 'tis true, I say, that this Author contradicts the Account of his Aversion to *Wickliff's* Books. Nevertheless the famous *Claudius d'Espence* in his Book of the Eucharist (g) alledges a Profession of Faith, made in 1428, by *John de Rezibnam* a *Hussite*, where he says, that *John Huss*, with the Masters and Doctors, had above twenty Years ago publickly and unanimously condemn'd about forty of *Wickliff's* Articles. If this Fact be true, that Condemnation must have been pass'd in the Synod that *Sbynka* Archbishop of *Prague* assembled in 1408, which no doubt was the Reason the Archbishop pronounc'd that there had been no Heresy in *Bohemia*. (2) Such as have endeavour'd to reconcile Authors in this Point, have said, that *John Huss* did at first censure *Wickliff's* Opinions in publick, but that he clandestinely fomented them. Perhaps too the Case was the same with him, in regard to the Works of *Wickliff*, as it was with *Luther*, with regard to the Works of *John Huss*. 'When I study'd at *Erford*, says *Luther*, 'I found in the Library of the Convent, a Book intitul'd *The Sermons of John Huss*. I had a great Curiosity to know what Doctrines that Arch-Heretick had propagated. My Astonishment at the Reading of them was incredible. I cou'd not comprehend for what Cause they burnt so great a Man, who explain'd the Scriptures with so much Gravity and Dexterity. But as the very Name of *Huss* was held in so great Abomination, that I imagin'd the Sky wou'd fall, and the Sun be darkned if I made honourable mention of him, I shut the Book with no little Indignation. This however was my Comfort, that he had written this

(1) *Omnium diligentissime Hussiticas res tradavit Theobaldus, si mala mens, malus animus abfuisse; nam Lutheranus Popa ad suam Haresin pertinere credebatur Hussi laudationes, i. e. Theobald has treated of the Affairs of Huss, with the greatest Diligence of all, if he had but meant*

honestly; for the *Lutheran* Pope believ'd that the Praises of *Huss* belong'd to his Heresy, *Balb.* p. 410.

(2) That is the very Reflection which *M. Polycarpe Lysier*, Professor at *Helmstadt*, makes upon it in a Letter that he wrote to me from *Zel* in 1714.

' perhaps.

perhaps before he fell into Heresy. For I had not yet heard what had pass'd at the Council of *Constance* (a).

1414.
(a) *Luther's*
Preface to
the Works of
Huss. Norimb.
Edit. 1558.

But that as it will, the great Applause which *John Huss* had gain'd in his Chappel at *Bethlehem*, and his Interest at Court, authoriz'd him no doubt to inveigh without Mercy, against the Abuses of the *Romish Church*, and the Irregularities of the Clergy. However, it does not appear that he preach'd any Doctrine in that Chappel, which was manifestly Heretical in the Sense of the Church of *Rome*, till the Year 1409. For, as was but just now observ'd, *Sbynko* Archbishop of *Prague* declar'd in a Synod held about the Month of *July* 1408, that after a strict Inquiry, he had not found any Errors in *Bohemia*. 'Tis true indeed, that in 1403, *Sigismund* King of *Hungary*, who then assum'd the Title of *Governor of Bohemia*, having prohibited the raising of any Money in that Kingdom, to be carry'd to *Rome*, because he was incens'd against *Boniface IX.* who supported *Ladislaus* King of *Naples*. his Rival, *John Huss* took that Opportunity to preach against the Pope's Indulgences. But at that Time this was neither a Crime nor a Heresy; *Sigismund* approv'd of it. *Wenceslaus* being also disgusted at *Boniface IX.* because he had consented to his being depos'd, was not sorry for it; and more than all this, the scandalous Schism of the Popes, was a sufficient Warrant for Preachments of that Nature. 'Tis true also that he compos'd, in what Year I know not, a Treatise against the Imposture of the covetous Priests and Laymen, who gave out false Miracles on the pretended Appearances of the Blood of *Jesus Christ*; wherein he prov'd, 1. That the Blood of *Jesus Christ* had been glorify'd with his Body by the Resurrection, and was entirely inseparable from it. 2. That no Believer ought to worship any Thing upon Earth, as the Blood of *Jesus Christ*, because that Blood cannot exist there. 3. He complains bitterly of the Malice of the covetous Priests, who Diabolically put their own Blood into the Host, to make Fools believe that 'tis the Blood of *Jesus Christ*. 4. Then he answers Objections. The first is taken from the Custom of exposing in some Churches the Crown, the Thorns, the Nails, the Cross of *Jesus Christ*, where his Blood is very plain to be discern'd. He answers in the first Place, that admitting the Fact, the Redness which appears, is not the very Redness of the Blood of *Jesus Christ*, but a Redness left in those Relics, in memory of that Blood. In the second Place he answers, that if in the Sacrament of the Holy Supper 'tis agreed that the Accidents subsist therein without the Subject, with much more Reason may Redness be in the Nails, the Cross, the Spear, and the Crown, and yet the Blood of *Jesus Christ* not be there. The second Objection is founded on the Custom at *Rome*, of exposing the Flesh of *Jesus*

1414.

Christ's Foreskin. He deny's the Fact point blank in these Terms; Before those Forgers, who pretend to shew that Foreskin will be able to prove the Reality of it, the Angel will sound the Trumpet for the Day of Judgment. And, says he, if it be objected, that it will follow from thence, that such as expose the Foreskin of *Jesus Christ* at Rome, are Knaves, and that such as believe them are Fools; I own it, and that they are deceived in just the same Manner at Prague, by Impostors, who pretend to shew the Blood of *Jesus Christ* mix'd with Dust, his Beard, and the Milk of the *Virgin Mary*. There are many other Objections taken from the Almighty Power of God, which he answers by distinguishing what God can do, from what God will do. The last Objection runs upon the Miracles wrought by the Blood of *Jesus Christ*, as making the Lame to walk, and restoring Sight to the Blind, &c. He again denies the Fact, and maintains that 'tis a Lye, which a covetous Priest cannot support but by other Lyes. 5. He gives an Account of several strange Miracles work'd by the pretended Blood of *Jesus Christ*, which have been convicted of Falshood, and for which the Impostors have been punish'd, as in *Italy, Bohemia, Poland, Hungary, Germany*, and particularly at *Wilsnach* in *Brandenburg*. He reports that in that little Town, a certain Vassal nam'd *Henry*, having challeng'd *Frederick* his Lord to a Duel, devoted his Arms to the Blood of *Jesus Christ*; and kill'd his Adversary; which made that Place so famous, that every body flock'd to it (a). This oblig'd *Sbynko* the Archbishop of *Prague*, in a Synod, to order all the Curates and Preachers to forbid the People every Sunday from the Pulpit to go to *Wilsnach*; under the Pretence of the false Miracles wrought there by the Blood of *Jesus Christ*. Also this Treatise of *John Hufs* was approv'd of by the University, and by *Sbynka* the Archbishop.

(a) Oper.
Hufs Fol.
354, 162.

THIS Approbation shews that *John Hufs* had not yet fallen out with the Church of *Rome*. It appears also from several Sermons which he preach'd at *Prague*, in the Archbishop's Presence. There's one he preach'd in a Synod, the Year of which is not specify'd, but it must be in 1404 or 1405. In this Sermon *John Hufs* declaims with a great deal of Force and Freedom against the Irregularities of the Clergy, and particularly against their Fornications and Drunkenness, and exhorts his Archbishop to use his Authority to suppress those Enormities (1).

THERE'S

(1) Sunt multi ex vobis Prælati, Canonici, Plebani & alij Presbyteri qui mulierculis contantur velut idola colunt, ardent in desiderio & amore illarum, vexantur lascivia & libidine turpi vincuntur;

multi Plebani concubinarij fornicantur cum talibus corporaliter, quod in multis locis animalia gradientia super terram aperti demonstrant— Unde Dominus noster Archiepiscopus debet quantum

sum

THERE'S another Sermon that was preach'd in the Episcopal Palace in 1405, wherein the fornicating debauch'd Priests, together with the mendicant Fryars, and the endow'd Monks are lash'd as severely as in the former. I find another that was preach'd in 1407, in the Presence of the Archbishop, upon *Ephes. vi. 16.* This of the same Stile as the two others; only I observe this Difference in it, that it has not the Invocation of the Virgin, or the Ave-mary as the former have. Nor is it to be found in another Sermon preach'd in St. Clement's Church, near the Bridge of Prague, upon *James v. 8.* in Memory of *Charles IV.* Emperor and King of *Bobemia*, of whom he gives this Encomium (a), *He was the Protector of the Church, the Reformer of the Peace, a Friend of the Clergy, the Light of Princes, the Nursing Father of the Poor, the Founder of Churches, and of our University.* This Sermon is not so plain as the others. There are *Latin Verses* in it upon the Shortness of Life, and the Necessity of Death, some of which seem to be his own. These are inserted here as a Specimen.

(a) *Us. sup.*
Fol. 41. b.

Mors est ventura, quid fiet de præpositura?
Mors est ventura, quæ dissipabit Beneficia plura.
Mors est ventura, quæ caput quatiet & tua crura.
Mors est ventura, non fac quæ scis nocitura.
Mors est ventura, quam non excutiet & Papatūra.

XXII. THE great Clamour against *John Hus* did not begin therefore, in my Opinion, till about the latter End of 1408, and the Beginning of 1409, (1) upon this Occasion. When the greatest part of *Europe* had abandon'd *Benedict XIII.* and *Gregory XII.* to embrace the Neutrality, *John Hus* exhorted all *Bobemia* to fall off also from *Gregory XII.* whom it obey'd, and to join with the College of Cardinals in their Labours for the Union of the Church. He had also engag'd the whole University in the Interest of the Cardinals of the two Obediences who were united for assembling a Council. But the Archbishop of *Prague* and his Clergy, always attach'd to *Gregory*, thunder'd at the University, and particularly at *John Hus* as a Schismatic, and forbid him to exercise the Priest's

The Clamour against
John Hus.

tam potest rationabiliter, etiam usque ad mortem laborare, & se exponere ut sua illa vasa Deo consecrata a turpitudine concubinaria purgarentur, & cum ipse habeat ignem carceris & purgationis, & Ministros sufficientes debet ipse talia sua immunda vasa, quæ per se purgari nolunt,

igne illo carceris mandare purificari efficaciter & sufficienter. Op. Hus. Tom. II. Fol. 25. 27.

(1) I follow the Date of *Balbinus*, who has more nicely examin'd the Fact than all other Chronologists; *Balb.* p. 418.

Functions

1414.

Functions in his Diocese. *John Hufs*, who upon this Occasion spar'd neither the Pope nor the Clergy, brought the greatest Part of the Ecclesiastics upon his Back. This appear'd by a Letter he wrote in 1411 to the College of Cardinals (a).

(a) Op.
Hufs T. I.
Fol. 93.

MUCH about the same Time another Affair happen'd which created him a great number of Enemies in Germany; and this is what we must here briefly lay open, in order to come at a thorough Knowledge of the Origin of all those Troubles. The Emperor *Charles IV.* having founded the University of *Prague* in 1347, upon the Foot of those of *Paris* and *Bologna*, he divided it the next Year into four Nations, viz. that of *Bohemia*, which included *Hungary*, *Moravia* and *Sclavonia*, that of *Bavaria*, that of *Poland*, and that of *Saxony*, which were all three included under the Name of the *German Nation*. According to the Plan of the two Universities abovemention'd, those of the Country were to have three Voices, and the Foreigners one only in the Deliberations of the Academy.

Dubravius
has perplex'd
this Passage
Hist. B. b. p.
614.

(b) *Balb*
p. 418.

(c) *Dubra.*
ib. supra.

But as the *Germans* were more numerous in the University than the *Bohemians*, who at that Time neglected their Studies very much, the former insensibly became Masters of the three Voices, and by the same Means of all the Profits of the University. *John Hufs* (b) perceiving that some of his Countrymen, as *Jerome* of *Prague*, and *John de Zwickowies* were very uneasy under this Superiority of Foreigners, joyn'd with them in a Petition to the Court, that according to the Practice of the University of *Paris*, and the Ordinance of *Charles IV.* the Natives might have three Voices, and the others but one. *Dubravius* (c) pretends that *John Hufs* undertook this Affair out of Spite against a *German*, who had carry'd a Benefice from him, for which he was a Competitor. But as I don't meet with this Circumstance in any old Author, I only mention it that I might be sure not to omit any Thing which might make for or against *John Hufs*. It was on the 11th of *May* 1408, that *John Hufs* took Occasion to explain himself publicly, as to the Pretension of the *Bohemians*, when the University was assembled to chuse a new Rector. He got nine or ten Masters in Theology to support him, among whom were *Jerome* of *Prague*, *Prazibram*, *Peter* of *Dresden*, *James de Mise* or *Jacobel*. The Affair of the three Voices was very warmly pleaded at Court on both Sides. *Wenceslaus* King of *Bohemia* is said to have rejoyc'd at this Process, because he found his Account in it, each side sparing no Money to gain the Ascendant; insomuch that 'tis reported, the covetous Prince said with a Smile, that he there found a rare Goose (a) which laid him every Day a fine Parcel of Eggs of Gold and Silver (b). 'Tis also said, that while the Process for the Rectorship was depending, the King created the Master of his Kitchen Rector (c). Nevertheless *John Hufs*

(a) *Hufs*
signifies a
Goose in the
Bohemian
Language.

(b) The Process
begun in
May the pre-
ceding Year.
Balbin p. 418.

(c) *Walpuler*,
p. 15. &
Seyfried, p.
25.

Hufs who had Interest at Court, and especially with the Queen, obtain'd a Declaration, (1) at last from the King, in favour of his Countrymen. So that the *Germans* being provok'd that they had lost their Cause, and at the same Time their Privileges, deserted the University by thousands. 'Tis very certain that a great Number went away (2) because it was out of that Detachment that the Academy of *Leipsic* was form'd, which was founded in 1409, by *Frederic* and *William* Dukes of *Saxony*. The first Rector of this University was Dr. *John Ottho de Munsterberg*, a *Silesian* (a), who was before Dean of the University. The Academies of *Er-ford*, *Ingolstadt*, *Rostoch* and *Cracovo* were also considerably augment-ed by this Defection. But it appears by a Letter from the Ger-man Nation to *Wenceslaus*, that before they retir'd the *Germans* made a vain Effort to get that Decree revok'd (b).

1414.

(a) Mart. Hank. De Silesiis indi-gemis christis. P. 99, 107.

(b) M. S. Lips. Num-52.

AMONG the illustrious Personages of the *German* Nation, who re-tired upon this Occasion from *Prague*, we must not forget *John Hof-man* of *Suednitz* in *Silesia*, who was at that Time Rector of the Uni-versity of *Prague*, and appear'd with Splendor at the Council of *Con-stance* (3). As soon as he arriv'd at *Leipsic*, the Princes above-men-tion'd chose him to teach Divinity in the University, with *Otho* of *Munsterberg*. In 1413 he was elected Bishop of *Misen* in *Misnia*, af-ter the Death of *Rodolph* *Plaannitz*. In 1414 he was sent by *Frederic* Duke of *Saxony* to the Council of *Constance*, with *Nicholas* Bishop of *Mersburg*, and *Gerard* Bishop of *Naumbourg*. History gives very advantageous Testimonies of his Conduct at this Council. As he had been one of the Principals for the *German* Nation at *Prague*, 'tis natural to suppose that he did not go to *Constance* with a very favourable Dispo-sition to *John Hufs*, who had gain'd his Cause against the *Germans* in Fa-vour of the *Bohemians*. This appear'd by a Letter he wrote in 1415 to *Wenceslaus* Duke of *Lignitz*, Bishop of *Breslaw*, to make an Apology for the Punishment of *John Hufs*, because a great many People mur-mured at it, and from thence conceived an Aversion to the Church of *Rome*. When he was return'd to his Diocese, he found Work enough cut out for him by the *Hussites*, whom the Punishment of *John Hufs* and *Jerome* of *Prague* had incens'd to the last Degree. Among the

(1) 'Tis dated Oct. 13. 1409. It may be seen in *Balbinus*, who took it from the Archives of the University of *Prague*, p. 428.

(2) *Eneas Sylvius* sets down 5000, *Tribemius* 2000, *Cochlaus* as many, *Dubravus* above 24000, *Hoges* 40000, *Lupacius* 44000, *Lauda*, who liv'd in that Time, and is quoted by *Balbinus*, 36000.

(3) Some there are who doubt of this Fact; but 'tis attested by so great a Num-ber of Historians, and with Circumstan-ces so particular, that it seems impos-sible but it must be true. Vid. *Marlin Hank. ub. supr.* p. 136, 140.

Manuf-

1414.

Manuscripts of *Helmstad* we meet with a Treatise (1) of *John Hoffman* against the *Hussites*, dedicated in 1421 to *Frederic* and *William* Dukes of *Saxony*. He died at *Misen* in 1451, and this Distich was made for his Epitaph:

*Praga furit; Rector cedo cum cæteris Hermis
Lipsia Doctorem, Misnia Præsulem habet. (a)*

(a) *Crufius*ubi supr.
p. 118.*The Inter-
diction of
John Hufs.**Aeneas Sylv.*
cap. 35.*Reynald an.*
1409, n. 89.
p. 396.

XXIII. THE *Bobemians* being then the Masters, and having no more Cause to fear Contradiction from the *Germans*, began to dogmatise more publickly against the Clergy, according to the Notions of *Wickliff*, of whom they gave great *Encomia*. *John Hufs*, who at that Time was chose Rector, spoke openly of him, as a Saint, in his publick Lectures, and in the Sermons he preach'd at *Prague*, in his Chappel of *Bethlehem*; and his Zeal, joyn'd to his Capacity, soon brought over to his Party the greatest, and also what was reckon'd the most substantial Part of *Bobemia*, notwithstanding all the Opposition of the Clergy. This Affair coming to the Knowledge of *Alexander V.* that Pope order'd *Sbynko*, Archbishop of *Prague*, to use all his Diligence to stop the Progress of these Innovations. In pursuance of this Order the Archbishop caused *Wickliff's* Books to be burnt; and they were accordingly committed to the Flames in 1410.

THE Year before, the same Archbishop, upon the Information of the *Germans* before their Departure, had order'd all the Doctors, Masters and Bachelors, as well as all the Gentlemen and Citizens who had *Wickliff's* Books in their Custody, to bring them to the Episcopal Palace: But as this Order was contrary to the Privileges of the University, as well as to the *Jus Regium*, or Royal Prerogative of the Kingdom, an Appeal was made to *Gregory XII.* who prohibited *Sbynko* to push that Affair any further. The Archbishop, not content with having caused *Wickliff's* Books to be burnt, forbade the Curates to preach in Chappels, even tho' licensed by the Apostolical Sec. As this Prohibition particularly affected *John Hufs*, and his Chappel of *Bethlehem*, he appeal'd, (2) in the Name of the University, to *John XXIII.* who had succeeded *Alexander V.* *John XXIII.* having committed the Examination of the Affair to his Doctors, the greatest Number were of Opinion, that the Archbishop of *Prague* had no Right to order *Wickliff's* Books to be burnt, and that it was contrary to the Privileges of the University, which held immediately of the See of *Rome*. Mean time, certain Enemies of *John Hufs* having given this Pope to understand, that he taught Heresies at *Prague*, he summon'd

Op. Hufs,
Fol. 85, 86,
87.

(1) No Mention is made of this Treatise in *Hankins's* History of the Learned Natives of *Silesia*, nor in the Second Part of the Journal of *M. Crufius*.

(2) See the Act of Appeal, dated *June* 25, 1410, among the Works of *John Hufs*, Fol. 90 *vers.*

him to appear before the Court of *Rome*, which was then kept at *Bologna*: But the King and Queen, the Nobility, the University, and the City of *Prague*, sent a Deputation to the Court of *Rome* to desire the Pope to dispense with *John Huss's* Appearance in Person; on the one hand, because he had been summon'd upon a false Accusation; and on the other hand, because it was not safe for him to go to *Rome*, by Reason of the Enemies he had in *Germany*. *Sbynko* himself wrote, by Order of the King, to *John XXIII.* not only to intreat him to dispense with *John Huss's* personal Appearance, but to assure him that there had been no Heresy in *Bohemia*; and that all the Disputes which he had been engaged in with *John Huss*, and the University, had been pacify'd by the Interposition of *Wenceslaus*: But an Author of Credit affirms, that those Letters from *Sbynko* to the Pope, were not deliver'd to him, because his Reconciliation with *John Huss* was not sincere (a). Mean time, *John Huss* sent his Proctors to the Court of *Rome*, to answer for him; but they were committed to Prison, and very unworthily treated, after having stay'd there a Year and half to no Purpose. This was follow'd by the Excommunication of *John Huss*, who had no other Remedy than to appeal to Jesus Christ, till the next Council. As this Appeal to God, or Jesus Christ, was charged on him as a Crime, 'tis proper, in this Place, to give the Draught of it entire, because we only gave the Substance of it in the *History of the Council of Pisa* (b). ' God Almighty, one only Essence
' is Three Persons, is the first and the last Refuge of those who are
' oppressed: 'Tis the Lord who protects the Truth in all Ages, doing
' Justice to such as suffer Wrong, standing by those who call upon him
' in Truth, and condemning all incorrigible Sinners to Destruction.
' Our Lord Jesus Christ, very God and very Man, being encompass'd
' by the Popes, Scribes, Pharisees, and Sacrificers, his Judges and
' Accusers, and being desirous to redeem from Eternal Damnation his
' Children, elected before the Foundation of the World, by a bloody
' and ignominious Death, has given this excellent Example to his Dis-
' ciples, to commit their Cause to the Judgment of God, who is able
' to do all Things, knows all Things, and doth whatsoever pleaseth
' him (1). In Imitation of this holy, this great Example, I appeal
' to God, who sees me oppressed as I am by the unjust Sentence and
' pretended Excommunication of Popes, Scribes, Pharisees and Judges,
' sitting on the Seat of *Moses*. In this Appeal I also imitate St.
' *Chrysostom*, who appealed from two Councils, the blessed Bishop

(a) Valpurg,
ger, p. 50.

(b) Part II;
p. 69, 71.

(1) *John Huss* here quotes several Passages from the *Psalms*, where *David*, as a

Type of Jesus Christ, implores God's Assistance against his Enemies.

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Andrew of Prague (1), and Robert of Lincoln (2), who appealed humbly and usefully to the Sovereign and most just Judge, who can no more be intimidated by any Terror, or corrupted by Presents, than be seduced by false Witnesses. I wish that all Believers in Christ, especially the Princes, Barons, Gentlemen, Vassals, and all the Inhabitants of our Kingdom of *Bohemia* may be inform'd of, and touch'd with Compassion for the pretended Excommunication fulminated against me by *Peter*, Cardinal Deacon of *St. Angelo*, commission'd thereto by Pope *John XXIII.* at the Instigation of my Adversary *Michael de Cauffis*, and by the Consent of the Canons of *Prague*. This Cardinal has for near two Years refused all Audience to my Advocates and Proctors, tho' it ought not to be refused to a Jew, a Pagan, and a Heretick: That same Prelate would not acquiesce in the reasonable Excuses I made for being dispensed with from appearing, nor shew any Regard to the authentick Testimonies of the University of *Prague*. From whence 'tis clear, that I have not incurr'd the Brand of Contumacy, because 'tis not from Contempt, but from valid Reasons, that I did not appear at *Rome*, when I was cited thither. 1. Because Ambushes were laid for me on the Road. 2. Because I took Warning from the Dangers of others. 3. Because my Proctors engaged to undergo the fiery Tryal against any Persons whatsoever at the Court of *Rome* (3). 4. Because my Proctor was imprison'd at that Court for no Crime that deserv'd it, at least as I know of: Therefore, since 'tis establish'd by all the ancient Laws, as well by the Divine Books of the Old and New Testament, as by the Canons, that the Judges shall go to the Places where the Crime has been committed, and there take Information of the Matters in Charge from People who well know the Person accused, Persons not ill-minded, nor his Enemies, nor such as act out of Malice, but from a Zeal for God's Law; and finally, as 'tis enjoin'd by the same Laws, that the Person who is summon'd or accused shall appear in a safe and free Place to make his Defence, and that neither the Judge nor Witnesses shall be his Enemies, 'tis manifest, that as all these Conditions have not been

(1) *Andrew* Bishop of *Prague*, died at *Rome* in Banishment, in the Year 1224, in vast Reputation for Sanctity: He had great Disputes with *Przemyslas*, King of *Bohemia*, which obliged him to retire twice to *Rome*; but it does not appear, that he appeal'd to God, except from this Testimony of *John Huss*. *Geo. Bartbold Pentar. Bohemia Pia*, L. III. p. m. 41, 42. *Balb. Epit. Rer. Bob.* p. 254, 255.

(2) This is *Robert Groftthead*, who was whole Bishop of *Lincoln* in 1235, and died in great Reputation for Sanctity in 1253.

He drew upon himself the Indignation of *Innocent IV.* for having preached freely against the Tyranny of the Popes and the Court of *Rome*, as well as against the Irregularities of the Clergy. *Cave*.

(3) It appears from thence, that it was still the Custom at that Time to decide Causes by a fiery Tryal; that is to say, by the Touch of hot Iron. This Abuse was authorised not only by the Christian Princes, but also by the Popes. *Vid. Dissert. Christian. Ebling De Probationibus Lemgovia* 1709, Cap. IV.

perform'd to me, I am absolv'd in the Sight of God of the Crime of Contumacy, and discharg'd from a pretended and frivolous Excommunication. I *John Hufs* present this Appeal before Jesus Christ my Master, and my righteous Judge, who knows, protects and tries the just Cause of any one whatsoever. (a)

BUT notwithstanding the Troubles stir'd up against him he continued preaching, as appears from a Sermon of his preach'd *March 4. 1410.* at the Univerfity Mafs, upon *1 Theff. v. 19.* and from another which he preach'd the 28th of *Auguft*, upon *Matth. v. 13.* In the latter, he complains of the Doctōrs who perfecuted the Preachers of the Gospel by their Calumnies; *In order*, fays he, *to ftop the Mouths of the Preachers, they invent Lyes, lay Snares for them, fay that by their Attachment to Errors they have driven out the Foreign Nations. They accuse them falſly of thinking amiſs of the Body of Chriſt, and of ſaying that the Pope is nothing.* It appears indeed from this Sermon, that he own'd the Authority of the Popes, becauſe he calls *Alexander V.* and *John XXIII.* Vicars of the Apoſtles, and prays for the Soul of the One, in caſe he had committed any venial Sin, and for the Sanctification of the Other. Towards the Cloſe of that Year he preach'd upon thoſe Words of *Luke xiii. 23. Compel them to come in.* In this Sermon are ſome remarkable Particulars, 1. He therein makes honourable mention of *Wickliff.* 2. He commends *Wenceſlaus* in it for obliging the Priests to preach and do their Office by ſtopping their Revenues. 3. He blames the Archbiſhop in it for having laid the whole City of *Prague* under an Interdict. The Year following, upon *All-Saints Day* he preach'd from theſe Words of *John xi. 21.* where *Martha* ſays to Jeſus, *Lord if thou haſt been here, my Brother had not dy'd.* In this Sermon he treats of the various Uſes of the Commemoration of the Saints, or the Feſtivals to them dedicated. The one he blames, the others he approves. The Uſes which he commends are in the firſt place, Meditation upon the Miſery of Man ſubjeſt to Death by Sin, and on the Death which Jeſus Chriſt ſuffer'd for our Sins. Secondly, this Meditation, ſays he, engages us to look into our own Hearts, and to be converted that we may attain to a happy End. And thirdly, ſays he, *in praying devoutly for the Dead we procure Relief to the ſleeping Church, that is to ſay, to the Saints that are in Purgatory.* (1) What he blames in thoſe Solemnities is the Pomp and Oſtentation, the Lyes that are told in praife of

(a) Oper. Hufs, T. I. Fol. 17. b.

(1) There's another place alſo in this Sermon, by which it appears that he was fully perſuaded of Purgatory, as well as of the Neceſſity of the Sacrifice of the Maſs, tho' he does not lay much Streſs upon the 30 Maſſes which are ſaid for

the Repoſe of the Souls of ſome Dead, on the Payment of a good Sum of Money. Nor does he give much Credit to the Fable reported by *St. Gregory*, of a dead Man deliver'd out of Purgatory. *Hufs*, Tom. II. Fol. 49. b.

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the Dead, and the Gain that accrues from them to the Priests. Upon which he quotes this Latin Verse,

De Morbo Medicus gaudet, de Morte Sacerdos.

That is to say, the Physician rejoices at Sickness, and the Priest at Death. What he says upon the Abuse of Solemnities of this kind is worth inserting here; 'To what Purpose, *says he*, is the Multiplication of Vigils in the House of a dead rich Man, unless for Vain-glory? For they never trouble their Heads to sing Psalms on either side, neither he that pays, nor the Priest that is pay'd. He that pays, only requires a great number of Vigils in Honour of the Dead; and he that is paid, does not care how soon he has done; and therefore he curtails the Office as much as he can. To what purpose serves that pompous Parade of so much Wealth at a Funeral? (1) Is it not merry and perfectly ridiculous to see the Priests there indulging themselves on soft Cushions, when Jesus Christ wept over the Tomb of *Lazarus*? What can be the Tendency of the doleful Knell of so many Bells, but to lavish that Money idly which might be better employ'd? And those Feasts that are made after the Interment, what's the end of them but the Gratification of Gluttony, Drunkenness and frothy Conversation? (2) Tho' it appears by this Sermon that *John Hus's* believ'd a Purgatory, yet he did not think the Prayers of the Living for the Dead in Purgatory to be of much Availment, *because there's no mention of it in all the holy Scriptures, unless it be, says he, in the second Book of the Maccabees, which is not reckon'd by the Jews among the Canonical Books of the Old Testament. Neither the Prophets, continues he, nor Jesus Christ, nor his Apostles, nor the Saints that follow'd close after them, formally (explicitely) taught Prayer for the Dead; but they have said*

(1) Hereupon he quotes this Distich,

*Daem meritor d'ives, concurrunt undique Cives.
Pauperis ad funus, vic currit Clericus unus.*

(2) This is the List of the Abuses as they are set down in the Margin.

- | | |
|---|--|
| 1. Vigiliarum multiplicatio in Exequiis, ad quid. | 9. Convivatio. |
| 2. Pomposa Congregatio. | 10. Missarum accuratio. |
| 3. Sacerdotum assessio. | 11. Psalterii Simoniaca lectio. |
| 4. Campanarum pulsatio. | 12. Candelarum consumptio. |
| 5. Sumtuosa sepultura. | 13. Triginta Missarum pactatio. |
| 6. Sacerdotum congregatio. | 14. Sacerdotum ad prandium convocatio. |
| 7. Missarum inordinata conglobatio. | 15. Plurima gravatio. |
| 8. Elemosynæ inordinata distributio. | |

L.

very.

very positively, that he that liveth without Sin shall be sanctify'd. For my part, I verily believe that this Custom was introduc'd by the Avarice of the Priests, who don't trouble themselves to exhort the People to live well, as did the Prophets, Jesus Christ and the Apostles; but take great care to exhort them to make rich Offerings in hopes of Beatitude, and a speedy Deliverance from Purgatory. Here he accuses the Priests of founding this vain Hope on a Heap of Lyes; and particularly of fathering one upon St. Gregory, whom they make to say in a Book intituled, *The Star of the Clergy* (*Stella Clericorum*) *Oh what a marvellous Gift is it of the Divine Mercy, that a Mass is never celebrated, but two things result from it, the Conversion of a Sinner, and the Deliverance of one Soul at least from the Pains of Purgatory!* Now he asserts that the Mass of a wicked Priest is abominable before God, and that it can be of no Service neither for the Living nor the Dead. After this Sermon there are 37 others without a Date, which contain very near the same Doctrine that he had taught in his *Anatomy of Antichrist*, of which an Account was given in the History of the Council of Pisa.

MEAN time *Conrad*, (1) Archbishop of *Prague*, having at the Solicitation of *John Gerson* forbid *John Hus* to preach at *Prague*, he retir'd once more probably to the Place of his Birth. (2) From that time to the Council of *Constance*, he wrote several Tracts in defence of his Doctrine, and to answer his Adversaries; particularly his Treatise of *the Church*, from whence most of the Articles upon which he was condemn'd were extracted, and another little Work which he caus'd to be affix'd to the Chapel of *Bethlehem* with the Title of the *Six Errors*. The first was that of the Priests who boasted of their making the Body of Jesus Christ in the Mass. *John Hus* indeed believ'd Transubstantiation, but he maintain'd that 'twas God that work'd this Miracle at the mention of the Sacramental Words, and that the Priest only contributed to it by his Ministry; for he could not endure that the Priests should boast of being Creators of their Creator. The second Error he took notice of was the *Credenda* us'd at that time, *I believe in the Pope, I believe in the Saints, I believe in the Virgin*; *John Hus* maintaining that a Man must believe only in God. The third Error he attack'd was the Pretension of the Priests to the Power of remitting Sin, and the Guilt of Sin to whomsoever they pleas'd. The fourth was, *That a Man is bound to obey his Superiors in whatsoever they command*. The fifth, *That Excommunication binds and actually excommunicates the Person against whom*

In the beginning of 1413.
Op. Hus, Fol. 196.
Ibid. p. 191, 192.

(1) As to *Conrad*, See the History of the Council of Pisa, Part II. p. 177, 223, 224, 228, 229, 237. (2) As to his Retirements, See the History of the Council of Pisa, Part II. p. 267.

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Reich. p. m.
203.
Æneas Sylv.
Cap. 36.
Nauch. f.
1045.
Varill. Hist.
of Wickliff.
Part I. p. 96,

'tis fulminated, whether it be just or not. The sixth Error is *Simony*, which he calls a Heresy, and of which he accuses the greatest part of the Clergy. This Treatise of *John Hus* was receiv'd with the more Greediness by the greatest part of *Bobemia*, because properly speaking it fell upon none but the Clergy, who had for a long time render'd themselves extremely odious to the whole World. The Clergy on their part having attack'd him with all their Power, *Bobemia* became by that means the Theatre of an Intestine War, which the Rigour of the Council only serv'd to render the more bloody. As there was Hopes that the Council might pacify those Troubles, *John Hus* was summon'd to it, and he went thither with all his Heart, notwithstanding what *Reichenthal* says, who pretends that he made them stay for him a long time; which is evidently false because, as has been already said, he arriv'd on the 3d of *November*. And, tho' he had not been inclin'd, it would have been very difficult for him to have excus'd himself, *Sigismond* having writ to *Wenceslaus* to send him thither. In vain therefore has a modern Author rack'd his Brain to guess at the Reason that could engage *John Hus* to go to *Constance*. 'Tis not easy to guess, says he, what was the Motive which made him undertake this Journey. There's no Difficulty in that matter. He appeal'd to the Council; he is summon'd to it; he is sent to it by the King his Master; he is persuaded of his own Innocence; he is promis'd all manner of Freedom and Security, and thither he goes. If he had not gone thither, it would not have been easy to guess at the reason that must have hinder'd him. It might have been said with some Foundation that he mistrusted his Cause, and that he took advantage of the Support which he had from the great Men of *Bobemia* to rebel against his Superiors.

The Sequel
of that Af-
fair.

Op. Hus,
Part I. Fol. 2.
Vers.

Op. Hus,
ibid. Fol. 3.
Vers.

XXIV. WHEN the Season for the Council drew near, *John Hus* took Measures for his Security. With this View he desir'd *Conrad*, and *Nicholas* Bishop of *Nazareth*, who was Inquisitor of the Faith in *Bobemia*, to give him Testimonies of his Orthodoxy. He obtain'd them in the Month of *August* in 1414. and in due time we shall produce them. The Archbishop having that same Month assembled a Provincial Synod at *Prague*, *John Hus* went without being call'd to it, in order to give an Account there of his Faith, and to declare that he was going to the Council with the same View. Not being able to obtain Audience, he got the Act of such Refusal drawn up by the Hands of a Notary, and the Act was sign'd in due Form by several Witnesses. He afterwards caus'd Writings to be fix'd up at the Doors of all the Churches and all the Palaces of *Prague*, to notify his Departure, and to invite all Persons to come to *Constance* to be Witnesses either of his Innocence or his Conviction. That which

which he caus'd to be set up at the Door of the Royal Palace, was as follows.

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' To the King, to the Queen, and to the whole Court ;

' I have heard from good Hands that your Majesty has receiv'd
' Letters from the Pope, whereby he exhorts you not to suffer the
' Heresy which has been propagated for some time in your King-
' dom to take deeper Root. Tho' these ill Reports are not owing,
' I thank God, to any Fault of mine, yet 'tis my Duty not to suffer
' the Court and Kingdom of *Bobemia* to be expos'd to Calumny up-
' on my Account. Therefore I have caus'd Letters to be fix'd up
' every where, in order to engage the Archbishop of *Prague* to Vi-
' gilance in this Affair, by way of publick Advertisement, that if
' there be any Person in *Bobemia* who knows I am tainted with He-
' resy, let him repair to the Archbishop's Court, and there declare
' what he knows ; but as no Accuser has appear'd, the Archbishop
' has permitted Me and Mine to set out for *Constance* : Therefore I
' beseech your Majesty, as Guardian of the Truth, as well as the
' Queen and Council, that you would please to bear Witness, that
' after having done all I could to justify my self, there is no Adver-
' sary that appears against me. Besides, I make it known to all *Bo-*
' *bemia*, and to the whole World, that I shall go with the first Op-
' portunity, and make my Appearance in the Council where the Pope
' is to preside, to the end that if there be any one who suspects me
' of Heresy, he may repair thither, and demonstrate before the Pope
' and the Doctors, whether I ever held and taught any false or er-
' roneous Opinion. And if they can convince me of any Error, or
' of having taught any thing contrary to the Christian Faith, I will
' readily submit to all the Pains of Hereticks. But I hope that
' God will not give the Victory to the Unfaithful who attack the
' Truth for the Nonce.' *John Hufs* caus'd Papers of this kind to be
' put up in every Place on his Road to *Constance*, as may be seen a-
' mong his Works. That which he caus'd to be fix'd up at *Nuremberg*
' ran thus : ' Master *John Hufs* is going to *Constance*, there to make
' Declaration of the Faith which he always held, which he still em-
' braceth, and which, by the Grace of God, he shall adhere to till
' Death. Therefore, as he has given publick Notice throughout the
' whole Kingdom of *Bobemia*, that he was willing, before his Departure,
' to give an Account of his Faith in a General Synod of the Archbishop of
' *Prague*, and to answer all things that might be laid to his Charge ; he
' gives the same Notice to this Imperial City of *Nuremberg*, that if any
' Person has any Error or Heresy to reproach him with, he need
' only repair to the Council of *Constance*, because there he is ready
' to give an Account of his Faith' (a).

Op. Hufs,
ibid. Fol. 2.

Op. Hufs,
T. 1. p. 4.

(a) *Seyfried.*
ubi supr. 51.

XXV.

1414.
John Hus's
Departure
and Journey.

XXV. I could never meet with the Act which he demanded at Court. But it appears by one of his Letters, written just before he departed, that he had a Safe-Conduſt from the King: Now 'tis natural by that to underſtand the King of *Bobemia*, and not the King of the *Romans*. For he ſet out about the 11th, or according to ſome, the 15th of *October* 1414, at which Time he had not yet receiv'd the Safe-Conduſt from *Sigiſmond*, becauſe it was not diſpatch'd till the 18th of that Month. No wonder that he was for ſetting out before he had this Safe-Conduſt. He had no Danger to fear from *Prague* to *Conſtance*. He had indeed a great many Enemies in *Germany*: But as they had all the Reason in the World to expect he wou'd be condemn'd at the Council, it was not probable they wou'd way-lay him. Therefore the Safe-Conduſt was neceſſary for him, principally during his Stay at *Conſtance*, and for his Return to *Prague*. It appears alſo, that he was not without violent Forebodings of what happen'd to him, tho' he was very well ſatisfy'd of his own Innocence. For in a Letter which he wrote immediately before his Departure, to a Prieſt nam'd *Martin*, who had been one of his Diſciples, he entreats him on the Back of it, not to open it till he has certain News of his Death. *Rogo te quod iſtam non aperias Literam niſi certus fueris de hoc quod ſim mortuus*. In this Letter he makes a ſort of Will and Confefſion. Among other Sins for which he begs Pardon of God, he declares his hearty Repentance that he had loſt too much Time, and taken too much Pleaſure in the Game of Cheſs, before he was Prieſt; of having put himſelf into a Paſſion at Play, and unhappily drawing others into the like (1). In this ſame Letter he does not diſſemble that he has not ſpar'd the Avarice and irregular Manners of the Clergy, and that 'tis for this, that by the Grace of God, he ſuffers a Perſecution which will ſhortly be conſummated. Much about the ſame Time he wrote a Letter to his Flock in *Bobemia* (probably at *Prague*) (2) immediately before his Departure, which is well worth abſtracting. 1. He exhorts them to remain ſtedfaſt in the Doctrines which he has faithfully taught them. 2. He tells them that he ſets out with a Safe-Conduſt from the King, which can only be underſtood of *Wonceſlaus*, as will be

(1) Scis quia, proh do'or! ante Sacerdotium meum libenter & ſæpe ſchacos ludu, tempus neglexi, & ſæpe alios & me ad iracundiam per illum ludum infeliciter provocavi. *Op. Husi*, T. I.

(2) *Magiſter J. Husi, in ſpe ſacerdotis & Miniſtri. F. C. omnibus ſiſtribus & dilectis Fratribus & Sororibus, qui & que Verbum Dei per me audierunt & acceperunt miſeri-*

cordiam, &c. i. e. *John Husi*, who truſteth he is a Prieſt and Miniſter of Jeſus-Chriſt, to all my truſty and well-beloved Brethren and Siſters who have heard the Word of God from me, and receiv'd Mercy, &c. It muſt be obſerv'd here by the way, that *John Husi* when he went to *Conſtance*, did not ſet out from *Prague*, but from *Cra-kowitz*.

ſeca

seen in its Place, *cum Literis publicæ fidei a Rege mihi datis.* 3. He says, that he expects to find more Enemies in the Council than Jesus Christ had in *Jerusalem*; first on the part of the Bishops and Doctors, then on the part of the Secular Princes, and lastly on the part of the Pharisees (that is to say the Monks.) 4. He prays the Lord to give him Strength to persevere in the Truth to the End, being resolv'd to suffer the last Degree of Punishment, rather than to betray the Gospel by any Cowardice. 5. He begs his Friends to assist him with their Prayers, to the end that if he be condemn'd he may glorify God by a Christian End; or that if ever he return to *Prague*, he may return thither innocent, and without having taken any one Step against his Conscience, in order to labour with more Zeal than ever to extirpate the Doctrine of *Antichrist*. 6. He says that he had resolv'd indeed to go to *Prague* before he set out for *Constance*, in order to convince his Enemies of Falshood, but that the Time did not permit him. 7. He speaks of his Return in a very uncertain manner, (1) but is resign'd to the Will of God, and even joyful to dye for his Cause. This Letter, written in the *Bobemian* Tongue, was translated into *Latin*, and forg'd by his Enemies who sent it to *Constance*, where one may imagin it gain'd him no Good-will.

WHEN he arriv'd at *Nuremberg*, he wrote another Letter to his Friends, dated the 20th of *October*, wherein he gives them an Account of his Journey. Tho' it contains nothing but what is very innocent, the *French* Author of the great Schism in the *West* has been pleas'd to give so malicious a Turn to it, that to hear him talk, one would take *John Hufs* for a Bully, and a Toper. Therefore I shall here give a faithful Extract of that Letter only for the Truth of History, to which an Historian ought to sacrifice every thing, and nothing to his Passions or particular Opinions. *John Hufs* says in this Letter, "That he always travell'd bare-fac'd wherever he came, without any manner of Disguise; and that he was very well receiv'd by every body. That at *Pernaw*, the Parson and other Clergymen, who had expected him for some Days, gave him a very hearty Welcome. That as he enter'd the *Bagnio*, the Parson presented him, according to the Custom of the Country, a great Goblet, or other Vessel, full of Wine, and drank to his Health." *Et dum intravi subam, nunc statim propinavit magnum Cantarum vini.* (2) This officious Parson, says *Maimbourg*, accosted him immediately with a great Pot in one Hand, and in the other a deep Flaggon brim full of Wine, which for his part he accepted kindly, and without any Ceremony drank it up.

(1.) *Jam forte Praga me porro non visuri estis*, i. e. And perhaps you will not see me at *Prague* any more.

(2) I insert the *Latin*, that the Reader may judge whether *M. Maimbourg* was a fair Historian.

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Saving the Respect I owe the Publick, that's what may be call'd a scandalous Lye. *John Hus* adds immediately after, that the Parson and his Curates gave a favourable Ear to his Doctrine, and that the Parson protested to him that he had always been one of his Friends. *Valde caritative cum suis sociis suscepit omnem doctrinam, & dixit, se semper fuisse amicum meum.* After this, says *Maimbourg*, while he was in that good Humour, he made so clever an Harangue, that the Parson, who had drank to his Health, his Curate and his Priests, who probably had done the same, heartily embrac'd the Doctrine which he preached to them. From *Pernaw*, *John Hus* went to *Weyden*, (1) which he only pass'd thro', the Concourse of People that follow'd him was so great. He had very friendly Conferences at *Sultzbach*, as well with the Clergy as the Magistrates; and all that can be gather'd from his own Account is, that he seem'd very well pleas'd with the good Reception that was given every where both to his Person and Doctrine; but he does not deserve the Character which *Maimbourg* gives him, of having describ'd his Journey with a great deal of Self-Flattery and Vanity. (2) *John Hus* seem'd no less pleas'd with a Conference he had at *Lauff*, a Town four Leagues from *Nuremberg*, with the Clergy, and a Civilian of the Place. When the Merchants gave notice that he was just entring *Nuremberg*, the People ran out in Crowds into the Streets and publick Squares to see him. When he arriv'd in the Town, the Parson of *St. Lawrence's Church* (3) wrote him word, that he had long wish'd for an Opportunity to talk with him.

John Hus having accepted the Conference, the Parson came to his Lodgings, but he does not say what pass'd in that Conversation, which probably was interrupted by the Arrival of some Doctors and Citizens that had a Curiosity to hear it. The Doctors insisting that the Conference might be private, *John Hus* declared to them that he preach'd in publick, and that he desir'd nothing better than to be heard by all Mankind. Among these Doctors was a *Carthusian*, whom he treats as a Caviller. He observes also, that the Parson of *St. Sebald* did not like to see the Citizens approve of his Sentiments, but that these two excepted, all the Doctors and Burghers seem'd pleas'd with him. The Interdict, says he, was no where put in Force against me, and the Writing which I publish'd in the *German* Tongue to notify my Arrival at the Council, was approv'd. Consequently I have no greater Enemies than in *Bohemia*. We find in the Margin of this Letter, that the Doctors declared to him unanimously, that they

(1) A small Town of the Palatinate of *Bavaria*.

(2) Ecce ego sum Magister Johannes Hus, de quo, ut ultimo, audistis multa

mala, quaritis ergo a me, & multis tractatis valde grata omnia susceperunt. *Oper. Hus.* T. I. Fol. lvii. b.

(3) His Name was *John Helmel*.

had several Years before been of the same Sentiments, and that if there were no other Accusations against him, he would come off with Honour at the Council.

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XXVI. THE next Day after his Arrival at *Constance*, he caused it to be notify'd to *John XXIII.* by two of the *Bohemian* Noblemen, that were his Convoy, viz. *John de Cblum*, and *Henry de Latzenbock*. They declared to the Pope at the same time, that *John Hufs* was furnish'd with a Safe-Conduſt from *Sigismund*, and they also desired his Holiness to grant him his Protection, and to take Care that his Safe-Conduſt was not violated. The Pope received those Lords very courteously, and made this Protestation to them; *Even tho' John Hufs had kill'd my own Brother, I would make Use of all my Power to prevent any Injustice from being done to him while he stays at Constance.* He was there indeed for several Days with Freedom enough. It appears also by a Letter from a Parson who was his Friend, one *John Janowitz*, which was written at *Prague* the 4th or 5th of *November*, that the Pope, by Advice of his Cardinals, had by his own full Power and Authority taken off his Excommunication, and had declared to him, that he might freely go where he pleased, provided that he kept from the solemn Masses, in order to prevent Scandal and popular Combustion. This News was brought to him, as the Letter says; by *Gounb. Otto de Hochberg*, Bishop of *Constance*, accompany'd by his Official and an Auditor of the sacred Palace. (*Auditor urbane sacri Palatii Apostolici*) By the way, this Bishop was elected at 23 Years of Age, and resign'd his Bishoprick in 1433. (a) It appears also by this Letter, that they were very apprehensive at *Constance* that *John Hufs* would preach in publick: Somebody had actually given out that he was to preach before the Clergy upon a certain Sunday, and that he would give a Ducat to every one that would go to hear him. *Whether 'twas a Friend or an Enemy that had given out this Report*, says the Letter, is not known. But 'tis certain, that *John Hufs* expected to preach, as we find by two Sermons he had prepared for that Purpose, and which are inserted among his Works.

John Hufs notifies his Arrival to the Pope, *V. d. Hardt*, T. IV. p. 11, 12. *Oper. Hufs*, Fol. 1. p. 4 vers.

Stumph. P. 13.

Ep. IV. p. 58.

(a) *Eccles. Hist. of Germany*, T. I. p. 108.

XXVII. THE first of those Sermons is a kind of Confession of Faith which he makes by explaining the Apostles Creed, and particularly those Articles, *I believe in the Holy Ghost, the Holy Catholick Church, and the Communion of Saints.* He protests in the first Place, as he says he had often done, that he never advanc'd any thing willingly, nor maintain'd any thing obstinately against any true Article of Faith. He holds that the sacred Scriptures understood in the Sense which the Trinity requires should be put upon them, (they are his own Words) are the true Rule of Faith, and that this Rule is sufficient for Salvation. He admits nevertheless of all the Sentences of the Doctors who faithfully explain the Scriptures, and professes

Sermons of *John Hufs*.

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his Veneration of General and Particular Councils, Decrees, Decretals, Laws, Canons and Constitutions, as far as the whole is conformable to Scripture. *Faith*, adds he, *is the Foundation of all the Virtues by which God may be serv'd meritoriously. 'Tis from Faith that the Confession of the Mouth, and the Accomplishment of God's Will must proceed. Every Man must necessarily be a Disciple either of God or the Devil: So that Faith is the Rudiment and Alphabet of the one School, as Infidelity is of the other.* In this Sermon he repeats one of the Propositions which he had caused to be fixed up at *Bethlehem*, viz. *That a Man must not believe neither in the Virgin, nor in the Saints, nor in the Church, nor in the Pope, because he must believe only in God alone; and that the Holy Virgin, the other Saints and the Church, are not God.* He distinguishes Belief into three Kinds. 1. To adhere to some Phrase, or to some Sentence, yet with some Doubt, is the Faith we give to what Men say, and to Acts meerly human, because they may be mistaken. 2. To adhere without any Doubting, yet as to an

(a) *Opinative.* Opinion, (a) and not as to an Article of Faith, is the Faith we give to the Sentiment of the Holy Doctors. 3. Lastly, to believe purely and simply, is the Faith we owe to the Holy Scriptures as to the chief Rule of Truth. Having said that the Christian Faith necessarily includes all Acts of Obedience and Love, he concludes from thence, that a Man in a mortal State of Sin does not believe in the Father, the Son, and the Holy Ghost, that he is a Christian in Name only, and that he cannot rehearse the Creed without making himself a Lyar. Then proceeding to the Article of the Church, he says, *'Tis an Assembly of all the Predestinated that ever were, are, or will be in all Ages, including also the Angels.* (1) He divides the Church therefore into three Parts, viz. the *Triumphant Church*, which is the Angels and the Saints in Heaven; the *Militant Church*, which is the Predestinated that are in the World; and the *Sleeping Church*, *Ecclesia Sancta dormiens*, which is the Predestinated who suffer in Purgatory. He calls this Part of the Church, the *Sleeping Church*, because it sleeps in Expectation of the Beatitude which it is to enjoy, thro' the Grace of God, and the Assistance of the Church Militant, (2) which by its Fasts, Alms, Prayers, and other Good Works, helps it to pass the sooner out of Purgatory; as on the other hand, the Saints that are in Heaven are an Assistance to the Church Militant, and rejoice in its meritorious Works. (3) After this Declaration he prays Jesus Christ to pardon those who have said of him either in publick or in private, that he deny'd the Intercession of the Saints, as well

(1) Omnium prædestinatorum Universitas, id est, omnes prædestinati, præteriti, presentes & futuri. Numerus prædestinatorum in purgatorio patiens, Fol. 51.

(2) Auxilio Ecclesie Militantis.
(3) Vita Meritoria.

with

with regard to the Faithful who are still living, as with regard to those who are departed. At the same time he prays to the Holy Virgin to intercede for those that have accused him of having said or held that she did not remain a Virgin more than other Women, after her Conception. He calls her the *Queen of Heaven, and the Restorer of Mankind*. He declares also that he has preach'd publickly, that *she is our Advocate, our Mediatrix, and in some measure the Cause of the Incarnation, Passion, and Resurrection of Jesus Christ, and consequently of the Salvation of Mankind*. That concludes the first Sermon. There is nothing particular in the other: It only treats of the Peace and Union of the Church. All the Doctors who preach'd at the Council, talk'd almost in the same Style as *John Hus* does here; and some inveigh'd even more sharply and circumstantially than he does against the Ambition, Avarice, Tyranny, Incontinence, and Luxury of the Clergy of that Age. Indeed he talks with Force, but he only speaks in general, and almost constantly the very Expressions of *St. Jerom, St. Bernard, St. Gregory, and the other Fathers*. If it was the Design of the Council at the very first to get rid of *John Hus*, it was wisely done in them not to let him preach those two Sermons. There is more Power manifested in them, more Gravity, more Order, more Clearness, and more of the Evangelical Union, than in those of all the others, not excepting the best of them; and allowing for a few Turns and Expressions, the Doctrine of them was agreeable to that which was then prevailing. Many Doctors had advanc'd bolder Propositions in their Discourses and publick Writings. But here we will leave *John Hus* for a little while, and return to the Council.

XXVIII. It cou'd not yet be very numerous. Neither the Emperor, nor the Electors, nor the Ambassadors of the Kings and Princes, nor the Legates of *Benedict XIII*, and *Gregory XII*, were yet arriv'd. Nevertheless 15 Cardinals, 2 Patriarchs, 23 Archbishops, and a great Number of other Prelates being already come, the Pope held Congregations, in order to prepare all Matters for the opening of the Council, which was fix'd for the 5th of *November*. *Naucler* observes that one was held upon the 4th, and another on the 5th at 7 o'Clock in the Morning before the publick Session. As soon as the latter Congregation was over, all the Bells of the City were rung to proclaim the opening of the Council. The People flocking in vast Numbers to the Cathedral, after a solemn Procession, the Pope celebrated the Mass of the Holy Ghost in his Robes of Ceremony, after which a *Benedictin* (1) Doctor of Divinity;

The Opening of the Council.

Dacher ap. V. d. Hardt, T. IV. P. 1. p. 12. 4 & 5, November.

Naucler. p. 1044. V. d. Hardt, ubi sup.

(1) He is thus characteris'd in the Acts of Germany, per *Religium virum, Fratrem Johannem de Vinzelis* (in MS. Lips.

Urzellis) Sacre Theologie Magistrum, Priorem Priuatus de Immonte, Bellicensis Diocesis, Procuratorem Ordinis Cluniacensis, pro-

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nity, preach'd a Sermon proper for the Occasion. Then *Francis Zabarella*, as the youngest of the Cardinals, read a Paper with these Words. *Our most holy Lord the Pope orders, with the Approbation of the Council, that the next Session shall be held on Friday the 16th Instant.* This Proclamation made, *John de Scribanis*, Procurator Fiscal, demanded that the Instruments thereof might be drawn up by the Apostolical Prothonotaries and Notaries. We were willing to remark these Formalities here once for all.

Arrival of several Prelates, Nov. 10. *V. d. Hardt*, T. IV. p. 14.

Bzov. ad ar. 1415. n. 53.

XXIX. DURING this Interval there arriv'd also at *Constance* 5 of *John XXIII*'s Cardinals, with a great Number of Archbishops and other great Lords, who brought the Pope the agreeable News that *Rome* was entirely reduc'd to his Obedience. After the Death of *Ladislaus*, *John XXIII* had sent thither *James de l'Isle* Cardinal of *St. Eustache* and Legat, to recover that Capital, with the whole Ecclesiastical State. But this Expedition did not prove so easy as the Pope thought it wou'd at first. *Joan II.* did not so devote herself to her Pleasures, as entirely to neglect her Interests. Her Generals did not fail to take Possession of *Rome* in her Name immediately after the Death of *Ladislaus*. But *John XXIII*'s Legat did not leave them there long. He was immediately receiv'd with open Arms at *Rome*, where they were weary of the Tyranny of the *Neapolitan* Government. 'Tis true that *Paul des Ursins* posting thither as Viceroy, took Possession of it again, without regard to the Legat. But the latter so well acted the Part of a good General upon this Occasion, that at last he expell'd the *Neapolitans*, and reduc'd *Rome* under the Power of *John XXIII*. The Pope therefore immediately assembled a solemn Congregation, wherein he order'd a solemn Procession to return publick Thanks for this Deliverance. In this Congregation he forbad all the Members of the Council to retire from it without his Leave. The Patriarch of *Constantinople*, and the grand Master of *Rhodes* (2) arriv'd the same Day at *Constance*.

Assembly of the Doctors, *V. d. Hardt*, T. IV. p. 14. 12 Novemb.

XXX. The Doctors held Assemblies likewise for settling the Order to be observ'd in the Council, and the Matters therein to be discuss'd. The Assembly they held on the 12th, was different from

pronunciatus est Summo ad Clerum pertinens ac ad materiam, & propositum, i. e. A Sermon was preach'd to the Clergy, pertinent both to the Matter and Purpose, by that religious Man Fryar *John de Vinzelis* (in the *Leipfic MS. Urzellis*) Doctor of Divinity, Prior of the Priory of *Immonte* in the Diocese of *Belley*, Procurator of the Order of *Cyany*. *V. der Hardt*, Tom. IV. Part I. p. 13.

(2) This Grand Master of *Rhodes* was *Philibert of Naillac*, one of the valiant Captains of that Age. He signaliz'd his Valour in 1396. at that famous Battle of *Nicopolis*, which was so fatal to great part of the prime Nobility of *France*. *Philibert* retir'd fighting valiantly, and he accompany'd *Sigismond* King of *Hungary* as far as *Rhodes*. He had the Guard of the Conclave at the Council of *Pisa*.

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the preceding Assemblies which the Pope had held with the Cardinals and Prelates, wherein it did not appear that any Thing material was settled, with regard to the principal Affairs of the Council.

THE chief Things before them were two very tender Points, viz. *The Union and the Reformation of the Church*. Some Attempts were made indeed, during the whole Month, to bring those Matters on the Stage, but without Effect. It was the *Noli me tangere*, no body dar'd to touch upon it. But in this Assembly an important Memorial was read, which was afterwards presented to the Pope at least in Part, and approv'd in the first Session. This Memorial consisted of several Propositions concerning the Security and Freedom of the Council, which were reduc'd to these principal Heads. 1. That according to the Practice of the Council of *Pisa*, Proctors and Attorneys of the Council shou'd be appointed to solicit every Thing that shou'd be necessary, as well for the Union of the Church, as for its Reformation in the Head and Members. 2. That to them shou'd be associated able Doctors of the Civil and Canon Law, to serve them as Council, and to digest Matters with them, to the End that they might be propos'd with the more Order and Brevity in the publick Sessions. 3. That for preventing Partiality, they should be chosen out of all the several Nations. 4. That they shou'd assemble on certain stated Days between Sessions, in order to hear all those in general, who shou'd have any Thing to propose *viva voce*, or in writing, relating to the Union and Reformation. 5. That the Propositions made by the Proctors in one Session, shou'd then be taken into Consideration, that in another they might be able to come to an entire Conclusion of the Matter (1). 6. That for counting the Suffrages Persons of Distinction shou'd be chose, as for Example, the Prelates accompany'd with the Notaries, who shou'd carefully mark them. 7. That they shou'd begin with the Affair of the Union, because otherwise the Reformation seem'd too difficult a Point to be carry'd. This first Part of the Memorial was presented to the Pope in the following Congregation, on the Part of the Divines; but they conceal'd the other Part from him, which was a little more ticklish, because it related to the Article of the Resignation of the Pontificate, to which they insinuated *John XXIII* was oblig'd, in case it shou'd be necessary for the sake of Peace. They were in the right to conceal it from him at first, for fear of giving him too early Suspicions, but we ought not to hide it from the Publick. The 8th Article therefore of this Memorial, was that they should endeavour to reunite

Balbinus & Schelstrate apud Von d. Hardt, T. II. p. VIII. cap. i. p. 118. This Memorial is taken from a MS. in the Library of Vienna, V. d. Hardt, T. II. p. 188.

V. d. Hardt, T. II. p. 190.

(1) A different Order was observ'd in the Council, where they did not vote by Persons, but by Nations, in the Publick Sessions.

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the Church in the Person of *John XXIII*, because 'twas he who assembled this Council in concert with *Sigismond*, and because he came thither punctually with his Cardinals, at the Time appointed; whereas the two others had been depos'd at the Council of *Pisa*. 9. That as the Exclusion of the two other Competitors was difficult to execute by force, they shou'd attempt it by the voluntary Resignation of all the Competitors, with a Promise to him that shou'd resign, of an honourable and advantageous Post in the Church, which shou'd be regulated without any Delay. 10. That in case the contending Parties are not inclin'd to acquiesce in Expedients so reasonable, the Council shou'd exhort those under their Obedience, absolutely to withdraw from it; after which, if they still refused to yield, the same Council shou'd take all possible Measures to compel them to it, and treat them as Enemies and Destroyers of the Church, *notwithstanding the Speeches of Flatterers, who puff them up with a false Opinion that nothing can oblige the Pope to obey the Decrees of a general Council.* Which is look'd upon as a pernicious Maxim by the Doctors, especially in the present Case; because according to the Law of Nature, the Head of any Body whatsoever ought to be bound when it offers to tyrannize over the Members. The 11th Article imported, that if the contending Parties wou'd not keep their Promise, nor obey the Decrees of the Council, admitting that they shou'd promise it, proper Means shou'd be found out to restrain their Malice, and to bring them to their Duty. 12. That they shou'd examine the Profession of Faith made by *Boniface VIII.* (1) and his Predecessors, to the end that in case the same shou'd be propos'd to the next Person elected, they might add to it what shou'd be judg'd necessary, with Regard to the present Juncture. 13. That in case the two other Competitors refuse to come to the Council, or to send sufficient Proctors thither, the Council shall nevertheless proceed, because it wou'd not be just that their Absence shou'd turn to the Prejudice and Ruin of the Church, especially after Safe-Conducts, and all manner of Security had been offer'd them. The 14th Article imported, that if another Council, in case they should be oblig'd to assemble one in a little time, seem'd too painful or too expensive and burdensom to the Parties, and those under their respective Obedience; the present Council should order, that a certain number of Prelates and Persons of Distinction of the several Nations and Kingdoms should meet at a time and place to be appointed by the Council, to confer with the Candidates or with their Proctors; and that this Assembly should represent a General Council, to the end

(1) See this *Profession of Faith* in Lib. vii. of this History.

that every thing therein resolv'd may be as authentick as if it had been in a Council. (1)

XXXI. On the 15th of *November*, the Pope assembled a General Congregation, in order to prepare all things for the Session which was to be held next Day. In this Congregation the first Part of the foregoing Memorial was presented to him. How he received it is not said: 'Tis highly probable that he did not disapprove of it, because it was conformable to the Council of *Pisa*, of which he desired that this of *Constance* might be reckon'd only a Continuation. On that very Day arrived *Landolphus de Maramaur*, (2) Cardinal Deacon of *St. Nicholas*, known by the Name of the Cardinal *de Barri*, because he had been chose Archbishop of the Place before he was Cardinal. He was made a Cardinal in the Year 1381 by *Urban VI.* who soon after degraded him, because he favour'd *Clement VII.* his Competitor. But being restor'd to his Dignity by *Boniface IX.* he was Legat several Times under that Pope, and acquitted himself with very great Honour. He was afterwards one of the great Promoters of the Council of *Pisa*, being sent for that Purpose in 1409 to the Dyet of *Franckfort* by the College of Cardinals, who had renounc'd their Obedience to *Benedict XIII.* and *Gregory XII.* After having negotiated the Affair of the Union at *Franckfort*, he was at the Council of *Pisa*, and after the Death of *Alex. V.* he was sent Legat to *Spain* by *John XXIII.* in order to get him acknowledg'd there for Pope. Being return'd from *Spain* where he could do no good, *Gregory XII.* committed him to Prison, but *Q. Joan* releas'd him after the Death of *Ladislaus*, upon the Sollicitation of *John XXIII.* and being at Liberty he went to *Constantinople*, where at the End of two Years he died, as we shall find hereafter.

XXXII. BEFORE the mention of what passed in the first Session, the Reader perhaps will not be displeas'd to find here once for all, an Account of the Ceremonies which were commonly used in all the publick Sessions. In the first Place a Cardinal, or some other Prelate nominated for that Purpose, celebrated the Mass of the Holy Ghost, during which the other Prelates wore their usual Habits. (.) After the Mass, they put on their Pontifical Habits and their Mitres which were white, except that of the President or Priest that officiated, which was embroider'd and adorn'd with precious Stones The President, assisted by the Deacons, Subdeacons, and other Ecclesiasticks, sat in the midst of the Assembly with his Back to the Altar, and his Face to the Congregation. When they had all taken their

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General Congregation.

Onuphr. Pont. Max. p. 245.

Reynald. ad an. 1381. n. 26.

Id. ad an. 1408. n. 64. Spond. an. 1409. n. 1.

Ceremonies of the Publick Sessions.

(1) These Memoirs were taken from the *Council of Pisa*, Part I. p. 233, and the Library at *Vienna*. Part II. p. 7.

(2) As to this Prelate, see the *History of* (3) *Pluvialia*. They are Copies.

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Places, they sung an *Anthem*, (1) which was followed with a Prayer said by all the Fathers with a low Voice, kneeling. After having remained some time in this Posture, a Deacon call'd out to them to rise, and the President, or he that officiated, address'd himself with a loud Voice to the Holy Ghost in this Collect. *O Holy Spirit, we are now assembled in thy Name, but the Greatness and Enormity of our Sins have made us afraid. Descend into our Hearts and direct us, so that we may undertake nothing but what is agreeable to Thee; be Thou our Salvation, dictate our Decrees, and execute them thy self. O thou who hast a sovereign Love for Equity, do not suffer us to swerve from Justice, nor let our Ignorance mislead us from the Truth, nor let Favour, Partiality, or Self-Interest corrupt us. Unite us strictly by the Virtue of thy Grace, to the End that as we are assembled in thy Name, we may be only One with Thee; and cause us so to temperate Justice with Piety, that all our Deliberations may be agreeable to thy Will, for our present Good, and for our everlasting Salvation. Amen.* This Collect was followed by an Anthem and several other Collects, some of which were repeated with a low Voice and kneeling, and the others aloud as before. After this some Deacons and Subdeacons sung a Litany, standing before the Altar, while all the rest of the Council kneel'd. In the middle of the Litany, the President or Priest officiating, sang the Benediction to the Assembly, and the Choir answer'd, *Lord, bear us, we beseech thee to bear us.* After some other Prayers, a Deacon read a Lesson out of the Gospel; as for Example, *Ye are the Salt of the Earth*, or some other according as it had been prescribed to him. Then the Priest officiating, or the President, gave a short Exhortation to the Auditors, to apply themselves in the Fear of God to the Affairs of the Session; after which he sang the Hymn of the Holy Ghost, *Veni Creator Spiritus*. These Devotions ended, all the Prelates sat down, and having put on their Mitres, a Prelate appointed for that Purpose, ascended the Pulpit, and there read the Decrees which were to be pass'd in the Session, having with him the Presidents of each Nation, who answered *Placet*, that is to say, *So be it*, each for his respective Nation: And the President of the Council made Answer in like manner for the whole Assembly. After which *Te Deum* was sung, and then they broke up. This was the Practice in the Beginning, but afterwards Disputes arising between the Nations for Precedency, the President pronounced the *Placet* in the Name of all.

The first
Session,

XXXIII. THE Pope presided in this Session, as he did in all the others which were held while he was at *Constance*. After the Mass of the Holy Ghost celebrated by *Jordan des Ursins*, Cardinal of *Alba*,

(1) Words which in the Service of the Choirs, *Dictionnaire de Trevoux*; In the Church are sung alternately by the two *Latin, Antiphone.*

Grand

Grand Penitentiary of the Church of *Rome*, *John XXIII.* preach'd a Sermon from these Words of *Zechariah*, (a) *Speak ye every Man the Truth to his Neighbour*; and execute the Judgment of Truth and Peace in your Gates; from whence he exhorted all the Congregation to consider maturely, and with Zeal, of every thing that might contribute to the Peace and other Advantages of the Church. When the Sermon was ended, Cardinal *Zabarella* quitted his Seat and advanc'd near to the Pope, where with a loud Voice he read the Beginning of a Bull, importing that *John XXIII.* had assembled this Council in pursuance of the Council of *Pisa*. After having read this Preamble, *Zabarella* resum'd his Place, and an Apostolical Secretary (1) read the Bull for calling the Council. We will here insert this Bull entire, because it contains a sort of Recapitulation of what pass'd before.

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(a) Ch. viii.
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' *John*, Bishop, Servant of the Servants of God, &c. having at
' Heart the Exaltation and Tranquillity of the Christian People, we
' are zealous and careful to find out every thing which may contri-
' bute to that End. Some Years ago, our Predecessor *Alexander V.*
' of happy Memory, resolv'd, at the Council of *Pisa*, wherein he
' presided, that in three Years, he or his Successor should assemble
' another General Council in such place as to him should seem most
' proper. As our said Predecessor could not at that Time compleat
' what remain'd to be done for the Reformation of the Church, he
' suspended and prorogued the Council, to be continued at the End
' of the three Years above-mention'd. God having taken *Alexander V.*
' to himself, and having call'd us to the Sovereign Pontificate, we are dis-
' pos'd to pursue the Intentions and Decree of our Predecessor in the
' Council of *Pisa*, and for Reasons us thereunto moving, we did at
' the three Years End assemble a Council at *Rome*, because it being
' then deliver'd out of the Enemy's Hands, required our Presence for
' its Security: But as there did not come to it so many Prelates and
' other Persons, who ought to be in a Council, as the Importance of
' Affairs absolutely required, after several Congregations, we resolv'd
' at length to assemble it in the Month of *December* this Year, refer-
' ving it to ourselves to declare the Place of Council afterwards, that
' we might have Time to consider of it more maturely. During
' this, we received Letters from our most dear Son *Sigismond*, King
' of the *Romans*, and of *Hungary*, wherein he requested us not to be
' too hasty in fixing the Time and Place of the Council, but to stay
' for the Ambassadors which he design'd to send to us to deliberate
' thereupon. Knowing the Zeal, and the Purity of the Inten-
' tions and Faith of that Monarch, by the Advice of our
' Brethren the Cardinals and the Prelates, who were assembled for

(1) He was called *Job de Reffis*.

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that Purpose in a General Consistory, we resolved to stay. After the Disaster of *Rome*, we received *Sigismund's* Ambassadors at *Florence*, and we conferr'd together upon this Subject. The Conferences being over, we sent to the King our dear Sons *Anthony de Chalant*, Cardinal Priest of *St. Cecilia*, and *Francis Zabarella*, Cardinal Deacon of *St. Cosmo* and *Sr. Damianus*, with our Son *Emanuel Chrysolorus*, and gave them full Power to determine the Affair. After having taken it into Consideration, they agreed at last by the Advice and Consent of the said King, to chuse the City of *Constance* in the Diocese of *Mentz* for the Place of Council, and to fix the Time of it on the first of *November* following. Afterwards, going ourselves to meet the King of the *Romans* as he had desired, in order to deliberate upon Affairs of great Importance, he assur'd us, that the City of *Constance* was a very proper Place for assembling a Council, as well with regard to the Extent of the Place, as to the Security of it, which he promis'd to take Care of by his Presence. For these Causes, it being our earnest Desire that the said Council should have its full Effect, we do by these Presents ratify, confirm, and corroborate by the Apostolical Authority, the said Choice of Time and Place; and do declare by the Advice and Consent of our Brethren the Cardinals, that the Council shall begin on the first Day of *November*, in the City of *Constance*, in the Name of the Lord. And at the same time, we pray, exhort, admonish, and command our venerable Brethren the Patriarchs, Arch-Bishops, Bishops, and our dear Sons the Abbats and other Prelates of the Churches and Monasteries, to appear there in Person, by Virtue of their Oath, and of the Obedience which they have vow'd to the Holy See. In like manner we invite our most dear Sons in Jesus Christ, the Kings, Princes, Dukes, Marquisses, and others of the Nobility who ought to assist in a Council, or who may be there useful in any manner whatsoever, exhorting them thro' the Bowels of the Love of our Lord Jesus Christ, to appear there in Person, or by their solemn Proctors, in order to labour for the Peace of the Church, and of all Christians, (1) &c.

(1) The Bull concludes, like all the other Bulls of the Popes, *Nulli ergo omnino hominum liceat hanc paginam nostrae ratificationis, approbationis, confirmationis, pronuntiationis infringere vel ei ausu temerario contraire; si quis autem hoc attentare presumpserit, indignationem omnipotentis Dei, & Sanctorum Petri & Pauli Apostolorum eius se noverit incursurum. Datum Laude, quinto Idus Decembris, Pontificatus nostri anno quart. i. e.* Let no Man therefore whatsoever infringe or rashly contravene this Page of our Ratification,

Approbation, Confirmation, and Pronuntiation: And if any Person shall presume to infringe it, let him know that he will incur the Wrath of Almighty God, and his holy Apostles *Peter* and *Paul*. Dated at *Lodi* the 5th of *December*, the fourth Year of our Pontificate. This Bull is to be found in MS. at *Branswic*, *Leipsic*, and *Gotba*. *Vin der Hardt*, T. IV. Part I. p. 16, 17. and the Monk of *St. Denys's* History of *Charles VI.* Lib. xxxiv. p. 981, 983.

AFTER.

AFTER this was read, *Zabarella* return'd towards the Pope, and proceeded to read the Bull which he had begun before. It imported in Substance, ' That after the granting the Bull for calling a Council just now mention'd, the Pope repair'd to *Constance* with his Cardinals at the Time appointed, fully resolv'd to labour with all his Might for the Peace and Reformation of the Church. That having undertaken so pious a Work, in which he ought not to presume on his own Strength, he enjoins that, as long as the Council continues, solemn Mass shall be celebrated every *Thursday*, in all the Cathedral and Collegiate, Secular and Regular Churches of the City; and in order to engage all Persons to assist in it devoutly, he grants forty Days Indulgences to all that shall come to it, and one Year's Indulgences to the officiating Priests, in which Number he includes the Cardinals, Patriarchs, Archbishops, Bishops, Abbots, and other Prelates, who are likewise exhorted to celebrate those Masses. Moreover he exhorts all Christians to Prayer, Fasting, Almsgiving, and other good Works, in order to obtain a happy Issue of this Council from Heaven. The Bull adds, that as the principal Business of it, is to maintain the Catholick Faith, according to ancient Councils, all those who understand the Scriptures are oblig'd to consider well in private, and in their Conferences with one another, of every Thing which may concur to this End; but especially to ground their Reflections upon certain Errors, *which are said to have been propagated for some Time past in several Parts of the World, and particularly those which derive their Origin from John Wickliff*. The Pope also recommended it to all the Catholicks, as well those who are already at the Council, as those that shall arrive hereafter; to consider seriously of Methods for uniting and reforming the Church, declaring that all Persons may be at full Liberty to explain themselves thereupon. And in order to regulate the Behaviour, which every one ought to observe in the Council, he quotes a Canon of a Council of *Toledo*, forbidding *all Persons whatsoever to talk indiscreetly and improperly, to make a Noise and Tumult, to laugh and jeer, to dispute or chicanes with Fury and Obstinacy, on pain of being ignominiously expell'd from the Assembly, and excommunicated for three Days*. As to the Seat and Rank of Precedency in the Sessions, the Pope declares, that if any one is not plac'd according to the Rank which he lays Claim to, this shall be without Consequence, and without Prejudice to his Rights. Then he appointed the Officers: The Acts of *Brunswick, Leipzig* and *Gotha* mention 25. 1. The Count *Berthold des Ursins*, who was intrusted with the Keeping of the Council. The Monk of *St. Denys*.

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(a) *Ubi supr.*
P. 984.(b) History
of Charles VI.
P. 339.

calls him Nobleman of *Ursins*, Count de *Soane*, (1) Palatine and Keeper of the Council (a). *John Juvenal des Ursins* of the same Family says, that they call'd him the *Great Count of Hungary*, and that he was a very wise and prudent Nobleman. The same Historian tells us, that this Count accompany'd the Emperor in the Journey he made to *Paris*, and that *John Juvenal des Ursins*, Lord of *Trainiel*, his Father, the King's Advocate, and Councillor, and President in the Parliament, feasted the said *Great Count of Hungary*, and all the others except the Emperor, and sent for Ladies and Damsels, Fiddlers, and Singers, adding to the Entertainment, Plays, Farces, and other Diversions; and tho' he was accusom'd, continues *Juvenal*, to feast all Strangers, he desir'd especially to make a grand Entertainment for these, for the Sake of the said Count *Berthold des Ursins*, because they were both of one Name, and bore the same Arms (b). 2. The Pope by the Advice of the Council appointed for Notaries *Arragon* (2) de *Mulespine* (but because he was afterwards call'd to the Bishoprick of *Brinden* in *Naples*, the Italian Nation nominated in his Place *James Rodini* of *Genoa*) *Paul de Juvenac*, (3) *Peter Donat*, *Herman Dowerch*, *Thomas Polton*, *John de Tremociac*, (4) *Anthony de Luschi*, *Ange de Reate*, *Job de Trestitis*, and *Peter de Trillia* (5). The four last were to be *Subalterns* to the first six. All these Notaries or Scriveners, were to have the principal Oversight of all the Writings which shou'd be drawn in the Council, to the End, that by concert with them, they might be made in due Order and Form, and they were to subscribe and sign every Thing that shou'd be order'd in Council. 3. For collecting the Suffrages the Pope nominated *John Basir* (6) Corrector of the Apostolical Letters, *James de Tampo*, (7) Auditor of the Causes of the sacred Colledge; *Angelo de Ballionibus*, (8) Auditor of the Causes of the Apostolical Chamber, and *Peter Paul de Justinopoli*, two of whom were to collect the Suffrages on one side of the Council, and two others, those on the other Side. They had with them two Notaries and two Scribes. 4. He appointed for Advocates, 4 Doctors of the Civil and Canon Law, viz. *Peter de Anchorano*, *Simon de Perusa*, *Raphael de Fulgosa*, (9) *Ardesin* of *Novarra*. 5. Those no-

(1) 'Tis *Suana* in the *Siennis*, formerly a City, now a Village.

(2) The Monk of *St. Denys* calls him *Dragonin*.

(3) The Monk of *St. Denys* calls him *Paul de Imitantio*.

(4) The Monk of *St. Denys* calls him *John de Trivulce*. And another MS. has the Name *de Termolse*.

(5) The Monk of *St. Denys* calls him *Peter de Tailli*.

(6) The Monk of *St. Denys* calls him *Barsur*.

(7) The Monk of *St. Denys* calls him *James du Temple*.

(8) He is omitted by the Monk of *St. Denys*.

(9) The Monk of *St. Denys* calls him *Fregose*.

miated

minated for Proctors of the Council, were *John de Scribanis*, and *de Piero* or *du Poirier*, as he is call'd by the Monk of *St. Denys*. 6. *Baronius*, or *Baronet de Pistorio*, *John Poncet*, *Baribolomew* (10) *de Pando* and *Michael Blofonis*, (11) were appointed to take care of placing every Person according to his Rank. After this Nomination was made, Cardinal *Zabarella* demanded with a loud Voice, if the Council approv'd of what he had just read, to which all the Prelates answer'd unanimously, *Yes* by the *Placet*. Then *John de Scribanis*, one of the Proctors, demanded that an Act or Publick Instrument of it might be drawn up by the Pope's Prothonotaries, and by the Notaries or Scribes deputed by the Council, to the End that the Remembrance thereof might be perpetuated.

As this Formality was observ'd in all the Sessions, it will be unnecessary to repeat it. When all this was done, the Assembly separated (a) after the Pope had proclaim'd the next Session upon the 17th of *December*.

XXXIV. THE good Understanding which was remark'd in the Beginning of the Council, was of no long Duration. The Legates of *Benedict*. XIII. and *Gregory* XII. being not yet arriv'd, almost every Thing succeeded, as *John XXIII.* wou'd have it. But when *Gregory* XII's Legates drew near, an Incident happen'd from it, which had like to have occasion'd great Broils. *John Dominique* (1) Cardinal of *Ragusa*, one of *Gregory*'s Legates was no sooner advanc'd within a few Leagues of *Constance*, but he sent an Express to set up the Arms of his Master at the House which had been allotted him in the *Augustins* Convent. *John XXIII* did not fail to take Exceptions at it, and the very next Night caus'd them to be taken down. Those of *Gregory*'s Party made great Complaints of it, as a Violation of the Law of Nations, and the Affair made such a Noise, that they were fain to assemble a general Congregation of the Cardinals, and other Prelates, and Doctors to consider of it. In this Congregation the Matter was very hotly debated, some insisting that *Gregory* XII had a Right to cause his Arms to be put up in the Council, and that therefore it was absolutely necessary to put them up again; others maintaining on the contrary that they ought not to be seen in a Place under the Obedience of *John XXIII*, or at least that they were not to be suffer'd there, till *Gregory* himself came to the Council. According to some Historians, the latter Opinion carry'd it; but others say nothing decisive was pronounc'd upon the Affair. When all's done, *Gregory* XII. who

(a) Von der Hardt, ubi sup. p. 19. The Monk of *St. Denys*, ubi sup. p. 984. *John XXIII.* causes the Arms of *Gregory* XII. to be taken down. 19 Novemb. V. d. Hardt, T. IV. p. 20. Schel. Comp. Chronol. Fol. 29, 30. & Act. & Gest. p. 214, 21. Cerref. ap. Bzovium ad an. 1414, p. 382, col. 2. & Spond. ad. annum 1414. p. 735. Schelstrat. ubi sup.

(10) The Monk of *St. Denys* calls him *Brachin*.

(11) The Monk of *St. Denys* calls him *Blofonis*

(1) See the Character of *John Dominique*. *History of the Council of Pisa*, Part I. p. 195, 196.

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pretended that he was wrongfully depos'd by the Council of *Pisa*, had good Reasons for causing his Arms to be set up in Publick, with the Keys and Tripple Crown. But *John XXIII* was as much in the Right to oppose it, since he consider'd the Council of *Constance* only as a Continuation and Confirmation of the Council of *Pisa*, which had depos'd *Gregory XII*, and by Virtue of which he himself had canonically succeeded *Alexander V*.

MEAN Time the Council became every Day more numerous, by the Arrival of several Prelates and great Noblemen. *Peter d' Ailli*, (1) a Cardinal of *John XXIII*'s Creation, arrived at *Constance* the 17th of *November*, where he was received with Solemnity, being met by all the other Cardinals. Much has been said of this Prelate in the *History of the Council of Pisa*, to which I shall add a few Particulars which I lately received from a very good Hand at *Cambray*. (2) The first is, that *Peter d' Ailli* was the Son of a Butcher, (3) *ex Patre Lanione*, which is observ'd not to his Prejudice, but rather to set off his Merit. Indeed some have said that *Peter d' Ailli* was of the noble and ancient Family of the *Ailli's* in *Picardy*. But I have heard from good Authority that this is a Mistake, as the Count *d' Ailli* lately assured one of his *Britannick* Majesty's Plenipotentiaries at *Cambray*. He was made Archdeacon of *Cambray* in 1391, and some Years after *Benedict XIII*. made him Bishop of *Pury* in *Velay*. The next Year he was translated to the Bishoprick of *Cambray*. In 1411, *John XXIII*. created him Cardinal Priest, with the Title of *St. Chrysogone*. The same Pope sent him Legate to *Germany*, especially into the Countries of *Mentz*, *Fryers*, *Saltzbourg*, *Prague*, and to the Diocese of *Cambray*, which belong'd at that Time to the Province of *Rheims*. While he was Legat to these Places, he compos'd several Tracts as well as at *Constance*, where we are now going to see him act with a great deal of Zeal for the Union and Reformation of the Church. The second Particular is, that *Peter d' Ailli* died in 1419 or 1420, and not in 1425 or 1426 as was said by *Onuphrius Ciaconius*, and *Bellarmin*, and as was said after them, in the *History of the Council of Pisa*. There's another Particular worth remarking; viz. That *Dr. de Launoy* in his *History of the Academy* declares that there was another *Peter d' Ailli* much about the same time in the Academy of *Paris*, but whether they were (b) a-kin is not known.

(b) *Launoy's* Hist. of the Academy of *Navarre*, T. I. p. 99, 100. And *Von der Hardt's* Life of *Pet. d' Ailli*, T. I. p. 450.

(1) See the Character and History of this Cardinal. *History of the Council of Pisa*, Part II. p. 56.

(2) These Particulars are taken from the written Memoirs of the learned *Peter Prudhomme*, heretofore a Canon of *Cambray*, of which his Excellency my Lord *Whitworth*, with his usual Generosity, procur'd me Extracts.

(3) This is what we learn from *Leonard Pipart*, an Advocate of *Cambray*, who had seen the Epitaph of our Cardinal's Father at *Compiègne*. *M. Von der Hardt* hears witness also, that the said Cardinal is painted in *St. Anthony's* Church at *Compiègne* in his Pontifical Robes, with his Father and Mother on each side of him.

SOME

SOME Days after, *Herman Count of Cillei in Austria*, the Emperor's Father-in-Law, made his Entry at *Constance*, as did also the Ambassadors of *Albert V. Duke of Austria* his Son-in-Law, (1) who was afterwards King of *Bohemia* and Emperor. Among those Envoys there was a Divine of *Vienna*, named *Nicholas Dinkelspuel*, who distinguish'd himself on many Occasions, but especially by a very fine Speech which he made to the Emperor, upon the Prerogative he had to assemble a Council for uniting and reforming the Church, after the Example of *Constantine the Great*, and of *Justinian*, from whom he quotes these Words; *There's nothing, says Justinian, which the Emperors ought to have more at Heart than the good Lives of the Priests, because they are to pray for them without ceasing*. The Speech concluded with these Expressions. 'The humble, obedient; and faithful Son of your Royal Majesty, *Albert*, the illustrious Prince of *Austria*, not being able to appear in Council, as well upon Account of his tender Age, as by reason of the Perplexity and Business which he meets with in a Government, upon which he is but newly enter'd, has by the Advice of his Council, deputed his Proctors and Envoys, the Reverend Fathers in Christ, N. N. the Barons, N. N. and a Gentleman N. with my self an unworthy Professor of Divinity. He has given us full Power to assist in his Name at the General Council, and to labour therein with the other Members, for every thing that may turn to the Glory of God, the Advancement of the Faith, and the entire Union and Reformation of the Church: Besides he hath authorized us to promise on his Part, that he will ratify and inviolably observe every thing that shall be resolv'd on by the Council, for the general Good of *Christendom* (a).

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Luynoi's History of the Academy of Navarre, T. I. p. 99, 100. and Von der Hardt's Life of Peter d' Ailli, T. I. p. 450.

(a) Von der Hardt. T. II. Part VII. p. 186, 187, ex M S. Helmstad.

John Hus is apprehended Op. Hus. T. I. p. 42 & 255. ver. Von der H. T. IV. p. 21, 22.

XXXV. WE will now return to the Affair of *John Hus*. *Stephen Paletz*, Divinity Professor at *Prague*, and *Michael de Causis*, Parson of one of the Parishes, were arriv'd at *Constance*, some Days ago. The first, who had been *John Hus's* intimate Friend, was become his greatest Adversary, upon Occasion of the *Croisado* published by *John XXIII.* against *Ladislaus*. As to *Michael de Causis*, I learn from a German Author, who wrote the History of *John Hus* in 1623, from the Memoirs of that Time, that *Michael de Causis* was Parson of *St. Adalbert*, (2) in the old City of *Prague*. This Author represents *Causis* as a Man very covetous and greedy of Money. 'He quitted, says he, his Church, and employ'd himself in recove-

(1) His Son-in-Law. This *Cretanus* says who was at the Council, but Historians don't place *Albert's* Marriage with *Elizabeth Sigismond's* Daughter before the Year 1422. Probably it was concluded

in the Year 1415. tho' 'twas not celebrated till the Year 1422. *Cuspinian Vit. Albert. V.* Fol. 604.

(2) As to this *Bobemian Saint*, see *Bobust-Balbin-Epitom. Rer. Bobem.* p. 130. 138.

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(a) Wal-
purger *Huf-*
sus Redivivus.
p. 24.

Op. Huf.
Ep. Vol.
VI. Fol. 58.

Op. Huf. Ep.
IV. Fol. 58.

Reich. p.
293. vers.

ring Gold Mines that were fallen in, for which he pretended to have a Secret. The King of *Bobemia* having order'd him to retrieve one, he took up a round Sum of Money for it beforehand. But not being able to accomplish his Undertaking, he fled to *Rome* with the Money that was left. There he offer'd his Service against *John Hufs*, and it was upon this Consideration, that when he came back to *Bobemia*, he was not troubled for the Money which he had embezzled. (a) *Paletz* had already written some Tracts against *John Hufs*, among which there was one intituled *Anti-Hufs*, which I saw in MS. in the Hands of *Dr. Von der Hardt* at *Helmstadt*. As *Paletz* and *Causis* were both animated with the same Zeal against *John Hufs*, they let no Moment pass, nor left one Stone unturn'd for his Condemnation. Their first Care after their Arrival at *Constance*, was to cause Bills to be posted up against *John Hufs*, as an excommunicated Heretick, for which he could obtain no Justice from the Pope. *What can I do in it*, said *John XXIII*? *they who have done it, are your own Countrymen*. On the other hand, they had drawn up certain Articles which they pretended to have extracted from his Books, and which they distributed to the Pope and Cardinals. They not only acted as Adversaries or Accusers, but as meer Spies upon him, by watching his Behaviour at Home. 'Tis true, that as he had his Safe-Conduct and the Pope's Promise to rely on, he talk'd in his own House with a pretty deal of Freedom, maintaining his Doctrine either in his Conversation, or Compositions. He also said Mass every Day in a Room near his Bagnio in presence of all the Neighbourhood who crowded to see him. Upon this *Reichenthal* reports, that the Bishop of *Constance* sent his Vicar and Official thither, to represent to him, that as he was excommunicated not only by the Pope, but by the Council too, he should not offer to say Mass; but that *John Hufs* declared he did not care a Rush for the Excommunication, and that he would say Mass as often he could. However, I can't but object against this Story told by *Reichenthal*, in the first Place, because it appears by a Letter written from *Constance*, not many Days after *John Hufs* arriv'd, that the Pope had taken off his Excommunication, as I before observ'd. Besides 'tis certain, that he had not yet been excommunicated by the Council, because this must have been done before the 28th of *November*, by consequence before the second Session, and because in the first Session, there was no Talk of his Affair. Be it as it will, *Paletz* and *Causis* took an Advantage from *John Hufs*'s Discourses, to insinuate to the Cardinals, that it was proper to arrest him.

XXXVI. BEING.

XXXVI. BEING therefore Assembled in a Congregation at the Pope's Apartment, they deputed the Bishops of *Augsburg* (1) and *Trent*, (2) with *Henry of Ulm*, Consul of *Constance*, and a Gentleman, (3) to tell him that he must forthwith appear before the Pope and Cardinals, there to give an Account of his Doctrine, which he had so often wish'd to do. The Deputies perform'd their Commission with a great deal of Civility and Courtesy. Nevertheless they had taken the Precaution to post a good Number of Soldiers in the Neighbourhood, in Case of Necessity. *John Huss* answer'd, that the only Motive of his repairing to *Constance*, was to give an Account of his Faith in full Council, and not barely in a private Congregation of the Pope and Cardinals; but that since they had so order'd it, he would go thither nevertheless, being fully resolv'd to lay down his Life, rather than betray the Truth. Accordingly he set out without Delay, being accompany'd by the Count *John de Chlum*, a generous, zealous Friend, who never abandon'd him. When he arriv'd at the Episcopal Palace, one of the Cardinals spoke to *John Huss* in these Terms; *Many Complaints have been made to us against you, of such a grievous Nature, that if they are just, it will be impossible to tolerate you. For publick Fame accuses you of having propagated capital and manifest Errors in Bohemia; against the Catholic Church. To know what Truth there is in all this, is the Reason we have sent for you hither. I intreat you my Fathers, to be assured,* said *John Huss*, *That I would sooner die than be convicted of any Heresy, much less of capital Errors, as you say: For this Reason I came with Joy to this Council, and promise you, that if I am convicted of any Error, I will abjure it without Hesitation.* The Cardinals told him, that they were satisfy'd with his Answer; and leaving him in Custody, as well as *John de Chlum*, till farther Orders, they retir'd with Design to meet again in the Afternoon.

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Congregation of Cardinals about the Affair of *John Huss* the 28th of Nov. *Von der Hardt* T. IV. 21. *Op. Huss*. T. I. p. 5.

Op. Hus ubi supr. p. 5. *V. d. Hardt*, T. IV. p. 22.

XXXVII. MEAN Time a certain Monk of the Order of the Minor Fryars was sent to him to be a Spy upon his Discourse, under Pretence of Friendly Conversation. This Monk pretending at first to

Conversation of *John Huss* with one *Didacus*, a Monk. *Op. Huss*, Fol. 5.

(1) This is what I find concerning the Bishops of *Augsbourg*, of that Time, in the Eccles. History of *Germany*, printed in 1724. p. 124. *Anselm de Nennungen* of *Augsburg*, was elected by some of the Chapter. Mean while the Emperor *Sigismond* having caused *Frederic de Grafeneck* to be elected, they were at Law for the Bishoprick above nine Years. Both eas'd themselves to be consecrated, and each possess'd a Part of the Diocese. But they were both oblig'd to resign in 1421. and *Anselm* retired to the Abbey of *Blau-*

whern, in the Diocese of *Constance*, where he died An. 1428.

(2) This probably was *Herman*, Count *de Artenberg*, Bishop of *Freisgen*, who was translated to the Bishoprick of *Trent*; and died in 1421. Eccles. History of *Germany*. Tom. II. p. 114.

(3) The Journal of *Cervetanus* adds to them a Doctor of Laws, named *Ottoben*, and to those Bishops and this Doctor he gives the Title of *Sigismond's* Ambassadors. *Von der Hardt*. T. IV. p. 22.

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be very simple and ignorant, told him that he only came to him with a View of being instructed, and to have a true Account from him of several Articles which he was accused of teaching contrary to the Catholic Faith, and which had raised some Scruples in his Mind. In the first Place, *says he to him*, you are accused of believing that nothing but Bread remains in the Sacrament of the Altar after Consecration, and the Pronouncing of the Sacramental Words; *John Hufs* answer'd bluntly, that it was a false Imputation; *Why*, *says the Monk*, is not that your Opinion? *No*, reply'd *John Hufs*, it is not. The Monk was going to press him farther upon that Article, when *John de Cblum* tax'd him with Indiscretion, upon which he call'd a new Cause, still making Ignorance and his great Desire of Knowledge his Excuse; therefore he ask'd *John Hufs* what he thought of the Union of the Divine and Human Natures in the Person of Jesus Christ: Upon which *John Hufs* turning about to *John de Cblum* said to him in the *Bobemian* Tongue, *Believe me, this Man is not such an Ignoramus as he pretends, for this Question which he puts to me, is very difficult*: Then turning to the Monk, *Brother*, *says he*, *You say you are simple, but I see by this subtle Question, that you are more Knave than Fool, and that under the Veil of Innocence you conceal a very great Penetration of Mind. Be that as it will, know then, that this Union is personal, inseparable, and intirely supernatural*. *John Hufs* having answer'd the Monk's Question; the latter withdrew, thanking him for his good Explanations. But when *John Hufs* heard afterwards that this Monk was one of the most eminent Divines of *Italy*, he was sorry that he did not know it at first, that he might have had more Discourse with him.

John Hufs is committed to Prison. *V. d. Hardt* T. IV. p. 21. *Op. Huf.* T. I. Fpl. 5.

XXXVIII. THE Cardinals meeting again the same Day at four a Clock in the Afternoon, in the Pope's Chamber, it was resolv'd among them, at the Instigation of *Paletz*, *Causis*, and some others, to commit *John Hufs* to Prison. At Night therefore they sent the Governour of the Pope's Palace to tell *John de Cblum* that as for him he might go where he pleased, but that he had Orders to commit *John Hufs* to some Place of Security. *John de Cblum* went immediately and complain'd of it to the Pope, as a manifest Violation of the public Faith and his own Promise. But the Pope laid the Blame of it upon the Cardinals and Bishops, adding, that he himself was in their Hands. It does not appear indeed, that the Pope was present in the Congregation; when it was resolv'd to arrest *John Hufs*. Nevertheless, 'tis not to be supposed that the Cardinals would have presum'd to have put such an Undertaking in Execution, without his Knowledge and Consent. But as the Pope could not be ignorant that *Sigismond* would take this Violation of his Safe-Conduct very ill, he was very glad he had an Opportunity to say, that this Resolution was taken

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ken in his Absence; and probably the Cardinals engag'd to pacify the Emperor. Be it as it will, *John Huss* was carried to the House of the Chanter of the Cathedral of *Constance*, where he was confined under a strong Guard. A *Vienna M S.* adds, that he was committed to the Care of the Bishop of *Lausanne*. (1) Mean Time *John de Cblum* daily sollicited *John XXIII.* for his Enlargement; and as it still seem'd to be a Doubt with the Pope, whether he had a Safe-Conduct from *Sigismond*, tho' the *Bohemian* Lords assured him of it the next Day after their Arrival, *John de Cblum* confirm'd it to him again, but without shewing him the Safe-Conduct, because he did not ask to see it, and probably did not very much care to be convinc'd of it with his own Eyes. But *John de Cblum* shew'd it then to any that had a Mind to see it. In order that the Public may be better able to judge of this important Affair, 'tis proper to insert the Passport in this Place.

V. d. Hardt,
T. IV. p.
212.

XXXIX. *Sigismond, by the Grace of God, King of the Romans, &c. To all Princes as well Ecclesiastical as Secular, &c. and to all our other Subjects, Greeting. We affectionately recommend to all of you in general, and every one of you in particular, the Honourable Master JOHN HUSS, B. D. and A. M. the Bearer of these Presents, going from Bohemia to the Council of Constance; whom we have taken into our Protection and Safe-guard, and into that of the Empire, desiring you, when he comes amongst you, to receive him well, and entertain him kindly, furnishing him with all Necessaries for his Dispatch, and Security, whether he goes by Land or Water, without taking any thing either from Him or His, at coming in, or going out, for any sort of Duties whatsoever; and to let him freely and securely pass, sojourn, stop and repass; and providing him, if need be, with good Passports, for the Honour and Respect of his Imperial Majesty. Granted at Spire the 18th of October 1414. the 33d of our Reign, as King of Hungary, and in the 5th as King of the Romans. By Order of the King. And underneath Michael de Paceft, Canon of Breslaw. If we may judge of this Safe-Conduct, by the Form of it, and by the Term Affectionately, it cannot be doubted but *Sigismond* granted it *bonâ fide*. But the Event will illustrate it to us better than all Conjectures. *John Huss* remained eight Days at the Chanter's House, from whence he was carry'd to the Prison of the *Dominicans* Monastery, where he fell dangerously ill. The old Historian of his Life says, here, that the Pope, not willing, perhaps, that he should die a natural Death, sent his Physicians to him to take Care of his Health.*

The Empe-
ror's Safe-
Conduct
granted to
John Huss.
V. d. Hardt,
T. IV. p. 12.

Op. Hus. T. I.
Fol. V. Verso.

(1.) 'Twas *William de Chalant*, a Benedictine, who in 1406. succeeded his Brother *Anthony de Chalant* in this Bishoprick, and died in 1430. *Ecclef. Hist. of Germany.* Tome II: p. 225.

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Sigismond
 notifies
 his Coro-
 nation to the
 Pope 28 No-
 vember. V. d.
Hardt T. IV.
 p. 22. *Bzov.*
ad an. 1414.
 n. VI. *Gob.*
Perf. ap. Mei-
bom, T. I. p.
 331. *Niem.*
vit. Joh. ap.
V. d. Hardt,
 T. II. p. 375.
 As to the 3
 Imperial
 Crowns, see
Æn. Sylv.
Hist. of Fred.
 III. p. 151,
 152.
 * 1 Decemb.
V. d. Hardt,
 T. IV. p. 23.
Bzov. ub. sup.
 n. VII.
 Letters from
Sigismond to
 the Pope, and
 from the
 Pope to *Si-*
gismond.

XL. THE very Day that *John Huss* was arrested, *Henry Count de Laszenbock* brought the News of *Sigismond's* Coronation to *Constance*, with a Letter which that Emperor wrote to the Pope, to give him an Account of it. This Prince, as has been said elsewhere, was chose K. of the *Romans* by the greatest Number of the Electors, in *Sep.* 1410. at the same Time with *Josse*, Margrave of *Moravia*, his Cousin-German, who had none for him besides the Electors of *Mentz* and *Cologn*. But *Josse* dying six Months after his Election, all the Electors unanimously agreed in the Choice of *Sigismond*, who, however, always put the Date of his first Election in his Letters, tho' it had been contradicted. Several Obstacles had hinder'd him from being crown'd sooner. For this Reason we have every where call'd him King of the *Romans* hitherto, together with all the Historians, and all the public Acts of that Time, not excepting the Letters of *Sigismond* himself, who is not stil'd Emperor before his Coronation. I observe too that afterwards the Acts of the Council never give him any other Title than King of the *Romans*, undoubtedly because he had not yet been crown'd by the Pope, which was not done till 1433. by *Eugene IV.* But without farther Regard to this Formality, which is no longer in use, we shall hereafter call him Emperor. The Pope also did not fail to write to * *Sigismond* to congratulate him, and at the same Time he earnestly desires him to make Haste to the Council, because they could conclude nothing of Importance without him.

XLI. As these two Letters bear the Character of reciprocal Confidence, 'tis necessary to give the Substance of them here. *Sigismond's* Letter to *John XXIII.* is to the following Effect (1) ' When we seriously consider the Duties incumbent upon us, we find ourselves obliged to all Mankind. Therefore for Fear we should be bankrupt, we lose no Time to discharge Debts that are so important. God, who has committed the Care of the Empire to Us, as a Talent which we ought to improve, calls us at the same Time to the Defence of the Catholic Faith, against a great Number of venomous Insects, and to march to the Assistance of the Church. Therefore we think we offer an agreeable Sacrifice to the living God, while we labour with a persevering Zeal to pacify the State of the whole Empire; and we go about it the more willingly, because the Undertaking seems to be form'd under happy Presages. Of these Presages, the Favour which God has done us, to call us to the Kingdom of *Hungary*, (2) and afterwards to that of the
 ' *Romans*,

(1) This was the Subscription of it, Sanctissimo in Christo Patri & Domino, Domino *Johanni* Sacrosanctæ Romanæ ac Universalis Ecclesiæ summo Pontifici Domino nostro Reverendissimo.

(2) Here is a very advantageous Description of *Hungary*. Hungaria locorum Amœnitatē conspicua, situum habitudine speciosa, exuberanti rerum affluentia copiose

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Romans, is not the least. Wherefore with filial Reverence and
 Devotion, We give Notice to your Holiness, that according to the
 Custom of our Ancestors, we have receiv'd at *Aix la Chapelle*, in
 the Diocese of *Liege*, the Crown of King of the Romans, with the
 usual Solemnities and Ceremonies; as well as our most dear Spouse
 the Queen *Barba*. Under these happy Auspices we are hastening
 to the Council of *Constance*, committing with a filial Devotion our
 Kingdoms and all our Fortune to the Care of your Holiness, ear-
 nestly beseeching you, according to your wonted Goodness, to assist
 us in the Support of so heavy a Burden, with the Apostolical Au-
 thority and your paternal Good-will; and at the same Time to bear
 with our Defects, to fortify us in our Weakness, and to procure
 us all the needful Succours for the Advancement of God's Glory,
 to the end that all the World may know, that the Father loves
 the Son, and treat him with all suitable Regard; and that the Son
 does what the Father enjoyns him, being dispos'd to execute all your
 Commands with Affection and Success. And if at the Place of Coun-
 cil any thing should want to be corrected, among the Citizens and
 Inhabitants, we shall do it chearfully according to your Holiness's
 Direction. For the rest, we recommend your Holiness's Person to
 the Favour and Protection of the most High, that he would be plea-
 sed long to preserve the Government of the Church to him, in
 Health and Prosperity. Given at *Aix la Chapelle* the ninth of
 November, in the 28th Year of our Reign as King of *Hungary*,
 &c. the 5th as King of the *Romans*, and the first of our Coro-
 nation. (1) The Pope's Answer was to the following Tenor.
 Dear Son, with Joy we receiv'd your Serenity's Letter, be-
 cause you acquaint us with a filial Devotion, of your Coronation,
 and that of our most dear Daughter *Barba*, the illustrious Queen
 of the *Romans* and of *Hungary*, your Spouse. We also with Plea-
 sure observ'd your sincere Affection to us and the holy Church,
 as is the Duty of a true Catholick. We heartily return Thanks
 for it to the Almighty God, and to your Clemency, and congra-
 tulate you with Sentiments of Joy inexpressible for these happy
 Beginnings, beseeching the Lord to give them advantageous Con-
 sequences to the Praise of the Name of God, for the Peace of

esse pollens, delectabilem indigenis & ad-
 venis sub diversitate Linguarum & Na-
 tionum exhibet incolatum, & In quo ju-
 cunditatem & exultationem thesaurizand-
 o omnium divitiarum temporalium nul-
 li in Orbe terrarum secundus susvitate
 deduci, delectabiliter, & feliciter regnare
 possunt. *Brv.* 1414. Num. VI. 3

(1) The Subscription was, Sanctitatis
 vestre devotus Filius *Sigismundus* Dei
 gratia Romanorum Rex semper *Augustus*
 & *Hungarie, &c.* Rex cum humillima
 recommendatione ad pedum oscula bea-
 torum, ad mandatum Domini Regis *J-
 bannes* Præpositus Sancti *Stephani* Vice-
 Cancellarius.

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the Church, for the Establishment of the Roman Empire, and for the immortal Glory of your Highness (*Celsitudinis*). And if it happens as you desire us by your Letter, that you have need of the Authority of the Apostolical See, and of our Suffrage, we desire your *Sublimity* to be assur'd, that we will do every thing in our Power for the Advancement of your Estate and Honour. For the holy Church cannot do any thing more worthy of it, than to honour, exalt, and cherish so worthy a Son, the invincible Champion of the Christian Faith. It hopes from your Virtue, and your Royal Magnanimity, to recover its former Lustre and Tranquillity, disturb'd by the Treachery of the Schismatics. For the rest, since we and our Brethren the Cardinals, who are here assembled in a great Number, have laid aside Affairs of vast Importance to the Church, to come to *Constance* according to your Desire, we expect you with Impatience, because we are not willing to decide any thing of Importance without you. Therefore we earnestly intreat you to repair hither without Delay, in order by your Advice and Assistance to treat of the Union and Reformation of the Church, and to bring this Affair by God's Help to a happy Issue. Dated at *Constance*, December 1, in the 5th Year of our Pontificate. (a).

(a) *Bzv.*
ub. supr. N.
VII.

Articles exhibited against *John Hufs.*
Op. Huf. ub. supr. Fol. VI.

XLII. THE Accusers of *John Hufs* were as zealous to bring him to a Tryal, as *John de Cblum* was to demand his Liberty. With this View, *Michael de Causis* exhibited eight Articles to the Pope, which I will here set down, because they are the chief that were produced against him. In the first which relates to the Eucharist 'tis pretended, 1. That he publickly taught, that the *Sacrament ought to be administered to the People in both Kinds*. The Proof of this Article is, that his Disciples practis'd it at *Prague*. 2. That he taught publickly also both in the Academy and the Church, or that at least he holds, *That in the Sacrament of the Altar, the Bread remaineth Bread after the Consecration*. This Article, says *Causis*, will be clear'd up in the Examination of *John Hufs*. The second Article relates to the Ministers of the Church. He is therein accus'd of saying, *That the Ministers in a State of mortal Sin cannot administer the Sacraments, and that on the contrary any other Person may do it, provided he be in a State of Grace*. The third Article relates to the Church, wherein he is accus'd of teaching, 1. *That by the Church, ought not to be understood the Pope, Cardinals, Archbishops and Clergy, and that this is a wicked Definition invented by the Schoolmen*. 2. *That the Church ought not to possess Temporalities, and that the secular Lords may take them away from the Churches and Ecclesiasticks with Impunity*. This appears, say they, because at his Sollicitation, most of the Churches of *Bohemia* had been stripp'd of their Revenues. 3. *That Constantine and the*

the other Princes were guilty of an Error in endowing the Church. 4. That all Priests are of equal Authority, and that consequently the Ordinations and Casualties reserv'd to the Popes and Bishops, are the meer Effect of their Ambition. 5. That the Church has no longer the Power of the Keys, when the Pope, Cardinals, Bishops, and all the Clergy, are in a State of mortal Sin, which may be the Case. 6. That he contemns Excommunication, having all along celebrated the Divine Office during his Journey. (1) The two following Articles contain nothing but what is included at least in Substance, in the preceding six. After these Articles, *Causis* makes some Remarks upon the Conduct of *John Hufs*. He accuses him first of having been the Cause of the Desertion from the University of *Prague*, by the Use he made of the secular Authority to the Oppression of the *Germans* . 2. Of having singly maintain'd the Errors of *Wickliff*, against the whole University which condemn'd them. 3. Of having persecuted the Clergy, and set them and the Laity together by the Ears, by tempting the Avarice and Lust of the one, to the Prejudice of the Estates and Revenues of the other. 4. Of being follow'd by none but Hereticks, and the Enemies of the Church of *Rome*. From hence he inferr'd, that if *John Hufs* be not severely treated by the Council, he will do the Church more Harm, than ever any Heretick did since the Reign of *Constance*, and prays the Pope immediately to appoint Commissioners to examine him, and Doctors carefully to read his Works.

XLIII. THIS Memorial did not fail of its Effect. The Pope immediately appointed three Judges or Commissioners, viz. the Patriarch of *Constantinople*, with the Bishop of *Castel*, (2) and the Bishop of *Lebus*, (3) the one an *Italian*, the other a *German*, to hear the Articles exhibited against *John Hufs*, and to take the Oaths of the Witnesses. Then those Commissioners went and carry'd those Articles to *John Hufs* himself in his Prison, where he lay very sick. He desir'd them to grant him an Advocate to defend his Cause; by reason that being sick and a Prisoner, he could not defend it himself. But this was what they would never allow him, because, said they, the Canon Law prohibits the espousing or pleading the Cause of a Person suspected of Heresy. And as, according to the same Law, all manner of Witnesses are admitted against a Heretic, they did not fail to pick up a great Number among the Clergy of *Bobemia*, whom *John Hufs* had exasperated by his Preaching. He complains in one of

Commissioners appointed for the Tryal of *John Hufs*.

Op. Huf. ubi supr. Fol. VII.

(1) *N sc*, that *Causis* does not tax him with a Crime for having said Mass in his own House at *Constance*, for this Reason undoubtedly, because his Excommunication was taken off, which is contrary to the Account given by *Reichenbal*.

(2) This is *Castel a Mar Della Brucca*, formerly an Episcopal City in the Kingdom of *Naples*.

(3) *Lebus* was heretofore an Episcopal City in the middle Marquisat of *Brandenburg*.

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Op. Hus.
Fol. 71, &c.

his Letters, that so many false and ensnaring Articles were every Day invented against him, that he had scarce Time enough to answer them. In those Letters may be seen the great Number of Vexations which he suffer'd from his Judges; the Insults he met with from *Palets*, *Causis*, and some other Ecclesiasticks; their Refusal to allow him Proctors and Advocates, and the Artifices and Intrigues they made use of to hinder his having a Hearing in Council. I will here give a Fragment of one of his Letters, because it contains some curious Particulars. ' *My Enemies say, that they will not grant me a Hearing, unless I pay 2000 Ducats to the Minister of Antichrist. I hear that Michael de Causis has found Means to get a Copy of a Letter which I wrote to Master Jacobel, and of his Answer, which no doubt will not be very pleasing. The said Michael de Causis came to me in the Prison, together with the Patriarch, accompany'd by several Notaries and Witnesses. One of the Commissioners having examin'd me upon Oath, whether the Letter was mine, I answer'd him Yes*' (a). Notwithstanding he was thus disturb'd in his Mind, he compos'd several Treatises, by which he comforted himself in his Captivity; particularly upon *Marriage*, the *Decalogue*, the *Love and Knowledge of God*, *Repentance*, the *three Enemies of Man*, the *Lord's Supper*, and several others which he mentions in his Letters, and may be found in his Works. These Treatises were sent to *Prague*, by Friends that *John Hus* had at *Constance*, who received them from the Hands of his Keepers. *Cochleus* pretends that *John Hus* compos'd his Tracts, on Purpose to win the Hearts of those who were set to guard him in Prison. Supposing that to have been his Motive, I should not think there was any great Harm in it, because it was to instruct them in Piety; but it appears both by the Title of his Tracts, and by the Subscriptions of the greatest Part of them, that he wrote them at their Request. The Treatise of the *Ten Commandments*, is a very short simple Explanation of the Decalogue, in which there is nothing but what every Body will approve of: Neither is there any thing but what is very orthodox in the Treatise of the *Lord's Prayer*, because by *Daily Bread*, he means both the Sacrament of the Eucharist, and the Bread necessary for our Sustainance. He expresses himself thus. *Give us this Day our daily Bread; that is to say, thy Self, thy Word, the venerable Sacrament of thy Body, and the Bread necessary for the Body* (1). 'Tis the same with his Tract of *mortal Sin*, which has a continued Strain of very pure and very Christian

(a) Op.
Hus. T. I.
Fol. LXXI.

(1) *Id est Te ipsum, Verbum tuum, Venerabile Sacramentum Corporis tui, ac panem Corpori necessarium.* Op. Hus. T. I. Fol. XXXI. b.

Mora-

Morality (1). The Treatise of *Marriage* is address'd as well as the former to *Robert*, who having a Design to marry had consulted *John Hufs* about the Match. He excuses himself for the Brevity of this Tract, because he is not easy in his Mind, and wants Books in his Prison; nevertheless he explains himself with a great deal of Wisdom and Piety upon the Advantages and Inconveniences of Marriage and Celibacy, as well as upon the Engagements and Obligations from the Husband to the Wife. But he looks upon Marriage as a Sacrament (a). In his Treatise of the *Knowledge and Love of God*, he explains himself very clearly, and like a staunch Catholick upon the Trinity of the Persons in the Divine Essence, which I observe, because he had been accused of admitting four Persons in the Godhead. In this Tract he strongly presses the Love of God. The Treatise of that *Three Enemies of Man, and the Seven deadly Sins*, is a Lecture of very severe Morality. The three Enemies of Mankind are the *Flesh*, the domestick Enemy of a Man which makes use of the five Senses of Nature to incline him to Evil. The second Enemy of Man is the *World*, which attacks him by Avarice: *This Enemy*, says he, *has for its Tools to work with, Gold, Silver, Possessions, Horses, Prebends, and other Things, of which a covetous Man never has enough.* The third Enemy of Mankind is the *Devil*, who attacks Men with Pride, and has for his Tools, Ambition to bear Rule, Power and Valour, Beauty, Prelacy and Learning. The seven deadly Sins, or rather the general Sources of the seven deadly Sins, are Pride, Covetousness, Luxury, Envy, Gluttony, Anger and Sloth, (*acedia*). This Tract is inscrib'd to one *George* (b), and after it we find another compos'd during *Lent*, concerning Repentance. He makes it to consist in three Things, *Contrition, Confession, and Satisfaction.* The *Sinner*, says he, *ought to make Satisfaction to God by humbling himself before him, to himself, by afflicting himself, and to his Neighbour, by restoring what he took from him.* This Tract is address'd to one *James* (c).

(a) *Ubi supr.*
Fol. XXXIII
&c.

(b) *Ubi supr.*
Fol.
XXXVI.

(c) *Ubi supr.*
Fol.
XXXVII,
&c.

THE following Treatise on the *Body and Blood of Jesus Christ*, is longer, and of greater Importance with regard to the Articles of which *John Hufs* was accus'd. He begins it with this Protestation. 'I have always submitted and do submit my Understanding to the Holy Scripture, being not willing to believe or affirm any thing that is contrary to it; but firmly believing, according to St. *Austin's* Rule, all that *Jesus Christ* requires should be believed of him, and believing not a Tittle of any thing which he would not have us

(1) 'Tis address'd to *Robert* one of his Keepers, in these Terms. *Hæc tibi, Roberte, sedens in carcere scripsi, ne caterum*

te jam crimini suppedites ipse. Op. Huf. ubi supr. Fol. XXXII. b.

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(a) Ubi sup.
Fol.
XXXVIII. b.

‘ believe of him. I believe with the holy Mother Church, all
 ‘ the Truths necessary to be believ’d, *according as the Holy Trinity re-*
 ‘ *quires they should be believ’d* (1). I hold also either implicitly or
 ‘ explicitly the Opinions of General Councils, and the holy Doctors
 ‘ of the Church, and my Sentiments as to this matter are so sincere,
 ‘ that by the Help of Jesus Christ, I wou’d rather suffer Martyrdom
 ‘ than advance any thing contrary to the Faith. With this Protesta-
 ‘ tion I have written some Books, taught, read, and answer’d
 ‘ in the Univerfity of *Prague*, and preach’d the Gospel of Jesus
 ‘ Christ to the People in the Kingdom of *Bohemia*, and particularly
 ‘ at *Prague* (a). With the ſame Proteſtation he divides his Trea-
 tiſe into four Parts. 1. Why the Sacrament of the Eucharift was
 inſtituted. ’Twas in Commemoration of the Death of Jeſus Chriſt,
 as well as of his Reſurreſtion and Aſcenſion, as it is expreſſed in the
 Canon of the Maſs. 2. What is neceſſary to be believ’d of the Sa-
 crament. He ſays, as to this, that we muſt firmly believe all that
 Jeſus Chriſt himſelf has taught his Apoſtles concerning it, and what
 he has taught concerning it by them and the holy Doctors; and
 whatever the holy *Roman Church* holds concerning it; (*Et quidquid*
tenet ſancta ſua Romana Eccleſia, de hoc ſacramento venerabili.) viz.
 1. That by the Power and Inſtitution of Jeſus Chriſt, very God and
 very Man, and by the Miniſtry of the Prieſts (2), the true Body
 of Jeſus Chriſt, which was conceiv’d by the Holy Ghoſt in the Womb
 of the Virgin *Mary*, which ſuffer’d upon the Croſs, which was three
 Days in the Grave, which aſcended into Heaven, and which ſitteth
 at the Right Hand of the Father, that this Body is in the Sacra-
 ment and not another, ſo that there is no Neceſſity of a new For-
 mation, (*ſine nova ſui ſubſtantiali inceptione.*) He ſays the ſame
 thing of the Blood. 2. That we ought to believe, that a wicked
 Prieſt, as well as a good one, provided he has a ſound Faith as to the
 Sacrament, provided he has an Intention to do what Chriſt has com-
 manded, and provided he ſays the Words in the Maſs, according to
 the Inſtitution of the Church, that ſuch a Prieſt tho’ wicked, effec-
 tually forms the Sacrament, that is to ſay, that by Virtue of the Sa-
 crament Words, he *miniſterially* cauſes the true Body, and the true
 Blood of Jeſus Chriſt, to be under the Species of Bread and Wine:
 I ſay, adds he, *miniſterially*, becauſe as a Miniſter of Jeſus Chriſt,
 he does by the Power and Words of Jeſus Chriſt, what Jeſus Chriſt
 does by his own Power and his own Words, tranſubſtantiating the

(1) *Credens etiam cum ſancta matre*
Eccleſia omnem veritatem credibilem prout
vult benediſta Trinitas ipſam credi. Ub.
 ſupp. Fol. XXXVIII. b.

(2) ’Tis in the Latin *Mysterium*. But
 ’tis a Miſtake for *Ministerium*, as appears
 by what follows.

Bread.

Bread into his Body, and the Wine into his Blood (1). He thereupon quotes the Authority of St. *Austin*, and St. *Gregory*. ' I held this Doctrine, *says he*, before I was Priest, and have taught it both by Word of Mouth and Writing, from the Beginning of my Ministry, as appears by a Tra \u00fct concerning Christ's Body, that I compos'd the first Year of my Preaching, which, as I think, was in the Year 1401. I afterwards taught the same thing in the University of *Prague*, when I publicly read the *Master of Sentences*. Therefore God forgive my Enemies, who have said and even carry'd the Accusation to the Court of *Rome*, that I have preach'd that a Priest in a State of mortal Sin does not form and consecrate the Sacrament (*non conficit & non consecrat*). 'Tis true indeed, that I have said and preached, that I have written and do still write, that such a Priest does not form nor consecrate the Sacrament worthily and *meritoriously*, and that on the contrary he does it to his own Damnation.

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IN the Sequel of this Treatise, he teaches the Doctrine of Transubstantiation, and the *Concomitancy*, in Terms which are not equivocal, and he affirms that he never preach'd, as he has been *falsely* accused, that the *Substance of Bread and Wine remains in the Sacrament of the Altar*. In the rest of this Discourse there is nothing remarkable.

BESIDES the three Commissioners above-mention'd, it appears by the Acts, that the Pope constituted another *Commission*, much more numerous, undoubtedly for examining the Doctrine, *viz.* four Cardinals, namely, those of *Cambray*, *St. Mark*, *Branca* and *Florence*, two Generals of Orders, and six Doctors, according to the M S. of *Vienne*. But the *Leipfic* M S. reports this Commission somewhat differently. ' In 1414. *says the M S.* on the 28th of November, a certain Heresiarch, named *John Huss*, was arrested at the Council of *Constance*, and Commissioners appointed to try him, *viz.* seven Cardinals, the Cardinal of *Ostia*, the Cardinal of *Palestrine*, the Cardinal *de Branca*, the Cardinal of *Venice*, the Cardinal of *St. Mark*, the Cardinal *de Chabant*, and the Cardinal of *Florence*. To them were added twelve other Commissioners, taken from the Prelates and Doctors, as the Patriarch of *Constantinople*, the Bishop of *Adria*, (or *Atri*) the Bishop of *Lebus*, (2) the Bishop of *Castel*, and the Bishop of *St. Paul de Leon*. The Doctors were the General of

V. d. Hardt, T. IV. p. 23. 1 Decemb. see also V. d. Hardt T. IV. p. 385.

(1) Item credendum est quod tam bonus quam malus Sacerdos, habens fidem rectam circa Sacramentum venerabile, & habens intentionem sic facere ut praecepit *Christus*, & dicens Verba in Missa, secundum institutionem Ecclesiae, conficit, i. e. virtute verborum sacramentalium facit ministerialiter esse sub specie Panis verum Corpus *Christi*. Similiter sub specie vini

facit ministerialiter esse verum sanguinem *Christi*. Et dico facit ministerialiter, quia tanquam Minister *Christi*, qui potestate & Verbis *Christi* facit, quod facit *Christus* potestate propria & Verbis propriis, transubstantians Panem in Corpus suum & Vinum in sanguinem suum.

(2) 'Tis in the Text *Ledusensis*, which is an Error.

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the *Dominicans*; the Provincial of the said Order in *England*; Doctor *Didacus* a *Franciscan*; the General of the *Franciscans*; Master *Stephen Paleiz*; the Proctor of the Order of *Glugny*; the General of the Order of *Servites*.

1 Decemb.
Arrival of other Prelates at the Council.

(a) 1 Decemb.
Arrival of the English Ambassadors.

XLIV. SOME Days after, there arrived the Archbishops of *Genoa* and *Vienna*, the Bishop of *Ratisbon*, (1) and *John de Wallenrod* Archbishop of *Riga*, who was also a Prelate of great Distinction. He had had such great Quarrels with the Knights of the *Teutonic* Order, that he quitted that Benefice without Regret, for the Bishoprick of *Liège*; and we shall see hereafter, how he came by the Exchange, which was of extraordinary Advantage to him. He accompany'd the Emperor in his Voyages to *Spain*, *France* and *England*, and at his Return had a very great share in the most important Affairs of the Council. Neither must we omit the Arrival of the Ambassadors of *England*, (a) viz. the Bishops of *Salisbury*, *Bath*, and *Hereford*, the Abbat of *Westminster*, the Prior of *Worcester*, and the Earl of *Warwick* Governour of *Calais*. There was a more numerous Embassy from *England* afterwards, *Reichenthal* mentions two Archbishops, seven Bishops, the Earl of *Warwick*, and several other Lords and Gentlemen. In the Number of these Prelates we find in particular *Robert Alam* (2) Bishop of *Salisbury*, signalizing himself among the rest by his Zeal for the Reformation of the Church, as he had done before at the Council of *Pisa*.

Congregation of Cardinals and Prelates for the Union and Reformation of the Church.

(a) 7 Decemb.
V. d. Hardt,
T. IV. p. 23.

Bez. ad ann.
1414. p. 382.
Col. 2.

XLV. A Congregation (a) of Cardinals and other Prelates was held at the same Time, wherein the Business of the Union and the Reformation was a little more thoroughly discuss'd than it had been till then. This Congregation assembled in the Pope's Palace, tho' it does not appear, that he was present at it, any more than in some of the preceding Assemblies. However, three Memorials were read in it, which had different Views, and in which he was very much interested. The first was presented by some *Italian* Cardinals who were devoted to *John XXIII*. The second by the Cardinal of *Combray*, and the third by the rest of the Cardinals. The Memorial of the *Italians* imported. 1. That Matters of Faith ought to be regulated before others. 2. That it was absolutely necessary to confirm solemnly all that was done at the Council of *Pisa*, and to execute it strictly. 3. That in Pursuance of the said Council, the Pope was obliged, without delay, to prosecute *Peter de Luna* and *Angelo de Corario*, (3) who were therein legally depos'd. 4. That if the

(1) Probably 'twas *Albert de Staffenberg* Rector of *Ratisbon*, who died in 1421. *Eccles. Hist. Germany*, p. 36.

(2) *Onuprius* says that *John XXIII*. made him Cardinal in 1411. tho' he was

never called in this Council by any other Title than Bishop.

(3) In this Memorial he is call'd *Ervarius*.

† Schism

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Schism could be more happily determined by a Method of Negotiation, than by that of Force, it was free for the Pope to make use of the first Method. 5. That hereafter the Privileges which a Pope shall grant, or the Benefices which he shall confer upon the very Day of his Election, shall be deem'd as void; and that the Officers of the Court of Rome shall be reduc'd to the Number and Rules that were observ'd before the Schism. 6. That the Pope shou'd make a Constitution, ordering, that in Case of a Schism, or Dispute relating to the Pontificate, if the Pope refus'd to assemble a Council, the *Cardinal Bishops*, or any three of them might, and even ought, to call one, and to appoint the Place for holding it. 7. That upon the Day of his Election, the Pope, in presence of the People and Clergy, shall take the Oath, and make the Profession which was formerly made by the Popes, and by *Boniface VIII.* (1) 8. That every ten Years, a general Council shall be assembled, the Place of which shall be settled at the End of every Council. 9. That the Pope shall undertake nothing contrary to the Rights of the Church of Rome; and that every Attempt against such Rights shall be look'd upon as null and void: Neither shall it be lawful for him to alienate the Lands of other Churches, nor to approve Alienations of that kind; and that all which have been made since the Council of *Pisa* be revok'd. 10. That he observe the Canon Law in the Election of Cardinals, Prelates, Parsons, and other Ecclesiastics, as well as when he goes to translate them to, or turn them out of Benefices; and that he shall not do this without lawful Cause. 11. That he shall not subject the Clergy, nor any of their Members, to the Kings, Princes, and Lay Communities; and that he shall not permit the raising of any Tax upon the Clergy, under any Pretence whatsoever; and that the Prelates who do it, shall be depriv'd of their Benefices, and excommunicated. 12. That he shall suffer no Pecuniary Contract in the Promotions to Prelatical Dignities, or in the Collations to Benefices, nor in any Affair concerning Spiritualities; but that on the contrary, he shall severely punish every Proposal which may tend to Simony. 13. That in Affairs of Importance the Pope shall undertake nothing without the Advice of the Cardinals, and that they shall subscribe the Letters themselves, or by a Notary, as was practis'd formerly. 14. Lastly, That every Thing done hereafter, contrary to any of the foregoing Regulations, shall be deem'd void.

Cardinales Episcopi.

BESIDES the general Concern which the Pope had in this Memorial, he was more especially interested in the second Article. As

(1) He was chose in 1294. His Profession may be seen in this History, at the Election of *Martin V.*

he

1414. he succeeded *Alexander V.* who was chose at the Council of *Pisa*, he was greatly concern'd for the Confirmation of this Council, which was at the same Time the Confirmation of his own Election, and of the deposing of the two other Competitors.

Memorial of *Peter d' Ailli*, *V. d. Hardt*, T. II. p. 193, 194. *Bzov. ad an.* 1414. p. 383.

(a) *V. n. der Hardt*, T. II. p. 193, 194.

XLVI. NO doubt but the Cardinal of *Cambray* had some previous Communication of the *Italians Memorial*, and therefore he had one in Readiness to oppose it: The principal Tenor of it was to prove three Things. 1. That the Council of *Pisa* and that of *Constance* were independent on each other in Authority, and that it was not necessary that the Council of *Pisa* should be confirm'd by that of *Constance*, which was only assembled to give the finishing Stroke to the Union and Reformation of the Church, neither of which could be compleated at *Pisa*, as had been agreed on in the XXIII^d Session of this Council. 2. That it was too hasty a Step, and of very dangerous Consequence to demand the Confirmation of the Council of *Pisa*, before they set about the Union and Reformation, by Reason of the Schismatics who did not own that Council. 3. That they who were for dissolving or proroguing the Council, and putting off the Union and Reformation to another Time and Place, were very much to be suspected of a Design to keep up the Schism (a). This Memorial of *Peter de Ailli* was made in concert with the Cardinal of *St. Mark*, and some other Prelates of the *Gallican Church*, who, no doubt, were not ignorant of the Intrigues of *John XXIII.* and his Adherents, for the Dissolution of the Council. This was really the View of the *Italians Memorial*, who were for beginning with Matters of Faith, because it was probable they would take up so much of the Council's Time, as to furnish a plausible Pretext to demand its Separation.

Memorial of the other Cardinals, *V. d. Hardt*, T. IV. p. 25. *Bzov. ubi sup.*

XLVII. THE third Memorial related particularly to the Conduct of the Popes. It was presented to *John XXIII.* by the Cardinals of *Placenza*, *Chalant*, *Branca* and *Florence*; and we shall find in the Sequel of this History, that all these Hints had an indirect View to this Pope in particular. 1. According to this Memorial, which seem'd a little Satyrical, 'The Pope is to have his Hours so regulated ' for saying and hearing Mass, as well as for Eating and Sleeping, ' that the Presence of any one whatsoever, not even of a King, may ' not interrupt them. 'Tis there observ'd that there have been Popes ' who never fail'd to pray in private Morning and Night. 2. That 'twas the Custom of the Popes to give public Alms without their ' Palaces (1), by Officers deputed for that Purpose, to send what

(1) *Elem:rina publica per Officiales ad hoc deputatos, quæ dicitur Pagnotta.* *Von d. Hardt*, T. IV. p. 25. *i. e.* The

public Dole which was given by the proper Officers, call'd a *Penny Brick*.

' came

came from their Tables to the Poor, and to be very charitable to the indigent Prelates that follow'd their Court. 3. That every thing appertaining to the Service and Divine Worship, especially in the Pontifical Masses, ought so carefully to be observ'd, that nothing should be omitted, without evident Necessity, and that some too thought it decent, that the Office should be read entire in the Pope's Chapel. 4. That extraordinary Care should be taken to keep clear of the Crime of Simony; and that all about the Pope's Person might have clean Hands: That for this Purpose it were proper for the Pope to depute three or four Referendarys, to see the Petitions, and either to return them, or deliver them to the Pope himself. 5. That the Pope ought never to appear but in his Pontifical Robes; and that he should always observe a Decorum and Gravity in his Discourse and Gesture; and that no Person, how familiar soever, should be admitted to see the Pope in any other Habit, nor to know the Secrets of the Papal Chamber, except his Privy Chamberlains (*Cubicularij speciales*) who are always with him. 6. That he ought to be punctual in holding the particular Consistories on the Days appointed for that Purpose. 7. That he ought to grant public Audience after Mass and after Vespers, twice or thrice a Week, and that he ought to notify the Hour of Audience to the Officers of the Court that they may be present. 8. That to the End the Pope's Dignity may not appear contemptible in the Eyes of so many Nations that are at the Council, the Chamberlain and Steward ought to take great Care that good Order and Neatness be kept in the Pope's Chamber, in the Chappel, in the Consistory, (1) at the Gates, and in all the Offices of the Palace; and that all Persons be there well receiv'd and regal'd with the Magnificence and Splendor suitable to this supreme Dignity. 9. Lastly they conclude that the Pope being the Rule of a Council, he ought himself to be more regular than all others, to be active and vigilant, to rise first and go to Bed last, but especially do nothing without good Advice, and after mature Deliberation, and so distinguish Employments and the nature of Affairs, as to give Posts to no Persons but what are fit for them. He ought however to know every thing himself, and to settle the manner of executing his Orders. He should also take great Care that no Time be lost in superfluous Discourses on important Affairs; and in his Answers he should be sure to keep to General Terms, without concluding any Thing but by Advice of his Privy Council, and sometimes of the whole Council. These Memorials were presented afterwards to the Pope, but when or in what manner he received them is not said.

XLVIII. THE preceding Congregation soon produc'd * another upon the same Subject, the Union of the Church. We have seen that

(1) There's a Word here which I don't understand, *Finellus*.

T

most

Another general Congregation on the Affair of the Union. * About the middle of December, V. d. Hardt, T. II. p. 197, 198. and T. IV. p. 26.

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most of the Cardinals were for using Violence against *Benedict XIII.* and *Gregory XII.* in Confirmation of the Council of *Pisa*. The Cardinal of *Cambray* thinking this way dangerous and also impracticable, drew another Memorial to shew the Inconveniences of it, which was produc'd in this Congregation, wherein the Pope was present, as far as I can judge by the Acts, which are not very clear in that Point. The Foundation of the Memorial was the Necessity of beginning fair and softly, and of not proceeding to Violence, but in a Case of the last Extremity. In pursuance of this Plan, the Cardinal advis'd that the two Competitors should be engag'd to a voluntary Resignation for the Sake of Peace, by being put in Hopes of a Post so honourable and eminent in the Church, as a Reward for the Sacrifice, that they should have Cause to be content with it. That was the general Intention and the Beginning of *Peter de Ailli's* Memorial. But as a great many Difficulties were objected against this Accommodation, the rest of it is employ'd in answering them. The first of these Objections can only be deem'd a Querk, invented by the Abettors of *John XXIII.* 'Tis betraying the Cause, said they, to enter into a Treaty concerning the Pontificate with Heretics and Schismatics, such as were *Benedict XIII.* and *Gregory XII.* and it would be a Sort of *Simony* to offer them Rewards for yielding a Dignity of which they had been legally depriv'd. The Cardinal de *Cambray* answers with a great deal of Smartness, *That Simony is not lawful neither with Heretics nor the Catholics, but that whosoever construes that kind Treatment which is shewn to Heretics and Schismatics, to bring them back into the Pale of the Church, by the Name of Simony, knows nothing of the Holy Scriptures nor the Fathers.* The second Objection against such Accommodation, was that it would be derogating from the Council of *Pisa* which had depos'd *Peter de Luna*, and *Angelo de Corario*. *D' Ailli* answers that, was the Council of *Pisa* ever so lawful, it does not follow from thence that it was infallible, *because several Councils had err'd, not only in Fact, but in Law, and what is yet more, in the Faith* (1). The third Objection against the Accommodation propos'd by *Peter de Ailli*, was that if the Affair of the Union was to be begun all over again, without Regard to the Council of *Pisa*, all Deliberations of the Council ought to be suspend-ed till *Benedict XIII.* and *Gregory XII.* appear'd there, either by themselves or by their Proctors, because they pretended to a Right of assembling the Council as well as *John XXIII.* 'Tis answer'd that the Council of *Constance* was not only call'd by Authority of the Pope or the See of *Rome*, but at the Instance of the Emperor, who has a right to do it, as Defender of the Church, especially in a Time of Schism, and a Schism so long and violent as that was. That conse-

(1) Secundum magnos quosdam Doctores, generale Concilium potest errare non solum in Facto, sed etiam in jure, & quod magis est, in Fide. Ex M S. Vindob. 2p. Von der Harde, T. II. p. 201.

quently:

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quently, the Absence of the Competitors ought to be no hindrance to the Choice of that Method which should be judg'd most proper for procuring the Union of the Church, because there was danger of losing so fair an Opportunity as that of a Council so solemnly assembled. The Cardinal confirms what he said of the Emperor's Prerogative by the Example of the Emperor *Henry IV.* who about the close of the eleventh Century call'd the Council of *Bresse* by his own Authority, in order to put an End to the Schism occasion'd by *Gregory VII.* and *Clement III.* who both claim'd to be Popes. From whence he infers, that the Business before them is not to confirm, nor to ratify, nor to aggravate what is done at the Council of *Pisa*, but favourably to hear the Legates of the two Competitors, and the Ambassadors of the Princes under their Obedience, and not to proceed to Force, till they have obstinately rejected fair Means. This Memorial was form'd in concert with a great Number of Cardinals, and probably it was deliver'd to the Pope in this Congregation.

1080.

XLIX. MEAN Time *John de Chlum* not being able to obtain a Reason from the Pope, why *John Hufs* was detain'd, wrote about it to the Emperor, who was still absent. This Prince being provok'd to see his Authority thus unworthily trampled under Foot, immediately sent express Orders to his Ambassadors to cause *John Hufs* to be set at Liberty forthwith, and even to break the Gates of the Prison, in Case of Disobedience. Tho' the Pope protested that he had no Hand in that Violence, yet he look'd upon the Emperor's Orders with a very evil Eye, and even complain'd of it after he was withdrawn, in these Terms, *Tho' John Hufs was apprehended by our Order, no Process was yet made against him, nor Sentence pass'd upon him. So far from it that his Releasement was sollicitated on the Part of Sigismond, whom they call'd the Protector of the Council, and the Advocate of the Church, so far as to threaten to break open the Gates of the Heretics Prison, if he be not set at Liberty.* These Words plainly shew that there was nothing could be more insincere than the Protestation which *John XXIII.* had made *viva voce*, that he had no Hand in the Imprisonment of *John Hufs*. And by leaving him in Prison, he put a very gross Contempt upon the Emperor's Orders. This oblig'd *John de Chlum* to complain of it publicly in a *Latin* and *German* Writing, which he caus'd to be fix'd to the Gates of all the Churches in *Constance*. It was in these Terms.

Sigismond orders John Hufs to be released, V. d. Hardt, T. IV. p. 26.

V. d. Hardt. T. II. p. 255.

V. d. Hardt. T. IV. p. 27. 24 Decemb.

J. de Chlum's Manicetto.

' I *John de Chlum* make known to all who shall see or hear these Presents, that Master *John Hufs* Bachelor of Divinity being come to *Constance*, there to give an Account of his Faith in a publick Hearing, under the Safe-Condu&t and Protection of the most Serene Prince and Lord *Sigismond K.* of the *Romans* and of *Hungary*, my most Gracious Lord, as well as under the Protection and Safe-guard of the Empire, for which he has my said Lord the King's Letters

' 1 2

' Patents;

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Patents; yet notwithstanding this Safe-Conduct, Master *John Huss* has been apprehended and is actually detain'd in a Prison of this Imperial City. And tho' the Pope and Cardinals have been very seriously requir'd by solemn Ambassadors from the King of the Romans, to give him his Liberty, and to recommit him to my Care; they have hitherto and do still refuse it, to the great Contempt of the Safe-Conduct of the King, and of the Safeguard of the Empire. Therefore I *John de Chlum* do declare in the King's Name, that the Imprisonment and detaining of Master *John Huss* is not at all pleasing to the King of the Romans, and that they have taken the Advantage of his Absence, to commit an Enterprize, which they would never have dared to do if he had been present. When he arrives, every one will know how heresents the Contempt of this Safe-Conduct. Dated at Constance upon *Christmas Eve*, 1414 (a).

(a) *V. d. H.*
T. IV. p. 28.
The Second
Session de-
ferred, and
why. *V. d.*
Hardt T. IV.
p. 27.
V. d. Hardt,
T. II. p.
254.

20 Decem.

Dacher ap.
V. d. Hardt,
T. IV. p. 27.

(b) Hist. of
Cbar. VI.
Lib. XXXIV
Cb. XVII.
Sigismund's
Arrival at
Constance 24
Dec. V. d. H.
T. IV. p. 28.
Naucl. p.
1044. 25 Dec.
Theod. Vric ap.
V. d. H. T.
I. p. 155.
Naucl. p.
1045.

L. IN the first Session, the Second was fixed for the seventeenth of *December*; but yet it was not held upon that Day, though for what Reason I know not. 'Tis easy to imagine, that after the foregoing Memorials relating to the Union of the Church, *John XXIII.* was not very fond of continuing the Council. But as he himself complains of this Delay, in the Memorial he sent to *France* to justify his withdrawing from it; 'tis more likely that the Emperor caus'd the Session to be put off till his Arrival. This however is certain, that 'twas three Months before any publick Session was held; nevertheless the Prelates and the Doctors of the Nations held Assemblies in the mean time to prepare the Affair of the Union. Much about this Time, some of the Ambassadors from *France* arriv'd, with a great Number of Prelates of that Nation. They were receiv'd with very great Solemnity, most of the Prelates that were already at *Constance* going out to meet them; but 'twas observable, that *Viviers* was the only Cardinal that did them that Honour; because the greatest Part of his Revenues was in *France*. The Monk of *St. Denys* reports, that in *January* the Year following, the King of *France* sent to the Council on his Part, the Duke of *Bavaria* Brother to the Queen, the Bishop of —, the Archdeacon of *Paris*, and Friar *Peter* of *Versailles*, and that the University of *Paris* deputed thither the Bishop of —, and Friar *Benedict Gentian*, a very eloquent Doctor of Divinity (b).

LL. THERE wanted nothing more but the Presence of *Sigismund*, to give the Council its full Splendour and Authority. This Prince arriving upon *Christmas Eve* at *Uberlingen*, an Imperial City about a League from *Constance*, immediately gave Advice of it to the Pope, and desir'd him to expect him at Mass Time in the Cathedral Church, which he punctually perform'd. He enter'd *Constance* about 4 a Clock

in.

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in the Morning, accompany'd by *Barba* Countess of *Cilley*, his Consort, *Elizabeth*, Queen of *Bosnia* (1), *Rodolph*, Elector of *Saxony*, *Anna* of *Wirtemberg*, descended from the *Bargraves* of *Nuremberg*, and some other Persons of the first Rank of both Sexes.

LII. THE Character of *Barba* is well worth a Digression. *Sigismond* took her for his second Wife, not so much for Love as Necessity. After the cruel Execution of several great Noblemen of *Hungary*, and particularly of *de Garre*, the two Sons of the latter with other Malecontents plotted against him and committed him to Prison. The Mother of those two Gentlemen, touch'd with Compassion at the sad Fate of this Monarch, and byass'd by the Promises he made to her, to advance her Sons, and to marry *Barba* the Daughter of *Herman Count de Cilley*, her near Relation, procur'd him his Liberty. He was as good as his Word; for he marry'd *Barba*, and advanc'd the *Garre's* to the chief Stations. All Historians agree to give this Queen a very strange and very odious Character. *Aeneas Sylvius*, one of the oldest Authors that has mention'd her, paints her thus. ' She was, says he, of a noble Race, but of an infamous Life: *Sigismond* had often surpriz'd her in Adultery, but no Wonder that one Adulterer pardon'd another; for never was Man more false to the Marriage Bed. *Barba* was a Woman of such insatiable Lechery, that she spar'd her Gallants the Trouble of Courtship. After the Death of her Husband, she retired to a Town of *Bobemia* (2), where as old as she was, she riot-ed Day and Night in the obscenest Debaucheries, with Men of the same Character. Her Extravagance and Rant was so great, that she call'd those holy Virgins that had suffer'd Martyrdom for the Christian Faith, a Parcel of silly Fools. It was a common Saying with her, that Man was nothing to her without Enjoyment. She own'd no other Life but this, and deny'd the Immortality of the Soul. She dy'd in this Place of Retreat, which was the Habitation of the Hereticks. The wicked and abominable Priests of the *Hussites* caus'd her Corpse to be carry'd to *Prague*, and interr'd it in the Tomb of the Kings of *Bobemia* (a).

Character of the Empress *Barba*.

(a) *Æt. Sylv. Hist. Bob. cap. 53. & Hist. Frieder. III. Imp. p. 82.*

AFTER *Sigismond* had rested a few Hours, he went to the Cathedral where the Pope who waited for him celebrated Mass pontifically, being assisted by the Emperor who was in a Deacon's Habit, that is to say, the *Dalmatick*, which is the proper Ornament of Deacons when they read the Gospel, which Office the Emperor likewise discharg'd by reading that Passage in the Gospel,— *There came an Edict from the Emperor Augustus*. I know not whether the Pope took this for an ill Omen, as some have imagin'd: I should not

(1) In all Appearance she was the Daughter of *Sigismond*, contracted to *Albert of Austria*.

(2) *Gratz* or *Konigingratz*, a City of *Bobemia*, 18 Leagues from *Prague*.

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be very ready to believe he did, because he could not be ignorant that it was the Custom at that time (1) whenever the Emperor was present at a Mass celebrated by the Pope, or any of his Legates (2). At the Pope's right Hand a Throne was erected for the Emperor, who had also the Empress on his Right, and betwixt them sat the Count *de Cilley*, his Father-in-Law, with the Golden Apple or Imperial Globe in his Hand. On the same Side was *Frederick* Burgrave of *Nuremberg*, bearing the Sceptre in quality of Elector of *Brandenburg*, of which he already perform'd the Offices, tho' as yet he was no more than Governor of the Marquisat of *Brandenburg*; and *Rodolph*, Elector of *Saxony*, with his Sword drawn in quality of Grand Marshal of the Empire. After Mass was over, the Pope presented a Sword to the Emperor, and exhorted him to make Use of it for the Defence of the Church, which the Emperor solemnly promis'd, and very soon executed against the Pope himself, tho' indirectly in the Person of *Frederick*, Archduke of *Austria*, his Protector.

Sigismund's
Character.

See *Leon.*
Arct. p. 263.
Nacl. p.
1042.

LIII. *Sigismund*, if we may be allow'd the Expression, was so much the Hero of the Council of *Constance*, and the Appearance he made there was so splendid, that here seems to be a natural Opportunity to give his Character. If I was writing a History not so grave as this I am about, I should not omit the Beauty of this Prince, *his good Mien, tall Stature, his Majestick Port, his long Beard, his flaxen Locks of Hair dangling over his Shoulders*, and a great many other external Advantages which he had receiv'd from Nature, and which *M. Maimbourg* has not omitted (3). But with regard to a Council, 'tis of more Importance to know the Character of his Mind (4). It appears from a Collection of some of his smart Sayings, that he had Wit at Will. He is moreover represented as a most engaging agreeable Prince, and learned enough for his Dignity and the Age he liv'd in. He was a Lover of Learning and learned Men. Having one Day conferr'd Nobility upon a Doctor (5), who on a solemn Occasion chose rather to be rank'd among

(1) In 1357, *Charles IV.* *Sigismund's* Father, having assembled the States of the Empire at *Metz*, did the Office of Deacon, and read the same Gospel at the solemn Mass, which was celebrated there by the Pope's Legat. *Balbin. Epit. Rer. Bob.* p. 368.

(2) This Description is *Theodoric Vrie's*, who inscribes it to *I C ap. V. n d. Harat*, T. I. p. 154. I fear however that he is mistaken; for the Arrival of *Fredrick* Burgrave of *Nuremberg*, is not mark'd till the 5th of *Jan.* 1415. *V. d. Harat*,

T. IV. p. 35. unless he went away and return'd again to make his solemn Entry; which is possible enough.

(3) *Cuspinian's* Life of *Sigismund*, and after him *Maimbourg's* History of the Western Schism. T. II. p. 123, 124, the Edition of *Holland*.

(4) We may find some of these Characters in the Commentary of *Aeneas Sylvius* upon the wise Sayings of *Alph. Jus* King of *Arragon*.

(5) He was call'd *George Fiselin*, *Theob. Bel. Hus.* p. 38.

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the Nobles than among the Doctors, he laugh'd at him, and said, (a) *That he could make a thousand Gentlemen in a Day, but that he could not make a Scholar in a thousand Years.* He spoke several Languages with Ease, and particularly the *Latin*. Tho' he was but in the 47th Year of his Age, he had experienc'd both good and bad Fortune, as much as any Prince of his Time. The Crosses he met with in the Kingdom of *Hungary*, the Imprisonment which he suffer'd there, and his Misfortunes in the War against the *Turks*, had contributed very much to soften his Temper, which at first seem'd to incline to Cruelty (1). As soon as he was establish'd on the Imperial Throne, he made it his whole Study to retrieve the Affairs of the Church and the Empire, which a long Schism had brought to the very Brink of Ruin. He had all the Qualities necessary for succeeding in so great an Enterprize. I am at a Loss whether to rank his Dissimulation, among his Virtues or his Defects; because it may be either the one or the other, according to the Use he made of it. However it be, 'twas his Maxim, that a Prince *who knows not how to dissemble, knows not how to reign.* Yet he is blamed for having involv'd himself in a great deal of Trouble; because on several Occasions he knew not how to dissemble. He was valiant and courageous, tho' unsuccessful in Battles. Both in Peace and War he always manifested a Greatness of Soul truly worthy of an Emperor. If he sometimes shew'd himself cruel to those that oppos'd him, 'tis allow'd on the other hand, that he us'd his Victory with a great deal of Clemency and Generosity. When he was reproach'd for it, his usual Answer was, *that by pardoning an Enemy, he got rid of that Enemy, and obtain'd a Friend.* With these fine Qualities he had a great Liberality, but it extended sometimes even to Profusion, and reduc'd him to borrow Money every where, to support his vast Designs. Every Body agrees that he was a Man of Religion and Piety, but he had too great Vices for a Saint; tho' some according to the Report of *Bzovius*, have very ridiculously canoniz'd him. Every Body must allow him the Glory of having labour'd with an indefatigable Zeal for the Reformation of the Church, and the Suppression of the Schism, as will appear throughout the whole Course of this History. If he committed any Errors in this respect, they must not be charg'd to him so much as to the Prejudices of Birth and Education, as well as to the Misfortune common to most Princes, of being ill advis'd, and having frequently nothing but the Shadow of Liberty and of Sovereign Power.

THE 28th of *December*, the Cardinal of *Cambrai* preach'd a Sermon concerning the Office or Duty of the Emperor, the Pope, and the other Members of the Council, in the Affair of the Union and

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(a) *Æn. Sylv. ubi sup. p. 45.*

Æn. Sylv. ubi sup. p. 6. Balb. ubi sup. p. 460, 461, 496. Æn. Sylv. ubi sup.

Leone Arc. p. 163.

Bzov. ad ann. 1410. p. 329. c. 1.

(1) See an Instance of it in *Balbinus. Epit. Rer. Bob. p. 412.*

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 (a) XXI. 25.

Reformation of the Church. He chose for his Text those Words of St. Luke, *There shall be Signs in the Sun, in the Moon, and in the Stars (a)*. He makes the Pope the Sun, the Emperor the Moon, because he presides over the Night, *i. e.* Temporal Things (1); and the Stars are the several Orders of the Clergy. As to the *Signs* or Wonders, he finds them in the Council, which he compares to the Firmament; in which are the Sun, Moon and Stars, and which is to entertain the World with the agreeable Sight of the Reformation and the Union of the Church (2). But he never separates these two Things, because he thinks there cannot be a Reformation in the Church, without its Union, nor a Union without its Reformation. ‘After having set forth the Qualities which a Pope ought to have, in order to be the Sun of the Church, he asserts that a Pope in whom those Qualities are wanting, is not so much a Pope as a Fantom, and an Idol of a Pope. If for Example, says he, a Pope enters illegally into the Church by a criminal Ambition, if his Behaviour is dishonest and scandalous, if he governs cowardly or tyrannically, he cannot be compar’d to the Sun of the Church. Oh! would to God, says he that the most Holy Trinity would destroy those three Statues which are erected in the Church. I have said it, *continues he*, a long Time; for as much as the Trinity of Persons is adorable in God, so far is the Trinity of Popes abominable’. He explain’d himself thus, as to the Share which the Emperor ought to have in the Affairs of the Council. ‘He was willing to go thither, says he, not to preside there, but to render himself useful there; not to decide Ecclesiastical and Spiritual Affairs with Authority, but to maintain what shall be resolv’d on in Council with his Power; not to meddle in the forming of Decrees, or in the confirming of them, but rather to observe them religiously himself; to suppress and to subdue Rebels and the Disobedient with the Temporal Sword. He reduces all that the Council ought to propose for the Subject of their Deliberations to three Things, *viz.* The Reformation of the Church; its Union and good Government; and proper Precautions for preventing Schisms and other Disorders. As he is of Opinion that nothing but a general Council can put the Church into that Condition, he infers from thence, that ’tis a pernicious Error in the Pope’s Flatterers, who presume to say, to the Prejudice of the Authority of the


(1) I should rather have said, because he ought to dispel the Darkness of the Night by the Reformation.

(2) *Quæ sint ista signa cœlestia, quæ verba prædicta nobis futura prænunciant. Pro quo pensandum nobis est, quod in Cœlo spiritualiter intellecto, hoc est in hoc sacro generali Concilio, quo univer-*

salis representatur Ecclesia, in Sole, Luna & Stellis apparere incipiunt signa multa, signa magna, signa utique cœlestia, sua multitudine stupenda, sua magnitudine miranda, sua novitate jucunda, quæ plurimis retroactis temporibus fuerunt abscondita, fueruntque tristia signa illis omnino contraria. V. d. Hardt T. I. p. 437.

‘ Council

‘ Council, that the Pope is not obliged to follow its Deliberations,
 ‘ and that the Pope’s Judgment ought to govern, if it be contrary to
 ‘ that of a Council. This Opinion, says he, is only founded upon
 ‘ some Decretals misunderstood (a) and on some positive Laws intro-
 ‘ troduc’d contrary to the Divine and Natural Law, to the Prejudice
 ‘ of the Church’.

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 (a) V. d. Hardt
 T. I. p. 449,
 450.
 General Con-
 gregation in
 the Empe-
 ror’s Presence
 V. d. Hardt,
 T. IV. p. 31.

LIV. *Sigismund* was no sooner arriv’d but he apply’d himself wholly to the Affairs of the Council. On the 25th of *December* he caus’d a general Congregation to be assembled, at which the Pope was present with all the Cardinals and Prelates. He gave them an Account of his Negotiations with *Benedict XIII.* and *Gregory XII.* and engag’d the Council to wait for the Legates of those two Antipopes, and the Ambassadors of their Obediences, according to a Motion made by the Cardinal of *Cambray*. (1) In this Congregation he also desir’d that some Cardinals might be appointed to consult with him about the Affairs of the Council, which was immediately resolv’d on. This Prince had sent a Doctor of Laws into *Spain* to agree with *Ferdinand* King of *Arragon* and *Benedict XIII.* on a proper Place for an Interview betwixt them upon the Affair of the Union. The Result of this Negotiation was, that in *June 1415.* the Emperor should go to *Nice* in *Provence* to confer with the King of *Arragon* and *Benedict XIII.* who were to repair to *Villafranca* in *Savoy* a League from *Nice*. He had taken the same Care with respect to *Gregory XII.* and some Princes and Prelates of *Germany*, who were still of this Pope’s Party. What was the Success of these several Negotiations we shall see hereafter. In this same Assembly, at the Emperor’s Request, Cardinals were appointed to consult with him on the Measures proper to be taken for the Continuance of the Council, but I don’t find in the Acts who were the Persons deputed.

LV. As the Council advanc’d, the Doctors preached from Time to Time to encourage the Assembly to press the Union and Reformation of the Church with Vigor. *Wickliff*, *John Hus*, or *Ferom* of *Prague* could not have declaim’d with more Freedom against the Tyranny of the Popes and the Corruption of all the Ecclesiastical Orders than they did; only there was this Difference betwixt them, that the Doctors of the Council preach’d by Order of their Superiors, and express’d themselves with a Respect for the See of *Rome*; whereas the others preach’d of their own Accord, and their Discourses seem’d to threaten an open Rupture. On the 30th of *December*, *Matthew Roeder* (2) Professor of Divinity in the College of *Navarre* at *Paris*,

Sermon upon
 the Reforma-
 tion and U-
 nion of the
 Church.

(1) See above p. 6. *Othobonus de Bell-*
nis Doctor of Laws. V. d. Hardt, T. II.
 p. 494, 495.

(2) As to this Doctor see *Launci’s* His-
 tory of the College of *Navarre*, p. 208.
M. V. d. Hardt took what he says from a
 M S. of *Erford*.

U

preach’d

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preach'd a Sermon against Simony and the Ambition of the Clergy, and strenuously press'd the Reformation and Union of the Church. He compares the Church in its then deplorable State, to a Person that had been 38 Years paralytic, alluding to the Schisma which had already continued 37 Years; and the Rival Popes he compares to Children (1) who fight in their Mother's Womb and tear her Bowels to Pieces, as it were with the Teeth of Vipers. He cannot enough admire how it comes to pass that so many Wise and Understanding Men have been so long supported in such horrible Licentiousness, as he expresses in two Verses, which for that Age are ingenious enough. Every Word of the first Verse is the Nominative to the Verb under it in the other.

*Virtus, Ecclesia, Populus, Dæmon, Simonia,
Gessat, turbatur, errat, regnat, dominatur.*

i. e.

Virtue, the Church, the People, the Devil, Simony,
Is fled, is disturb'd, erreth, reigns, governs.

HE is at a loss to know whether such Support is owing to Stupidity, or to a cowardly and criminal Dissimulation. After having spoke of the Reformation of the Church, he comes to the Article of the Union, and supposing in the first Place that it cannot be accomplish'd but by the Choice of a new Pope, he prescribes the Manner of proceeding to such Election, and in Imitation of *St. Bernard*, gives a very fine Character of a true Pope (2). This Discourse ended with an Encomium upon the Emperor. According to the Plan of this Sermon, *Roeder* was of Opinion that they should not think of electing a new Pope, till the Church was reformed. It will appear at the End of this History, that the Emperor, the *Germans* and the *English* were likewise in this Scheme. Mean time the other Nations, and the *French* among the rest strongly opposing it, there was a Necessity of pursuing another Method, to the great Prejudice of this

(1) Colliduntur in utero matris Schismatici contententes, ac Simoniacæ pravitate actores qui, more viperino, viscera matris in partes lacerant.

(2) Virum heroicum, virtutum spectaculum, formam justitiæ, sanctimonie speculum, refugium oppressorum, pauperum advocatum, judicem viduarum, virgam potentum, malleum tyrannorum, legum moderatorem, canonum dispensatorem, sacerdotem altissimi, Vicarium Christi, Chris-

tum Domini. i. e. An Heroic Man, the Picture of Virtue, the Pattern of Justice, the Mirror of Sanctity, the Refuge of the Oppressed, the Advocate of the Poor, the Judge of the Widows, the Scepter of Potentates, the Scourge of Tyrants, the Moderator of the Laws, the Dispenser of the Canons, the Priest of the most High, the Vicar of Christ, the Christ of our Lord.

Reformation.

Reformation. Thus the Year 1414. was spent in Preliminaries and Preparations for the Events of the Year into which we are now entering.

1415.

Assembly of the Deputies with the Emperor. Von d. Hardt, T. IV. p. 32.

LVI. THE Flight of *John XXIII*, the War declared against *Fredrick Duke of Austria* his Protector, the deposing of that Pope, the Abdication of *Gregory XII*, the Punishment of *John Huss*, and the Emperor's Journeys this Year in several Kingdoms for the Union of the Church, will furnish the attentive Reader with a large Field of Reflection on the various secret Springs of Providence, as well as on the Characters of Men, and the Motives from which they act. But these Things must be told in their Order. On the first Day of *January* after Divine Service, which was solemnly perform'd on that Day by giving a Benediction to all the People, the Deputies who were appointed some Days before, assembled with the Emperor, in order to concert Measures for the Liberty, Security, Order, Convenience and Subsistence of the Council. The wonderful Order which was observ'd in this respect all the time that it continued at *Constance*, is not a thing unworthy of the publick Attention. When the Emperor arrived there, according to the Lists made at that very time and by his Order, there must be above 100000 Foreigners in a City which however is pretty large. For without reckoning those who arrived after that time, nor an infinite Number (1) of useless People who only came thither out of Curiosity and Pleasure; without including, I say, all those People, 'tis easy upon a fair Computation, to find above 24000 Souls that did not belong to the Town; we may judge of the rest by the Instances I am going to give, beginning with the Clergy. The Pope had 600 Persons in his Retinue: The Cardinals, of whom there were but 22 here at that time, the 4 Patriarchs, and the Legates of *Benedict XIII* and *Gregory XII* (2), had full 1200. Here were at that time 19 Archbishops, about 130 Bishops, including the Titulars; a hundred Abbats or very near, who all together might be supposed to have 4 or 5000 Persons in their Retinue: Above 14 Auditors of the *Rota* were there, and 18 Secretaries of the Pope, who had 200 Persons under them, and there were computed 1200 Scribes or Writers besides their Servants. The Pope and the Cardinals had 273 Proctors, with each a Man to wait on them. The Number of the Priests only amounted to above 1800 besides their Servants, exclusive of the Beadles and other petty Officers: I forgot to mention 272 Doctors with above 1000 Persons in their Retinue. *John Huss* alone had eight, without reckoning his Vicar who also accompany'd

V. d. Hardt, T. V. Part II. p. 12, 50.

(1) The List which *Dacher* made by Order of the Elector of *Saxony*, shews there were above 700 common Whores, and another List taken from a *Vienna* MS. makes the Number of them 1500.

(2) The latter were not yet arrived on the first of *January*, but they might be when *Reichental* and *Dacher* form'd their Lists.

U 2

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him. The Retinue of the Laity was numerous in Proportion. The Emperor, the Electors, Princes, Dukes, the Marqueses or Margraves, the Burgraves, and a great Number of Counts and Barons, had in the whole a Guard of 4 or 5000 Men. There were besides about 116 Envoys or Deputies from several Places, with about 1600 Persons in their Retinue; above 600 Gentlemen, Esquires and Military Officers, who with their Servants amounted to the Number of full 3000; and as far as I can guess, the foreign Garrison consisted of about 2000 Men. Notwithstanding this Medley of Persons of different Characters, scarce any Disorder happen'd, every thing was very cheap, and no Body wanted for any thing.

Continuation of that Assembly.

LVII. THIS Assembly did not so confine themselves to the framing of Regulations for maintaining good Order and Government, as to omit the Mention of some Ecclesiastical Affairs. The Commissioners for religious Matters, fearing that the Safe-Conduſt which the Emperor had granted to *John Huſs* would cramp the Council, desired that Prince to allow them free Liberty of acting. This Step of theirs had two Views in it; the one that the Legates of *Benedict XIII.* and *Gregory XII* (1) might come to *Constance*, with all manner of Security; the other which is juſt now mention'd, and the chief, was to remove the Obſtacle which the Safe-conduſt granted to *John Huſs* might prove in the courſe of his Proſecution. They receiv'd as favourable an Answer as they could deſire. The Emperor declar'd, ' that the Council was free to act as they pleas'd in Matters of Faith, that they might proceed according to the Rules (*ſervatis ſervandis*) againſt ſuch as were notoriously tainted with Heresy, and judge them according to their Deſerts, after having heard them publickly; that as to the Menaces which had been made in certain (2) Places and at certain Times, in Favour of *John Huſs*, his Ma- jeſty had forbid the putting of them in Execution, and would do it again if neceſſary, and would order Paſſports to be diſpatch'd for all that were willing to come to the Council'. Such a ſudden Turn makes it very plain, that *Sigiſmond* was already perverted, and that the Clergy had made him believe that the Council had a Power to diſengage him from a Promiſe which he could not legally make to a Heretick. This was the Judgment paſſed upon it by *Gebhard*

(1) *Benedict XIII.* and *Gregory XII.* had been declared Hereticks at the Council of *Piſa*, as well as their Adherents. *Mon. der Hardt* T. IV. p. 32.

(2) Theſe Menaces had proceeded from the Emperor himſelf. See above p. 73.

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Dacher (1) an Eye-Witness, in the Preface to his *German History* of this Council. *Sigismund* was persuaded, says he, after a great many Words, that by Virtue of the Decretals, he was dispens'd with from keeping his Faith with a Man accus'd of Heresy. *Nauclerus*, whose Writings are of a Date not very much later, reports likewise, that *Sigismund* was made to believe that he could not be accused of Breach of Promise, because the Council, which is above the Emperor, having not granted a Safe-Conduct to *John Huss*, he had no Authority to grant him one without the Consent of the Council, especially in Matters of Faith; and that the Emperor acquiesc'd in this Decision, like a good Son of the Church'. The same Thing may be inferr'd from the Emperor's own Words. For speaking to *John Huss* after his Examination, he tells him (2), that there were some who believ'd he had no Authority to grant any Protection to a Heretick, or a Person suspected of Heresy; and indeed 'tis visible, this was the Opinion of the Council, from two Decrees (a), which they issued to disculpate the Emperor, and as far as possible, to defeat the disadvantageous Rumors that were given out against him on account of this Safe-Conduct, so basely violated by the Imprisonment of *John Huss*. These Decrees shall be exhibited in due time. From hence it must be inferr'd, that *John Huss* was a Victim, not only to the Passion of his Enemies, but also to the Weakness and Superstition, not to say the Treachery of the Emperor: And that they had such an Opinion of him in *Bobemia*, appears from a Letter which *John Huss* wrote in his Prison, where he says (b), that there were People who before his Departure had prophesy'd to him, that the said Prince would betray him, and that, for his Part, he should never see *Prague* again.

(a) V. d. Hardt ubi supr. p. 521, 522.

(b) Op. Hus. T. I. EP. XXIII. Fol. II.

NEVERTHELESS it appears by a Letter which that Emperor wrote to the *Bobemians* in 1417, that it was against his Consent. I will here insert as much of it as relates to this Affair. 'Tis not one of those rude or satyrical Letters which an Author, whom I quote elsewhere, says the Emperor wrote to the *Bobemians*; on the contrary he treats them here with a great deal of Kindness and Sincerity. He sets before them the fatal Consequences which might attend their Divisions about *John Huss*, with regard to the Tranquillity of the Kingdom, and the Security of the King himself;

(1) Ille (Huss) Imperatrici salvo conductu stipatus, a Bobemis Constantiam deductus, ac a Romana Curia hereseos accusatus est. Caesar quasi, tenere Decretalium, Hussio fidem datam prestare non teneretur, multis verbis persuasus, Hussio & Bobemis salvi conductus fidem fregit. That is the Latin Translation made by M. Von der

Hardt from those German Words of *Dacher*, T. I. Part II. Pref. This History of *Dacher* is still in MS. *Naucl. p. m. 1049.*

(2) Etiam si nonnulli dicant, nos de jure ei non posse patrocinari, qui aut hereticus, aut de heresi aliqua suspectus. Von der Hardt. T. IV. p. 397.

and.

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and that they had Reason to fear that their Neighbours, who already ow'd them no good Will, would take Advantage of their Broils to crush them. Then talking of *John Hus*, he says, that as he had with Concern heard how many Parties they were split into on account of this Doctor, so he was very glad to hear of his Design to go to the Council, in hopes that there he would justify himself. *Mean time*, says he, *he arrived at Constance before I was come, and was arrested there in the manner you have heard of. But if he had attended me before hand, and had gone to Constance along with me, his Affairs perhaps would have taken another Turn. God knows, and I am not able to express how much I was afflicted at his Calamity; and all the Bohemians, who were then near me, plainly saw how uneasy that Affair made me, and that several Times I went out of the Council in a Rage. I had actually left Constance, when the Fathers of the Council sent me Word, that if I would not permit the Council to do Justice, they had no Business at Constance; so that I resolv'd not to meddle in that Affair, because if I had determin'd to interest my self farther for John Hus, the Council must have been entirely dissolv'd.*

LVIII. BE that as it will, nothing is more evident than that the Safe-Conduct was violated, notwithstanding all that has been said to palliate it by vain Apologies. Two *French* Historians especially of the last Age, trusting rather to modern Authors than to the Writers of that Time, and the Acts of the Council, have vented such manifest Falshoods upon this Head, that one cannot avoid correcting them without Breach of the Respect due to the Truth of History. The first is *Maimbourg* in his History of the great Schism in the West. Let's hear him in his own Words. 'Tis very plain methinks, says that Author, that the Safe-Conduct which was dispatch'd to him about two Months after the Advertisements he set up every where, of his Design to go and give an Account to the General Council of Constance, and there to submit himself to all the Pains and Penalties which a Heretic deserves, if he should be convicted there of the least Error, was only granted him for the End for which he desires it; that what the Emperor propos'd to himself was to pacify the Troubles of Bohemia, and that upon the Failure of this Article, which is the essential Point whereupon this Safe-Conduct is founded, it is of no Force. For in short *John Hus* only desires it, and 'tis only granted him that he might go and defend his Doctrine against his Adversaries, by submitting himself to a Council whom he owns for Judge, because he takes it for a General Council, as he confesses in his Papers that were posted up. Therefore as the Emperor orders, all the Subjects of the Empire are to let him pass, stay, sojourn, and return freely and securely, on Condition of his performing that for which he demands his Safe-Conduct; and for which 'tis dispatch'd to him, and without which it can be of no manner

Confutation
of *Maim-
bourg*.
Maim. Hist.
of the West-
ern Schism.
Part II. p.
215, 217.

ner of Service to him. Let us examine this Argument. First I find a Fact laid down in it, which is not strictly true, viz. *Maimbourg's* saying that the Safe-Conduct was not dispatch'd to *John Huss*, till about two Months after he had posted up his Bills every where. This may be true of the Papers fix'd up at *Prague*, where he had no need of a *Safe-Conduct*, and where he was at Liberty to set up what Bills he pleas'd. But as no Doubt *Maimbourg* means the Papers which he set up every where upon the Road, it cannot be said that he did this every where, two Months before the Dispatch of his *Safe-Conduct*; for according to *Maimbourg* himself, *John Huss* did not set out from *Bohemia* till the 15th of *October*, and the Passport was dispatch'd on the 18th of the same Month. It has been already mentioned, that he receiv'd it on the 22d at *Nuremberg*. Besides, this Chronological Remark upon the dispatching of the Passport might be of some Use, if *John Huss* had been arrested upon the Road in some Part of *Germany*, before he had receiv'd it. But since he was actually apprehended at *Constance*, about three Weeks after he had given Notice to the Pope that he had a *Safe-Conduct* from the Emperor, the Dates of *John Huss's* Departure, and of the Dispatch of his *Safe-Conduct* can be no Foundation for an Apology. But *Maimbourg* does not stop there; he pretends that *John Huss* having not comply'd with the Terms upon which the *Safe-Conduct* was granted him, there was no Obligation to observe it. In order to shew the Vanity of this Pretence, one need only give a short History of the Conduct of *John Huss* to the first Violation of his *Safe-Conduct* by his being detain'd. *John Huss* is summon'd to the Council; thither he comes: As soon as he arrives, he causes it to be notify'd to the Pope, and desires his Protection. The Pope promises it to him in the strongest and most affectionate Terms. *John Huss* stays about three Weeks at his own Lodging without going abroad, waiting for the Judgment of the Council. At the End of that Term he is summon'd before the Cardinals, to give an Account of his Faith. He appears, and declares that he is come freely to the Council to defend his Doctrine against his Accusers, and that he is ready to retract if he be convinc'd of the least Error. The Cardinals are satisfy'd with his Answers, and yet on that very Day he is arrested, and remains a Prisoner till his final Punishment. After what has been said, I leave it to the Reader to judge whether *John Huss* broke the Conditions upon which he had obtain'd a *Safe-Conduct*.

Theobald
Hist. Hus.
P. 52.

LIX. I pass to another *French* Historian; and that's *Varillas*. He thought to do Wonders when he undertook to justify the Council at the Expence of *Sigismund*. He pretends that *John Huss* had two *Safe-Conducts* at different Times, one from the Emperor, and the other from the Magistrates of *Constance* at the Request of the Council.

Confutation
of *Varillas*.
Varill. Hist.
of *Wickliff*.
Part I. p.
97. Edition
1682.

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Council. He adds, *That this second Safe-Conduct was different from the First, in that it was neither pure, nor simple, nor without Restriction: On the contrary, it was there said in express Terms, That it was only to justify himself from the Crimes laid to his Charge, and to convince his Accusers of Calumny, whereas the Terms of the other were general, evident, absolute and without Reserve* (1). For once let's suppose this Fact to be true: I maintain that so far from justifying the Council, it tends only to make it appear more guilty. Would it not have been a vile Imposition and a manifest Contempt of the Emperor's Safe-Conduct to set it aside by one that was more limited? Besides, if the Magistrates of *Constance* granted *John Hus* a Safe-Conduct at the Entreaty of the Council, he cou'd not be arrested without violating two Safe-Conducts at once, by a double Treachery, because a Man who is not at Liberty cannot make his Defence as he ought. In fine, how does the Safe-Conduct from the Magistrates of *Constance*, of which there is no Complaint, justify the Violation of the Emperor's Safe-Conduct of which there is a Complaint, and of which the Council is accus'd? But we must examine the Fact itself. *Varillas* says, 'tis as clear as the Sun at Noon-Day, that there were two Safe-Conducts, without bringing any Proof of it, either printed or written, tho' he makes no Scruple upon other Occasions to quote Manuscripts which no Body ever saw. I will now make it as clear as the Day, that there was but one Safe-Conduct, as the Historian has plainly asserted whom I have just now corrected in another Passage. 1. Of all the Authors, ancient and modern, whom I have had Opportunity to consult upon it, *Dubravius* is the only one that seems to insinuate this Safe-Conduct of the Council: *Fide publica a Concilio accepta*. But 'tis highly probable that this Author, who is very often mistaken in other Things, took the Emperor's Safe-Conduct for that of the Council itself. 2. The Acts make no mention any where of this pretended Safe-Conduct of the Magistrates of *Constance*, or of the Council, which would be very strange, if there had been one. 3. As soon as *John Hus* arrives, he causes it to be notify'd to the Pope, that he is come with a Safe-Conduct from the Emperor, and also desires his Protection. If he had been to require any Act of Security from the Magistrates of *Constance*, then was his Opportunity to have done it, and the Acts would have specified it, as they do the Demand which *Jerome* made of a Safe-Conduct some Time after. 4. If *John Hus* had obtain'd a Safe-Conduct from the Magistrates, could he possibly have omitted the least mention of it in the Letters he wrote to his Friends, both before and during his Imprisonment, wherein he tells them so many Particulars

Varill. ubi supra, p. 91.

Maimb. ubi supra, 219.
Dubrav. Hist. Bob. l. 23. p. 621. Edit. *Francof. an. 1687.*

V. d. Hardt, T. IV. p. 103, 104.

(1) *M. De la Roque* has thereupon corrected *Varillas* in his *New Accusations against Varillas*, p. 124, &c.

of

of his Condition, of much less Importance than that? 5. *John de Cblum* protested against the Detaining of *John Hufs*, and the *Bobemians* complain'd of it several Times to the Council and to the Emperor, but they never alledg'd more than one Safe-Conduct for the Foundation of their Complaints. 6. When a certain Bishop, in his Answer of the Part of the Council to their Complaints, falsely asserted that *John Hufs* had not his Safe-Conduct till a fortnight after his Imprisonment, that of *Sigismond* was the only one ever thought of. In the mean Time, what could have been more natural for the *Bobemians* than to say that, before that Time at least, he had obtain'd one from the Magistrates of *Constance*, at the Intreaty of the Council? 7. Lastly, When the Council explains itself as to the Validity or Invalidity of Safe-Conducts granted to Heretics by the Secular Powers, and as to that of *John Hufs* in particular, they never speak but of the Emperor, and not at all of the Magistrates of *Constance*, whom they would have been under the same Obligation to vindicate, and the Council ought to have clear'd themselves too, by some Explanation or other, if they had granted or procur'd a Safe-Conduct for *John Hufs*. But 'tis so true that the Council neither gave nor procur'd any for him, that in order to remove *Sigismond's* Scruple, (1) it was represented to him, that the Council, which is above the Emperor, having not granted any Safe-Conduct to *John Hufs*, he might without Breach of Faith let him lie in Prison, as has been said. Thus I think I have given entire Evidence of the Truth of this Fact, which the Cardinal *de Perron* thought of such Importance, that according to the Report of *Varillas* (a) he said to his Friends, *That a Man cannot employ his Time to better Purpose upon any Historical Affair, than that which relates to the proceeding of the Emperor and the Council of Constance with regard to John Hufs and Jerome of Prague.* We will now resume the Thread of the History.

1415.
V. d. Hardt,
ubi. supra, 28.
32, 33.

V. d. Hardt,
ibid p. 209,
212, 552.

(a) *Varil. ubi*
supr. p. 93.

LX. WHEN they heard at *Prague*, that *John Hufs* was committed to Prison, the Nobles of *Bobemia* were extremely enrag'd at it. They wrote (2) several Letters to the Emperor to desire his Liberty. In the first (3) three of those Lords, speaking in the Name of the rest, tell him that at the Intreaty of *John Hufs*, they had demanded of *Conrad* their Archbishop, at one of their Assemblies, whether he had ever observ'd that *John Hufs* had taught any Error, and that this Prelate had declar'd of his own Accord, and without any manner of Constraint,

Letter from
the *Bobemi-*
ans to *Sigis-*
mond, Jan.
3. *Von der*
Hardt, T. IV.
P. 32, 33.

(1) Respondit ei Sacrosancta Synodus eam argui non posse de fide mentita, quia Concilium non dederat ei *Husso* saluum Conductum, & Concilium majus est Imperatore. *Nauch. ubi supra.*

(2) Dominica post *Francisci*, i. e. the Sunday after *St. Francis's* Day. There are

two Saints Days of this Name in *December.*

(3) They were *Cenco de Wartenberg* Burgrave of *Prague*, *Boucicaut* *Conrad* and *William de Wartenberg.*

X

That

1415. *That he had never met with one single erroneous Word in his Writings, and that he had nothing to accuse him of.* This Declaration they send to the Emperor seal'd with their Seal, and beseech him to procure the Liberty of *John Hus*, that he might be in a Capacity to confound his Accusers. 'Tis true, that this Testimony might be liable to Suspicion, if we were to be govern'd by the Report of *Balbinus* (1) who says that the Archbishop who gave it declar'd openly in Favour of the *Hussites*, in a Synod which he assembled at *Prague* in 1421. and in which the Communion in both Kinds was enjoyn'd, the Hierarchy rejected, and all the Ecclesiastical Authority committed to four *Hussite* Priests, of which Number was *James de Mize*, of whom more hereafter. But *Balbinus* (a) himself tells us that in 1413. *Conrad* was still Orthodox, and that at the Sollicitation of *John Gerson*, who wrote to him concerning it, he interdicted *John Hus* from his Ministerial Functions while he continu'd at *Prague*. Besides, as we have seen in the History of the Council of *Pisa*, in 1418. *Conrad* assisted the Legate, whom *Martin V.* sent into *Bohemia* for the Suppression of *Hussitism*. He was still Orthodox on the 30th of *July* 1420. because he crown'd *Sigismond* King of *Bohemia*, tho' the *Hussites* were not willing to receive him. He was still the same on the 23d of *August* that Year, by publishing (b) *Hist. of the Council of Pisa*, Part II. p. 284, 285. *Op. Hus.* T. I. p. 1. *Martin V.*'s Bull of Excommunication against the *Bohemians*, (b) which added to the authentic Testimony given of *John Hus* by the Bishop of *Nazareth*, Inquisitor of *Bohemia*, secures *Conrad*'s Evidence from all manner of Suspicion. Mean Time this Letter of the *Bohemians* had no other effect than to confine *John Hus* more closely. At the Sollicitation of *Paletz* and other Divines he was removed to the Convent of the *Dominicans*, where he fell sick of the Stench and other Annoyances of his Prison.

3 January, Another Letter from the *Bohemians* to the Emperor *LXI.* THIS obliged the *Bohemian* Nobility to write another Letter to the Emperor, which was larger and more to the Purpose than the former. They represent to him with respect, that *John Hus* is gone of his own Accord to the Council to confute the false Accusations laid against him and *Bohemia*: That he earnestly desires and insists to be heard in full Council to evidence the Purity of his Doctrine, declaring that if he be convinc'd of any Error, he will readily retract it: That tho' 'tis notorious that he went to *Constance* with a Safe-Conduct from his Imperial Majesty to protect him, yet he is confined to a loathsome Prison. That People from the highest to the lowest are astonish'd and provok'd to see that the Pope should presume thus to commit an honest Man to Prison, contrary to the public Faith, and without assigning any Reason for it. That an Enterprize of so dan-

(1) This Author says that he has the Acts of this Synod in M.S. *Balb. Epit. Reg. Boem.* p. 423, 447.

gerous a Precedent may encourage all the World to depart from their respect to public Faith, and to expose the best of Men to the In-fults of the Worst. They conclude with an earnest Supplication to the Emperor to procure the Liberty of *John Hus*, to the end that he may be justify'd if innocent, or punish'd if guilty. *God is our Witness*, say they, *that we should be extremely sorry to hear that any Thing should fall out to the Dishonour of your Majesty, much more that you should foul your Hands with so enormous an Act of Injustice. 'Tis incumbens on your self to repair, by your Prudence and Sagacity, all the Wrong that has been done hisberto, and to make your self Master of this whole Affair.* This Letter is sign'd by ten Lords in the Name of all the others. Notwithstanding this, *John Hus* remained in the *Dominicans* Prison for two Months, at the End of which he was remov'd to (a) the *Franciscans* Prison, where he stay'd till the Pope's Escape.

(a) V. 4
Hardt. T. IV.
p. 47.
Whether *J. Hus* made an Attempt to escape from Con-
stance.
(b) Reich. p.
203, 204.
Franf. Edit.
1576.

LXII. *John Hus* being confined from the 28th of November, when he was arrested, to the Time of his Condemnation, I know not how some Authors could pretend that he made an Attempt to escape. *Ulrich Reichenthal* a Canon of *Constance*, and one who was present at the Council, is the first that has asserted this Fact in his *German History* (1) of this Council; and he tells it after this Manner (b): *John Hus* seeing that he was narrowly watch'd, resolv'd in *March* 1415 to make his Escape (2). 'In order to put this Design in Execution, he took a Loaf and a Bottle of Wine, and went in the Morning to hide himself in a Waggon belonging to *Henry de Latzenbock*, which was prepared to go in the Afternoon to some neighbouring Village to fetch Hay: At Dinner Time *Latzenbock*, to whose Custody *John Hus* was committed, not seeing him, made Enquiry after him, but to no Purpose, for no Body could tell any Tidings of him. Being alarmed at his Absence, he ran to acquaint the Council with it, who immediately caus'd the City Gates to be shut, and commanded the Archers to go in Quest of the Fugitive: As they were preparing to set out, *John Hus* being found conceal'd in the Waggon, was conducted by *Latzenbock* himself to the Pope's Palace, together with his Chaplain and several *Bobemians* all on Horseback. *John Hus* perceiving, that they talk'd of putting him in Prison, alighted from his Horse, in hopes of getting off by favour of the vast Crowd of Spectators (3); but the Pope's Guards perceiving his Design, he was shut up under a strong Guard in the Pontifical Palace.' *Reichenthal* adds, that *Sigismond* would fain have procur'd him his Liberty at that time, as well for his own Honour, be-

(1) The first Edition of this History was printed at *Augsburg* in 1483.

(3) *Reichenthal* says, that there were fourcore thousand Persons; which seems to be an Error of the Impression.

(2) *March* 23. the first Sunday in *Lent*, when they sing *Oculi mei*.

1415. *cause he had granted him a safe Conduct, as for fear of incens-
ing his Brother Wenceslaus and his Bohemians, but that the Doctors
having given him to understand, that 'twas not lawful to grant a safe
Conduct to a Heretick, he submitted to that Decision. I learn from
Dr. Von der Hardt, that Gebhard Dacher, another contemporary Au-
thor, who was of Constance too, and present at the Council, reports
the Escape of John Huss in his German History, after the same man-
ner as Reichenthal. But we must not be surpriz'd at it, because they
compos'd their History together, and communicated their Memoirs
to each other. Naucerus and the Abbat Trithemius, who wrote about
the latter End of the 15th Century, or the Beginning of the 16th,
speak likewise of the Escape of John Huss, but don't mention the
time of it. Nor is it omitted by John Cochleus in his History of the
Hussites, wherein he quotes Reichenthal's Authority, tho' he differs from
him in one Circumstance. For he says, that John Huss actually left
Constance on the 23d of March, whereas Reichenthal only says he at-
tempted to do it. 'Tis from Cochleus, that Maimbourg, Varillas,
and other modern Authors, have taken the same Story, without ex-
cepting Joachim Camerarius a Protestant Author, and otherwise a ve-
ry exact Historian. But as the Evidence of all these modern Histo-
rians stands only upon the Account given by Ulric Reichenthal and
Gebhard Dacher, who wrote their History in concert, we must see
how far it may be depended on. I own that the Testimony of these
two Historians is of great weight, and that never did Pyrrhonism
seem more reasonable in History than in this Fact. Besides their be-
ing both present, they are of a Character not to be suspected of Igno-
rance or Falshood. Gebhard Dacher was a Counsellor of the Elector
of Saxony, in great Esteem with him, as well as with many other
Princes, who were all at Constance. Moreover his Preface shews him
an honest Man, mighty zealous for the Reformation of the Church,
as may be seen by looking back to our Preface. Nor can he be sus-
pected of Prejudice against John Huss, of whom in the same Preface
he speaks very favourably. Finally, as he had Orders to make an ex-
act List of all the Foreigners who were at Constance, he could hard-
ly be ignorant of any thing that pass'd in the City, was it ever so
trifling, much less an Affair of such Importance. Reichenthal appears
to be an Author as much to be rely'd on as Dacher. He was a Ca-
non of the Cathedral of Constance, a Man of great Reputation, and
a Favourite with Sigismond and several other Princes. He was pre-
sent at the Council from first to last, and was employ'd in it in several
Affairs. He had the Honour to regale Sigismond and his whole
Court at a Seat of his near the City. He accompany'd the Princes
who conducted John Huss to the Stake, and it was he who sent for a
Confessor to attend him in that Catastrophe. One would not easily
believe.*

*Nauch. p.
1045. Tritb.
Chron. Hir.
p. 338.
Cochl. Hist.
Hussites. L.
II. p. 73.*

*Maimb. ub.
supr. p. 221.
Varill. ub.
supr. 103,
104, 105.
Camer. Hist.
Narr. de Fr.
Boh. & Mor.
p. 40. V. d.
Hardt T. V.
Proleg p. 19,
20.*

*V. d. Hardt.
T. I. Part
II. Pref.*

*Reich. fol.
21.*

believe, that two Men of such Weight and Character could be capable of risking their Honour, by advancing a Fact of this Nature, if it had not been true. It could not but make a very great-Noise. Here was a Necessity of advertising the Magistrates, shutting the Gates of the City, sending out Archers in pursuit of *John Hufs*, and by the Report of *Reichenthal*, a vast Number of People met on this Occasion, as has been observed. Nevertheless, I have several Reasons now to produce, which make me doubtful of the Account given by *Dacher* and *Reichenthal*, without insisting upon that of *Cochleus*, who pretends, that on the 23d of *March*, *John Hufs* was brought back to the Pope; whereas 'tis manifest, that on the 20th the Pope himself fled, and that he was not then at *Constance* but at *Schaffhausen*. In the first Place, the Silence of the Acts is next to a Demonstration; for it does not appear, why they should not mention the Flight of *John Hufs*, as well as they do that of *Jerome of Prague*; Is it probable, that those Acts should not make the least mention of an Attempt which must give the Council so just a Handle against *John Hufs*? What Necessity was there for making his Conversation and Conduct at his own House, a Pretence to arrest him, when his withdrawing himself so (1) clandestinely would furnish so natural an Occasion? Much less need was there for quoting Decretals, and having recourse to this scandalous Maxim, that a Prince is not bound to keep his Faith with a Heretick, as they made *Sigismund* believe, in order to excuse the Violation of the Safe-Conduct. They had no occasion to say any thing more than that *John Hufs* had rendered himself unworthy of it by his Flight. 2. Nor is the Silence of other contemporary Authors, a weak Reason to question the Truth of this Fact. *Aneas Sylvius*, *Niem*, *Vrie*, *Leonard Aretin*, *James Piccolomini*, and the ancient Author of the Life of *John Hufs*, have not said so much as one Word of it. 'Tis well known, that the three first of those Historians had no Intention to spare *John Hufs*; and as to the last, tho' he was a *Hussite*, yet as he has not conceal'd the Flight of *Jerome of Prague*, neither would he have conceal'd that of *John Hufs*. 3. The Reasons founded on the Silence of Writers are not all, there being more still to offer. The Acts not only say nothing of it, but the contrary can be proved very plainly. For it appears by those Acts, that *John Hufs* was apprehended on the 28th of *November*, 1414, and that after that time, he never had his Liberty; 'tis impossible therefore, that he could be at his Lodgings in *March*, 1415, to contrive his Escape. However I would not willingly accuse either *Dacher* or *Reichenthal* of Falshood. 'Tis possible, that

Cerret. ap. Spond. & V. d. Hardt. T. IV. p. 22.

(1) I do not insist upon the Dates of have been before his first Imprisonment. See above. p. 84. this pretended Retreat, because if *John Hufs* made an Attempt to escape, it must.

consider-

1415. considering they wrote their History some Years after the Council, their Memory might fail them, and they might confound *John Huss* with *Jerome of Prague*, who actually withdrew from *Constance*, and was brought back again. However it be, *Maimbourg* and *Varillas* would be excusable for having told this Story upon the Authority of *Cocblaus*, if they had not done it in an Age of Knowledge, wherein Manuscripts, so far from being bury'd in Dust, are made publick, either by Printing, or by the Opening of Libraries, and the Communication of Men of Learning: But they fondly embraced this Tradition of the pretended Escape of *John Huss*, which was started too late to patch up the Breach of the Emperor's Safe-Conduct. Pass we now to other Affairs.

Congregation upon the Reception of the Legats from the Antipopes. *Fin. 4. V. d. Har. T. IV. p. 33. See above. p. 46, 47.* LXIII. *Gregory XII*'s Legats being just at hand, a Congregation was assembled to consider of the Manner of receiving them, and the Character that was to be given them; as to which they were extremely divided. Indeed, the Cardinal of *Cambray*, as has been already shown, explained himself upon it very clearly before. In order to engage *Gregory XII* and *Benedict XIII.* to resign the Pontificate the more willingly, he was for receiving their Legats with all the Honours due to their Character, and for a provisional Recognition of their Masters Authority. *Sigismund* was also of the same Opinion, because he thought it the most proper to facilitate the Union of the Church. But *John XXIII.* and his Advocates reasoned upon it after a quite contrary Manner. For they pretended, that the Cardinal *de Gregory*, who had been cut off from the Church, could not be admitted with the red Hat; nor could Audience be granted to the Patriarch of *Constantinople*, or his Colleague, nor to the pretended Legats of *Benedict XIII.* without prejudicing the Right of *John XXIII.* Nor did they think they ought to have Safe-Conducts, because it plainly appeared, by the loose ambiguous Answers which they had made to *Sigismund*'s Ambassadors, that they only came to cavil at the Authority of the Council of *Pisa*, and that of *Constance* at the same time. It was owing to these Disputes that nothing was determined upon it in this Congregation, tho' the Majority of Voices was for granting Safe-Conducts to the Legats. But afterwards, the Affair was determined according to the Opinion of the Emperor and *Peter d' Ailly*, that is to say, in favour of the Legats of *Benedict XIII.* and *Gregory XII.* who were actually received in Council with the Character and Honours they desired.

Short History of *Benedict XIII.* LXIV. A very large Account has been given of these two Antipopes in the History of the Council of *Pisa*; but in order to give this History the more Light, 'tis necessary to run over their Characters again. *Peter de Luna* was of an illustrious Family of *Arragon*, and even, as some say, of royal Blood. I learn from *M. l'Abbe Choisi*,

ſ, that he ſpent the firſt Years of his Life at the War of *Caſtill*, where he diſtinguiſh'd himſelf very much; but that *Henry de Traſt-*

1415.

mare, whoſe Party he followed, having been defeated by the Prince of *Wales*, and oblig'd to go to *Avignon* to deſire Succours of the Pope, *Benedict* followed him thither, and there chang'd his Profeſſion ^{a)}. ^(a) Hift. of the Church. T. VII. l. 25. Cap. I: p. 311.

'Tis certain, that he profes'd the Study of the Law in the Univerſity of *Montpellier*, where *Theodorick de Niem* declares, he had ſeen him teaching the Canon Law. The Character that *Historian* has given of him, is in a few Words as follows. *He was, ſays he, little and ſpare of Body, but a Man of Wit, and very ſubtle at new Inventions. He made himſelf beloved, and gain'd a World of Praise by his Virtue and Abilities* ^(b). ^(b) Theodor. de Niem. de Schiſm. L. II. Cap. 33. Baluz. Pap. Avenion. T. I. 977 & 1182.

In 1375 *Gregory XI.* took him from the Church of *Sarrageſſa*, to make him a Cardinal Deacon, with the Title of *St. Mary in Coſmedim*. This Pope, according to the Report of the *Abbé Choſi*, gave him a Commiſſion to examin the Revelations of *St. Bridget*, whom we ſhall preſently find canonis'd in this *History*. *Peter de Luna* was at *Rome* in the Conclave when *Urban VI.* was elected, and gave his Vote for that Pope. But he left him afterwards, and gave his Vote for *Robert* Cardinal of *Geneva*, who was choſe Pope the ſame Year, by the Name of *Clement VII.* This Antipope ſent him into *Spain*, where at firſt he was not received as Legat, but only as a Native of the Kingdom. He was afterwards ſent to *Paris* to negotiate the Union of the Church, and there he declared ſtrenuouſly for the Method of Reſignation. The Zeal which he manifeſted for the Peace of the Church, got him to be choſe Pope at *Avignon* in 1391, even with Precipitation: However he was elected only upon Condition, that he ſhould reſign the Pontificate, if ſuch Reſignation was neceſſary for the Peace of the Church, as the Cardinals had agreed before they enter'd the Conclave. He accepted, or rather ſeem'd as if he accepted this Condition very heartily, and ſwore, that he would ſubmit to it, if it was neceſſary for the Union of *Chriſtendom*. And the better to convince the World of the Sincerity of his Intentions, he ratify'd his Promiſe immediately after his Election by ſeveral Letters which he wrote to the K. of *France*, to the Univerſity of *Paris*, and to all *Chriſtendom*, declaring, that he accepted of the Pontificate with Reluctance, and with a View only to give Peace to the Church. If he accepted of this Dignity in ſpite of himſelf, we ſhall find hereafter, that he kept it to his Death in ſpite of all the World. Theſe very Intentions he confirm'd to the Deputies whom the Univerſity of *Paris* ſent to him, after his Election, as well as to *Peter D'Ailli*, who was ſent to him by *Charles VI.* ^{Juvenal. p. 132, &c.} to whom he was Almoner, and was alſo decoy'd by the artful Countenance of this Pope. Upon theſe ſo fair Appearances, *Charles VI.* in 1395, ſent him one of the moſt ſolemn Embaſſies that *History* ever mentioned:

1415. mentioned upon the like Occasion, consisting of the Dukes of *Berry* and *Burgundy* his Uncles, the Duke of *Orleans* his Brother, and other great Lords, with several Bishops, and some of the most celebrated Doctors of that time. The Business of this Embassy was to obtain the Pope's Act of Resignation, because in an Assembly of the Prelates of the Kingdom, held at *Paris* the preceding Year, this was judg'd the most proper Method for reconciling the Church under one and the same Head. But *Benedict* (a) after having put off this Embassy above two Months, with a thousand idle Shams, deny'd that he had ever made a Promise to resign, tho' they had the Copy of his Oath at *Paris*, and would never propose any thing but an Interview with *Boniface IX.* his Competitor, at some neutral Place, where they might agree on the Means for a Union. 'Tis natural to suppose that *Benedict* paid dearly for jesting with the King, the Princes, the University, and all the chief Clergy of *France.* Immediately after this Refusal, *Charles VI.* sent Ambassadors to all the Christian Princes, to persuade them to consent to the Proposal for the Resignation of the Rival Popes, which was almost unanimously embrac'd every where. But as there was no persuading *Benedict* to it, *France* resolv'd at last to withdraw from his Obedience, which was accordingly publish'd the 28th of *July 1398.* *Benedict's* own Cardinals all did the same except two, and he found himself besieg'd in *Avignon* by the Marshal de *Boucicaut*, whom the Cardinals call'd to their Assistance. This Example was soon follow'd by the other Princes of *Benedict's* Obedience, except *Martin K. of Arragon* his Kinsman, who still protect'd him. Mean time as *Benedict* had nevertheless a great Party in *France*, with the Duke of *Orleans* at the Head of it, he manag'd so dextrously by his Intrigues, and by his Friends, that in 1414, *France* again put her self under his Obedience, on Condition however that he should resign, in case that *Boniface IX.* his Rival did the same; or in case that the latter should be depos'd or dye. In short, he dy'd the very same Year on the 1st of *October.* But *Innocent VII.* being chose in his Place on the 17th of the same Month, *Benedict* made a Handle of it not to keep his Word, unless *Innocent VII.* would resign too. In fine, *Benedict* continuing to bubble all Christendom by vain Promises, *France* withdrew her Obedience again in 1407 and 1408, which oblig'd *Benedict XIII.* to retire to *Catalonia*, for fear of being once more besieg'd. On the other hand, *Innocent VII.* was as backward to resign as his Rival, whatever Air he put on, and whatever good Character he bore in other respects; but he dy'd about the latter End of 1406 (b) and made room for *Gregory XII.* of whom we are now also to give an Account.

Juven. & Dupui ubi sup.
(a) Gersonia. p. 11. Tom. I. of Gers'n's Works printed at Antwerp. 1706.

Dupui ubi supr. 293. & Gerson. XIII. XIV.

Dupui. p. 313, 314. Gersoniana XVI. Juven-des Ursins. p. 191. Raynald ad Ann. 1404. n. 9. 10.

(b) 6 November.

LXV. ANGELO Corario a Noble Venetian D. D. Bishop of Venice first, then of Calcedon, titular Patriarch of Constantinople, and lastly, Cardinal Priest of St. Mark, created by Innocent VII. was chose Pope the last (a) Day of November, 1406. when he was about 80 Years Old. The Cardinals cast their Eyes upon him as well for the seeming Simplicity of his Manners and the Character which he had a long Time bore for Piety, as for his Knowledge and Capacity, of which he had a good Share. Before his Election, he had taken an Oath as well as all the Cardinals, that whoever was elected should not look upon himself so much a Pope as one possess'd of a Proxy to resign the Pontificate, and that he would actually lay it down as soon as his Competitor would do the same. He confirm'd the same thing upon Oath after his Election, and wrote to *Benedict XIII.* to exhort him to resign, because he was quite ready to do it after the Example of that tender Mother who chose rather to give up her Child than to see it divided in two. He promis'd *Benedict* at the same Time to send him his Legates the very first Opportunity, in order to agree with him on some Place where they might make an end of this important Affair. He made the same thing known to all Christendom. *Benedict* on his Part made the same Protestations, without delay, in answer to *Gregory*, adding that he only waited for his Legates to give Proof of his Sincerity. *Gregory* was as good as his Word; he sent the (b) Embassy which he had promis'd, and *Benedict* receiv'd it at *Marseilles*, where they agreed on both Sides to repair to *Savona*, a City in the State of *Genoa*, there to confer together. But when the Time was come in which the Agreement was to be executed, *Gregory*, being overcome with the Intreaties of his Kindred and animated by *Ladislaus* King of *Naples*, was quite chang'd. Whereas he had protested that he would sooner walk it on Foot with his Cane in his Hand, than fail of being at the Place of Rendezvous, he went backward like a Tortoise, making a thousand Difficulties upon the Danger he should be expos'd to at *Savona*, which was a place at the Devotion of the King of *France*. *Benedict* more crafty than *Gregory*, in order to salve Appearances on his part, advanced just as fast as his Rival went back. Letters and Messages flew fast enough from one (1) Side to the other, but there was no Interview, because both had actually resolv'd not to resign, and while they revil'd each other in public, they agreed in secret to bubble all Mankind. So manifest a Collusion compleated the Revolt of the greatest Part of Europe from them. *France* and several other States embrac'd the Neutrality, as has been observ'd, and declared a-

1415.
Short History of Gregory XII.
(a) Aret. Rer. Ital. p. 256, Gob. Perf. Cosm. d. p. 324, 325.
Spond. Br. Rainald Aret. p. 252, 253. Br. ov. ad an. 1406. ix. Dupui p. 353. Leonard Aret. Rer. Ital. p. 252.
Dupui ub. supra p. 360. Gersniana, p. XXI.
(b) An. 1407.
Aret. ub. su

(1) This Author was present at every Part of this Negotiation, and declares that he approv'd *Gregory* in every Thing except in the Affair of the Union.

Y gainst

1415.

Gregory's
Letter to Si-
gismund.

gainst *Benedict* as against a Heretic, a Schismatic, and a Perjuror. A Part of *Germany, Hungary, Poland* and *England* did the same with regard to *Gregory*, who having no Body scarce to stand by him, retir'd to *Rimini* near *Charles Malatesta* (1), the Lord of that Place and his faithful Friend, where he endeavour'd to secure himself, and to get as many Creatures as he could, especially in *Germany* where the Council was to be held. It was with this View that in 1413. he wrote a Letter to *Sigismund* which is to be found among the MSS. of the *Vienna* Library, and contains these Articles. 1. He looks upon himself to be the only Lawful Pope. 2. He represents to *Sigismund* that being design'd for Head of the Empire, he was establish'd by God, by Virtue of that Quality to be Advocate of the Church in the important Causes of the Faith, and to be the Defender of the Oppressed. 3. And in order to make good this Character, he fortifies him with the *Apostolical Authority* and declares him King of the *Romans*. ' Considering, *says he*, that had it not been for the Schisms which have ' happen'd, you would have been chosen according to the Imperial ' Edicts, approv'd by our Predecessors, and according to the Custom ' of the *Germans*, and that in effect you have been chose beforehand ' and with a happy Omen by two of our faithful Sons. (*Quodque ' duo ex nostris Fidelibus Catholici divino quodam præfagio primo te elegerunt*) (2) Considering moreover the Zeal of *Charles IV.* your Father of glorious Memory, for *Urban VI.* (3) and the Inclination ' which you and those of your Family have always shew'd to us and ' our Predecessors; For these Causes and to the end that you may be ' the better able to execute what we hinted at first, *viz.* entirely to ' extirpate all Schisms, to put an end to all the Calamities, and all ' the Crimes which they have occasion'd, to procure for the Church a ' Holy Union, a True and Catholic Reformation, and solidly to restore, with regard both to Body and Soul, that Tranquillity which ' has so long been lost; for these Causes, I say, *Of our own Motion ' and certain Knowledge, and by the Fulness of our Apostolical Power, we ' receive you personally for our Spiritual Son, and for Son of the ' Church; and we nominate, declare and establish you King of the ' Romans, being fully resolv'd to anoint and consecrate you in that ' Quality, and to vest you with the Imperial Diadem, according to the ' Canons, when Time shall permit, supplying all Defects and Nullities*

(1) As to *Charles Malatesta*, see the History of the Council of *Pisa*. Part I. p. 259. 260.

(2) What he means by these two is a Mystery. There were three at the first Election, when *Sigismund* was a Competitor with *Jesse*, and after *Jesse's* Death he was

elect'd unanimously. See the History of the Council of *Pisa*. Part II. p. 11, 12.

(3) He pretended to be his lawful Successor, and look'd upon *John XXIII.* hitherto only as an Anti-Pope.

' which

which may be therein found with Regard to the Formality, or to your Person. We moreover command all Christians, and all Vassals of the Empire, of what Condition soever, to obey you as King of the Romans, who is to be promoted to the Empire, (*Tibi Regi Romano in Imperatorem promovendo, &c.*) (a) This Letter may be compar'd to the last Plank in a Shipwreck. We will therefore leave *Benedict* in Spain, and *Gregory* in Italy, and go to receive their Legates at the Council.

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(a) Von d. Hardt, T. II. p. 463, 465.

LXVI. THOSE of *Benedict* arriv'd first. I don't find their Names either in the Acts of the Council, or in the Authors who have wrote the History of it. They only came to declare that *Benedict* was just ready to set out for *Nice*, pursuant to the Conventions in order to confer with the Emperor and the King of *Arragon*, about the most proper Measures for uniting the Church. The Ambassadors of *Ferdinand* K. of *Arragon*, who arrived at the same time, had an Audience next Day; in which they confirm'd the same thing on the Part of their Master, and invited the Emperor to the Place of Meeting. It did not appear that the Council gave any Answer at that Time, either to the one or the other. The K. of *Arragon's* Ambassadors complain'd also some Weeks after, of having been made to wait so long without receiving any positive Answer; and desir'd the Emperor to grant them Audience of Leave, declaring that their Master was not to blame if the Church had no Peace. At length they had an Answer March 4, and it was on that very Day that in a general Congregation at which the Emperor was present, with 8 Cardinals, 300 Prelates, and several Ambassadors of the Kings and Princes, Legates of *Peter de Luna*, and the Ambassadors of the King of *Arragon* desired the Emperor that he would please to repair to *Nice*, in order to confer with their Masters concerning the Union of the Church. The Cardinals and the Prelates having back'd the Request of those Ambassadors, the Emperor solemnly promised to go thither in Person in the Month of *June*, accompany'd by the Deputies of the Nations who were at the Council. The Conditions of this Journey were 1. That the Emperor should go to *Nice*, and the King of *Arragon* and *Benedict* to *Villa Franca*, to confer there during the whole Month of *June*. 2. That the Emperor and the Count of *Savoy* (1) should put *Villa Franca* and its Dependences under the Power of the King of *Arragon* and of *Benedict*, so that during the whole Time of the Conference, they should dispose of it as if they were the Sovereigns. 3. That the King of *Arragon* should treat the Inhabitants of the Place and the Vassals of the Country favourably, and grant all the necessary Securities and Guaranties for the entire Restitution of

Arrival of *Benedict's* Legates. January 8. V. d. Hardt. T. II. p. 494. T. IV. p. 36.

V. d. Hardt, T. II. Part XVIII. p. 495. and T. IV. p. 47, 48, 49.

(1) The Count of *Savoy* shall be made a Duke next Year.

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Villa Franca and its Territory to the Count of *Savoy*, when the Conference should be at an End. 4. That the Emperor should procure the necessary Safe-Conducts for *Benedict*, the King of *Arragon* and their Retinue from the King of *France*, *Lewis* of *Anjou*, (who is called Lord of *Provence*) from the Count of *Savoy*, the *Genoese* and other States thro' which they were to pass, as well as from *John XXIII.* or as 'tis express'd, from him whom some call *Pope John* (1); while *Benedict* and the King of *Arragon* were likewise to grant Safe-Conducts to the said *John XXIII.* and those of his Obedience in case of Need. 5. That during the whole time of this Interview, there be no Innovation at the Council of *Constance* (which is only (2) call'd a Congregation,) and that nothing be attempted on either Side which may thwart the Union. Tho' this Treaty was made in Concert with *John XXIII.* yet he did not relish it by any means. He said that this Conference was so much lost Time, and that they ought to stand by the Council of *Pisa*, and confirm its Decisions. But since he could not do what he pleas'd, in order to make a Confusion at least in the Conferences, he caus'd this Clause to be insert'd, that a Safe-Conduct should be granted him to go thither. This was what he afterwards demanded with very great Earnestness, under Pretence that he should mightily advance the Union by conferring with *Benedict XIII.* *visa voce*. But the Council, who had not forgot the Comedy that was play'd by *Benedict XIII.* and *Gregory XII.* under Colour of going together to *Savona*, entirely rejected this Proposal, and stood to what they had resolv'd upon.

Nism ap. V. d. Hardt, T. II. p. 395, 396.

Arrival of the Legates, and others of *Gregory's* Party.

17 January.

(a) *Vin der Hardt, T. IV. p. 36. & T. II. p. 458. Par. Hist. Pal. p. 218, 220.*

LXVII. SOME Days after there arrived several Princes and certain Prelates in the Obedience of *Gregory XII.* At the Head of these we must reckon *Lewis* of *Bavaria*, surnamed the *Bearded*, Elector Palatine, Son to Emperor *Robert*, and Father-in-Law to the King of *England* (a). The Share which that Elector had in all Affairs of the Council, as well as his Dignity, justly distinguishes him from the many Spiritual and Temporal Lords who daily arrived at *Constance* (5). He was one of the chief Promoters of the Resignation of *Gregory XII.* who the Year before had writ a Letter to him, expressing his great Uneasiness at the approaching Call of a Council. It was in these Terms.

(1) *Ab illo Domino qui à nonnullis dicitur Joannes Paps, V. d. Hardt, T. IV. p. 49.*

(2) *In hac congregatione quæ de præsentî.*

This *Pope (John)* was from that very Time contriving the Design which he afterwards declared of going also to *Nice*.

(3) They tell a very curious Particular, relating to this Elector; viz. That

Sigismund complaining more than once in the Council of *Constance*, that none of the secular Electors understood *Latin*, *Lewis* as soon as he was returned to his Dominions, apply'd himself to learn that Language; as did also *Augustus* Elector of *Saxony*, and *Erhard* Duke of *Wirtemberg*. *Lewis* dy'd in 1436 old and blind. *Urb. Luc. Hist. Palat. p. 215.*

Gregory,

‘ Gregory, &c. To our Dear Son and Nobleman (*nobili viro*)
 ‘ Lewis, Count Palatine of the *Rhine* Greeting, and Apostolical Bene-
 ‘ diction. We have receiv’d your Letter by our dear Son Master
 ‘ Buffon, Bachelor of the Canon Law our Nuncio, and we have heard
 ‘ the Report he had to make to us on your Behalf, (*pro parte tue*
 ‘ *nobilitatis*). We doubt not but you will act with Circumspection in
 ‘ all things, especially with regard to those which are of such Weight
 ‘ that they may be deem’d the *Marrow of our Catholick Truths*.
 ‘ And since our Adversaries do not cease to set up their pernicious
 ‘ Engines without any Fear of God, and without regard to the sa-
 ‘ cred Canons, we exhort your Generosity (*Nobilitatem tuam*) with all
 ‘ our Affection in the Lord, to give singular Heed to all Things,
 ‘ and seasonably to prevent the Evils which they are preparing for
 ‘ us; because as you your selves may judge, they have put Irons in
 ‘ the Fire to execute their wicked Designs, (*ferrum cuditur ad per-*
 ‘ *versam*). Therefore we intreat you to consider well the Writings
 ‘ which we have sent you by our Nuncio abovemention’d, wherein
 ‘ we have observ’d all the Candor and Equity possible for establishing
 ‘ a sincere Peace and a solid Union in the Church, praying you at
 ‘ the same time to vouchsafe to let us know both your Sentiments and
 ‘ your Proceedings in that Respect’. The Letter is dated at *Rimini*
 the 22d of *November* 1413 (1).

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 Letter from
 Gregory XII.
 to the Elec-
 tor Palatine.

The Elector Palatine return’d Answer as follows.

‘ Most holy Father.
 ‘ I received the Letter which your Holiness dated at *Rimini* the
 ‘ 22d of *November*. After having read it, I call’d to Mind what
 ‘ my Reverend Father in Christ the Lord *Werner* Archbishop of
 ‘ *Treves* and I had acquainted you of by Master *Buffon* your Envoy. I
 ‘ have also reflected on the Troubles which according to common
 ‘ Fame some People are raising. And I imagine that by the *Iron*
 ‘ which you say is beating for wicked Designs, your Holiness means
 ‘ the Convocation which is to be held by the Name of a General
 ‘ Council on the 1st of *November* next in the City of *Constance* in
 ‘ the Province of *Mentz*. ’Tis true that the most Serene Prince my
 ‘ Lord the King of the *Romans* and *Hungary*, has briefly notify’d this
 ‘ Convocation to me, but I have not seen the Letters Patents of it,
 ‘ nor any of the Solemnities (2) which used to precede those Affem-
 ‘ blies. Besides ’tis my Opinion, that there are some great Lords of
 ‘ the other Obedience who don’t approve of this Convocation as to

Elector Pa-
 latine’s An-
 swer to Gre-
 gory XII.

(1) This Letter is taken from a MS. at *Vinna*. *Vin der Hardt*, T. II. p. 466, 467.
 (2) *Solemnitates*. ’Tis probably For- malities.

‘ the.

1415. *the Circumstance and the Manner of it. Therefore I hope that the Iron will not be made sharp enough to cut off the Justice of your Holiness's Cause, to which I faithfully and sincerely adhere, provided that, as I wrote to your Holiness in Conjunction with the Archbishop of Treves, you are not wanting in any thing that may restore the Peace and Union of the Church, in which I believe you have not hitherto been deficient. For the rest I shall promote it with all my Power, and shall not fail to acquaint you of my Sentiments, and of my Proceedings thereupon, as you enjoyn (prout injungitis). May our Saviour Jesus Christ direct and conduct the most worthy Person of your Holiness to an entire Re-establishment of the Church, his holy and true Spouse' (1).*

THEREFORE he enter'd *Constance* with a numerous handsome Guard, accompany'd by *John de Heckenstein* Bishop of *Worms*, *de Raban* Bishop of *Spire*, *Ulric* (2) Bishop of *Verden*, and the Envoys of *Werner*, Archbishop of *Treves*. These three Prelates by the Advice of *Sigismund* wrote to *Gregory* afterwards, and sent him a Deputy to invite him amicably to the Union.

UNDOUBTEDLY that Pope's Legates stay'd only for the Arrival of the Princes and Prelates of their Party to make their Entry, which they perform'd a few Days after in a solemn manner. The Chief of the Embassy was *John Dominic* (3) Cardinal of *Ragusa*, who wore his Red-hat at the Entry, and was supported by the Elector Palatin and the Duke *de Brieg*. The other Legat was *John* Patriarch elect of *Constantinople*, who enter'd with his Pontifical Vestments and a Black-hat. He was follow'd by the Prelates just now mentioned. A Congregation was assembled some Days after at the Emperor's Palace to hear them. The Emperor ask'd them first of all *whether they had a sufficient Power, whether they approv'd of the Council, and whether they would joyn in its Deliberations*. The Cardinal of *Ragusa* made Answer as to the first Article, that he had a sufficient Power, and that he was ready to shew it. The Acts do not say whether this Power was then produced; but there we have the Bull with which *Gregory XII* had furnish'd his Legates. It importeth, that for the Sake of Peace, and in Imitation of the Humility of Jesus Christ, he was ready by himself or his Proctors, to renounce the Pontificate which he legally possess'd, provided that the two

(1) This Letter is not dated. 'Tis also taken from a MS. at *Vienna*, *Von der Hardt* ubi sup.

(2) *Henry* Count *de Hoge* was chose by the Chapter, while Pope *Gregory XII*. had nominated *Ulric* Count *de Albeck*, so

that the latter was oblig'd to yield it, and was made Bishop of *Secovia* in the Year 1417. *Henry* resign'd in the Year 1426.

(3) As to *John Dominic*, see the History of the Council of *Pisa*, Part I. p. 195, 196.

others

others whom he only call'd Usurpers would also resign, and that *John XXIII.* should not preside, nor be present at the Act of his Resignation. That whether the two Competitors dy'd or liv'd, if nothing should be wanting but his Renunciation to engage those of their Obedience to agree about a Sovereign Pontiff, he was ready to give it. As to the two other Articles, the Cardinal of *Ragusa* made Answer that he had no Orders. But the Elector who was present explained himself more clearly; For he added, ' That he was Security as well as his Prelates, that provided *John XXIII* did not preside at the Council, nor be present at it, *Gregory* should come to it in Person, or at least should agree to any Measures that should be judg'd proper for procuring the Union. That if his Legates had not sufficient Orders, he would undertake that they should have others that were more ample. And lastly, that in case *Gregory* did not accept what he had now advanc'd in his behalf, he was resolv'd, he and all his Bishops, to stand to the Judgment of the Council'. Upon this the Emperor order'd them to consider more particularly of Ways and Means to unite the Church, and to deliver their Sentiments in Writing.

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LXVIII. THE next Day * a new Congregation was assembled on that Affair in the Emperor's Presence. The Elector Palatine presented a Memorial in it, which contained almost the same Things he had deliver'd the Day before by Word of Mouth, but with further Particulars. viz. ' That since the Method of Resignation was agreeable to his Imperial Majesty, as well as to many others of the several Obediences, he and the Prelates of *Gregory's* Party were entirely disposed to labour effectually for the Success of it, with the Cardinal of *Ragusa* and the Patriarch of *Constantinople*, whom they judg'd sufficiently authorised for that End. That however if some were of Opinion that they ought to have more ample Power, they hop'd to obtain it in a little Time. That the Prelates and Doctors of *Gregory XII's* Obedience offer'd to treat, deliberate, and confer according to their Estate, touching the Union and Reformation of the Church, as well as all other Affairs, with all the Prelates, whom his Imperial Majesty had assembled at the Council; on Condition however that *John XXIII.* should not preside there, that he should not so much as be present at it, and that every Member there should have entire Freedom of Speech, till the Affair of the Union and Reformation was happily ended; and that all particular Engagements made with *John XXIII.* to the Prejudice of the Liberty of the Council, should be dissolved. That *Gregory XII.* with the Consent of the Council should be intreated, and earnestly exhorted by the Emperor and those of his Obedience, to repair in a certain Term to *Constance*, either in Person or by

Congregation upon *Gregory's* Resignation. *V. d. Hardt, ubi sup. p. 38.*
* 26 January.

pro rata statu su.

Proc.

1415.

Proctors furnish'd with a full Power to urge his Rights if he thought fit, and to acquiesce with the Council. Lastly, that whether Gregory appear'd in Person or by his Proxy, or refused to do either, those of his Obedience were resolv'd to unite with the Council, and to submit to its Decisions'. Much about that Time there arriv'd three more of Gregory XIIth's Cardinals; viz. *Gabriel Condolmerio* his (1) Nephew, the very Person who after the Death of *Martin V.* was chose Pope by the Name of *Eugene IV.* *Anthony* Cardinal of *Narbonne*, and another who is not named. They were united to the Council after the Abdication of their Master.

Answer of
John XXIII.
to the Me-
morial.

LXIX. THE Memorial just mentioned being laid before *John XXIII.* he did not fail to confute it at large. As to the Resignation, to the Success of which *Gregory's* Friends offer their Efforts, *John XXIII.* approves of this Project, provided the Resignation they mean be that of *Gregory* himself and of *Benedict XIII.* because they had promis'd and sworn it before the Council of *Pisa.* That, says he, would be the true Method to attain to the End propos'd by the Authors of the Memorial, which is to reunite the Church under one Head. But if by the Resignation they mean any thing else, they ought to be more explicit. As to the Offer of *Gregory's* Friends to deliberate with the rest of the Council according to their Estate, (*pro rata & statu suo*), this Clause needs Explanation. For, says the Answer to the Memorial, If *Gregory XIIth's* Friends who are but a small Number pretend to have as many Votes as all the rest of the Council, there is nothing more unjust than such a Pretension; because by that means, they who in Obedience to the Council of *Pisa* persever'd in the Union, would not be so favourably treated as they who are averse to it. But if by their PRO RATA they mean to have every one their Vote as well as others, nothing is more reasonable than to admit them on that Footing. As to this Proposition that *John XXIII.* shall not preside in the Council, and that he be not so much as present at it, 'tis rejected as altogether unjust and dishonourable; because he in Quality of the only lawful Pope, recogniz'd as such by the greatest Part of Christendom, has assembled this Council, repair'd to it, and now actually remains there to do all that lies in his Power towards the Reformation of the Church. *John XXIII.* has the same Disgust to the Proposal in the Memorial for dissolving the Engagements which some may have made with him to the Prejudice of the Freedom of the Council. For if by that, says he, is meant any Engagement different from that into which all Prelates enter at their Promotion, which is to obey the Pope as their Superior, he declares that he does not know of any other Engagement enter'd into with him but that. Lastly, he answers

(1) As to this Cardinal, see the Council of *Pisa*, Part I. p. 200.

that



that there is all the Freedom in the Council that can be, and that 'tis needless to demand it; that none but God can know whether the Affair of the Union will be compleated in it or not: That *Gregory XII.* has had Invitation enough, and that if his Friends are inclinable to unite to the Council, without demanding any thing unreasonable, they ought to be received with all the Tokens of Good-Will. This is enough to shew, that *Gregory's* Friends and Legats were not sufficiently authorized to succeed in their good Intentions, which oblig'd them to send a Deputation to the Pope, to give him Advice of all that pass'd, and to desire him to send fuller and clearer Instructions. Their Credentials are found among the MSS. of *Vienna*, dated *Feb. 7.* and sign'd by the Bishops above-mentioned, and by the Envoys of *Henry Duke of Brunswick*, and the Landgrave of *Hesse*. We find by this, that *Gregory* had still in *Germany* a great Number of Princes and Prelates who were in his Interest.

V. d. Hardt.
T. IV. p. 41.
& T. II. p.
469.

LXX. As to *John XXIII.* he might easily perceive by the foregoing Memorial, and several other things which passed not to his Advantage, that the Pulses of the Council did not beat in his Favour. It has been already observ'd, that several Assemblies were held without him. But he was nevertheless exactly inform'd of every thing; for History says, he expended a great deal in Spies. He spared neither Caresses, Presents, Promises, Menaces, nor any thing to know all. He made such of the Prelates, as he could most confide in, come to him in the Night time, and easily got out of them all that he wanted, disengaging them by his own sovereign Authority from the Oaths they had taken not to reveal any thing. Neither did he want Emissaries, who by craftily sowing Discord between the Nations hinder'd the Conclusion of any thing to his Disadvantage. But as he had not the Command of his Temper, he presently gave Vent to all the Secrets that were repos'd in him, and by that Means betray'd both himself and his Confidants. It was not easy for him to support himself long with such ill Conduct. They were very much surpriz'd at the Council, to see the Pope so exactly inform'd of every the most secret Transaction. They wanted to dive into the Mystery of it. Those that were most suspected of Indiscretion and Insincerity, were summon'd to make their Appearance; and some were even oblig'd to retire, tho' with the Consent of the Council, which rather chose to avoid a Clamor, than to punish them as they deserv'd. 'Tis from one of the Pope's Secretaries, that all these Particulars were taken (a).

Intrigues of
John XXIII.

(a) *Tbecd. de Niem.* ap. *V. d. Hardt.* T. II. p. 389.

LXXI. THO' the Authority of *John XXIII.* was already very much shock'd, yet he was consider'd in the Council as the only legal Pope, and officiated as such. He perform'd one very solemn Functi-

Canonizati-
on of *St. Bridget.* Feb. 1.

Z

on

1415. on in the canonizing of a Saint. This was *Bridget*, or *Birgit* (1) a *Swedish* * Woman, and as some have pretended, of the Blood-royal; her Parents marry'd her very young, and against her Consent, to a great Nobleman of *Sweden* (2) by whom she had eight Children. After having liv'd together a good Number of Years, they parted by mutual Consent to betake themselves entirely to Devotion, for which *Bridget* had always a very great Inclination. She instituted an Order of Fryars and Nuns, of which she pretended that Jesus Christ himself had dictated the Rules to her. This Order was call'd the Order of *St. Saviour*, and follow'd the Rules of *St. Augustin*. Some Authors (3) also ascribe to her the Institution of an Order of Knights; but others, with more Foundation, pretend, that this Order is fictitious (b). After several Pilgrimages to Holy Places, she dy'd at *Rome* in 1373, and was canoniz'd by *Boniface IX.* in 1391. But as this Canonization made during the Schism could not be universally acknowledged, the *Swedes* were willing it should be renew'd and render'd incontestable, by the Authority of a General Council (4). This was the Ceremony of the Canonization, 1. The Ambassadors of the Kingdoms of *Sweden*, *Denmark*, and *Norway*, with the Deputies of their Clergy came to this Congregation, which was very numerous, to desire that *Bridget* might have a Place among the Saints, upon the Account of her Birth, Piety, Pilgrimages, Revelations, and the Miracles she wrought during her Life-time, and which she was still performing since her Death. This Encomium being ended, the Council ask'd them, if they could produce Witnesses of all the Facts they had asserted, upon which there immediately appear'd a numerous Company of *Swedish* Doctors and Licentiates, who confirm'd the Report of those Orators by an Oath before the High Altar. The Canonization was thereupon unanimously resolv'd, and *Bridget* declar'd a Saint. In pursuance of this Resolution, a *Danish* Archbishop, after having celebrated the Mass, caused a Silver Image of that Saint to be brought to the Altar, which he held up to shew to the People, to whom he gave his Benediction, by singing these Words, *Behold a new Race is given to us.* The Ceremony was ended with a *Te Deum*, the Ringing of Bells, and fine Musick. They add, that the Prelates afterwards regal'd themselves splendidly by Way of Rejoicing.

(b) History of the Military Orders, Tom. III. p. 441, 442. Amsterdam, 1721.

Ecce nova proles datur.

(1) Messieurs de *Trevoux* say it should be *Brigida*. * Her Father's Name was *Büger*, and her Mother's *Sjoridis*.

(2) He was call'd *Uppbo de Ulpbo* Prince of *Nerivia*. The M.S. of the Revelations of *St. Bridget*, is in the Royal Library at *Berlin*. *Martyr Barch.* p. 397. *Épév.* ad *Ann.* 1391. n. X.

(3) We find this Supposition in the *Dictionnaire de Trevoux*, upon the Authority of the Abbat *Jussuliani*.

(4) This Canonization of *Fridet* gave Occasion to *Henry* of *Hesse* to complain of the Multiplication of Saints. *V. d. Hardt.* T. IV. p. 39, 40. *Naucl.* p. 1045.

IF

If those Ambassadors had stayed a little longer, *Bridget* would have ran the Risque of meeting with the same Fate as three other *Swedish* Saints, whose Canonization the Council shifted off, as will appear in its Place. *John XXIII.* was very glad to signalize the Relicks of his Pontificate by this Solemnity. Mean time the *Swedes* were not content with the Honour which the Council had done to this Saint. For *John XXIII.* being depos'd not long after this solemn Act, they got it confirm'd in 1419 by *Martin V.* at *Florence*: So that *Bridget* was canoniz'd three times with the Forms.

1415.
V. d. Hardt.
T. IV. p.
707, 708.

SEVERAL Authors (a) have asserted, that there was another Saint canoniz'd at the Council of *Constance*, viz. *St. Roch*, and that his Image or Statue was carry'd about the Streets of the City, in order to deliver it by his Intercession from the Plague. But there are many Reasons to doubt of this Fact. 1. I find no Canonization of *St. Roch* in the Acts of the Council. 2. Nor does it appear by those Acts that there was a Plague at *Constance*, while the Council was there. 3. The Fathers of the Council were no Friends at all to the multiplying of Saints, as will appear hereafter.

(a) Martyrol.
Bar. Bonnan.
Hist. Metal.
Pontif. Rom.
T. I. p. 42.

LXXII. AFTER the Emperor's Arrival frequent Congregations were held touching the Union of the Church. It has already been seen, that the most solid Part of the Council did not think that this great Work could succeed by any other Method than by the voluntary Abdication of the three Competitors. *Gregory* had just given Reason to expect his. The Emperor was preparing to go himself to *Spain*, to oblige *Benedict XIII.* to it. The greatest Difficulty was to engage *John XXIII.* in it, to whom there was an absolute Necessity of carrying it very fair, for fear of giving him a Handle to dissolve the Council. As the publick Congregations were not entirely free, because he commonly presided in them, or however had a Right to preside in them, several Writings were spread abroad, in which they explain'd themselves with more Liberty. *William Fillastre* Cardinal of *St. Mark*, (1) a *French* Divine compos'd one among the rest, which was pleasing to the Emperor, the Cardinal of *Cambray*, and the Nations, as it was offensive to *John XXIII.* But 'twas to no Purpose for the Pope to complain of it; the generous Cardinal, far from disowning it, went himself to declare to him that he was the Author of it, and that he wrote it for the Sake of Peace. In this Writing, there is an Examination of the various Methods that may be pursued, for surpressing the Schism. The first was to reconcile the three Obediences under any one of the Competitors singly, which was call'd the

Several Congregations concerning the Union of the Church. Feb. 7.

V. d. Hardt.
T. II. Part
VIII. 209.

(1) He was made a Cardinal by *John XXIII.* in 1411. *Ouupbr. Pont.* p. 271. and *Hist. Counc. Pise.* Part II. p. 59.

1415. *Method of Reduction.* The second was the juridical Discussion of the Rights and Pretensions of both the one and the other. The third was open Force, and declaring War against the Disobedient. He shews the Inconveniences, and even the Impossibility of those three Ways. The fourth, which the Cardinal thought the shortest, the easiest, and the most effectual Method was a voluntary Cession or Abdication, which was reckon'd the best of all, even before the Council of *Pisa*, and which was ratify'd in this Council (1). He solidly proves that the more Reason *John XXIII.* has to think himself the true Pastor, the more is he engag'd to accept of this Method of giving Peace to the Church, because he would even be obliged to sacrifice his Life for so great a Good. The Cardinal is for conjuring him, first, by all the Motives in the World, but especially by that immortal Honour, which will redound to him from so generous and christian a Proceeding, and then for assuring him of an honourable Post in the Church as a Compensation. But he pretends that if the Pope obstinately refuses to resign, he may be forc'd to it by the Council, as being superior to the Pope in Matters relating to the general Welfare of the Church, and in several other Cases. The Friends of *John XXIII.* did not fail to confute this Writing, and their Arguments really seem plausible. Among other things, they said, that 'There was
' no Possibility of obliging *John XXIII.* to renounce the Pontificate
' without vacating the Authority of the Council of *Pisa*, because this
' Pope had succeeded canonically to *Alexander V.* who was therein e-
' lected. That it was a high Injustice to make a Comparison between
' two notorious Schismatics, who had been depos'd in a General
' Council, and a legal Pope. That in one Word, the Method of
' Resignation, with regard to *John XXIII.* was frivolous, unjust, and
' cruel, and that it was to be doubted whether those that propos'd it
' were not Hereticks and the Favourers of Hereticks.' The Cardinal of *Cambraz* likewise enter'd the Lists, and reply'd to this Answer of the Pope's Friends, with the following Arguments, which were approv'd and confirm'd by other Writings on the Part of the Nations.
1. ' That tho' the Council of *Pisa* was lawfully summon'd, tho' *A-*
' *lexander V.* was therein canonically elected, and tho' by consequence
' the Election of *John XXIII.* his Successor was legal, yet because
' *Benedict XIII.* and *Gregory XII.* maintain'd the contrary by plausi-
' ble Arguments, there were as many Points to discuss, both of Law

(1) What is remarkable here is, that *William Fillastre* had so strenuously condemn'd it in an Assembly which was held at *Paris* in 1406, that he was censur'd, and begg'd Pardon for it of the Assembly, because upon this Occasion

he had defended *Benedict XIII.* against the Prerogatives of the King, and against the Liberties of the *Gallican Church.* *Ju-ven des Usins Hist. of Charles VI.* p. 226, 227, and *History of the Council of Pisa.* Part I. p. 144.

and.

1415.

and Fact, on the Subject of the Council of *Pisa*, as there were before, on the Pretensions of the two Competitors. 2. That as before the Council of *Pisa*, in order to avoid long Discussions which might retard the Suppression of the Schism, the Method of voluntary Abdication was approv'd of by all Christendom, Affairs were in the same Situation with regard to the three Competitors, as they were with regard to the two, before the Council of *Pisa*. 3. That the advising of *John XXIII.* to the Method of Resignation did not derogate from the Authority of this Council, because, when all's done, its sole View was to suppress Schism; nor was it comparing the Pope with Hereticks and Schismaticks, but on the contrary, it distinguished him plainly from them, by proposing a Method to him, that would do him Honour all over the Christian World, and fully expose the Obstinacy of the two others. 4. Lastly, That the Universal Church, which was represented by a General Council, was authorized to depose the most lawful Pope, tho' he were the most honest Man, if it was not possible to give Peace to the Church by any other Method (a).

(a) *Labb. Ap. ad Concl. Constant. T. XII. 1437, 1441. V. d. H. T. II. P. VIII. Cap. XI, XII, XIII, XIV. Who are to have a Deliberative Voice in Council.*

LXXIII. IT may well be suppos'd that such kind of Memorials gave no little Umbrage to *John XXIII.* and that he left no Stone unturn'd to strengthen his Party. This gave Occasion to other Disputes that happen'd (1) almost at the same Time. It was of great Importance to the Pope to have a Majority of Suffrages in Council, and to hinder a great many Members whom he suspected, from having a deliberative Voice. Above all, he was afraid of the Laymen and Doctors, who having no Ecclesiastical Orders were consequently not so dependent on his Favour and Bounty. Therefore he would fain have had the Council to consist only of Cardinals, Archbishops, Bishops, Abbats, Prelates, Generals of the Orders, and other Ecclesiastics of Character. But this Proposal was no sooner made by those of his Party than it met with a vigorous Opposition. The Cardinal *de Cambray*, who in other respects was careful enough of the Interests of the Popes, was one of the first to oppose it by a Memorial, of which what follows is the Substance. (2) He lays it down in the first Place, that the Church has not always been uniform in the manner of assembling Councils and in the Method of their Deliberations. That sometimes they were compos'd of the whole Body of Christians, at other Times of Bishops, Priests and Deacons, sometimes of Bishops without Abbats, and sometimes of Bishops with Abbats. That on certain Occasions the Emperor assembled the Council, and was present at it in the

V. d. Hardt, T. II. Part VII. Cap. II. XVI, XVII. p. 224, 225.

(1) During the Month of *February, V. d. Hard, T. IV. p. 40.*

(2) He thereupon quotes the four Councils, of which, says he, mention is made

in the Acts of the Apostles, and in the History of *Eusebius*, which he makes to go Hand in Hand, as it were, with those Acts.

* Absence

1415.

‘ Absence of the Pope, when the Cause of the latter was in question.
 ‘ That if heretofore the Bishops only had a Definitive Voice in the
 ‘ Council, ’twas because they had a Cure of Souls, and that they
 ‘ were learned and pious Persons chose by the Church, and not Ti-
 ‘ tular Bishops and Abbats destitute of the Qualities requisite for De-
 ‘ bates in a Council, and generally suspected in the Questions therein
 ‘ propos’d (1). *’Twould be a very strange Thing*, says the Memorial,
 ‘ *That such an Archbishop, Bishop or Abbat who has no Suffragans,*
 ‘ and scarce any Body under his Jurisdiction, should have a Voice in
 ‘ Council, equal to the Archbishop of *Mentz* for instance, and to
 ‘ the other great Prelates and Princes of the Empire, as well as to
 ‘ the Archbishops and Bishops of *France* and *England*, who have se-
 ‘ veral Parish Churches under them, each of which has more People
 ‘ than all the Archbishops and Bishops just now mentioned have to-
 ‘ gether’. The Cardinal of *Cambray* pretends also that the Doctors
 of Divinity, and of the Canon and Civil Law ought to be admitted
 to give their Deliberative Voice in the Council, especially the first,
 because as they have the Authority to teach and preach every where,
 their Sentiments are of quite another Weight with Christians, than
 those of a Titular Bishop or Abbat who is commonly very igno-
 rant. He adds, that if in the ancient Councils there is no Mention
 made of Doctors, ’twas because it was not the Custom at that
 Time to take Doctors Degrees as has been done since in the Uni-
 versities; and that the Doctors having a definitive Voice in the
 Councils of *Pisa* and *Rome* (2), they could not be debarr’d of it in
 this without infringing the Authority of the other two. Lastly, His
 Opinion was the same as to Kings, Secular Princes, their Ambassadors
 and the Proctors of those who shall be absent for lawful Causes; be-
 cause there would be nothing more unjust and unreasonable than to
 shut Kings, Princes and their Ambassadors out of the Council, es-
 pecially when the Point in question is the Suppression of the Schism in
 which they and their People have so great a Concern, considering
 withal that the Execution of what shall be resolv’d on will be prin-
 cipally owing to their Assistance. The Cardinal of *St. Mark* wrote a
 Memorial likewise on the same Subject, and it contains almost the same
 Reasons, but in a sharper Stile. With a great deal of Strength and
 Vivacity he pleads the Cause of the Doctors, Curates, Priests and e-
 ven the Deacons and all the other inferior Clergy whom the Pope
 was likewise for excluding, for fear they should carry it against his

(1) This relates to a great Number of Poor Prelates in *Italy* and elsewhere, whom the Pope had at his Beck, and who would have carry’d it by the Majority of Votes, if the Pope’s Proposal had pass’d.

(2) This was an Argument *ad b:mi-nem*, against *J:bn XXIII.* who pretended that the Council of *Constance* was only a Continuation of the Council of *Pisa*.

Prelates.

Prelates. He says among other Things that *an ignorant King or Bishop is but a crown'd Ass*. That according to *St. Paul*, the Bishop and the Priest have the same Character and the same Dignity, and that the Pope himself is but the Chief among the Priests. That as to Kings, Princes and their Ambassadors, they ought to be allow'd to give their Opinions in Matters relating to the general Welfare of the Church, but that as to Faith and Things Spiritual they ought to stand to the Determination of the Council, in Imitation of the Example of *Constantine* and *Theodosius* (a).

THE Opinion of those wise Cardinals carry'd it. The Doctors, of whom there was a very great Number, were not only admitted to the Council, but also the other secular Deputies of the Kings and Princes, Republics, Cities, Academies, and of all Societies, and finally the Clergy inferior to the Bishops and Prelates, tho' not without the Consideration and Choice of the Council. It was no small Mortification to the Pope to see the Authority of his Prelates counterpois'd after this manner by the Suffrages of so many People, that were not only Men of Parts and Probity, but above all more disinterested than they.

LXXIV. (1) HE miscarry'd in another Affair, which was of no less Importance to his Interests. It had been propos'd from the very Beginning to vote by Nations and not by Persons in the public Sessions. The Pope hotly oppos'd it all along, because he always hop'd to be the greatest Gainer from Voting by Persons, which was not so easy for him to accomplish, with regard to the Deputies of the Nations. The Truth is that he had ancient Custom on his Side, because the Votes of all the Members were always taken in the Synods. But the Council of *Constance* had very good Reasons to depart from the common Practice. As the Points in dispute were two capital Articles in which the Pope, the Cardinals, and the Prelates, were extremely concern'd, it was to be fear'd that they would bear down the Council by their Multitude. There was a greater Number of *Italian* Prelates at *Constance* than of all the other Nations together, and most of them were poor and ready to starve; *John XXIII.* had created no less than fifty Chamberlains, whom he might depend on as so many Creatures devoted to his Interests. If he thought he had Reason to mistrust any one's Integrity, he forc'd him to take the Oaths in a manner the most tyrannical that could be. So that there had been no Shadow of Liberty at the Council, if they had told Noses in it as had been the Practice till then. But there was an absolute Necessity of the Presence and Authority of the Emperor to give a happy Issue to an Affair on which the good or ill Success of the Council depend-

(a) *V. d. Hardt*
T. II. Part
VIII Cap.
XVII.

V. d. Hardt,
T. II. p. 230,
231.

(1) It was resolv'd to vote by Nations in the public Sessions. *Perf. n. Csm.* p. 339. *V. d. Hardt*, T. I. Part X. p. 568. and T. II. p. 230. and T. IV. p. 40.

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Febr. 7.
Vric ap. V.
d. Hardt. T.
I. p. 157,
158.

ed. Therefore it was resolv'd in spite of the Pope and his Adherents, that in the public Sessions they should vote for the future by Nations; and so far as the *Spaniards* were not yet come to the Council, they divided it into four Nations, viz. *Italy, Germany, France and England* (1). The Order which these Nations observed in their Deliberations was this, They nominated a certain number of Deputies of each Nation, Men of Weight and Learning, as well Clergy as Laity, together with Proctors and Notaries. These Deputies had at their Head a President who was chang'd every Month. Each Nation had a particular Assembly to consider of Matters to be laid before the Council, and in those Assemblies every Member had the Liberty of proposing *viva voce*, or in Writing, what he thought necessary for the Welfare of the Church. They communicated their Resolutions to each other, in order to confer about them together, and to remove the Objections which any one might raise against the Opinion of another. When they had agreed upon some Article, an Assembly or General Congregation of the four Nations was held, and when the said Article was unanimously resolv'd, it was carry'd ready sign'd and seal'd to the next Session, in order to be approv'd by the Council. So that according to this Plan, the Council assembled in publick Session did but add the Weight of its Authority to the Regulations of the four Nations of which it was compos'd. This good Order prevented Confusion, and, as far as possible, all Caballing and Party. *John XXIII.* had no Cause to complain of this Order, because his *Italian Nation* enjoy'd the same Prerogatives there as the others, and at the same time Provision was made for the Freedom of the Council, which might have been over-born by the great Number of that Pope's Friends. We shall find hereafter that this Order was not well observ'd by the *German Nation* it self which had been the most importunate for it.

Facts alleg'd
against *John*
XXIII.
Niem ap. V.
d. Her. T.
II. p. 391 &
T. IV. p. 41

LXXV. 'T WAS much about the same time that a long List of Articles was secretly exhibited against *John XXIII.* *Theodoric de Niem*, who reports this Circumstance, does not specify the particular Crimes which were laid to this Pope's Charge. He only says that this List contain'd all the deadly Sins, with a vast train of Abominations, and that it was believ'd, that the Memorial was presented by an Italian. *John XXIII.* was soon inform'd of it, and having taken the Alarm, had a private Meeting of those Cardinals in whom he had most Confidence, to consult them upon it. Tho' he protest'd his Innocence in many Articles, yet he confess'd enough to ruin him, if things had come to an Impeachment, which was demanded by the said Memorial, and sollicit'd

(1) *Aeneas Sylvius* says, this was the Order in which the Nations were rank'd at the Council of *Constance*, but they

would determine nothing about it at the Council of *Basil.* Hist. Conc. *Basil.* p. 93. Edition of *Helmstad.*

by

by many of the Deputies of the Nations. In this Perplexity, he propos'd to go himself to the Council, and confess those Faults of which he own'd himself guilty, in order to prevent the Clamour and Scandal of a publick Examination. He thought this the safer Way, because it was a Maxim commonly receiv'd at that time, that a Pope could be depos'd for no other Crime but Heresy. His Cardinals could give him no Advice upon that Head, but to take a few Days more to consider of it, and then with God's Blessing to do what he thought fit. But for this time his Fright was all his Punishment. For the greatest Number of the Deputies of the Nations, especially the Germans, English, and Poles (a) as well for the Honour of the Holy See, as for the Sake of Decency and Respect, did not think it proper, that Accusations of so heinous and scandalous a Nature, which, if prov'd true, would go near to make all void that he had done during his Pontificate, should be sifted to the Bottom. It was resolv'd therefore to suppress the Memorial, and they agreed to stand by the Method of Resignation, in which the Italians themselves concur'd with the other Nations, as thinking it the most safe and honourable Expedient for John XXIII. and they resolv'd to propose it to him.

LXXXVI. ALL the Nations being therefore agreed on it, Deputies were sent to him, who at first propos'd a Resignation to him only in general Terms. As he was still afraid of the Danger he was lately running into, and from which he did not think himself yet altogether free, he accepted the Proposal with an Appearance of Joy which was really such to the Deputies. For upon the very same Day, he assembled a general Congregation at which the Emperor was present together with all the Princes, Prelates, and Deputies of the Nations that were then in Town. There he caused the Cardinal of Florence to read the Form of a Resignation which he had drawn up himself, and was worded thus. ' Our most holy Lord the Pope here present, though he is in no respect whatsoever oblig'd to it, either by Vows, Oaths, or Promises, yet for the Repose of Christendom, he has propos'd and resolv'd of his own Accord and meer free Will, to grant Peace to the Church even by the Method of Resignation; provided that Peter de Luna and Angelo de Corario, condemn'd and depos'd at the Council of Pisa as Hereticks and Schismaticks, do also in due Form renounce their pretended Pontificate, in the manner, with the Circumstances, and at the Time that shall be declared and concluded by a Treaty to be made forthwith for that Purpose, by our said most holy Lord, or by his Deputies added to yours; that is to say the Deputies of the Nations.

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(a) Dlugi's Hist. Polon. L. XI. p. 361.
Cerret ap. V. d. Hardt, T. IV. p. 41. 42.
A Resignation propos'd to John XXIII. 16 February. V. d. Hardt, T. IV. p. 42. and T. II. p. 392, 393.
V. d. Hardt, T. II. p. 233.

A a

LXXVII. THIS

1415. LXXVII. THIS Form was examin'd next Day in an Assembly of the Nations, and after having weigh'd all the Terms of it, it was judg'd indefinite, obscure, ambiguous, and incapable of procuring an Union, chiefly because it was conditional, and tax'd the two other Competitors with Heresy. Deputies were therefore immediately sent to *John XXIII.* to desire him to give a Form that was more express and positive, which he granted on the Spot. The Differences which I find between the first Form and the second are these. 1. In the second he describes himself by the Name of *John XXIII.* in these Words. *Our most holy Lord the Pope John XXIII.* whereas in the former it was, *Our most holy Lord the Pope here present*, without any Name. 2. Instead of the Terms *proposing* and *resolving*, he makes Use of those of *declaring*, (*profitetur*) of *engaging*, (*spondet*) and of *promising* (*promittit*). 3. Whereas he had only talk'd in general of granting Peace to the Church by the Method of Resignation in Case of Need, without signifying how he would execute it; he says in this positively, that he will grant Peace to the Church, by means of a Resignation which he will make by himself, or by one or more lawful Proctors irrevocably appointed for that Purpose. 4. Lastly, whereas he had said that this Resignation should be executed in the manner, and at the Time specified by him or by his Commissioners joyn'd to those of the Council, he says in this that it shall be done by a certain Time, and that he will dispatch the Bulls for it in due Form. To this Project or Scheme of Resignation, he added two Clauses as by Way of Advice *. The one was to renew and inflame the Process carry'd on against *Benedict XIII.* and *Gregory XII.* at the Council of *Pisa*, after a certain Time appointed for them to make their Abdication. The other was, that in Case the two other Competitors would not agree to the Method of Resignation, the Emperor and the Princes, the Ambassadors of Kings, and the whole Council should unite with his Holiness against them and their Adherents, not only in Spirituals but in Temporals. But so far was this Form from pleasing the Deputies, that they thought it not so acceptable as the former. It had the same Faults as the other, and was moreover accompany'd with Clauses which could not but exasperate the two other Competitors. So that it was rejected like the first; and tho' the Pope was very much offended at this repeated Refusal, the Nations resolv'd to draw up a third, which the Emperor himself presented in Company with some of the Deputies of the Council to *John XXIII.* As it was worded almost in the same Terms with that of *Gregory XII.* the Pope would never accept it.

LXXVIII. MEAN Time the Council became more numerous every Day, by the Arrival of several great Nobles Spiritual and Temporal, and very many Deputies from divers Places. The Ambassadors of

Examination
of the Form
of it in the
Assembly of
the Nations.
V. d. Harat,
T. IV. p. 42.
17 Feb.

*Etiā per
viam Cessionis
V. d. Harat,*
ubi. supra, p.
234.

*Infra termi-
num, & de
prædictis fa-
cere unam
vel plures
Litteras in
Bulla plum-
bea.*

* *Avisa-
mentum pri-
mum & se-
cundum.*

See the
Form. *V. d.*
Harat, T.
IV. p. 43.
A Form of
Resignation
is presented
to *J. b. n.*
XXIII.
18. February.

of the King of Poland had made their Entry into it on the 10th of January, with Nicholas Archbishop of Gnesna at their Head. The others were the Bishop of Wladislaw, the Bishop of Ploczko, Andrew Lascharis, Bishop Elector of Posen, and two Temporal Lords (a). Among the MSS. of *Leipsic* and *Vienna*, we find two Speeches of Andrew Lascharis, one to the Emperor, the other to John XXIII. in order to animate them to grant Peace to Christendom in general, and to Poland in particular. Among other Things, he represented to the Pope, that it was upon his Persuasion that Ladislaus King of Poland and Alexander Witbold Great Duke of Lithuania had laid down their Arms, tho' they had the Advantage over the Knights of the Teutonic Order, in Hopes that the Council would put an End to their Differences by a Course of Justice (b). (1) We shall speak of this Affair hereafter. Much about the same time, we find the Arrival of Lewis of Bavaria d' Ingostadt Count de Mortain, Brother of Isabel Queen of France and Ambassador from Charles VI. as also of Frederick of Austria, and several other Princes, and of John II. of Nassaw Elector of Mentz (2). The latter enter'd Constance with a numerous and magnificent Attendance on the 15th of January: Most of the Cardinals, Archbishops, Prelates and Princes went out of Town to meet him. They say that he enter'd Constance in the Habit of a Soldier, with a Helmet, a Cuirass and Boots of Iron, which gave Offence to very many People (a). Here too we must place the Arrival of Mainfred de la Croix, L.L. D. Abbat of St. Ambrose in Milan, Ambassador from Philip Mary Duke of Milan. He came to do Homage to Sigismond for the Milanese and all Lombardy. The Speech he made to that Prince, is to be met with among the MSS. of the Library at *Leipsic*. It turns upon these two principal Articles; viz. The Recognition of Sigismond King of the Romans, on the one hand, and the Acknowledgment of Philip Mary for his Servant and Vassal on the other. The whole Speech is a Series of false and prophane Applications of Scripture. The Deputies of the University of Paris who arrived the 18th of February were a great Help to the Council for hastening the Resignation of John XXIII. They had at their Head the famous John Gerson (3) Chancellor of that University, and at the same time Ambassador from the King of France to the Council. Among the Doctors of that Age, there

1415.

(a) Dlug. 8. fs. Hist. Polan. Lib. XI. p. 358.

(b) V. d. Hardt, T. II. Part V. p. 170, 181.

(c) Georg. Christ. J. ann. Rerum Magunt. T. I. L. V. p. 730.

V. d. Hardt, T. V. p. 109. ult.

(1) The same Author mentions the Arrival of some Bishops from Lithuania much about the same Time.

(2) See his Election and his Character in the Council of Pisa. Part I. p. 301.

(3) His Name was John Charlier, and he was called Gerson or rather de Gerson, from a Village in Champagne, where he

was born in 1363. See his Life in the Collection of V. d. Hardt, T. I. Part IV. p. 26. and in the Gersoniana of Doctor du Pin, Fol. XXIV. Every Thing that Gerson did in the Affairs of the Union and the Reformation hitherto, is reported in the History of the Council of Pisa.

1415. is not one who by the Confession of all Historians was distinguished more than he for Probity, Knowledge, and an indefatigable, intrepid, Zeal for the Reformation of Manners, and for the Union of the Church. He had for a long Time before prepar'd all the necessary Materials for succeeding in those two great Designs, and hereafter he is to appear as the principal Agent in the most delicate Questions, or to use the Phrase of the Writers of that Time, as the *Soul of this Council*. Some Days after the Arrival of these Deputies, the German Nation repairing to the Place where they had us'd to assemble, the Emperor introduc'd them, and after having himself laid before them the State of the Affair of the Union, he shew'd them the Difficulties which this Affair had suffer'd on the Part of the *Italian Nation*; and exhorted them at the same time to joyn with him, as well as with the *Germans* and *English*, to promote the Method of Resignation, which seem'd in a very good Way, since nothing was wanting but to agree on the Terms. As the University of *Paris* was the first and the most zealous to propose this Method, it was no difficult matter to get the Concurrence of its Deputies for that End. They therefore agreed all together upon a Form of Resignation, which the Emperor himself also presented to the Pope some Days after. The Pope took it very ill that he should be press'd as we may say, with a Knife at his Throat, and study'd a thousand Shifts to be excus'd from accepting this Form. But his Opposition only serv'd to inspire the Nations with fresh Vigor, especially the *Germans*, *French* and *English*. For as to the *Italians*, tho' they were at last reconciled to the Method of Resignation, yet they went into it more coldly, and also thwarted it in secret as much as they could. Probably 'twas upon that Day that the *Germans* seeing the Pope's Shuffling explain'd themselves more sensibly than they had yet done by the following Conclusions. ' That in the Affair of the Schism the Council was sovereign Judge; that there was no Means more proper, more lawful, and more effectual to suppress it than the Method of Resignation. That without having regard to the Abdication of *Benedict XIII.* and *Gregory XII.* or their Refusal to abdicate, if their Partisans have a Mind to join with the Council, on Condition that *John XXIII.* consents to resign, the latter is thereto oblig'd under the Penalty of a mortal Sin, as well as to accept and execute the Form which was presented to him on the Part of the Nations. That the Council has a Right to injoyn it upon him even with a Menace, and that finally, if he obstinately refuses, the secular Arm may be implor'd against him in the Name of the universal Church. The

W. d. Hardt,
T. II. p.
237, & T.
IV. p. 44.

27 Feb.
W. d. Hardt,
T. II. p. 238.

(1) It was proposed in *France* by the University in 1389, and resolv'd on in 1394. *Gerfonian*, Fol. VII. & XI.

Nations being met again next Day upon the same Affair, they again look'd over the Form of the Resignation which had been presented in vain to *John XXIII.* and instead of softening it, made it more positive and binding. For in the preceding Form they were content with the bare Term *Promise*; the Words *Swearing* and *Vowing*, which some had propos'd to make use of in order to engage him by the Tyes both of Religion and Honour, being rejected by the Majority as too strong and too harsh. But in this Congregation it was unanimously resolv'd to make use of them by the Advice of the University of *Paris*.

1415.
28 Feb.

The Pope's
Acceptance
of the Form
of Resignation.

LXXIX. THIS Form being thus agreed upon was given to the Pope without delay. In a general Congregation which he held in his Palace on the first of *March*, in the Presence of the Emperor and the Deputies of the Nations (1), *John* Patriarch of *Antioch* presented it to him, and prayed him to read it. He took it, and after having read it to himself, smothering the Resentment which he could not help discovering before, and which he afterwards vented, he pretended to accept it with a good Grace, and publickly read it himself. It was drawn up in these Terms, ' I *John XXIII.* Pope, for the Quiet of ' all Christendom, declare, engage and promise, swear and vow to ' God, to the Church, and to this Sacred Council, to give Peace to ' the Church freely and of my own Accord, by purely and simply resigning my Pontificate, and effectually putting it in Execution according to the Deliberation of the Council, whenever *Peter de Luna* and ' *Angelo Corario*, call'd in their Obediences the one *Benedict XIII.* ' and the other *Gregory XII.* shall likewise renounce their pretended ' Pontificate by themselves or by their lawful Proctors, and also in every other Case either of Resignation, Death, or otherwise, when ' my Resignation may be capable of giving Peace to the Church and ' extirpating the Schism'. The Joy throughout the whole Assembly for this Action of *John XXIII.* is not to be express'd. He was immediately thank'd for it by the Emperor, by the Cardinals, by the Deputies of the Nations, and by those of the University of *Paris*; and public Thanksgivings were made for it by singing *Te Deum* (2). After this, the Pope having appointed the second public Session for next Day, every Body went home full of Hopes and Joy.

March 1.
V. d. Hardt,
T. IV. p. 45.
and T. II. p.
240, 241.

LXXX. ACCORDING to the Plan which was pursued in the Council, and which we mention'd some Time ago, the public Sessions will not be the most considerable Part of this History. Besides the Ceremonies, seldom was any Thing done except approving of what had

Second general Session,
2 March, V.
d. Hardt, T.
IV. p. 45.
Nationaliter.

(1) He was a *French* Man, and at that Time President of the *French* Nation. *Spond. ad an 1415.* IV, V.

(2) *Ubi plures præ gaudio tantæ oblationis flebant quam cantabant, & plures si-*

mul flebant, & cantabant. i. e. More wept for Joy of such an Offering than sang, and many wept and sang in a Breath.

been

1415. been resolv'd on before by the Nations, as was done in this. After the Mass which was celebrated by the Pope himself, he sat before the Altar with his Face turn'd towards the Council, and with a loud Voice read the same Form of Resignation, which he had accepted the Night before, and which was again put into his Hands by the Patriarch of *Antioch*. At the reading of those Words, *I Swear and Vow*, he rose from his Seat, kneel'd before the Altar, and laying his Hand to his Breast, said *I promise thus to observe it*. Then sitting down again he finish'd the Reading of it with the same Promise. As soon as he had made an end, the Emperor rose from his Throne, laid aside his Crown, and falling on his Knees before the Pope, kiss'd his Feet, and most humbly return'd him Thanks, as did also the Patriarch of *Antioch* in the Name of the whole Council. If we may believe the Report of *Henry de Sponde*, and *Maimbourg*, who wrote after him, the Acts of *St. Victor's* Library say that at that Time, the Emperor, the Princes, the Ambassadors and the whole Council unanimously promis'd the Pope to assist him with all their Spiritual and Temporal Forces against the two other Competitors if they refus'd to resign as well as he. 'Tis very certain that *John XXIII.* added this Clause by way of Advice to the second Form of Resignation which he deliver'd. But as it was rejected, there is some Reason to doubt whether the Emperor and the Council made so large an Offer in favour of *John XXIII.* and the rather, because neither the Acts of the Vatican alledg'd by *Schelstrate*, nor the Acts of *Germany*, nor the Cotemporary Authors and the other Continuators of *Baronius*, as *Bzovius*, and *Rainaldus*, make any mention of it (1). However I submit it to the Reader's Judgment. It was the next Day after this Session that *John Huss* was remov'd from the Prison of the *Dominicans* to that of the *Franciscans*, where he remain'd till the Escape of *John XXIII.* There was a general Congregation in this Monastery on the 4th of *March* in the presence of *Sigismund*, at which were eight Cardinals, 300 Prelates, the Ambassadors of the Kings and Princes, besides those from *Peter de Luna* and the King of *Arragon*. All this Assembly desir'd the Emperor that he would please to go to *Nice* in *Provence* to confer with *Peter de Luna* and *Ferdinand* King of *Arragon*, concerning the Union of the Church: The Emperor promis'd to do so, and for this Purpose demanded Safe-Conducts of *Lewis* King of *Sicily*, the Count of *Savoy* and the Republick of *Genoa*. The Conditions of the Treaty for this Journey were, I. That in the Month of *June*, *Sigismund* King of the *Romans* should repair in Person to *Nice* in *Provence*, and *Ferdinand* King of *Arragon* with *Benedict III.* should go to *Villa Fran-*

Spond. ad an.
1415. n. V.
Maimb. ub.
supr. Part II.
p. 146. V. d.
Hardt, T. IV.
p. 47.

(1) Neither has *Edmond Richer* said any Thing of it in his History of the Councils. T. II. p. 136.

ca, (1) in order to confer together and to treat about the Union of the Church. 2. That the King of the Romans should take Care that the Place, Citadel and Port of *Villa Franca*, be restor'd purely and simply without any Restriction to the King of *Arragon* and *Benedict XIII.* or their lawful Proctors in such manner that the Subjects and Vassals of the said City, Castle and Harbour may be disengag'd from every Oath of Fidelity, and from all manner of Homage to the King of the Romans, and the Count of *Savoy*. But that, on the contrary, the said Subjects and Vassals shall take the Oath of Fidelity and do Homage to Pope *Benedict XIII.* and to the King of *Arragon* or to their Lawful Proctors, during the whole Time of the Interview, and even before and after, as far as shall be necessary for their Retirement from that Place. 3. That the King of *Arragon* shall treat the said Subjects and Vassals kindly during the whole Time of the Interview, and of his Retirement, and that he shall give all the necessary Securities to the Count of *Savoy* for the Restoration of *Villa Franca*, when the Conferences are at an end. 4. That the King of the Romans shall have good Safe-Conducts and all other Securities and Guaranties for Him and His on the Part of the King of *France*, King *Lewis*, the Lord of *Provence*, the Count of *Savoy*, and of Him who is by some call'd Pope *John (XXIII.)* as well as on the Part of *Genoa* and *Savona*: Which ought to be reciprocal. 5. That during the whole Month of *June*, and even after it, if the Negotiation continues longer, the King of the Romans shall take care that nothing pass in the Council said to be assembled at *Constance*, which has a Tendency to disturb the Peace and Union of the Church; and that he shall declare that every Thing which is attempted of the like Nature shall be deem'd null and as if it had not happen'd. To which *Benedict* and the King of *Arragon* should oblige themselves on their Part. 6. That the King of *Arragon* shall give, in his own Name and that of *Benedict*, the same Securities and Safe-Conducts to *John XXIII.* and to such as may come on his Behalf to *Villa Franca*, as the King of the Romans, and He who is call'd *John XXIII.* shall give to the other Party. 7. That the said Kings of the Romans and of *Arragon* shall procure all manner of Security, Freedom, and Favour, for all those of the three Obediences that shall be inclin'd to come either to *Nice* or *Villa Franca* by Land or by Sea: This Concordat or Agreement was to be sworn on both Sides.

1415.

IN the MSS. of *Vienna* there are two Bulls or Briefs from *John XXIII.* directed to *Sigismund*, and dated the first of *March 1415.* The first confirms and authorises the Agreement which had been drawn up and communicated before it was read in Council. The

V. d. Hardt,
T. IV. p. 48.
50. This
Concordat
was taken
from the
MSS. of
Brunswic,
Leistie and
Pope *G. tba.*

(1) In *Savoy*, a League from *Nice*.

1415. Pope declares in it that he will not suffer any Innovation at *Constance* during the Interviews, that he will approve and ratify every Thing done by *Sigismond* during this Negotiation; and he orders him to take Care that He and the Apostolic Chamber may be speedily inform'd of all that passes in it, by Letters Patent and the public Documents. (1) The second is a Sate-Conduët in due Form from the Pope and the Church of *Rome*, for *Sigismond* and his whole Retinue (a).

(a) *V. d. H.*
ub. sup. p.
50. 52.
J. bn XXIII.
is oblig'd to
grant a Bull
of his Refig-
nation.

5 *March.*
Von d. Hardt.
T. IV. p.
47, 52. and
T. II. p. 394.
Niem. ap. V.
der Hardt.
ubi supr.

LXXXI. THE good Understanding and reciprocal Affection which appear'd the Day before between the Pope and the Emperor was not of long Continuance. As *John XXIII.* was acknowledg'd for the true Pope at the Council, and had only promis'd to resign with a View to engage the two other Competitors to do the same, or to expose them to Censure, he pretended to a Prerogative of continuing the public Sessions, and of contributing his Endeavours not only for the Reformation and Union of the Church, but for the Extirpation of Heresy. But the Emperor and the Council thought fit before all things to make sure of the Performance of his Promise, to the End that they might apply themselves more effectually to the Union with the other Competitors. Therefore some Days after, in a publick Congregation, they desir'd him to dispatch a Bull of his Abdication in the usual Form, which Proposal he took as an Insult, and so abus'd the Prelates who made it to him, that no Body dar'd to speak to him of it any more. This oblig'd the Council to have Recourse to the Authority of the Emperor himself in order to conquer his Obstinacy. *Sigismond* who had the Affair too much at Heart to refuse his Interposition in it, accepted the Commission. He found the Pope a little more tractable than the Prelates had done, and determin'd him at last to notify his Resignation to all Christendom by a Bull dated the 6th of *March*. (2) Besides the Act of his Promise, which is inserted in this Bull, he therein sets forth, 'That being desirous to give Peace to the Church, in Imitation of the Example of Jesus Christ, whose Place, tho' unworthy, he holds; he assembled the Council of *Constance* by the Advice of the College of Cardinals, and in concert with the Emperor, and that he repair'd to it, notwithstanding the important Reasons that ought to have detain'd him in *Italy*. That he had Hopes, that *Peter de Luna*, and *Angelo de Corario*, would also have gone thither with the same View, *Sigismond*

(1) Volumus autem, quod de his, que circa hujusmodi materiam eadem tua serenitas egerit, nos & Apostolicam Camera[m] per patentem Litteras, seu publica Documenta celeriter informare procuret, ad plenam notitiam eorundem.

(2) At that Time there were also arriv'd several Ambassadors from the King of *France*; as the Archbishop of *Rheims*, the Bishops of *Caracas* and *Burenz*, *March 7.*

having

having invited them to it with very great Earnestness. That nevertheless they had not appear'd, either in Person or by their Proctors (1) but that for his Part, in order to manifest to the whole World how much he wish'd for the Peace of the Church, and to contribute effectually to it, he had embraced the Method of reciprocal Resignation, as the most speedy and proper Method for giving Peace, tho' his Right was indisputable, and even acknowledged by almost all Christendom, and tho' he possess'd, a few things only excepted, all the Domains of the Church, being very well persuaded, that he should be rewarded in Heaven in Proportion for what he abandon'd more than others. That it was this that had oblig'd him to make a solemn Promise in a publick Session to abdicate the Pontificate by an Act which runs thus, I *John*, &c. Finally, he exhorts all Christians to pray to God for the Accomplishment of so great, so pious a Work.' According to some MSS. he exhorts them likewise effectually to persuade *Peter de Luna* and *Angelo de Corario*, and their Obediences to imitate his Example (a).

(a) *V. d. H. T. IV. p. 52. 53. ex MSS. Vindob. Lips. Brunf. Gotb. Spond. Raynal. ad Ann. 1415. General Congregation in which John XXIII. is press'd to appoint Proctors for his Resignation. March 9. V. d. Hardt. T. IV. p. 54.*

LXXXII. AFTER Proceedings so publick, one would have thought there could have been no room to doubt of the Sincerity of *John XXIII.* any longer ; yet the main thing was still wanting, that is to say, the Performance of his Promise. As it was of Importance that this Affair should be determin'd before *Sigismond's* Departure for *Spain*, because the actual Resignation of *John XXIII.* might be a great Spur to that of *Benedict*, the *French*, the *Germans*, and the *English*, were for pressing the Pope to put it in execution. But in order to render this Resignation the more authentick and irrevocable, they would fain have engag'd him to appoint for his Proctors, the Emperor himself, and the Prelates, that were to accompany him to *Nice*, or such others as his Majesty should think proper to nominate (2). The Council had strong Reasons to urge this Demand. For Proctors of so great Authority as *Sigismond* and the Prelates nominated for that Act, would have been so many Guarantees, and their own Honour would have been a strong Motive to 'em to go through Stich with it. Besides, if *John XXIII.* had been allow'd to have resign'd only in his own Person, it would have been in his Power to have invented new Pretexes every Day not to keep his Word, whereas when he had once given a Letter of Attorney, he would have been

(1) There were indeed Legats on both Sides, but they had not yet a Power for the Resignation.

(2) Principali petit idem Rex Procuratores constitui irrevocabiles per dictum Dominum nostrum ad dictam Cef-

sionem faciendam, quorum principalis esse volebat, & alios ad sui voluntatem ordinandos. *V. d. Hard. T. II. p. 258. Schel. Comp. Chron. p. 33. Reib. p. 18. Stum. p. 33.*

B b

bound

1415.

H. d. Hard.
T. IV. p. 55.
March 10.

* *March 11.*
H. d. Hard.
T. IV. p. 55.
Nauch. 1046.

bound down. The Proposal was made to him therefore in a General Congregation, but he rejected it with Indignation, as did also the *Italians*, who threatned in plain Terms to quit the Council. This oblig'd the Emperor to take proper Precautions, as we shall see very soon. Mean time, the Pope left no Stone unturn'd to engage him in his Interests. It was with this View, that on the very next *Sunday*, which was three Weeks before *Easter* (1), he presented him with the *Golden Rose*, which he had solemnly consecrated that same Day, according to the Custom of the Popes. *Sigismond* receiv'd this Present with great Tokens of Gratitude and Respect. He carry'd the Rose through the whole City in Ceremony (2), and the Pope on his Part made a magnificent Entertainment for him and all the spiritual and temporal Princes. But *Sigismond* was not to be coax'd by all these Honours and Caresses of *John XXIII.* who having given very great Suspicion, by refusing to appoint Proctors for his Resignation, the Emperor thought it would be impossible to deal with him any other way than by terrifying him. Therefore * the very next Day he assembled a publick Congregation (3) in which it was propos'd to give the Church a Pope. 'Tis natural to believe that the Friends of *John XXIII.* thought this a very strange Motion. It was saying very plainly, that he was no longer Pope, and that the Council had a Right to chuse another. As he had promised to resign, the Election might indeed have fallen upon him as a Reward for so great a Sacrifice. But on the other hand, the Refusal he had now declar'd to appoint Proctors for the Performance of his Promise, added to the Grievances alledged against him, gave Cause to apprehend, that if there was a new Election, it would fall upon some other Person. The Archbishop of *Mentz*, who hitherto had only supported him secretly, burst out upon this Occasion, and rising up in a Passion protested, that if they did not chuse *John XXIII.* he would never own any other. But the Warmth of this Prelate only serv'd to exasperate others against the Pope. For as soon as the Noise was over in the Assembly, and every Body had the Liberty of speaking, the Accusations against him, that were smother'd a few Weeks ago, were brought again upon the Stage, and the two next Days they had the same Affair under Consideration in several Assemblies, in which it was concluded that the

(1) *Nec alio die solitos Romanorum Reges, ex antiquis Pontificum scitis, nec nisi post rosam eo illis die datam Imperii solemnia atque Diadema capere. Spond. ad ann. 1444. num. 20. Tritb. Chron. Hirs. T. II. p. 339, and History of the Council of Pisa. Part I. p. 325.*

(2) Some Authors say, that *Sigismond* consecrated this Rose to the Virgin in the

Cathedral Church. *Nauch. p. 1046.* and others that he afterwards carry'd it with him into *Hungary.* *Stumpfb. p. 33.*

(3) The Abbat *Tritbemius* has confounded this Congregation with the Second Session. *Chron. Hirs. T. II. p. 339. 16 Feb. See above.*

Nations.

Nations had a Right to do what they thought most proper for the Union of the Church, and the Election of another Pope (1).

1415.

LXXXIII. AFTER these Congregations the Diffidence betwixt the Pope and the Emperor became more publick than ever. *John XXIII.* who expected no good Wind would blow from the Council, thought of nothing more than to be gone. But this was a Design not easy to execute, and he was too wise to attempt it at all Adventures. A Report was spread that there were Orders to apprehend, or at least very narrowly to observe those that went out of *Constance*. To know the Truth of it, the Cardinal of *St. Angelo* was order'd by the Pope, to make as if he was going out of Town to take the Air, and the Prelate was actually stopp'd at the Gate. *John XXIII.* was no sooner inform'd of it but he assembled a Congregation in his Palace, wherein he complain'd bitterly to the Princes, and to the Magistrates of *Constance*, of this Violation of the publick Security and Freedom, which was so solemnly promis'd to every Body, and to him in particular. The Magistrates laid the Blame of it upon *Sigismund*, and the Archduke *Frederick* promis'd on his Part, that the Safe-Conducts should be observ'd inviolably (2).

Several Congregations about the Resignation of *John XXIII.* *March 14.*

LXXXIV. The Emperor hearing what had pass'd at the Pope's Palace, assembled the *French*, *German*s, and *English* next Day, in order to take further Measures against him. In this Assembly they resolv'd to require the following Articles of the Pope. 1. 'That he should appoint Proctors to make his Abdication, in order by that Means to prevent the other Competitors from all manner of Pretexts to hinder the Union. 2. That the said Letter of Attorney shall be given to the Emperor and some Prelates, that shall be join'd with him in the Commission, which said Commission shall be forthwith authoriz'd by a Bull from the Pope. 3. That he shall not give Permission to any one to retire from the Council, except in Cases of Necessity, nor shall he retire himself. 4. That he shall not dissolve the Council till the Union of the Church is accomplish'd, and that it shall not be transferr'd to another Place. 5. As to the Guards that had been posted in several Places, the Emperor made his Excuse by saying that he only order'd it by the Advice of some Cardinals who had observ'd that several were clandestinely stole away, which might insensibly draw on the Dissolution of the Council; but that as for the rest he was resolv'd to have his Safe-Conduct observ'd.' These Articles were propos'd to the Pope by the Patriarch of *Antioch* already men-

General Congregation against the Pope in Presence of the Emperor. *15 March. V. d. Hard. ub. sup. p. 56. Spond. an. 1415. n. VI.*

(1) 'Tis pretended, that *Rob. Halem* Bishop of *Salisbury* asserted, that *John XXIII.* deserv'd to be burnt.

(2) There was an absolute Necessity of passing over his Lands to go out of *Constance*.

tioned, of whom *John XXIII.* complain'd afterwards as a false Brother, and a secret Abetter of *Peter de Luna* (1).

V. d. Hardt. LXXXV. Consequent to this, the Pope assembled a Congregation
 T. II. p. 156. in his Palace next Day, whose Resolutions are reported in the Acts-
 General variously. It seems however, that the Pope's Answer amounted to-
 Congregati- this. He promis'd 1. not to dissolve the Council till the Schism was
 on in the E- suppress'd. 2. As to the Place, he submitted it to the Judgment of
 piscopal Pa- the Fathers of the Council, whether it was not proper to transfer it
 lace. *Sp. ind.* elsewhere, hinting at the same time the City of *Nice*, to which he
 ub. *sup.* n. 7. declared his Desire to go. 3. He refus'd to give any Letter of At-
 torney to resign, because he thought it more honourable for himself,
 and more advantageous to the Church, that he should do it himself,
 than by Commissioners; besides, that he very well knew, that *Bene-
 dict* neither would not resign by a Proctor; which was what the Car-
 dinals of *Cambray* and *Florence* confirm'd. Lastly, he promised to
 do every thing that should be thought necessary for the Union, on
 Pain of being abandon'd by all his Cardinals, and all his Prelates, if
 he was not as good as his Word. But the *Germans* and *English* had
 no regard to all these Offers.

Assembly of LXXXVI. IN an Assembly of the Nations which was held on the
 the Nations. Day following, they strenuously insisted on obliging the Pope to appoint
 Proctors, being absolutely unwilling to leave him the Power of re-
 signing in his own Person. Nevertheless they came to no Resolution,
 the *French* having desired Time to consider of it. Perhaps they
 thought that *Sigismund*, and the *Germans*, join'd by the *English*, would
 assume too much Authority, and that it was somewhat tyrannical to
 deny the Pope the Liberty of taking his own Method to fulfil his Pro-
 mise. 'Tis very certain that tho' the *Germans* and *French* were per-
 fectly agreed as to the General View to the Union and Reformati-
 on, yet they were often of different Sentiments as to the manner of
 bringing both about. We shall see hereafter what a vast Prejudice
 this kind of Disagreement was to the Reformation of the Church. The
Italians did not fail to make an Advantage of it upon this Occasion.
 For they deputed the Cardinals *de Viviers*, *de St. Mark*, *de Cambray*,
 and *de Saluces*, to the *French* Nation, to endeavour to divide them
 from the *Germans* and the *English*, at least with regard to two Arti-
 cles which the *Italians* had very much at Heart. The one that the
 Pope might not be oblig'd to make the Resignation himself, the o-
 ther that the Resolution which had been pass'd for above a Month
V. d. Hardt, past to vote in the publick Sessions by Nations, and not by Persons,
 T. IV. p. according to ancient Custom, might be revok'd.
 198.

(1) It will appear nevertheless, that the Papal Authority. *V. d. Hardt.* T. II.
 this Patriarch was a grand Strickler for p. 295.

LXXXVII. MEAN Time as it could no longer be doubted but the Pope had resolv'd upon withdrawing himself, the *English* proposed in one of the Assemblies, that was held the 19th in the Emperor's Presence, to arrest him. And *John XXIII.* complains in his Informations, that had it not been for the Opposition the *French* made to it, Matters would have been carry'd against him to that Extremity; and 'tis certain that upon that Day, there were great Broils between the Nations. For the Emperor, who was not ignorant of what was plotting between the *Italians* and the *French*, went himself with the *Germans*, the *English*, and his Council to meet the *French* Nation which was assembled in a Monastery, together with the Cardinals deputed from the *Italians*. This Prince presented a Memorial to the Assembly for obliging the Pope to appoint Proctors for his Resignation, and to hinder him from quitting the Council. But *Sigismond* offering to sit in this Assembly, to deliberate with the *Germans* and the *English*, the *French* Nation represented that the other Nations having sat by themselves, it was reasonable that theirs should have the same Liberty. Upon this the *English* and *Germans* withdrawing, the *French* also demanded that the Emperor's Counsellors should depart in like manner, and that none but himself should be present at this Consultation. This Proposal having exasperated the Emperor, he turn'd upon his Heels and left the Assembly abruptly, uttering this Expression in a Passion. *Now we may know those who are well inclin'd to the Union of the Church, and at the same Time to the Empire* (1). The Cardinal of *Cambray*, who was present at this Assembly as a Deputy from the *Italians*, taking these Words for a Menace, withdrew, not without Marks of very great Uneasiness. The Four other Cardinals his Brother-Deputies, thinking themselves no longer at Liberty, sent to demand of the Emperor who was still in the Cloyster, whether they were really free. He made Answer, that as for the *French*, they might consult among themselves with all manner of Freedom, and even made an Excuse for the Words that had slipp'd from him in a Passion. But at the same Time he order'd those who were not of the *French* Nation, to depart this Assembly on Pain of Imprisonment. (2) The Ambassadors of the King of *France*, who arrived a few Days before, came very luckily to put an End to this Dispute. For having desir'd Au-

1415.
The *English* propose to arrest the Pope.
19 March.
V. n. der Hardt, T. IV. p. 57.
V. d. Hardt, T. II. p. 257. and T. IV. p. 58.

(1) There were several Members of the *French* Nation who held of the Empire. *Minor pars diſſe Nationis erat subiecta Regi Francia, & tres ejus partes ipſi Regi Romanorum.* i. e. The lesser Part of the said Nation was subject to the King of *France*, and three Parts of it to the

King of the *Romans*. *V. d. Hardt*, T. II. p. 257.

(2) *Qui ad Gallicam nationem non pertinerent, sub pena carceris ab illa discederent.* This Menace was particularly aimed at the Cardinals who were deputed by the *Italians* to cabal in Favour of *John XXIII.*

dience,

1415. dience, they made a Proposal from their Master, which amounted to very near the same Things that the Emperor wish'd. viz. ' That the Council should neither be dissolv'd nor transferr'd; that the Pope should not withdraw from it, and that the Council should appoint Proctors to proceed to the Act of Resignation'. Nothing was more wanting to reconcile the *French* with the *English* and the *Germans*; and they all joyn'd with the Emperor in order to oblige *John XXIII.* to appoint the Proctors demanded of him.

The Pope's
Design
to leave *Con-*
stance.

Ger. Roo.
Hist. Auf-
trieb. Lib.
IV. p. 136.

Stumpffius,
p. 38.

LXXXVIII. THE Reconciliation of these two Parties, seem'd a fatal Blow to the Pope, who was confirm'd more than ever in his Design to retire from a Place where he could not stay any longer, either with Safety or Honour. 'Tis even said that he open'd his Mind about it to the Emperor in a certain Conversation he had with him, which gave him an Opportunity to speak to him with more Confidence. For this Prince having desir'd to borrow Money of him towards the great Expences he was at for the Good of the Church, the Pope thought he might on the other hand as well ask him for Liberty to remove from *Constance*, on Pretence of only going into the Neighbourhood for Change of Air. But the Emperor was too wise to be caught in this Snare, and on the contrary, earnestly begg'd him not to go out of *Constance*, telling him in very strong Terms, ' That such a Step would raise a thousand violent Suspicions of him; ' That he would infallibly be accus'd of deceiving many Kings, ' Princes and Prelates, and of having hinder'd the Accomplishment ' of a Work which his Character engag'd him to promote to his ' utmost. That it was no longer in his Power to permit ' him to leave *Constance*, nor did it appear to him that he himself ' had given Reasons valid enough to desire it'. *Theodoric de Niem* tells what pass'd at this Interview, in a manner somewhat different. He says, that *Sigismund* going one Evening to pay a Visit to the Pope, and finding him abed, said to him with great Tokens of Respect, *Holy Father, how fares your Body?* To which the Pope answer'd, That he found himself a little dizzy, (*disturbatus*) because the Air was not good for him, and he could not live in it. The King said thereupon, that in the Neighbourhood of *Constance* there were several Places well fortify'd and very agreeable, where he might be perfectly safe; but he conjur'd him at the same Time not to abandon *Constance* till the Council was ended, or if he had a Mind to retire, not to do it by Stealth and in a dishonourable Way, because he was resolv'd religiously to observe the Safe-Conduct which he had granted to him and those of his Retinue. He also offer'd if he desired it to accompany him wherever he pleas'd. But *Niem*, who was at the Council, absolutely denies that the Emperor once desir'd

to

to borrow Money of *John XXIII.* (a) The same Historian proves that never was any Thing more frivolous than the Complaint which the Pope made of the bad Air of *Constance*. 'Tho' the City of *Constance*, says he, is small in Comparison of many other Cities of *Germany*, yet 'tis very pretty, and pleasantly situated. The Air of it is very wholsom and agreeable to every Nation and every Age. There are navigable Lakes and Rivers with a clear running Stream; The Civil Government there is extremely good. The Out-parts of the City are very beautiful. There are Vines, Plains, Gardens, Meadows, Woods, not to mention that People of all Countries and Nations come to *Constance*, who don't complain that the Air of it is unwholsome and have all the Liberty in the World to stay and to return.

(a) *Niem ap. V. d. Hardt. T. II. p. 395.*

(b) *Niem ibi Reichenthal* proves likewise, that the Emperor offer'd the Pope all the Security he could desire, and that the Magistrates of *Constance* promis'd they would eat (c) their own Children before they would suffer it to be violated. It may be imagin'd, that they were not very well pleas'd with one another at the End of this Conversation. The Pope desir'd nothing better than that he might be able to purchase his Liberty; but *Sigismund* was not in a Humour to sell the Council. To be reveng'd for this Denial, the Pope rav'd against *Sigismund* to such a Degree in private Conversation, as to call him *Sot, Fool, Barbarian,* and a *Beggar*, who had ask'd him for Money, and offer'd to support him in the Pontificate right or wrong (1). The Emperor was not unappris'd of this insolent Language, but he chose rather to give the Pope the Trouble of revenging it by his own Conduct, than to discover the least Resentment at it.

(c) *Reichen- thal, p. 18.*

(1) *Niem ap. V. d. Hardt. T. II. p. 395, 397.*

LXXXIX. *JOHN XXIII.* therefore had nothing left to trust to but the Intrigues of the Archbishop of *Mentz*, who was very much suspected to have favour'd his Escape, and the Assistance of *Frederic of Austria*. It was about a Month ago that this Prince arrived at *Constance*. At that very Time it was suspected that he was come thither chiefly to favour the Pope's Escape, tho' he pretended only to call there by the Way as he was going to one of the Towns of his Obedience, and to have no Correspondence with *John XXIII.* He even carry'd on the Cheat so far, that some Persons of Distinction who were of his Acquaintance, telling him of a Report abroad that he had engag'd to get the Pope out of *Constance* for a certain Sum of Money, and admonishing him from the Emperor to be cautious of any such Undertaking; he declared bluntly that he car'd nei-

John XXIII. contrives his Escape.

Niem. ap. V. d. Hardt. T. II. p. 395.

V. d. Hardt. T. IV. p. 58.

(1) *Sed omni sero, ut apud nos publica fama erat, & apparebant indicia multa, dicitur Balibasar coram quibusdam suis domesticis ipsi Regi Romanorum obloquebatur, asserens eum esse pauperem, aut bibulum, fatuum & barbarum, quodque de ipso Balibasare quereretur per intermedias personas pecunias sibi tradi, ut eum in Papatu quomodolibet conservaret. Niem. ap. V. d. Hardt, T. II. p. 396.*

ther.

1415. ther for *Balthasar Coffa* nor his Money. He had such Intimations given him more than once; and 'tis even said that when the Emperor desir'd him to tell him the Truth of the Matter, he always deny'd that he had such a Design. The Emperor saw thro' this Sham. He kept the Pope, as one may call it, a Prisoner at Sight, and from time to time sent Spies even into his Chamber, and to his Bedside, to watch his minutest Motions, as he complained afterwards. At last, *Sigismund* fearing that he would slip away from him notwithstanding all these Precautions, resolv'd to go and talk to him himself in order to divert him cunningly from a Design, which now every Body knew. The Pope having nothing to reply to Offers so advantageous, positively promis'd *not to retire till the Council was dissolv'd*. But the Event shew'd there was an Equivocation in this Answer, and that the Oracle was ambiguous, because the Pope construed his Departure, and the Dissolution of the Council as one and the same Thing.

19 March
V. d. Hardt.
T. II. p.
395, & T.
IV. p. 59.

Emperor's
Visit to the
Pope.

XC. WHEN the Emperor paid this Visit to the Pope, he was accompany'd by the Bishop of *Salisbury* (1). At this Interview some Words fell from that Prelate, which *John XXIII.* was very much offended at, and complain'd of afterwards as a Piece of Disrespect to him, and an Error contrary to the Faith of the Church. To judge of the Expressions by the Terms which the Pope himself makes Use of in his Complaints, it would seem as if the Bishop had said (2), *That he himself was above the Pope and the whole Council*. But as this would be an Absurdity, 'tis very probable, that either the Transcriber or Printer has been guilty of some Mistake here, and that the Bishop only said that the Council was above the Pope; as the Doctor *Von der Hardt* understood it, when he relates this Passage. Tho' this Proposition of the Superiority of the Council above the Pope, was not such a Paradox at that Time, and had actually been advanc'd more than once before, yet *John XXIII.* was not us'd to it, much less to hear it said to his Face. He demanded Justice of the Emperor on the Spot, as he tells in his Memorial wherein he complains very bitterly that no Satisfaction was given him, and that the Bishop retired very quietly with the Emperor, without receiving the least Reprimand.

J. bn
XXIII's
Escape.

XCI. THIS Conversation betwixt the Emperor and the Pope only put the latter in a hurry to escape. But it was not easy for him to succeed in so bold an Attempt without a very dangerous Clamor.

(1) This Prelate arriv'd at *Constance* about the Close of *January* this Year, together with many other *English* Prelates. *Omphius* says, that *J. bn XXIII.* made him a Cardinal in 1411. *Portif.*

Max. p. 270. But he is always call'd Archbishop in the *A&S.*

(2) *Quod ipse Archiepiscopus esset supra Papam & totum generale Concilium.* V. d. Hardt, T. II. p. 260.

The Emperor caus'd the Pope and the Duke of *Austria* to be so narrowly watch'd, that they could scarce stir a Foot but he knew it. *John XXIII.* propos'd the doing it by main Force to the Duke, but he told him he did not think it safe for his Person. The Business then was to contrive a way to go off without being perceived, the Duke flattering himself that if once they were both out of the Town he should have Forces enough to defend himself against the Emperor, because he was Master of a great many strong Places in the Neighbourhood, and had moreover a good Understanding with the *Swissers*. The best Expedient the Duke could think of to favour the Escape of *John XXIII.* was to give a Tournament. The *20th* of *March*, which was the Eve of *St. Benedic't*, in the Afternoon, was fix'd for the Time of the Entertainment, to the end that all Hands being at Work in the Morning on the Preparations for this Diversion, *John XXIII.* might also have the Opportunity to prepare for his Escape. The principal Champions for the Tournament were the Duke of *Austria* himself, and *Frederic*, Son to the Count *Gilley*, the Emperor's Father-in-law. While every Body was at the Shew, and no Body minded what pass'd in the City, *John XXIII.* disguis'd himself towards the Evening like a Groom or a Postillion, and rode thro' the Crowd upon a shabby Horse, having a coarse Gray loose Coat over his Shoulders and a Cross-Bow at the Bow of his Saddle. The Duke had Notice of it immediately by one of his Domesticks who came and whisper'd him in the Ear while they were Tilting and Fighting, but not without giving a Suspicion of what had pass'd to those that were about him when the Intelligence was brought to him. The Duke continued the Tournament as if nothing had happen'd. After having lost the Rings and the Jewels he return'd into the City to a Jew's House, from whence he sent for the Count *John de Lupfen*, who was probably in his Service; but this Count, who knew of the Intrigue, and did not approve of it, sent him Word that since he had undertaken that Affair without him, he might make an End of it without him. So that the Duke was oblig'd to fly alone, and with great Precipitation, to *Schaffhausen*, where the Pope was already arriv'd, and where he thought himself secure from any manner of Pursuit, because this City belong'd to the Duke of *Austria*. The Pope wrote immediately to the Emperor to give him the Reason of his being withdrawn, and to screen the Duke of *Austria* from being suspected of holding any manner of Correspondence with him. The Letter was drawn up in these Terms, ' Most dear Son, by the Grace of Almighty God, I am arriv'd at *Schaffhausen*, where I enjoy at one and the same Time Liberty and an Air that agrees with my Constitution. I came hither unknown to my Son the Duke of *Austria*, not to be excus'd from keeping the Promise I made to ab-

1415. *dicare the Pontificate in Eavour of the Church of God; but on the contrary to perform it with Freedom, and without hazarding my Health.*

Schaffhausen, March 21, 1415.

ALMOST at the same Time *Benedict. Gentian* a Monk of *St. Denis*, and a very famous Doctor of great Authority in those Days, presented a very strong Memorial to the Council against the Flight of *John XXIII.* He begins his Discourse with these Words out of *St. John* in the first Canonical Epistle, *Several Antichrists are come into the World.* Then he takes Notice, 1. That the Council being call'd for the first of *November*, the Pope and the Cardinals had put it off to the first of *March.* 2. That the Pope after having accepted the Form of his Resignation, and promis'd and sworn to resign, had constantly refus'd to do it himself, and to name Proctors to do it in his stead. 3. That the Cardinals of his Faction had spun out the Affair by a Thousand Chicaneries, and upon vain Pretences. Finally, he accuses *John XXIII.* of having falsly writ to the Emperor that he retir'd unknown to the Duke of *Austria.* The Pope also wrote almost in the same Terms to the College of Cardinals, to whom, according to *Naucler*, he had not communicated his Design (1).

See *Van der Hardt*, T. II. Part XII. p. 280, 284.

*Ad trinum
ofculum velut
magnates.*

THIS would be the most proper Place to insert several Letters from the Deputies of the University of *Cologn* at the Council, which are among the Anecdotes of *Dom. Martene* and *Dom. Durand.* There is one dated in *January, 1415.* Those Deputies give the University an Account of their Journey and Arrival. They highly extol the Honours done them by *John XXIII.* in admitting them to the *Tripple Kiss*, after the manner of great Noblemen, when they were introduced to him by the Cardinal *de Colonna.* *Theodoric* of *Munster* one of those Deputies harangu'd the Pope, who return'd them a very gracious Answer, and gave them very fair Hopes. They take Notice in this Letter that the Legates of *John XXIII's* Rivals were not yet arriv'd, nor the Ambassadors of *France, England, Poland* and *Bohemia.* In another Letter of the same Month they give Notice of the Arrival of the Elector of *Mentz*, with seven hundred Horse, and of the Arrival of *Peter de Luna's* Legates, and of the detaining of *John Huss*, which, as they say, made a very great Noise at *Constance*, by reason of his Safe-Conduct.

(1) *Iste Pater Sanctissimus, qui est lapsus offensionis & petra scandali in Ecclesia Dei, suam volens palliare malitiam scripsit in dolo Romanorum Regi Literas*

mendaces & falsas, scilicet quod absque Scitu Ducis Austriaci recesserit. Et hoc scimus esse falsissimum. Bened. Gent. ap. V. d. Hardt, T. II. p. 281.

End of the First Book.

THE
HISTORY
OF THE
COUNCIL of CONSTANCE.

BOOK II.

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T H E



J. Pine sculp.

The HISTORY of the
COUNCIL of CONSTANCE.

B O O K II.

I



IS easy to imagin the Noise that was at *Constance* The Emper^r upon the withdrawing of the Pope and the *D.* of *Austria*. Every Soul from the highest to the low-^{est} that the Council is est was in the utmost Consternation. They who not broke off hop'd for the Reformation of the Church and the by the Pope's Suppression of the Schism griev'd to see all their ^{Abſence.} Expectations blasted by this Event. And as they ^{21 March.} *v. d. Hardt.*

now look'd upon the Council to be over, every one thought of nothing ^{T. II. p.} but returning home. The Merchants shut up their Shops and pack'd ^{253 and T.} up their Goods, very glad that they could escape being plunder'd a- ^{IV. P. 63,} midſt all this Confusion. Of this we cannot have a better Idea than ^{64. Spind.} what we may conceive from the following Letter of the Deputies of ^{ad an. 1415.} *Galaga* to the University of that City.

Reve-

1415.
Letter from
the Deputies
of Colgn.

‘ Reverend Fathers, our most Christian King, and the whole
 ‘ Council, have been justly disturb’d at the Scandal which the whole
 ‘ Church has suffer’d from the Retreat of our Lord the Pope, who
 ‘ withdrew upon the Festival of *St. Benedikt* at Night. ’Tis certain,
 ‘ that if he had gone away publickly and at Noon-day, neither the
 ‘ King, nor the City, nor any Person whatsoever would have stopp’d
 ‘ him. He went the very first Night to *Schaffhausen*, and there
 ‘ he stay’d till *Holy Thursday*, when he retir’d to some Fortref-
 ‘ ses three Miles from *Schaffhausen*. From thence he has sent a Let-
 ‘ ter of Attorney by our Lords the Cardinals to resign at a proper
 ‘ Time and Place, together with an Offer of many other things
 ‘ which the Sacred Council is not so well pleas’d with as they would
 ‘ have been with his Presence to the very last, and as if he had la-
 ‘ bour’d sincerely with the Council for the Reformation of the Church
 ‘ in its Head and Members, and for its Union. For this clandestine
 ‘ Retreat has made many People fearful that he has no Intention to
 ‘ fulfil what he has promis’d and sworn. The Archbishop of *Rheims*
 ‘ is come from him with Credentials for the King of the *Romans*,
 ‘ to whom he has declar’d, among other things, that the Pope did
 ‘ not withdraw from *Constance*, for fear he had either of him or his;
 ‘ of which the King has caused an Act to be drawn up by the No-
 ‘ taries of the Nations The Pope sent afterwards for his Officers
 ‘ at *Constance* by an express Order, the Performance of which was
 ‘ deferr’d however, till *Quasimodo*; but the Council is assembled to
 ‘ take Measures against the Pope’s said Mandat. Some of the Cardinals
 ‘ follow’d him; others are at *Constance*. The latter have declar’d,
 ‘ that if the Pope will perform his Promise, they will assist him all
 ‘ that’s in their Power; but that if he does not, they are resolv’d
 ‘ to abandon him, and to adhere to the Council. After the Pope
 ‘ was withdrawn, there was a General Congregation in the Place of
 ‘ Sessions, but however no Session. The Chancellor of *Paris*, a fa-
 ‘ mous Doctor, and a great Stickler for the Union, has preach’d a
 ‘ Sermon there on twelve Heads, which we send you. The Univer-
 ‘ sity of *Paris* behaves very well in Church Affairs, and is very much
 ‘ heard. They are about 200 Doctors, who assemble from time to
 ‘ time, to consult about important Affairs. Since the Pope withdrew
 ‘ there have been two Sessions, of which we send you the Result.
 ‘ Our King is preparing to fall furiously upon *Frederick* of *Austria*,
 ‘ with the Concurrence of the Princes and Towns. ’Tis true, that
 ‘ the Cardinals with some others make great Instances to prevent this
 ‘ War, but the Affair is already on the Point of Execution. May
 ‘ the God of Peace preservé the Poor and the Innocent from the fa-
 ‘ tal Consequences of this Enterprize! The Ambassadors of our
 ‘ Archbishop impatiently wait the Success of the Council, and God
 ‘ grant

“ grant that all the Prelates, who are well endowed by the Church,
 “ may not sleep at this Juncture, but assist Holy Mother Church
 “ with their Advice in these severe Extremities, if not in Person, at
 “ least by their Deputies. For if this Council does not procure the
 “ Welfare of the Church, when will it come? God only knows; for
 “ ’tis impossible that all the Prelates who are at the Council should
 “ stay there to the last, as well because of the excessive Expences they
 “ must be put to there, as by reason of the great Affairs they have
 “ in their own Churches.’ (a) But the Wisdom and Resolution of *Si-* (a) *Mart.*
gismund soon appeas’d the Storm. The very next Day he mounted *Anecd. T.II.*
 his Horse, attended by the Elector *Palatine*, and all the Lords of *P. 1618,*
 his Court, and riding round the City with the Trumpets sounding *1620.*
 before him, he reviv’d every Soul, by giving his Royal Word, that
 they should enjoy the same Liberty at *Constance*, as before; that the
 Council was not broke up by the Flight of the Pope, and that he
 would defend it to the last Drop of his Blood. At the same time a
 Paper was fix’d up at the Gates of the Palace of *Constance*, begin-
 ning in these Terms. ‘ Hear ye that follow Justice, as *St. John* says
 ‘ in his Canonical Epistle, There are many Anti-christs in the
 ‘ World, many Flatterers and Enemies to the Truth, hateful to
 ‘ God and Man, who seeking their own Interest, and not that of Je-
 ‘ sus Christ, call Darknes Light, and Light Darknes. To the End
 ‘ that you may be no longer seduc’d by them, please to hear what
 ‘ follows.’ Then follows in this Paper the History of the Behaviour
 of the Pope and the Cardinals from the Beginning of the Council,
 of their Insincerity, their Chicanery, and their Evasions, in order to
 dissolve the Assembly; and lastly of the clandestine Escape of the
 Pope, and the shuffling Negotiations of the Cardinals in his Favour.
 After having accus’d *John XXIII.* of several Crimes, as Tyranny,
 Murder, bare-fac’d Simony and Jobbing with Church Livings, the
 Paper concluded with a vigorous Exhortation to continue the Coun-
 cil in order to judge the Pope according to his Deserts, and accord-
 ing to the Canons and Rules practis’d by the Emperors in the deposing
 of several Popes. After having thus pacify’d all things, the Emperor
 assembled a General Congregation of the Nations, and of all the
 Lords Spiritual and Temporal in the Cathedral, and declared to
 them, that he was resolv’d to support the Council at the Hazard of
 his Life, and that the withdrawing of *John XXIII.* ought not to a-
 larm any Body. In this Assembly they consulted Means for bringing
 back *John XXIII.* to the Council, or else obliging him to resign by
 his Proctors; and it was resolv’d to depute three Cardinals to him at
Scaffhausen, viz. *Jordan des Ursins*, *William de St. Mark*, and *Amedeus V. d. Hardt*,
de Saluces, together with *Regnaut de Chartres* Archbishop of *Rheims*, *T. IV. p. 64,*
 who were join’d in the Commission with them on the Part of the ^{65.}

D d

French

1415. *French Nation.* Some add to them *Lewis of Bavaria of Ingolstadt*, Brother-in-law to the King of *France*, and *Nicholas de Colville*, both Ambassadors of that Kingdom.

Reginaldus de Carnoto Sebel. Comp. Chron. Fol. 35.
The Emperor publickly accuses the Duke of *Austria*.
Naucl. p. 1047.

II. THE same Day the Emperor assembled all the Princes of the Empire to impeach the Duke of *Austria* of Treason and Disloyalty to the Church, the Council, and the Empire, and to demand Succours against him. Tho' this Duke had Friends and Relations among the Princes who were at this Assembly, there was not one that durst to offer an Apology for an Undertaking so criminal, or to refuse *Sigismond* Satisfaction. It was therefore unanimously resolv'd to summon him before the Emperor and before the Council, in order to give an Account of his Conduct; and from that very Moment several Lords and Cities of his Obedience sent Deputies to him at *Schaffhausen* to withdraw their Oath of Allegiance.

Speech of *John Gerson* touching the Superiority of the Council over the Pope.

22. March, *V. d. Hardt*, T. IV. p. 69.

III. BEFORE the Departure of the Deputies for *Schaffhausen*, the *French Nation*, in concert with the Emperor and the other Nations, thought fit that *John Gerson* should make an Oration to establish the Superiority of the Council over the Pope. The View of it was that those Deputies might be able to acquaint the Pope with the Sentiments of the Assembly upon this Head, and that he might not flatter himself that he had broke off the Council by his Absence, or that what should be resolv'd in it against him from that Time forwards ought to be look'd upon as null and void. The Emperor and the Deputies of the Nations invited the Cardinals to this Discourse, as well as to the Mass of the Holy Ghost, which was to be celebrated at the same Time, that they might labour for the Union of the Church and the Extirpation of the Schism, as much as if the Pope had been present. But the Cardinals were not willing to come to this Assembly; for the Pope having writ to them that he was only retir'd to put his Resignation in Execution with the more Freedom, they thought it was reasonable to wait what would be the Effect of his Promise. Moreover Decency did not permit them to go and hear a Discourse which could not but be very disadvantageous to the Pope, and would infallibly strike at the Authority of the See of *Rome*. Nevertheless, after Mass, they had a private Conference with the Emperor, wherein he gave them *John Gerson's* Speech, but they would not so much as hear it read for the very same Reasons. However they could not be Strangers to the Contents of it, because they had an Account of it from the Patriarch of *Antioch*, who actually compos'd a Paper to confute it (1). 'Tis absolutely necessary to give the Substance of this Discourse of *John Gerson*, because it was the Foundation of every Step taken by

Sebelstr Disfert. II. Cap. I. Art. II. p. 29.

(1) It was pronounced to an Assembly of the Nations, after the Mass of the Holy Ghost, on Saturday the 23d of March. *V. d. Hardt*, T. IV. p. 65.

the Council, with regard to *John XXIII.* and the Source of a great Controversy, which was then carry'd on very passionately both at *Constance* and *Schaffhausen*, and which is not ended even to this Day, some still maintaining as the Cardinals then did, that the Pope is superior to a Council, and others with *Gerson*, that a Council is superior to the Pope.

1415.

IV. HE took for his Text those Words of the Gospel according to *St. John*, *Walk while ye have the Light, lest Darknes come upon you.* After the Exordium and Invocation he took Notice that he had Orders from the Ambassadors of the King of *France* and the University of *Paris*, to make the following Discourse concerning the Duties that are incumbent on the Council in the present Juncture. This Discourse consisted of twelve Propositions, 1. That the Ecclesiastical Union refers to one sole Head, which is Jesus Christ, to whom the Church is united by the Bonds and Graces of the Holy Spirit. 2. That the Ecclesiastical Union is form'd by a Secondary Head called the Sovereign Pontiff, who is the Vicar of Jesus Christ; That this Union of the Church under the Pope is more powerful and extensive than was that of the Jewish Church under the Sovereign Sacrificer, or than the Union of a Civil Society under one King or Emperor. 3. That by Virtue of the Assistance of the Holy Spirit (1), the Church has a Power and Prerogative to continue it self and to maintain it self in the Integrity and Unity of its Members. 4. That the Church has in Jesus Christ a Husband so inseparable * that he can never give her a Bill of Divorce, but that on the contrary the Church is not so bound by Marriage with her Husband's Vicar, (2) but that they may be separated. 5. That the Church, or a general Council which represents it, is a Rule directed by the Holy Spirit, and given by Jesus Christ, to the end that all Persons, of what Order or Estate soever they be, a Pope not excepted, may hear and obey it, on Pain of being treated as a Pagan and as a Publican. The sixth contains this Description of a general Council, 'A General Council is an Assembly held in a certain Place, by a legal Authority, and compos'd of the whole Hierarchy of the Catholic Church, in order to treat of, and profitably to regulate every thing which relates to the good Government of the Church in Faith and Manners, so as not to exclude any one Believer that requires to be heard.' 7. That when the Church or a general Council makes any Order which concerns the Ecclesiastical Government, the Pope is not so far above the Laws, even tho' they

Discourse of *John Gerson* about the Superiority of general Councils *Oper. Gerson* T. II. Par. II. p. 201. and *V. A. Hardt.* T. II. Part XI. p. 265.

Fœcundior, multiplicior, copiosior, & major.
* *Indefesabilem.*

(1) *Tam essentialium seu formalium quam materialium atque fluentium.*

(2) Nevertheless *Gerson* calls the Pope *indefesibilem*, inseparable, which he un-

derstands of a Pope in general, which the Church can't be without, and not of such a Pope in particular. Witness his Tract *De aufesibilitate Papa ab Ecclesia.*

1415. were only positive (1) that he can repeal or alter those Decrees at his own Pleasure. 8. That tho' the Church or a general Council cannot take away the Fullness of the Papal Power conferr'd supernaturally by Jesus Christ in his Mercy; the Council may however restrain the Use of it by certain Rules and Laws for the Edification of the Church, to which the Authority of the Pope and all other Persons ought to be devoted. *Gerſon* adds, *That this Maxim is the ſolid Basis of all Eccleſiaſtical Reformation.* 9. That the Church or a Council (2) *has* and *may* again in ſeveral Caſes aſſemble without the expreſs Conſent or Command of the Pope, tho' he ſhould be canonically elected, and live a regular Life. The Caſes in which *Gerſon* pleads that the Church has a right to aſſemble without the Conſent of the Pope, are, if the Pope obſtinately reſuſes to aſſemble the Church, in order to hear it when he is accus'd and proſecuted: If the Pope will not ſummon a General Council when there are important Affairs concerning the Government of the Church, which ought to be determin'd by ſuch Council. If a General Council has order'd that another ſhall be aſſembled at a certain Time and Place: Laſtly, in a Time of Schiſm and Competition between ſeveral Popes.' The tenth Propoſition is, That when the Church or a General Council has preſcribed a certain Method to the Pope for putting an end to the Schiſm, he is oblig'd to accept it, and by Conſequence to reſign the Pontificate, if ſuch Method be propos'd to him; but that he is worthy of double Praise, when he offers it himſelf of his own Accord. 11. That the Church or a General Council, in order to attain to a perfect Union, ought to apply it ſelf principally to extirpate Errors, and to correct thoſe that err, without reſpect of Perſons (3), as well as to reform the whole Eccleſiaſtic State corrupted in ſeveral reſpects. 12. That the Church has no Method more effectual to reform it ſelf in all its Parts, than the Continuation of General and Provincial Councils. It will appear by the ſequel of this History, that this Speech and ſome of *Gerſon's* Tracts ſerv'd for a Plan to the Council, except in the Article of the Reformation, which they were able to bring about but very imperfectly.

(1) By *Positive Laws*, he means what is not the natural or Divine Law, as the Conſtitutions of Popes and the Canons of Councils.

(2) *Has*, &c. This relates to the Council of *Piſa*, which was aſſembled only by the Cardinals, and in Spite of the two Rival Popes. And *may*, This relates to the preſent State of the Council of *Conſtance* after the Pope's Eſcape.

(3) *Without reſpect of Perſons*. This relates to the ſeditious and murdering Errors of *J. bn Petit*, who had juſtify'd the Aſſaſſination of the Duke of *Orleans* by the Duke of *Burgundy*, and which were ſpar'd in the Council while they were burning *John Huſs* there.

V. No.

V. No doubt that certain Conclusions of the University of Paris on this Subject came out at the same Time. Tho' in the Main, they contained no more than what *John Gerson* had publickly delivered from his own Mouth, yet they were not all admitted by the Council, because there were some which were express'd in Terms too harsh and uncouth; besides that they enter'd into Particulars of an aggravating Nature. These Conclusions appear in the *Vienna* MSS. in two different Memorials. The first imports in Substance, 'That the Council's Authority is so great, that whoever goes about to dissolve it, or to transfer it to another Place, is to be suspected of Schism and Heresy; and that he may be cited as such to give a Reason for his Conduct, let his Condition be what it will. That the Council must be suppos'd to consist of the Prelates, Doctors, and other Persons of Learning, who are and shall continue at Constance, even tho' the Number of them be but small. That the Council has Authority to continue it self, and to implore the secular Arm against any one whatsoever that shall go about to dissolve it directly or indirectly. That the Council may proceed in its Deliberations after what manner it will, and that all the World is oblig'd to obey it. That it may dispose of Church Livings, and even of the Estates of the Laity, for the Relief of the poor Prelates, and others who are not able to bear the Expences of the Council any longer' (1). The other Memorial is of a more singular Turn. It imports, 'That the Church is more necessary than the Pope, because there is no Salvation out of the Church, whereas it may be obtained without a Pope: That 'tis more useful and better, because the Pope is for the Church, and not the Church for the Pope. That she has more Dignity, because she is the Spouse of Jesus Christ and the Lamb's Wife; more Power, because the Gates of Hell cannot prevail against her, whereas they have often prevail'd against Popes by Vices and Heresies; that she has more Understanding, because she is adorned with various Gifts which are never the Endowment of one Pope: That 'tis from the Church that the Pope receives that Sovereign Power which resides in her habitually, tho' she gives the Pope the Power of exercising it actually. That 'tis to the Church that Jesus Christ gave the Keys of the Kingdom of Heaven, and that the Pope only has them from her. That when the Church is lawfully assembled, she may make Use of those Keys to try, correct, and depose the Pope; because 'tis lawful to wrest a Sword out of the Hands of a Madman, and because the Church did not trust the Pope with the Keys to de-

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Conclusions
of the Uni-
versity of
Paris on the
same Subject.
T. II. p.
273, 275,
& I. IV. p.
69.

(1) This might relate to the Estate of *Joh XXIII.* and his Adherents, especially *Fredric of Austria.*

stroy,

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‘stroy, but to build up’. This Paper ends with a Conclusion, which follows evidently from all those Principles; viz. *That in many Cases a Council is above the Pope.*

The Pope makes his Defence. March 23.

* Schelstr.
Comp. Chron.
fol. 35. &
Dissert. II.
p. 98.

VI. WHILE all these Things passed at *Constance*, the Pope was not idle at *Scaffhausen*. He was immediately inform'd of *John Gerson's* Discourse, and of the Applause with which it was receiv'd by the Emperor and the Nations, and of this he made great Complaint to the Ambassadors of *France*, who waited on him in the Name of the Council. It was this probably that oblig'd him to * send Orders to all the Officers of his Court (1) as well Ecclesiastical as Secular, of what Dignity soever, to repair to *Schaffhausen* within the Space of 6 Days, on Pain of Excommunication and Loss of their Offices. He had already with him most of his inferior Officers and Domesticks; but an Order so positive and menacing, fetch'd seven Cardinals the very next Day (2), most of whom return'd however to the Council in a few Days. He wrote at the same Time a Letter in his own Justification to the King of *France*, to the Duke of *Orleans*, and the University of *Paris*, in which he omitted nothing that might render *France* suspicious of the Emperor and the Council. This Piece being sent back (3) from *France* to the Council, was found in M.S. in the *Vienna* Library, and is in Substance as follows. The Pope therein complains, ‘that being one of the first that arriv'd at *Constance* (4), he stay'd there three Months, during which scarce any Body came to the Council. That the Emperor, after having delay'd his Arrival two Months, was willing to wait for the Ambassadors of *England* (5), before any Business was enter'd upon. That those Ambassadors arriving just as it was told that those of *France* were on the Road, he would fain have engag'd the Emperor to do nothing till they were actually at *Constance*, as a Compliment to the eldest Son of the Church, but that he could not obtain it (6); and that in their Absence, the Council was divided into 4 Nations, tho' there were as yet but two Prelates of the *French* Nation there. That tho' the principal View of General Councils is the Extirpation of Heresy, the Emperor

(1) *Etiam Pontificales*, which probably related to the Cardinals, Patriarchs, and Bishops. *V. d. Hardt*, T. II. p. 253, and T. IV. p. 67.

2. *Alamanus Fisanus, Branda, Chalanco, Lautannensis, Brancacius, Barenfis & Tricariensis*. *V. d. Hardt*, T. IV. p. 67, 68. *ex Cerret & Niem.* T. II. p. 398.

(3) *Informationes Papæ quas miserat cum Litteris suis Universitati Parisiensi, & Duc*

Aurelianiensi, quæ in favorem Concilii remissæ sunt. *V. d. Hardt*. T. II. p. 254.

(4) The Pope arrived the 25th of *October*, and the Emperor on the 25th of *December*, 1414.

(5) The Ambassadors of *England* arrived about the End of *January*.

(6) This was a Turn to exasperate the *French* who did not insist that the *English* ought to make a separate Nation.

‘ had

had wai'd that Affair, and that when *John Hufs* was committed to Prison by Order (1) of the Pope, that Prince commanded with Menaces, that he should be set at Liberty. That contrary to the Practice of all Councils, where the Votes were always number'd by Persons or by Heads, in this it had been resolv'd to vote by Nations, which was to the Prejudice of the *French* and *Italian* Nations, that had more Voices, and those more considerable than the others, especially the *English*, who had then at the Council but 3 Prelates and 9 other Clergymen, whereas the *French* and *Italian* Nations had each 300 Votes (2). This last Particular is in a MS. of *Leipsic*. There's another Article afterwards relating to the Patriarch of *Antioch*, which I will set down in the very Terms of it, because I don't understand it clearly enough to trust to my Construction of it. 'That after it was resolv'd to divide the Council into 4 Nations, so that in the whole there were but 4 Votes of equal Value, without any regard to the Number and the Merit of Persons; 256. the German and English Nations combin'd together to do what the Emperor pleased. That nevertheless, this Prince not being able to accomplish his Designs, notwithstanding this Union, by Reason of the Contradiction of the two other Nations, he set up an Idol for his own Worship, in the Person of the Patriarch of *Antioch* (3), a Friend and secret Disciple of Peter de Luna, the same who at *Marseilles* had forg'd the Fulminatory Letters against France, and who had accompany'd Peter de Luna to *Perpignan*. That tho' the Vicegerent of Jesus Christ ought to be the Head of a Council, and tho' he gives it a Being, yet the King of the Romans had demanded to preside in it, and had actually done it several Times, (4) which is not only contrary to the Common Law, but contrary to Reason, which is repugnant to such Procedure. That in Contempt of the Roman Church, the Emperor had caused the Soldiers to exercise within the Verge of the Episcopal Palace, and before the Pope's Chamber. That tho' according to the Canons none but Cardinals, Patriarchs, Archbishops and Bishops were to have a deliberative Voice in the Council, yet every Body was admitted

(1) It must be observ'd, that when *John de Cblum* complain'd to the Pope of *John Huf's* his being detain'd, the Pope vindicated himself from having any Hand in it.

(2) This was a true Way of embroiling the *French* and *English* who were actually at War.

(3) What puzzles me here is, that the Patriarch of *Antioch* was an extraordinary Friend to the Pope, because he

answer'd *John Gerson's* Discourse; tho' perhaps he was a Friend to the Papacy and not to *John XXIII*.

(4) *Sigismund* presided but once at the Council, at the Time of the Resignation of *Gregory XII*, which had not happen'd when the Pope wrote this Memorial; but probably he meant some Assemblies of the Nations in which the Emperor presided.

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to it indifferently, Clergy or Laity, marry'd or not marry'd, Graduates or not Graduates, Men of Honour or otherwise, and that the Prelates who undertook to defend the Pope's Cause by the Canon Law, were his'd. That Matters were transacted in the Council with so high a Hand and such Violence, that no Body had the Liberty of Speech'. Upon this he instances in what pass'd between the Emperor and the *French* Nation in the Congregation above-mentioned. ' That after he had solemnly promis'd to resign, when he would fain have continued the Sessions in order to promote the Reformation of the Church and the Extirpation of Heresy, he could never accomplish it, because *Sigismund* wanted him to appoint Proctors for his Resignation before-hand; at the Head of which he design'd to be himself. That they would fain have had him actually resign, whether the others did or not, and without knowing their Intentions on that Head, and that they were actually deliberating upon the Choice of another Pope, at the Emperor's Devotion. That in that very Prince's Presence, the *English* had presum'd to move for the Pope's being arrested, and that none but the Ambassadors of *France* oppos'd it. That the Emperor had planted Spies upon him in his very Chamber and at his Bedside, and that for a whole Day he had caus'd the Gates of the City to be shut, so that no Prelate could stir out of it, because Guards were posted at all the Avenues. That they did not care to have any Mention made of the Council of *Pisa*, nor of the Condemnation of *Peter de Luna* and *Angelo de Corario*, which was dishonourable to the Kingdom of *France* that had been one of the principal Promoters of that Council. That the Bishop of *Salisbury* had said Things to the Pope, which were injurious both to his Person and the Holy See, for which the Pope could never obtain Satisfaction from the Emperor in whose Presence he had received the Insult. That tho' there were about 80 *Italian* Prelates in the Council, with a great many Doctors of Divinity and Law, when it was propos'd to treat of Affairs according to the Laws, the *Italian* Nation was despised and almost set at Nought. That being justly alarm'd at this Proceedure of the Council, he chose to steal out of *Constance* (1) by Favour of the Night, and in Concert with the Duke of *Austria*, that he might be in a Condition to perform the Promise he had made of Resignation, without running the Hazard of his Life. Lastly, that he desir'd to be as near *France* as possible (2), either

(1) He had wrote to *Sigismund*, that he stole out of *Constance* unknown to the Duke of *Austria*.

(2) All Historians say that his Design was to retire to *Fuogundy* to the Duke of that Name, who was in his Interest.

at *Nice* or some other Place, together with *Peter de Luna*, in order to treat of the Peace of the Church. To this Memorial, which was dated the 23d of *March* *, he added a particular Letter to the King of *France*, and the Duke of *Orleans*, which contained the same Things in a more succinct Method †. He wrote also to several other Princes to make his Defence known to all Christendom. In his Letter to the King of *Poland*, he complains among other Things, that from the Beginning of the Council there have been rash, inconsiderate People, whose only View was to embroil all Matters, and who without regard to the Order observ'd in ancient Councils held particular Assemblies or petty Councils here and there, and undertook several Things by Violence and Authority, in Contempt of the Apostolic See.

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V. d. Hardt
 T. II. p. 262.
 † *Spond. ad an 1415. n. XII. Schell. Comp. Chron. p. XXXVI. Schell. D. f. II. Cap. II. p. 99.*

VII. THE Archbishop of *Rheims* who had been sent to the Pope from the Council and the *French* Nation, returning at the end of two Days, a General Congregation was assembled to hear his Report, at which the Emperor was present, with several Cardinals, (a) Deputies of the Nations, Ambassadors of Foreign Countries, and a great number of Princes, Prelates and other Persons of Distinction. In the first Place the Archbishop presented Letters from the Pope to the Emperor, Cardinals and Ambassadors of *France*. The Letter to the Cardinals was in these Terms, ' *John, &c.* To our Venerable Brethren the Cardinals of the Holy *Roman* Church, who are at *Constance*, Greeting. Having heard what our and your Venerable Brethren that were sent to us have very exactly reported to us concerning our Proctors for the Resignation of the Pontificate, we have resolved to return for answer, that as we desire above all Things to give a good Peace as far as lies in our Power to the Holy *Roman* Church, we establish for our irrevocable Proctors all our Venerable Brethren the Cardinals, and each of them in particular; so that if we don't resign in Person they may execute our Resignation in all its Forms, on Condition nevertheless, that *Peter de Luna* and *Angelo de Corario*, call'd in their Obediences, one by the Name of *Benedict* XIII. the other *Gregory* XII. resign in like Manner, or in Case they happen to dye. Besides, we nominate four Prelates of the four Nations that are at *Constance*, to the End that they may join with the Cardinals for our Resignation. For which End we will issue our Letters and full Powers in due Form. We exhort you therefore to agree about it without delay, in concert with our most dear Son in *Jesus* Christ, *Sigismund* King of the *Romans* and *Hungary*, with the Prelates and others according to your Prudence. As to the other Things that have been laid before us by the same Cardinals, we will consider of them with all Speed, according to the Exigency of the Case.

The Arch-
 bishop of
Rheims gives
 an Account
 of his Com-
 mission.
 25 *March*,
V. d. Hardt
 reckons up
 but five of
 em. T. IV.
 p. 68.

Dated *March* 25, at *Schaffhausen*.

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AFTER

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AFTER the Emperor had read the Letter directed to him, the Contents of which we do not learn from the Acts, the Archbishop reported from the Pope, ' That 'twas not for fear of any Danger, or ill Treatment that he had left *Constance*, but only for change of Air. ' That his withdrawing ought not to be imputed to any mistrust ' he had of the Emperor, or any of his Court or Party, and ' that so far was he from suspecting him, that he wish'd to ' go to *Nice* with him, to labour for the Peace of the Church.' The Monk of *St. Denis* tells the Story somewhat different. But there is some Obscurity in his Narrative owing either to the Original, or the Translation, or to the Shuffling of *John XXIII.* who chang'd his Opinion every Moment according to the Pulse of the Council. However it be, I will give what the Monk of *St. Denis* says of it, according to *M. Laboureur's* Translation, for I have not the *Latin* Original. ' The same Day, in Presence of the Society, and by Order of the King of the *Romans*, *Renaud de Chartres*, Archbishop of *Rheims*, declar'd that he was Bearer of certain Credentials from Pope *John*, and having had permission to produce them, he says in his behalf that when he set out from the City of *Constance*, he had declar'd by an Act drawn up by his own Notary, that he had no other Reason for it, but the Malignity of the Air, which did not agree with him, and that it was not for any Prejudice, or Violence done to, or apprehended by him on the Part of the said Lord the King, by his Attendants or others; but that now he could write the very reverse to the Lords the Cardinals there present, and could own he had yielded to the just Suspicions of some Enterprize on the Part of the said Lord the King, and other Noblemen of his Retinue. ' It being an Affair of Noise and Importance, the King of the *Romans* was very glad that all the World should know all the Pope's Sentiments, and therefore he desir'd the Archbishop to give an Account of every Thing that pass'd in the Embassy which he had accepted to his Person, and of every Thing that he had said to him. ' Then he says, that just after the Pope was withdrawn, being sent to him at *Schaffhausen* by the Ambassadors of the King of *France* his Collegues, and having told him his Business, the Pope made him Answer, that he would not return so soon, and that afterwards he had a mind to give him a Commission for the King his most dear Son, and for the other Members of the Council, which the Cardinal *de Chalant* would take Care to report for him, viz. To declare in his Name, that he did not leave *Constance* for any Violence, Fear, Prejudice or any Cause that he could impute to the King or his Attendants, but only for his Health, and that he offer'd to perform all that he had promis'd in the Council; that he loved the said King, and would gladly confer with him, if he happen'd to go

to

to Nice to meet Peter de Luna; that they would confer together on Measures for procuring the Union and Reformation of the Church; and that if any Thing was said or written to the contrary, no Credit was to be given to it. Nevertheless, the Cardinal added to this, that the Pope had enjoyn'd him to declare that it was not strictly for any Suspicion he had of the King that he demanded it might be recorded, as did likewise the Ambassadors of the King of France by the said Archbishop of Rheims, and by the famous Benedict Gentian, D. D. a Monk of St. Denis in France, as Deputy of the University of Paris, in presence of the Ambassadors of Sweden and Poland, the Son of the Marquis of Montferrat, John Viscount of Milan, Rodolph Duke of Saxony, and others as well Ambassadors and Prelates in a great Number (a).

(a) History of Charles VI. T. 989, 990.

AFTER the reading of this Letter, the Archbishop of Rheims nominated for the Pope three Proctors of three Nations, viz. the Bishop of Bath for England, the Bishop of Lebus (1) for Germany, and the Archbishop of Narbonne for France, leaving the Italian Nation the Liberty of chusing one out of their own Body. At the same Time he propos'd that if this Nomination did not please, the Council should make a List of thirty or forty Prelates of the four Nations, out of which the Pope might chuse four. There was a Debate upon it, of which we know not the Particulars. Mean Time a public Session was appointed for next Day, to maintain the Authority of the Council in it, against the Pretensions of John XXIII. and the Intrigues of the Cardinals.

VIII. THE Cardinals became more suspected every Day; most of those who remain'd at Constance acting in Favour of the Pope, in concert with those who had follow'd him to Schaffhausen. As it was known that they secretly approv'd of his Flight, and caball'd with him to get the Council dissolv'd, they were not admitted to the Consultations that were held before the third public Session, to confirm and authorise it; all that was done was to communicate to them immediately before the public Session, the Resolution that was form'd to continue the Council, notwithstanding the Pope's Absence, and without waiting for any other Answer from him. They would fain have had the public Session put off till the Return of the Cardinals whom they had sent to Schaffhausen, but the Emperor was tir'd with so many Delays that he would not hear of any other. There were but two Cardinals at this Session, viz. the Cardinal of Gambray, who presided in it, and the Cardinal of Florence. Two, viz. the Cardinals of Venice and Aquileja refus'd point blank to come to it.

The third Session, which was the first after the Pope's Escape. March 26. V. d. Hardt, ub. sup. p. 69, 70.

(1) Lebus in the middle Marquisat of Brandenburg upon the Oder, formerly a Bishoprick hard by Fransfert on the Oder.

1415. There were two others, viz. the Cardinals of *Colonna* and *St. Angelo*, who absented themselves on purpose. Others [excus'd themselves on Account of Illness (1) (a)]. There were reckon'd about seventy Prelates, as well Archbishops as Bishops, or Abbats; and a good Number of Doctors of all Nations, as well as the Ambassadors of Kings, Princes, and Prelates that were absent. The Emperor was present at it, accompany'd by the Electors of *Saxony*, and the Palatinat *Frederic* Bargrave of *Nuremberg* and several other Princes of the Empire. After the Cardinal of *Cambray* had celebrated Mass, the Cardinal of *Florence* made the Prayer, which was follow'd with an Exhortation in these Terms, ' Most Holy Priests, I conjure and exhort you as Brethren in the Name of God, to receive with Devotion, and to execute with Respect all that we shall say to you of God, Holy Orders, Pious Conversation. If any Person has any particular Sentiment on this Head, he may explain it in a general Conference. Besides I beg you to beware in your Judgments, of all manner of Respect of Persons, and not to suffer your selves to be drawn away by Favour and Interest. (a) Afterwards he read the following Resolutions, ' That the Council had been lawfully summon'd to *Constance*, and was there held and celebrated. That it was not dissolv'd by the withdrawing of the Pope and Cardinals, or of any one whatsoever, but that it remain'd in full Force and Authority, notwithstanding any Order to the contrary present or to come; That it shall not be dissolv'd till the entire Extirpation of the Schism, and till the Church is reformed with respect to Faith and Manners, both in its Head and Members. That it shall not be transferr'd to any other Place but for important Reasons and upon mature Deliberation of the Council. That no Prelate, nor any other Member of the Council, shall withdraw from it without a lawful Reason, to be examin'd by the Commissioners, and that they who shall obtain leave to withdraw shall leave their Proxy or Power with some of those that stay: The whole under the Penalties enjoyn'd by the Canons, and such others as the Council shall think fit to impose.' All these Articles were approv'd by the Deputies of each Nation one after another.

(a) *V. d. Hardt*
ub. supra. p.
71. B7. v. ad
an. 1415. p.
385.

A certain Particular must not be omitted here which I don't know that any Body has yet observ'd, viz. That at the Head of the Decrees of this Session, the Synod only says, that it *is call'd*, and not that it actually *is* a *General Council* (2) as it is specify'd in all the other

(1) There was one of 'em sick. Perhaps it was the Cardinal *de Viviers*, who ought to have presid'd there in quality of Dean of the Cardinals.

(2) Hæc sancta synodus, Sacrum generale Concilium Constantiense NUNCUPATA, as we find it in the MSS. of *Vienna*, *Wolfenbuttle*, *Brunswic*, *Gotba*, and

ther Sessions, where 'tis constantly expressed, *forming a General Council*, and not barely call'd *General Council*, as in this. 'Tis impossible that so considerable a Circumstance should slip into the Acts of this third Session by Chance; and 'tis equally surprizing, that we no where find the Reason of it. 'Twas not in favour of the *Spaniards* that the Council express'd themselves thus in that single Instance. For if so, they must have continued the same Phrase till their Union, which did not happen till the Year ensuing was far advanc'd. This Clause therefore must have been inserted to please the Cardinals, who did not care that a Session should be held before the Pope's final Resolution. 'Tis also very probable, that they were the Cardinals of *Cambray* and *Florence*, who stipulated that the Council should express themselves after this manner in that Session where those two Cardinals were willing to be present for avoiding Scandal, and in Hopes that *John XXIII.* would ratify what should therein be resolv'd. For, after the reading of the Decrees of the Council they declar'd, 'That tho' they were not willing to prejudice either the Council, or the present Session in particular, yet for their Honour and Vindication they were oblig'd to protest, as all the Cardinals did the very next Day after the Pope withdrew, that they were resolv'd to continue in his Obedience, provided that he made good his Promise to resign the Pontificate, but that if he refus'd, they would continue inviolably attach'd to the Council. That they thought, if the Pope persisted in the Design of Resignation, the Council was oblig'd to assist him and to establish him in so good a Resolution. That the College of Cardinals having sent Deputies to know his final Intentions, they could wish that the Council had not held this Session till their Return, but that since they had not thought it fit, the Cardinals had conceiv'd they might come to it, in Hopes that the Pope would ratify the Resolutions of it.' Afterwards, a certain Bishop (1) made a Protestation very different from this. For this Prelate publicly read a Writing in Form of an Invektive against the Flight of *John XXIII.* whom he represents as *scandalous, perfidious, injurious to the Council, suspected of Schism and Heresy, and destitute of all manner of Pretext, because instead of alledging any Fear, he ought to have expos'd himself to Death for the Salvation of his Flock.*

and *Leipsic*, as well as in *Bravus, ad an.* 1415. p. 385. I know not whether 'tis the same in the MSS. of *France* and the *Vatican*. I can scarce think it, because *Sebellstrat* would have infallibly made a Handle of it; and *Suondt* would not have omitted it. The Article is just the same in the Councils of the Fathers *C'stari* and *Labbe*. The Monk of *St. Denis* says that

it shall be called the Sacred General Council of *Constance*.

(1) *V. d. Hardt T. IV. p. 72. ex MSS. Vind. b.* There is in the *Vienno* M S. *Episcopus Tollemensis*, which may be either *Toul* in *Lorraine*, or *Toulon* in *Provence*, or *Tarentino* in the *Marquisate of Ancona*. Thus tis call'd, *V. d. Hardt T. IV. p. 81.*

IX. THAT

1415. IX. THAT same Day, after the Session, the Cardinals (1) that had been sent to *Scaffhausen*, returning together with the Cardinals *de Pisa* and *Cbalant* who had attended the Pope but two Days before, the Deputies of the Nations assembled in the Emperor's Presence to hear their Report. They were so strongly persuaded that it would be a favourable one, that as soon as they arriv'd, the ensuing Session, which they had resolv'd to hold next Day, was put off to another Day. But the Surprise was very great to see that all they promis'd was, that on the Day following they would give certain Information of the Pope's good Intentions. This indefinite Answer appearing to the Assembly but a frivolous Artifice to gain Time, it was represented to the Cardinals, that if the Pope's Intentions were so good, he would not have recall'd his Cardinals and his Officers as he had done, and given them but six Days time to return. They answer'd, that this Term not being expir'd, there was a Remedy still left, and that they had express Orders about it. But all this was very justly suspected: For those Cardinals maintain'd at the same time in this Congregation, that the Council ought to be look'd upon as dissolv'd by the Absence of the Pope, and that the Pope was above the Council. Moreover, during this Assembly, a thing fell out which plainly discover'd that this Report of the Cardinals was not sincere, or that they themselves had been impos'd upon by *John XXIII.* because four of those who had left *Constance* came back, and immediately fix'd up the Pope's Order to all the Cardinals and all his Officers to return in a Week's time on Pain of Excommunication. This was the very Order that he had sent before, but probably had not yet been fix'd up, tho' it was publick enough. This Proceeding made a great Noise. The Notification was torn down unknown to the Cardinals, and carry'd to the Assembly, where it was put into the Hands of a Bishop, who after he had read it, reproach'd the Cardinals that their Conduct was very far from tending to that Peace of which they had so positively given Hopes. They affirm'd nevertheless, that they were not come with any other Intention, but they were very much surpris'd when this Order from the Pope was shew'd to them, and when they were reproach'd with having fix'd it up without the Order or Privy of the Council. They protested they had no Hand in it, and perhaps too they told the Truth, if the four Cardinals that arriv'd after them were not in this Assembly. Be that as it will, this Incident added to their *Pretension of the Pope's Superiority over the Council*, which was very warmly contradicted, was the Reason that they separated

*Niem ap. V.
d. Hardt. T.
II. p. 399,
400.*

(2) Namely, the Cardinal *des Ursins*, *De Saluces*, the Cardinal *De Pisa*, and the Cardinal *De St. Mark*, the Cardinal *de Cbalant*.

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without concluding any thing, tho' not without a great deal of Animosity.

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X. NEVERTHELESS, a General Congregation assembled next Day in the Emperor's Presence, to hear what were the Pope's Intentions, of which the Cardinals had rais'd so favourable an Expectation. The Cardinal of *Pisa*, who arriv'd the Day before with the three Cardinals that were deputed, read the following Articles in this Assembly on the Part of the Pope. 'That if the Pope, who was at Liberty to do it, did not think fit, or was not willing to resign in Person, he would appoint for the irrevocable Proctors of his Resignation, in the Form, and with the Conditions he had promis'd, the whole College of Cardinals, and each of them, so that on the Refusal of the Consent of all the others, if there were but three that agreed together, they should be authoris'd to resign for him, even tho' he should not consent to it (*Et ipso nolente*). That of 32 Prelates that should be chosen by the Nations, he would appoint eight for Proctors, with the Cardinals, and that when three of those Prelates agreed together, they might execute the Resignation, even without the Consent of the Cardinals. That the Cardinals should be his Vicars in the Council, and that there should be always one to preside there in his Stead. That the Council should not be dissolv'd nor transferr'd (1) till they had finish'd the Affair of the Union and the Reformation of the Church, for which he would order a Bull to be dispatch'd. That as he might stand in need of the Cardinals, and the Cardinals of him, they should have entire Liberty to go and come, provided always that enough remain'd at *Constance* to supply their Place. That as for his own Person, he should always enjoy all manner of Freedom and Security, in what Country or State soever he was, either after or before his Resignation. That when he had done it, Provision should be made for his Establishment, without his being at the Trouble of soliciting it. That according to the Demand of the Ambassadors of the King of *France*, he might reside with all manner of Security, one or two Days Journey from *Constance*, for a Month or five Weeks. That nothing should be attempted against *Frederick* of *Austria*, at least during a certain time. That the Pope should always have a sufficient Court in whatsoever Place he was, it being not reasonable that the sovereign Pontiff should be unattended.' The Acts say, that to this Paper there was annex'd another, in which the Pope explain'd what Court he expected, and in which he mollify'd the Orders that he had caus'd to be publish'd for the Return of the

Another General Congregation on the same Affair.

V. d. Hardt, T. IV. p. 76. *March* 27.

Sibelsfr. ubi supr. p. 221, 222, 223.

(1) The Clause of not transferring the Council is in the Acts of the *Vatican*, and not in those of *Germany*, as the Word Reformation is in the Acts of *Brunswic*, *Leipsic* and *Gotba*, and not in those of *Vienna* and the *Vatican*.

Cardinals

1415. Cardinals and the Officers. The Emperor, the *Germans*, the *English*, and the *French*, who were already highly exasperated by the Conference of the Day preceding, thought all these Proposals both contradictory and suspicious. It was natural to suppose from the Report of the Cardinal *de Pifa*, that the Pope, at the same time that he feign'd a Desire to resign, really meant to preserve the Pontificate, and to put himself in a Capacity to support himself in it. Therefore without regard to his Propositions, it was unanimously concluded, and even with very high Words, that there was an absolute Necessity of holding the publick Session forthwith to continue the Council.

Another
Congrega-
tion on the
same Affair.
March 28.
V. d. Hardt,
T. IV. p. 79.
Niem. ap. V.
d. Hardt, T.
II. p. 400.

XI. MEAN Time, the Cardinals caused another Order to be fix'd up on the Part of the Pope, signifying that his Officers might still remain with Impunity at *Constance*, till *Quasimodo* (the next Sunday after *Lent*). But tho' the Term was prolong'd in this fresh Notification, yet it only tended to exasperate the Nations the more, and to render the Pope and Cardinals more and more suspected. This was the Reason that the Congregation of that Day was even hotter than those preceding. The Cardinals having no longer any good Reasons to urge, had Recourse to Passion and Clamors, in order to get the publick Session deferr'd, in which it was design'd to establish the Authority of the Council better than it had been in the preceding Session, because several Cardinals were wanting in it, and perhaps too because it was there only said, that the Synod was call'd a *General Council*, and not that it *actually was so*. But the three Nations that found themselves supported by the Emperor, talk'd as loud as the Cardinals and the *Italians*, and prevail'd by their Instances to have a Session fix'd for the 30th of *March*.

Another
Congrega-
tion before
the public
Session.
March 29.

XII. IT was for this End, that the Emperor caused the Nations to (1) assemble next Day in the Morning, to settle the Articles that were to be agreed in the Session; the principal of which was the Continuation of the Council in its full Authority, notwithstanding the Pope's Absence. They agreed therefore unanimously, 1. ' That the ' Synod of *Constance* legally assembled in the Name of the Holy ' Ghost, constituting a General Council, and representing the Catholick ' Church, holds its Authority immediately from Jesus Christ, and ' that every Person of what Rank or Dignity soever he be, tho' it be ' Pontifical, is obliged to obey it in Matters relating to Faith, the ' Suppression of the Schism, and the Reformation of the Church in ' its Head and Members. 2. That all who obstinately refuse to obey ' the Decrees, Ordinances or Commands of this or every other ' General Council lawfully assembled, if they don't repent, shall be

(1) The Italian Nation did not appear in this Congregation. *V. d. Hardt T. IV. p. 80. Sebelftr. Comp. Cron. p. 39.*

' punish'd

‘punish’d according to the Laws, of what Rank, Condition, or Dignity soever they are, and that if need be, Recourse shall be had against them to the other Methods permitted by the Canon Law’ (1). We find in a MS. of *Vienna*, that to the Articles of this Congregation, *John Gerson*, tho’ not without great Opposition, caus’d the Proposal to be added, which the Bishop of *Tolentin* * had read publicly in the third Session against the Escape of the Pope above-mentioned, but which had not been added to the Acts at that Time. It imported, ‘That the Authority of the Council being so useful and so necessary for the Union of the Church, for Faith and Manners, the withdrawing of the Pope could not be look’d on but as very blameable, scandalous, and destructive of his Engagements; that it tended solely to the Ruin and Overthrow of the Council; that it gave a violent Suspicion of Schism and Heresy, if the Pope did not repent of it, and make Satisfaction, and that he ought not to have pretended that Fear was the Occasion of his Flight, because he should have expos’d his Life for his Flock’.

The fourth Article is, That the Pope and all the Members of the Council, had always been free and were so still. There were some other Articles concluded in this Congregation, which I do not mention here, because they met with no Objection, and will appear in the following Session.

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* See above p. 149.

XIII. THESE 4 Articles having been communicated to the Cardinals in another Assembly which was held that very Day, in Presence of the Emperor, they desired that some Alteration might be made in the first Article, *viz.* That the last Words might be struck out, namely, *The Reformation of the Church in its Head and Members*, because they did not think that the Pope was oblig’d to obey the Council in this Point. But above all, they demanded that the three others might be suppress’d, *viz.* the Second which subjects the Pope to Punishment by the Council; the third wherein he is accus’d of Schism and Heresy; and the fourth wherein ’tis declared, that he always enjoy’d entire Liberty at *Constance*. After this, those Cardinals made the following Propositions on the Part of the Pope. ‘That the Emperor and the Cardinals should be Proctors of his Resignation, so that two of them might execute it in Conjunction with his Imperial Majesty, in Case that the Pope should not be inclin’d to resign in his own Person, and that he should not recall either the Cardinals or any one of his Court, without the Approbation of the Council: The Cardinals offer’d to be at the ensuing Session, provided that the Articles, which they have desir’d to be suppress’d, be not therein read, and that the Alteration they demanded be made to the

Congregation of Cardinals in the Emperor’s Presence.
Hardt, T. IV. p. 92.
Schellbrat Acta & Gestas, p. 223.

(a) The Secular Arm was thereby intended. *Hardt T. IV. p. 81. ex Cod. Vindob. Elfravianis.*

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'first'. The Emperor receiv'd those Proposals without declaring his Opinion, promis'd the Cardinals to communicate them to the Deputies of the Nations, who were assembled at the *Franciscans* Convent, and went thither that very Instant; but the Nations not being in a Disposition to make any Alteration in their Articles, the Emperor return'd to advise the Cardinals of it, adding, that all that he had been able to obtain was, that the Session should not be held till Ten of the Clock, to the end that they might have that Time to consider what Course to take.

The Pope's Escape to *Lauffenberg* or *Lauffenbourg*, V. d. *Hardt*, T. IV. p. 83, 84. *Niem. ap. Von der Hardt*, T. II. p. 400.

XIV. MEAN Time, the Pope knew every Thing that pass'd at *Constance*. The last Decrees of the Nations, and their Resolution to assemble a Session next Day, which was, as one may say, to fix his Destiny, made him apprehensive that it was dangerous for him to be so near the Council. Moreover he daily receiv'd fresh Advices of the Military Preparations which the Emperor was making against the Duke of *Austria*, as well as of the Defection of a great many Princes and Towns from that Duke's Obedience. Therefore thinking himself no longer safe at *Schaffhausen*, he set out that very Day at Noon in a great Storm of Rain for *Lauffenberg*, which is also a Place upon the *Rhine*. As soon as he was got out of *Schaffhausen*, he sent for a Notary and Witnesses, to declare that every thing he had sworn at *Constance*, was the Effect of Fear; and that therefore he was not oblig'd to keep his Oath. Nevertheless he wrote the very reverse at the same Time to both Parties, which Behaviour confirm'd the Council more and more in their Resolution to hold the Session at the Day and Hour appointed.

Assembly of the Nations before the Session. *Marib* 30. V. d. *Hardt*, T. IV. p. 84, 85. *Schellstr.* ub. *supr.* p. 224, 225.

XV. THE Deputies of the Nations assembled therefore at 7 a Clock in the Morning with the Emperor and the Cardinals, in order to reconcile Animosities, and to engage the Cardinals to come to the Session: For they had declared they would not be present, if the Alterations abovementioned were not made in the Articles of the Nations. *Schellstrate* (1) tells us also, that the Ambassadors of the King of *France* join'd in this Point with the Cardinals, and refused also to come to the Session, if those very Articles were not reform'd. In order to prove this Fact, he quotes the M. S. Acts of the *Vatican*, the Defence of *Eugene IV.* against the Fathers of the Council of *Basil*, *John de Turrecremata* or *Torquemada* a Spanish Cardinal, in his Book of the Church, and *Roderic Sance d'Areval* Bishop of *Calabrova* in *Castille*, in his Dialogue of the Authority of the Roman Pontiff. I am far from contradicting *Schellstrate*, as to the Acts of the *Vatican*,

(1) *Emanuel Schellstrate*, Canon of the Cathedral of *Tournay* and University Librarian of the *Vatican*, has written some Pieces upon the Council of *Constance*. One printed at *Antwerp* in 1683. and the other at *Rome* in 1686. *Schellstr. Comp. Cbron. Ecl.* 39, 40. *Dissert.* II. p. 110, 111. *Ad. G. Gest.* p. 224.

because

because he mentions the very Words of 'em; but one may be allow'd to question their Authority, as *Maimbourg* has done, and *Anthony Arnaud* too in his Posthumous Tracts (1) against *Schelstrate's* Dissertation, printed at *Antwerp* in 1682; and as to the other Authors whom *Schelstrate* has quoted even in their own Words, it does not appear from them that the Ambassadors of the King of France refus'd to come to the fourth Session, but only that several Persons of Authority, as well Prelates as Doctors * were not of the same Opinion as *John Gerson*, and a great many others, relating to the Superiority of a general Council over the Pope. The same Thing must be said of the pretended Apology for *Eugene IV.* This Piece does not speak of the Ambassadors of France, at least in the Place where *Schelstrate* himself quotes him. What I find undeniable is that there was a great deal of Heat in this Assembly in the Morning, and that 'tis very difficult to know whether any thing indeed was positively agreed upon. And it appears from the fourth Session that the Cardinals and Deputies of the Nations were not agreed in their Facts; which in Justice ought rather to be imputed to some Misconstruction of the Disputes in the Morning, than to any Dishonesty on either Side. Upon this Subject therefore, I shall only mention what I found in the Acts, leaving the Reader at Liberty to judge of it. *Schelstrate* speaks in three Places of what pass'd in this Assembly, viz. in his *Chronological Abridgment*, in the third Chap. of his first Dissertation, and in the other Part of his Work intitled *The Acts of the Council of Constance*. In the first Place he says, that on Saturday being Easter-Eve, the Fathers having their Mitres and Copes on to celebrate the fourth Session (2) by the Interposition of the King of the Romans, some Modification was apply'd to the Affair that was to be dispatch'd in this Session. That is to say, continues *Schelstrate*, in Explanation of those last Words that among other Decrees, the Second, touching the compulsive Power of the Council should be omitted, and that there should be no mention in the former of the Reformation of the Church. In the second Place *Schelstrate* reports these Words of the *Kienna MSS.* which had not till then been printed, viz. ' That on the 30th of March, before the Session was begun, the Cardinals having not yet been fully inform'd of what was to be treated in that Session, any more than the Ambassadors of the King of France, those Cardinals and those Ambassadors had resolv'd not to go to the Session, tho' the King * extremely press'd them; at last when the Prelates were already in their Places in Coun-

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See Turres-
rem. Summ.
de Eccles. Lib.
II. Cap. 99.

Comp. Cbirh.
p. 39. Dissert.
I. Chap. 2.
p. 51 . 2
Alta & Gest.
p. 224, 225.
Martb 30.
Schellstr. Comp
Chron. Fol. 40

Dissert. I.
Cap. III. p.
52.

* i. e. The
Emperor.

(1) Explanations upon the Authority of the General Councils, p. 13. 213, 214.

are in the Italic Character, which shews they are the very Words of the Acts.

(2) *Adbitum est quoddam moderamen in expediendis in illa Sessione.* These Words

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cil with their Mitres and Copes, the King agreed with the Cardinals, and having apply'd some Modification to what was to be dispatch'd in the Session, the Cardinals promis'd to be there, and actually were there, as well as the Ambassadors of the King of France'. These are the very Terms of the M S. *Schelstrate* says also, that according to those same Acts, the Modification consisted in leaving out the second Article of the *Compulsive Power of the Council*; and out of the first, the Clause of the Reformation, but he does not alledge the true Words of the Acts as he does elsewhere. In the third Place he sets down in the Margin the very Expressions of the Acts that we just now mention'd, and gives this Recital in the Text it self. ' On

Ab. & Gest.
p. 225, 226.

' Saturday the last Day but one in March, at seven a Clock in the Morning the King of the Romans, the Cardinals and Nations being assembled in the Episcopal Palace, there was a very great Dispute upon the Articles under-mention'd, (1) and some others. The University of Paris pleaded strenuously with the King that he would not enter into a War against the Duke of Austria, because they said: that in this Case there would be room to fear the Dissolution of the Council. But the King was always inflexible in that Point, and the Cardinals at last not being able to agree with the Nations about the Articles, they began with the Mass which was to precede the Session. Then the King went again to the Cardinals, and after a few Moments Conference the Cardinals of St. Mark and Florence, going out with the Emperor, went into the first Chapel of the Church, and sent for the Deputies of the Nations that were in the Choir ready to hold the Session. They came, and there was a great Dispute between them, viz. the King of the Romans and the Cardinals, touching the Articles abovemention'd. At last by divine Inspiration they all came to this Conclusion, that in this Session they would only agree to the under-written Articles'. (2) But since *Schelstrate* has not set them down, 'tis impossible to judge of what this Convention and Qualification consisted. He says, and several Times repeats it, that it consisted in leaving out the second Article touching the *Compulsive Power of the Council*, and in striking out of the first the Words *Reformation of the Church in the Head and Members*.

Maimbourg.
Treatise of
the Establish-
ment of the
Prerogatives
of the
Church of
Rome, p. 213,
214. Holland
Edition.

But *Maimbourg* says with equal Probability, that the Expedient which the Emperor thought of to reconcile all Animosities, was, that in the Decree of the present fourth Session, the two first Articles only should be inserted, viz. according to *Maimbourg*, 1. That the Council has receiv'd immediately from Jesus Christ a Power which the Pope

(1) *Supra infra Scriptis & alijs capitulis.*
These Articles are not set down.

(2) *Infra Scripti.* By the Articles under-written, must be understood the Ar-

ticles that are in the *Vatican* M S. immediately after this Recital.

is oblig'd to obey in Matters relating to Faith and the Extirpation of the Schism. 2. That they should also read the Words in Things relating to the Reformation of the Church in its Head and Members; and that as to the two others they would see afterwards what was to be done in the ensuing Session. Those other two Articles which *Maimbourg* says they agreed to leave out at that Time were, That in Case the Pope would not obey he might be punish'd; and the other, to know if all this was to be understood of every other general Council as well as of that of *Constance*, which was held during the Schism. *Maimbourg* affirms that it appears by the Acts, and by the MSS. of *France* that this was the Expedient which the Emperor thought of. For having sent to *Paris* to desire a Person of very great Renown for his Birth and Learning, and venerable by his Character, to consult the MSS. of the Library of *St. Victor* about it, he return'd Answer that according to those MSS. the Cardinals were at last oblig'd to give their Consent to the Clause of the *Reformation of the Church in its Head and Members*. Which does not agree with the Allegation of *Schelstrate*, that the Emperor had prevail'd to have that Clause left out. Neither is *M. Von der Hardt*, who has ransack'd all the MSS. of *Germany*, and given such a faithful Account of 'em as is unexceptionable, of *Schelstrate's* Opinion in this Matter, tho' he quotes his Words. For he says that all the Qualification which the Cardinals could obtain was that the personal Article accusing the Pope of Schism and Heresy, because he was escap'd, should not be read, and that the Nations would neither soften nor suppress the other Articles. They were oblig'd therefore to submit to it. The Hour of the Session was come, the Mass was actually said, the Prelates had taken their Places, and the Cardinals who could no longer stand their Ground, resolv'd at last to go to the Council with the Emperor and the Deputies of the Nations. So that the Result of this Assembly must be reduced to this, if we would avoid the Mention of any Thing we are not certain of. 1. That the Emperor persisted in his Design against the Duke of *Austria*, notwithstanding the Remonstrances made to him by the University of *Paris* to dissuade him from it. 2. That the Cardinals consented to come to the Session. 3. That they did it in Hopes of some Modification in the Articles that had been resolv'd on by the Nations. But in what it consisted is not easy to judge, because this Conference was held *viva voce*, and probably in a tumultuous Manner, so that it might very well be liable to Misconstruction, as will appear by the following Session.

XVI. THIS Assembly could not but be affected by the Confusion and Broils that happen'd in the last. Therefore 'tis necessary to give the History of it with so much Exactness and Precaution, that the Reader may be able to distinguish what is certain from what is doubtful.

The Fourth Session.
 March 30.
V. d. Hardt,
 T. IV. p. 86.

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ful. The Cardinal *Jordan des Ursins* presided in it (1), no Doubt as one of the oldest Cardinals. that was then present. They were all there except those who were sick, of which Number was the Cardinal of *Cambray* (2), who did not appear in this Assembly, and probably the Cardinal of *Viviers*, who ought to have presided there as Dean of the College. The Emperor was there also, with all the Princes that were then at *Constance*, particularly the Elector of *Saxony*, *Frederick* Burgrave of *Nuremberg*, &c. as also the Ambassadors and Deputies of the Kings, Princes and Prelates that were absent, and above 200 Fathers as well Prelates as other Clergymen and Doctors. After the Mass which was celebrated by the Patriarch of *Antioch*, and the other usual Ceremonies, *Zabarella* Cardinal of *Florence* (3), as the youngest of the Cardinals, read the following Articles which must be set down *verbatim*, because it occasion'd great Debates. ' In the Name of the most holy Trinity, Father, Son, and ' Holy Ghost; This sacred Synod of *Constance*, forming a general Council ' legally assembled in the Name of the Holy Ghost, to the Glory of ' Almighty God, for the Extirpation of the present Schism, and for ' the Union and Reformation of the Church of God in its Head ' and Members, in order to execute the Design of the said Union ' and Reformation with the more Ease and Security, Perfection and ' Freedom, orders, appoints, statutes, decrees, and declares what fol- ' lows. 1. That the said Council of *Constance*, legally assembled in

(1) He had been made a Cardinal by *Innocent VII.* after whose Death he adher'd to *Gregory XII.* his Successor; but when he perceiv'd his Obstinacy to keep the Pontificate, notwithstanding his Oaths, he joyn'd to the Council of *Visa*. *Alex. V.* elected in this Council, chang'd his Title of *Sylvester* and *St. Martin*, to that of *St. Lawrence* and *St. Damasus*. *Jehn XXIII.* succeeding *Alex. V.* sent him Legate into *Spain*, to procure his Recognition there as Pope, against *Benedict XIII.* When he return'd, he was sent Legate to the Marquisate of *Anc. na.* The same Pope made him Cardinal of *Albe*, and Grand Penitentiary of the Church of *Rome*. Tho' the Families of the *Ursins* and *Colonnas* were at great Variance for a long Time, yet he gave his Voice for the Election of *Otho de Colonna*, Successor to *John XXIII.* by the Name of *Martin V.* This Pope sent him to *France* in 1418. to make a Peace betwixt that Kingdom and *England*; and in

1425. he was sent to *Hungary* and *Bohemia* against the *Hussites*. In 1431, he gave his Vote for *Eugene IV.* at the Council of *Basil*, and continued always in his Interests. This Pope appointed him to accompany *Sigismund*, when he went to *Rome*, to take the Imperial Crown. He dy'd some Months after in 1439. *Purpur. Doct. Lib. II. p. 500, 502.*

(2) The MSS. of *Brunswick*, *Leipsie*, *Gotba* and *Wolfenbuttle*, expressly say, that those two Cardinals were in the Town.

(3) The Monk of *St. Denis* is guilty of two Errors here; one in saying that 'twas another Person not the Cardinal of *Florence*, who read the Decrees of this Session; the other in saying that this was *Andrew* Bishop Elect of *Pomerania*, instead of *Pjanisa*. Indeed the Acts say, that the latter read in the 5th Session, the Acts which *Zabarella* would not read in the 4th.

' the

the Name of the Holy Ghost, forming a General Council which represents the Catholick Militant Church, has received a Power immediately from Jesus Christ, which every Person of what Rank and Dignity soever, tho' it be Papal, is oblig'd to obey in things appertaining to the Faith, to the Extirpation of the present Schism, and to the Reformation of the Church in its Head and Members'. Schelstrate reports, that when Zabarella came to these last Words, *The Reformation of the Church in its Head and Members*, which he pretended the Nations ought to have rased, he stopt short, without reading them, affirming that they were false, and added contrary to the general Opinion (1). So that according to Schelstrate, this Clause of the *Reformation of the Church in its Head and Members*, was not read in the 4th Session. Indeed the MSS. of Vienna, Brunswick, Wolfenbuttle, Leipzig and Gotha, have not these last Words, *Reformation of the Church in its Head and Members*. Besides Schelstrate declares, that they are not in all the MSS. (2) of which he himself saw great Numbers at the Vatican, except only in one of a modern Hand-writing copy'd from the MSS. of Cardinal Siret, wherein he suspects that the Copyist not being able to read that Part of the MS. because it was defaced, follow'd the printed Copies, all of which have the Words in Question; yet Maimbourg affirms, that he saw at Paris in the Library of St. Victor, &c. ten ancient MSS. that have those Words also, which is enough to counterbalance the MSS. of the Vatican, where they are not; for both Schelstrate and Maimbourg affirm, that their MSS. are ancient. Moreover two Gentlemen of great Knowledge (3); whose Fidelity cannot be suspected, having thereupon consulted that learned Man of Paris whom I mention'd before, he gave one and the same Answer to those two Friends, that of three MSS. which are in the Library of St. Victor, there's one endorsed 842, which only contains the Words, *Extirpation of the Schism*, without the Terms *Reformation of the Church in its Head and Members*; but that in the two others indors'd 844 and 828, there is the Clause of *Reformation of the Church in its Head and Members*. And that it may not be said with Schelstrate, that in consulting those MSS. the fourth Session may have been confounded with the fifth, in which those Words were restor'd, the Extract which has been sent to

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Schelstr. Dissert. I. Cap. I.
Maimbourg. ubi supr. p. 201.

(1) Cum Cardinalis Florentinus venisset ad Verba de Reformatione in Capite & in Membris, qua Nationes in sedebat de-lore omiserant, substitit, eaque falsa esse, & prater e manum deliberationem ad-dita asseruit. Schellstr. Comp. Chron. p. 41.

(2) Schelstrate quotes above a Dozen.
(3) M. Wutzant a Prebendary of the Cathedral of Tournay, and M. Darbierac, Professor of Law and History at Lausanne; [Since 1717. he is Professor of Law at Groningen.]

1415. us precisely mentions the Session of the 30th of *March*, 1415; which is manifestly the fourth. 'Tis true also, that all the printed Copies of the old Abridgment of the Acts of the Council of *Constance*, made in 1442 by Order of the Council of *Basil*, and printed for the first Time at *Haguenaw* in 1500 have those same Words, the *Reformation of the Church in its Head and Members*: But 'tis very remarkable, that in the MS. of this Abridgment, which is at *Wolfsbuttle*, and which I have seen and read my self, mention is only made at the End of this Decree, of the Extirpation of the Schism, and not a Syllable of the Reformation of the Church; which gives Room to believe, that those very Words were not in the Acts from which the Fathers of *Basil* made their Abstract of the Council of *Constance*, and that they were added by those who printed it, perhaps upon the Credit of some MSS. in which they were found. Be this as it will, 'tis certain that *Zabarella* did not read those Words, the *Reformation of the Church in its Head and Members*; and also that this Omission of his was unexpected by the Deputies of the Nations. Besides the Testimony of *Schelstrate* who met with this Fact in his MSS. there are other Proofs of it that are undeniable.

V. d. Hardt, T. IV. p. 87. 1. A MS. of *Vienna* says, that in the second (1) Session, the Saturday before Easter, the Cardinal of *Florence*, viz. *Francis Zabarella*, pronounc'd the following Articles (2) in an imperfect Manner, by Reason of the Importunity of the Cardinals. This same MS. at the Beginning of the 5th Session when those Words were restor'd, says also, that the Bishop of *Poznania* pronounc'd the following Articles (3) in which those that had been omitted by reason of the Importunity of the Cardinals, were restor'd. 2. As to *Zabarella's* Refusal to read those Words which the Nations insisted he ought to have read, the Cardinals demanded that the Discussion of the said Article might be suspended to more mature Deliberation, which was done accordingly. 3. The Nations appointed Commissioners on the first of *April*, to reproach *Zabarella* for it, which Conference was not manag'd without Animosity, because it seems there had been a Mistake in the Assembly which was held on the 30th of *March* in the Morning. 4. *Benedict Gentian* (4) a Doctor, and Deputy from the University of *Paris*, reproach'd

Schelstr.
Comp. Chron.
Fol. XII.

V. d. Hardt,
T. IV. p.
92. & T. II.
p. 280.

(1) That is to say, the second after the Pope's Escape.

(2) They are the same just now mention'd.

(3) The Articles in Question are always intended.

(4) This Passage seems to prove very clearly, that the Monk of *St. Denis* who wrote the History of *Charles VI.* and

the Acts of this Council at the same time, is not *Benedict Gentian*, because if the latter had been there, he would not have committed the Errors we meet with in this Part of the History of the Monk of *St. Denis*, and would not have suppress'd, as this Monk does, the 4th Session, or confounded the one with the other. Besides the Monk of *St. Denis*,
Author

proach'd the Cardinal of *Florence*, by a Writing which was publish'd at the same Time, and of which Mention has already been made; that on the last Day but one in March, by the Advice of his Collegues and Abettors, he had to the great Contempt of the Congregation, curtail'd and mangled a Memorial which had been agreed on by the Cardinals. *Gobelin Persona*, a cotemporary Author declares, that upon Easter Eve, one of the Cardinals pronounc'd certain Articles too lamely, that were therefore reform'd on the 6th of April (1). 6. Finally, this Article was actually amended in the 5th Session, just as the Nations had agreed on the 29th of March. This Discussion may serve to reconcile the seeming Contradiction between MSS. in this Fact. Those of *Rome* and *Germany*, give the Articles just as they were read by *Zabarella*, and those of *France* give them as they had been agreed by the Nations, and as they insisted they ought to have been read by the Cardinal. So that as *M. Von der Hardt* judges very well, there's no Knavery on either Side.

ARTER having thus digress'd, 'tis necessary to give the other Articles that were pass'd in this Session. The second is worded thus. *V. d. Hardt, T. VI. p. 12.*
 ' Our sacred Lord Pope *John XXIII.* shall not translate the Court
 ' of *Rome* nor its Officers from the City of *Constance*, and shall not
 ' compel them either directly or indirectly to follow him, without the
 ' Determination and Consent of the Council, especially as to the
 ' Offices and Officers, whose Absence might be prejudicial to the
 ' Council, and perhaps the Cause of its Dissolution. If he has done
 ' the contrary, or shall do it hereafter, by decreeing and fulminating
 ' Censures, or any Pains whatsoever, against the said Officers, they
 ' shall be look'd upon as void, and the said Officers shall freely exer-
 ' cise their Functions as before. *The third Decree imports,* That all
 ' Translations of Prelates, Deprivations of Benefices, Revocations
 ' of Commands and Grants, Monitories, Ecclesiastical Censures, Pro-
 ' cesses, Sentences, Acts made or to be made to the Prejudice of
 ' the Council by the said Pope, or by his Officers and Commis-
 ' sioners since he withdrew, shall be of no Validity, and are actually re-
 ' peal'd'. These were all that *Zabarella* read; from whence it ap-
 pear'd, that he omitted two other Articles which the Nations con-
 cluded, and which were actually read in the 5th Session. The one relat-
 ed to the Punishment of the Pope himself, in Case he disobey'd the

Author of this History, in his Account of the third Session after the Pope's Escape says, that he was inform'd of it positively by the Ambassadors of *France*. This, *Benedict Gentian* would not have said, because he drew up the Acts of the Session of the sixth of April, 1415.

(1) *Fuerunt pronunciati per unum de Cardinalibus quidam Articuli minus sufficienter, quapropter sexta die mensis Aprilis iidem Articuli per unum alium de Concilio, Rege presente, fuerunt pronunciati, reformati.* Gob. Perso, Ca. XCIV. p. 339. Edit. Meibom.

1415. Council; and the other, to the Security and Freedom which the Pope had enjoy'd all the Time that he was at *Constance*. Two other Articles were propos'd indeed in this Session, but they did not pass at that Time. The first was, that there should be no new Creation of Cardinals, till the Affair of the Union was determin'd, and that the Council should acknowledge none in that Quality, but what were so acknowledg'd before the Pope's Escape. The second was, that each Nation should appoint Deputies to examine into the Reasons offer'd by such as were inclin'd to withdraw from the Council. Nor do these two Articles appear in the MSS. as Articles that were pass'd in this Session, tho' some Authors have placed them in it, upon the Authority no Doubt of the Edition at *Haguenau*.

Proposals of XVII. THE same Day, during or after the Session, the Cardinals made some Proposals for accelerating the Union, with an Offer to use all their Endeavours to get them accepted by *John XXIII*. They are very near the same Proposals which the Cardinal *de Pifa* had already made on the 27th of *March*; but as there was an Omis- sion of some, an Addition of others, and some small Alterations in those that were preserv'd, I will set them all down, to the End that no Part of this Affair may be omitted. They imported therefore,

1. That the Pope should promise by a Bull, not to dissolve the Council, nor to shift it to another Place, without the Advice of the Council itself.
2. That the Council should draw up the Form of a Procuration, and that the Cardinals should get the Pope to accept it in every Case wherein he is oblig'd to resign, according to the Promise he has made in Writing.
3. That the Council should chuse a certain Number of Proctors of each Nation, amounting to 30 or 40, out of whom the Pope should select eight or twelve, to be associated to the King of the *Romans*, and to the Cardinals, according to the Memorial which had already been presented to the Nations on the Part of the Pope, by the Cardinals.
4. That if any Thing should be thought proper to be added or alter'd in the Memorial, which had been already presented on Behalf of the Pope by the five Cardinals, they engag'd that the Pope should approve these Alterations or Additions by a Bull, and that they had his Promise for it.
5. That as to the Pope's Court, such Provision should be made that he might have one without prejudicing the Council.
6. That the Cardinals who were present would promise, that in Case the Pope should die, they would chuse no other, till they saw whether the Church was like to have Peace by the Resignation of the two Survivors; or that if the Council thought fit to chuse one, they would oblige him to give not only a Promise, but also a Procuration to resign.
7. That they would not consent to the Creation of any Cardinal,

till

the Cardi-
nals. V. d.
Hardt. T.
IV. p. 91. ex
Cerret
Sebelstr. AB.
& Gest. P.
223.

The 27th.

‘ till the Affair of the Union was determined. 8. That they would
 ‘ get the Pope to dispatch Bulls for whatever Purposes the Council
 ‘ should think necessary for the Union of the Church. 9. That all
 ‘ the foregoing Articles having a Tendency to facilitate the Union,
 ‘ it was requisite above all Things to attend to them, and to suspend
 ‘ for a while the Examination of other Matters, which are accom-
 ‘ pany’d with great Difficulties, and call for mature Deliberation’.
 This relates no Doubt to the Clauses and Articles which *Zabarella*
 refused to read, as the Clause of *the Reformation of the Church in*
its Head and Members, the Article for *punishing the Pope in Case of*
Disobedience, and perhaps that of *the Right of General Councils*. ‘ 10.
 ‘ That Provision should be made for the Security of *John XXIII.*
 ‘ before and after his Resignation, as well as for his Establishment,
 ‘ when he has resign’d. 11. Lastly, That no War should be made
 ‘ with the Duke of *Austria*’. I don’t find in the Acts, what was
 the Resolution of the Council upon these Proposals of the Car-
 dinals.

XVIII. ON the *Monday* following, which was the next Day ^{Assembly}
 after *Easter*, the Deputies of the Nations met to consider of ^{of the De-}
Zabarella’s Omissions, and Commissioners were appointed to have a ^{puties of the}
 Conference thereupon with him and some other Cardinals, and to re- ^{Nations con-}
 proach him for it. It seems this Conference was held upon the ^{cerning Za-}
 very Day when it was resolv’d; and *Schelstrate* says, there were very ^{barella’s O-}
 warm Debates; the Nations reproaching *Zabarella* for not having ^{miffion.}
 read the Articles fairly, and the Cardinal insisting that he ought not ^{April 1.}
 to have read what he had omitted. The same Author says upon Oc- ^{V. d. Hardt.}
 casion of this Conference, that the Fathers of the Council made no ^{ubi sup, p.}
 publick Examination of those controverted Articles and Decrees, ^{92.}
 as the Cardinals had desir’d, but that they only appointed some
 Commissioners to confer about them with the Cardinal *de Zabarella*,
as if, adds he, *the Thing in Question had been a Matter of little Im-*
portance (1). But it seems to me, that here he abandons the Cha-
 racter of an Historian, to take Part with the Cardinals against the
 Council. The Cardinals pretended indeed, that those Articles which
Zabarella had refused to read, requir’d further Consideration, and
 they had actually desir’d it by their last Memorial. But the Na-
 tions who maintain’d on their Part that they had consider’d it ma-
 turely, and who were for persisting in their Opinion not to make any

(1) Post quartam Sessionem Patr. Con-
 stant. non instituunt de Articulis &
 Decretis controversis examen publicum
 coram Nationibus, neque statuunt co-

ram Concilio ipso habendum, sed quasi
 de re parvi momenti ageretur, nomina-
 runt aliquos qui cum Cardinali Floren-
 tino decepti agerent. *Sebast. Comp.*
Chron. Fol. XLI.

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Alteration in those Articles, were not for entering into any new Consultation on this Subject. Therefore as they were not willing to run over those Articles again, and the Assembly of the first of April having been only form'd to reproach *Zabarella* and the other Cardinals, for the Omission which had been made in the former Session, it cannot be said, that the Council look'd upon this Affair as a matter of little Importance. The View of this Assembly was evident enough from the Complaints which *Benedict Gentian* made publickly against the Omission of the *Florentin* Cardinal, which he ascribes to the whole College of Cardinals, and even says, that after such an Attempt, they did not deserve to be heard any farther (1). And indeed no regard was had to the Instances of the Cardinals; for the very next Day the Deputies of the Nations resolv'd that the Articles, whether curtail'd or omitted in the fourth Session, should be all read at full length in the fifth.

April 2.

John Hufs is carry'd to the Fortress of *Gotleben*. Ep. 48 to 52.

XIX. THO' the Affair of *John XXIII.* took up great Part of their Time, yet the Council did not neglect the others that were depending. On the one Hand, the Commissioners in the Affair of *John Hufs* did all they could to oblige him to retract, and his Enemies on the other Hand left no Stone unturn'd, to aggravate his Condemnation, as he complains in many of his Letters. Tho' he was a Prisoner, infirm, and fretted upon several Accounts, yet he answer'd to every Particular. But he declared at the same Time, that he desir'd to have a publick Hearing, and that whatsoever the Commissioners did, he intended to be govern'd only by the Decision of the Council. He had solicited for such Hearing a long while to no Purpose. The Emperor too had promis'd him, as *John Hufs* says in his 34th Letter, tho' when all's done, he did not much expect it (2). While he was in Suspence betwixt Hope and Fear upon this Head, he was carry'd to a new Prison. For the Pope's Officers, who had the Guard of him at the *Franciscans* Monastery, and whom he praises to the last Degree in his 52d Letter, being gone to their Master at * *Schaffhausen*, he was not many Days after deliver'd over to the Bishop of *Constance*, and then carry'd to the Fortress of *Gotleben*. It appears from his fifty sixth Letter, which he wrote to the *Bohemian* Gentlemen that were at *Constance*, and particularly to *Wenceslaus de Duba*, and *John de Cblum*, how much he was alarm'd at the Withdrawing of those Guards that had treated him so

* *V. d. Hardt* T. IV. p. 66.

(1) In quo talia presumptentes non sunt digni ut a modo admittantur. *V. d. Hardt*, T. II. p. 281.

(2) Rogo adhuc propter Deum, omnes Domini congregati petant Regem pro finali Audientia. Quia ex quo solus mihi dixit in Concilio, quod proximè da-

turi sint mihi audientiam, ut respondeam in scripto breviter, confusio sua magna erit, si illud dictum præterierit. Sed existimo suum dictum fore tam stabile atque firmum, quam fuit illud de *salvo Conductu*. Ep. 34.

civilly.



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civilly. This Letter must have been written on the 24th of March, being *Palm-Sunday*. 'Tis in Substance this. ' My Guards are all drawn off, and I know not how I shall subsist, nor what will befall me in Prison. I beg you to go with the other Lords (of *Bohemia*) to find out the King (*Sigismond*), and to beseech him to make an end of my Affair, that he may not be troubled, or be guilty of any Crime upon my Account. I desire you also to come and see me with the Lords of *Bohemia*, because 'tis necessary that I should talk with you, and there's Danger in Delay. I fear that the Master of the Pope's Palace (1) will carry me off with him by Night, for he is still in the Monastery. The Bishop of *Constance* writes to me, and so do the Cardinals, that they don't desire to have any Controversy with me. If you love the poor Goose (*miserum ansem*), prevail with the King to give me Guards of his Court (*de sua Curia*), or to release me out of Prison this Night'. Sunday in the Evening.

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XX. IN a few Days after this, *Jerome of Prague* arriv'd at *Constance*. Hitherto we have only mentioned him *en passant*, and upon Occasion of *John Hus*; but now he is coming to the Bar himself, I must give a more particular Account of him. There were at that Time two *Jeromes* of *Prague*, both famous Men. They agreed in several other Things besides the Name; their Talents, Studies, Voyages were the same; but their Sentiments very opposite. *Aeneas Sylvius*, to whom we are oblig'd for this curious Particular so little known, tells us that one of these *Jeromes* (2) was for twenty Years a Hermit at *Camaldoli* in *Tuscany*; that afterwards returning to *Bohemia*, he quitted *Prague* at the Time that the *Heresy of the Hussites* began to spread there, for fear of being infected with it, and went to *Poland*. That from thence he pass'd to *Lithuania* (3) with Letters from *Ladislaus* King of *Poland*, where he labour'd for the Conversion of those People to the Christian Faith, being favour'd in this Godly Design by *Alex. Witold* Great Duke of *Lithuania*. That in the last Place he went to the Council of *Basil*, where *Aeneas Sylvius* heard him give an Account of his Conversions, and of the ancient Religion of the *Lithuanians*. We find by a M.S. of *Zurich*, which was generously communicated to me by *M. Hottinger*, that *Jerome of Prague* wrote against the *Hussites* at the Time of the Council of *Basil*. In this Tract he takes the Title of Hermit of *Camaldoli*, and Professor of Divinity and Law.

Jerome of Prague arrives at Constance.
April 4.
V. d. Hardt.
T. IV. p. 93.
Aeneas Sylv.
Eur. Cap.
XXVI.
Bobust. Bob.
binus Epit.
Rer. Bobem.
p. 422.

(1) 'Twas the Bishop of *Lausanne*.

(2) This *Jerome of Prague* is rank'd in the number of Saints by *Bollandus*.

(3) 'Tis remarkable that *Jerome of Prague* the *Hussite*, went also to *Lithuania*

to preach the Gospel. *Bob. Epit.*
Rer. Bob. P. 403. Id. ubi sup. p. 418. Aeneas Sylv. Cap. XXXVI.

XXI. As

1415. XXI. As to *Jerome* of Prague the *Hussite* here intended, he was neither Monk nor Clergyman, but only Bachelor and Master of Arts, which Academic Degree he receiv'd in 1399. All Authors give a very good Character of his Talents, and 'tis even said that he exceeded *John Hufs* by far, both in Learning and subtle Reasoning, tho' he was the younger Man. He had study'd in most of the famous Academies of Europe, particularly (1) *Paris*, *Heydelberg*, *Cologne*, and as some say at *Oxford*. Indeed there are Authors who not being able to reconcile certain Dates with this Voyage say, that he never was in *England* (a). Yet one would think there can be no doubt of it, because he was upbraided in the Council for having copy'd *Wickliffe's* Books in *England*, and brought them into *Bohemia*. (2) But 'tis very probable that the Council was impos'd upon by some false Report, because when *Jerome* of Prague comes to reckon up in his Manifesto all the Academies where he had study'd, he does not mention the University of *Oxford* (b). When he return'd from those Travels he adhered to *John Hufs*, who was not sorry to find so good a Second in his Design to reform the Abuses that were in the Church and the University. Among the MSS. of *Basil*, there's a Fragment of a Sermon of a certain Doctor call'd *John of Francfort* against *Jerome* of Prague; which Sermon was preach'd perhaps in the Council, but 'tis so ill written and so mangled that there's no making any Use of it.

'Tis pretty unaccountable that *Jerome* of Prague did not come to *Constance* at the same Time as *John Hufs*. There are Authors who actually say that (c) he was summon'd to it, but the contrary is evident from the whole History. Mean Time, if *John Hufs* was liable to a Citation, *Jerome* was so too. Most of the Violences and Outrages that were committed at *Prague* before the Council, on account of their Doctrine, being committed in the Absence of *John Hufs*, at least if *Dubravius* (d) is right in his Dates; *Jerome* of Prague could not but have the greatest Hand in them. 'Tis even pretended, (e) that it was by his Order that in 1411. a common Woman, accompany'd by Monks either real or counterfeit, went thro' the Streets of *Prague* one Day with Indulgences hanging about her Neck, and blessing the People as if she had been Pope, and that *Jerome* burnt those Indulgences with his own Hand. He is also accus'd of having trampled under his Feet the Relics that were upon the Altar of *St. Mary's* Church at *Prague*, and declaim'd against the Worship of those very Relicks, and that two Monks, the one a *Carmelite*, the other a *Dominican*, going to oppose this Violence, he laid hold of one, committed him to Prison, and threw the other into the *Moldaw*, where

In 1412.

(1) He was admitted Master of Arts in the three first Academies.

(2) *Basilius Balbinus* places this Voyage of *Jerome* into *England* in 1398. *ut. sup.* p. 403.

he would have been drown'd, if some Body had not come to his Assistance.

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If these Facts were true, a Behaviour so furious and outrageous, added to his publick Discourses at the University, conformable to the Doctrine that *John Hufs* preach'd in the Pulpit (1), demanded that he should be summon'd, and that he should appear as well as the latter. Nevertheless *John Hufs* was the only Person cited; the Emperor and the Pope thinking it more advisable no doubt, to chuse the Person of the greatest Consideration to answer in the Name of all the rest, and to serve for an Example to others.

XXII. WHEN *John Hufs* was on the Point of setting out from *Prague*, *Jerome* exhorted him to be steadfast in maintaining what he had advanc'd, both by Word of Mouth and Writing, especially against the Pride, Avarice, and other Irregularities of the Clergy, and promis'd him to go himself to *Constance* to support him, if he should hear that he was oppress'd there. This oblig'd *John Hufs* to desire his Friends in one of the Letters which he wrote to them from his Prison, to exhort *Jerome* of *Prague* not to come to *Constance*, for fear he should meet with the same Treatment. However *Jerome* was resolv'd to keep his Word at all Events, and there were some People at *Prague* that found Fault with him for tarrying so long before he went to the Assistance of his Friend and Countryman. He arriv'd at *Constance* the 24th of *April*, with one of his Scholars, as *Reichenthal* reports, who adds, that they enter'd the City privately, without being observ'd, because of the vast Concourfe of People that was then in the City. But his Stay there was not long; for being told that *John Hufs* was deny'd a Hearing, and that there was some Contrivance on Foot against himself, he retir'd with his Scholar to *Uberlingen* the very same Day, according to *Reichenthal*, but as others say, two Days after. 'Tis said moreover, that he withdrew in such Hast, that he left his Sword at the Inn where probably he made himself known. For Inquiry was presently made what was become of *Jerome* of *Prague*, but no Body could give any Tidings of him, after all the Search made by *Reichenthal* himself, who reports this Fact, and who had it in charge to give an Account of all Strangers that arriv'd at *Constance*. *Jerome* being safer at *Uberlingen*, wrote to the Emperor and the Lords of *Bobemia* that were at the Council, to desire a Safe-Conduet. But the Emperor flatly refus'd it, undoubtedly because it was not well taken that he had given one to *John Hufs*. The Council being afterwards pray'd to grant him one, they offer'd indeed to give him a Safe-Conduet to come to *Constance*, but not for his Return to *Bobemia*. *Jerome* no sooner receiv'd this Answer but he com-

(1) *John Hufs* was in much greater Credit than *Jerome* of *Prague*.

pos'd.

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pos'd a Paper in the *Latin, German, and Bobemian Languages*, which he address'd to the Emperor and Council, and sent to be fix'd up at all the Churches and Monasteries in *Constance*, as well as at the Cardinals Doors, in these Terms.

Narratio de Hieronymo. Oper. Hul. Part II. fol. 349 and 354. Theobald ub. sup.

‘ To the most illustrious and most invincible Prince and Lord, chose by the Grace of God, *Roman Emperor and King of Hungary*, and to the Sacred General Synod, I *Jerome of Prague* Master of Arts in the famous Universities of *Paris, Cologne, Heidleberg and Prague* make known to all by this publick Writing, that I am come to *Constance* of my own Accord, and without being forc'd to it, to answer my Adversaries and my Calumniators who defame the most illustrious and most celebrated Kingdom of *Bobemia*, and to defend our Doctrines which is pure and orthodox, as well as to prove my Innocence, not in secret, but in the Presence of the whole Council. If there be any Persons therefore, of what Order or Nation soever, who have a Mind to calumniate or accuse me of any Crime or Heresy whatsoever, I am ready to justify my Innocence and the Purity of my Doctrines, and to undergo any Punishment, if I am convicted of Heresy. In order to execute a Design so honest and necessary, I beseech your Imperial Majesty in the Name of God, to grant me a Safe-Conduct to come to *Constance*, and to return from thence with Safety. And if by appearing voluntarily as I do, I am put into Prison, and Violence is us'd against me, before I am convicted, the Council will manifest their Injustice to the whole World by such a Proceeding, which I cannot expect from an Assembly so sacred, and compos'd of Personages of such Wisdom and Learning'. This Writing having no better Effect than his Letters, he resolv'd to return to his own Country, after having furnish'd himself with a good Testimonial, which the *Bobemian* Lords gave him, to certify what Diligence he had us'd to give an Account of his Faith and Conduct. We will return in the mean Time to *John XXIII*.

John XXIII. notifies his second Flight to Lauffenberg.

April 5. V. d. Hardt, T. IV. p. 93 102. Propter metum qui merito cadere poterat inconstantem.

XXIII. THE News of this second Flight was quickly known at *Constance*, for he notify'd it himself not many Days after by a Bull which he sent from *Lauffenberg* to give an Account of it. It was not the bad Air at *Constance*, as before, that oblig'd him to retire. And indeed this Pretence would serve him no longer, because he found the Air no better at *Schaffhausen*, where he wrote Word at first he was so well. Here therefore he says in plain Terms, ‘ That he only left *Constance* to go to *Schaffhausen*, from a just Apprehension of being taken into Custody, and disabled from executing what he had promis'd in Favour of the Union of the Church, which he declares he has as much at Heart as ever. And in order to render the Council and the Emperor more suspected, he adds, that what Cause soever he had at *Constance* for Apprehensions, he would have ex-

pos'd himself to all Events, if he had not been afraid that when *Benedict XIII.* and *Gregory XII.* should hear of his being arrested, they would have taken that Violence for a Pretext not to resign, and that thereby all Hopes of suppressing the Schism would be at an end. That this same Reason had oblig'd him also to retire to *Lauffenberg*, with Precipitation too, and during a great Storm, having but just Time to celebrate Divine Service, because he was in as much Danger at *Schaffhausen* as at *Constance* (1). I leave the Reader to judge of the Sincerity of this Bull, and shall only observe, that if we may believe *Theodoric de Niem* his Secretary, it is not true that *John XXIII.* celebrated Divine Service before he set out from *Schaffhausen*. For this Author says expressly that he neither perform'd it himself, nor caus'd it to be perform'd in his Presence. The Council says also in their Apologetical Letter that he withdrew in Time of Divine Service, as will be seen in its Place. Nevertheless *Reichenthal* says that he did not go away till after it was over.

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XXIV. VARIOUS were the Consequences of this Bull. It very much confounded some of the Cardinals, as well as many of the Pope's Officers, and several Prelates of *Italy*, as well of those who remain'd at *Constance*, as of those who went away and were already return'd. What with the Hopes of seeing the Council dissolv'd by this second Flight of the Pope, and the Fear of losing their Fortune, if it was continued in Spight of his Absence, they knew not what to determine. However there was a great Number not only of Cardinals, (:) but Archbishops, Bishops, and Officers of the Pope's Court, who chose to follow *John XXIII.* in vain Hopes that the Council would be broke up. On the other Hand, the Emperor and the whole Council were extremely provok'd at the Pope's second Flight, but especially at the Reason he gave for it, tho' to speak the Truth, it did not appear to be altogether groundless. This oblig'd the Emperor to cause a General Congregation to be assembled to have another Hearing of the Report which the Archbishop of *Rheims* had already made of his Embassy to *John XXIII.* to the End that all Mankind might be convinc'd of this Pope's Fickleness. *Sigismond* complain'd in this Assembly that tho' the Pope had sent Word by this Archbishop, that he only retir'd to *Schaffhausen*, because the Air of *Constance* was not wholesome, and not for any Violence that he suffer'd, or apprehended there, yet he had now wrote the very reverse from *Lauffenberg*; and thereupon desir'd the Archbishop to give his Testimony to the Truth. This Prelate declar'd, ' That after the Pope went off, he

(1) This Bull is dated the 4th of April.

(2) *Reichenthal* names five Cardinals.

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was

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was deputed to *Schaffhausen* on the Part of the Ambassadors of the King of *France*; and that having found the Pope there, he shew'd the Orders he had receiv'd from his Collegues in the Embassy. That thereupon the Pope order'd him not to withdraw till he had given him with his own Hands, or caus'd the Cardinal *de Challant* to give him, some Commission for the Emperor his most Dear Son, and for the whole Council. That accordingly the Cardinal *de Challant* coming to him the same Day, enjoyn'd him on the Part of the Pope to assure *Sigismond*, that he had not left *Constance* for any Cause of Apprehension from, or Disgust with the Emperor or his Attendants, but for his Health; that he was dispos'd to do every Thing that he had promis'd to the Council, and that he had the same Affection for the Emperor as ever, and even desired to go with him to *Nice*, for the Union of the Church. That at the same Time the Cardinal *de Challant* gave him 4 Briefs, one for the Emperor, one for the Cardinals, one for the Ambassadors of *France*, and one for the University of *Paris*. That when he return'd to *Constance*, he made this Report to the Emperor in the very Expressions the Cardinal *de Challant* made Use of when he spoke to him in the Name of the Pope, without troubling himself with what the said Cardinal declar'd to him as a private Man. The Cardinal who was present at this Report, own'd that what he had deliver'd, was exactly what the Pope had order'd him to declare to the Archbishop; and he added, as of his own Head, that the Pope was not diffident of the Emperor, but of some Noblemen of his Court. This probably is what the Pope had order'd the Cardinal to say as from himself to the Archbishop, in order to salve the Contradiction. *Sigismond* had a Record of this Declaration of the Archbishop, as had also the Ambassadors of *France*, and *Benedict Gentian* in the Name of the University of *Paris*; after which, the Assembly proceeded upon other Affairs. They resolv'd, among other Things, to nominate three Commissioners of each Nation, to examine the Reasons of such as were for withdrawing from the Council, and for punishing those that should quit it without Leave. *Reichenbal* says, that upon this very Day the General Congregation caused *John XXXIII.*'s Seal to be broke, and order'd a new one to be made for the Council, which had on one Side the Heads of *St. Peter* and *St. Paul*, and on the other these Words, *The Seal of the Sacred Council of Constance* (a). But it appears that the thing was then only resolv'd upon, because we shall find hereafter, that the Pope's Seal was not broke till after he was depos'd. Pass we now to the fifth Session.

(a) *Reichenbal*, p. 19. and *V. d. Hardt*. T. IV. p. 96. Fifth publick Session in the Emperor's Presence.

XXV. THIS was one of the most important Sessions of the Council of *Constance*, with regard to the Authority of the Pope, and of General Councils. The fourth was but a Flea-bite as it were to

this,

this, because the Cardinals and the Deputies of the Nations having not agreed in their Facts, what Cardinal *Zabarella* then read, was look'd upon as null and void, and in this the Nations resolv'd to read the Articles over again, which had been read but imperfectly in the fourth; so that the whole properly turns upon this fifth Session. The Emperor was present at it, the Cardinal *des Ursins* presided, and the Archbishop of *Rheims* celebrated Mass in it. There's a MS. at *Vienna* which says, that both the King of the *Romans*, and the Cardinal *des Ursins*, presided in it. *Serenissimo & invictissimo Romanorum Rege Sigismundo, & Reverendissimo Patre Domino Cardinale de Ursinis presidentibus* (a).

1415.

SCHELSTRATE reports a Particular upon the Authority of the Vatican MSS. which I am surpriz'd not to have found in any of the MSS. of *Germany*, publish'd by *Dr Vand der Hardt*, and which probably is not in those of *France* neither; because if it were, *Sponde*, *Reicher*, *Maimbourg* and *M. Dupin*. who saw these MSS. would not have fail'd to mention it. 'Tis that the Cardinals and the Ambassadors of *France* made a great Scruple at first to come to this Session, because the Articles were to be read in it, such as they were agreed to before by the Nations; but that nevertheless, except 4 Cardinals who were sick, they were all there, tho' they had enter'd a particular Protest in the Vestry (1); That they were only come thither to avoid giving Offence, and that they did not propose to approve of what they were inform'd was therein to be concluded, and especially the Article, that the Pope and the other Members of the Council had enjoy'd full Liberty in it (b). I own, that I am at a Loss to account for this mighty Union betwixt the Ambassadors of *France* and the Cardinals, in a Point wherein the latter had nothing in View but to weaken the Authority of the Council, or even to dissolve it, if it assum'd too much Authority over the Pope. This Conduct is equally contrary, both to the Principles of the *French* at that Time, and to all their other Proceedings in Favour of the Council, and against the See of *Rome*. Moreover, the Authors quoted by *Schelstrate* to prove this Union don't mention it, nor does he quote the very Words of the Acts upon it, at least in the Affairs of the fifth Session; which might induce us to think, that perhaps *Schelstrate* has confounded these two Sessions, as he suspected *Maimbourg* to have done, and as may easily happen where there are old MSS. to decypher. Which Way soever it be, there were 8 Cardinals at this Session; viz. the Cardinal *des Ursins*, the Cardinal *de Lodi*, those of *Aquileia*, *St. Mark*, *Challant*, *Pisa*, *Saluces* and *Florence*; so that it was as compleat as any other. The Cardinals de Vi-

(a) V. d. Hardt
T. IV. p.
96. ex Cod.
Dorriano
Vindob.

(b) Schelstr.
Chron. Pol.
XLII. & Abs.
& Gest. 231.

(1) In Camera Paramentorum.

1415. *viers, Cambray, Venice, and Fiesque*, were at *Constance*, but the Reason of their not being present is not known.

The Articles of the Nations read all over again.

XXVI. *ZABARELLA*, who no Doubt did not care for the Disgrace of retracting, and condemning himself, having refused to read the Articles of this Session, the Bishop of *Pofnania* was appointed in his Stead. Though these Articles have already appeared more than once, either entire such as they were agreed to by the Nations, or curtail'd as they were read in the preceding Session; the Reader must bear with this Repetition, because of its Necessity. The first Article is (a), 'That the Council of *Constance* lawfully assembled in the

(a) *V. d. Hardt ubi sup. p. 98.*

Name of the Holy Ghost, and constituting a General Council which represents the Catholick Militant Church, has received a Power immediately from Jesus Christ, which all Persons of what Rank or Dignity soever, tho' Papal, are oblig'd to obey in Matters appertaining to Faith, to the Extirpation of the present Schism, and the general Reformation of the Church of God in its Head and Members'. *The Second is*, 'That whoever, of what Condition and Dignity soever he be, tho' Papal, shall obstinately refuse to obey the Decrees which this Council, and EVERY OTHER GENERAL COUNCIL LAWFULLY ASSEMBLED has already made, or shall hereafter make, concerning the Things abovementioned (1), and others there- relating, if he doth not repent, shall be subject to a Penance and Punishment adequate to the Offence, by recurring if necessary to other Methods of Law'. Upon this I cannot help observing, that

(b) *De Turrescremata.*

the Cardinal *de Torquemada* (b), a great Stickler for the Pope's Authority, has committed a very gross Blunder, to call it no worse, in his Book of the Church printed at *Lyons* in 1496; for he there affirms downright, that in this Article of the 5th Session, there is no Mention made of any other General Council, but of the Council of *Constance* only, as being assembled at a Time of Schism. He is the less excusable for mistaking in this Point, because, as he says himself, he was at the Council of *Constance* (2). Besides, he might afterwards have seen the Registers of this Article, which all have this Clause, *every other General Council lawfully assembled*, as the Nations had pass'd it. In the third, the Council 'forbids *John XXIII.* (who is still call'd Pope) (3), to transfer the Court of *Rome*, his public Offices and Officers elsewhere, or to compel them either directly or indirectly to follow him without Consent of the Council; ordering that if he has already attempted it, or shall attempt it hereafter,

(1) Namely, Faith, the Extirpation of the Schism, and the Reformation of the Church in its Head and Members. *Turrescrem. ubi supra.*

(2) *Nobis presentibus in minoribus constitutis.* He was made a Cardinal by *Eugene IV.* in 1439.

(3) *Dominus Johannes Papa* barely, without saying, *Our Lord, &c.*

' his

his Censures, Menaces, and fulminatory Bulls, shall be absolutely null and void, and that the said Officers may exercise their Functions at *Constance* with entire Freedom, as long as the Council shall last. *The fourth orders*, That all Translations of Prelates, Deprivations, Revocations of Benefices or Commands, Ecclesiastical Censures, Processes, Sentences, and Acts made or to be made by the said Pope, to the Prejudice of the Council and its Members, from the Beginning of the Council, (1) shall be void, and are hereby actually repeal'd. *The fifth declares*, that *John XXIII.* as well as the Prelates and all the other Members of the Council, have enjoy'd and do still enjoy entire Freedom, and that God and Man are Witnesses, that the Council knows nothing to the contrary. The Acts of *Vienna*, *Leipsick*, *Brunswick*, *Gotha*, and *Wolfembutte*, say, that after those Articles were unanimously approv'd, *Henry de Piro*, Proctor to the Council requir'd, 'in the Name of the Council itself, and of all that were present, that they might have Leave to receive one, or as many authentick Copies, as should be necessary for the perpetual Memory of the Thing, from the Reverend Fathers, the Prothonotaries of the Apostolical See, who were there; and from all the other Notaries and Scriveners deputed for that purpose by the Council, and from each of them in particular.' The Acts of *App. Labb. p. 1468.* the *Vatican*, which are in the Appendix to the Council of *Constance*, at the End of the Twelfth Tomè of Father *Labbe's* Councils, contain the same Thing exactly Word for Word; which it was proper to observe, to the End that it may appear, that the Decrees of the fifth Session were approved unanimously, and in the same Form as the Decrees of the other Sessions of the Council.

I FIND but these five Articles in the MSS. of *Germany*. Nevertheless, *Bzovius*, *Sponde*, and the others who have given the Acts of this Session, mention these other four: '1. That the Pope is obliged to renounce the Pontificate, not only in all the Cases declared by his Form of Resignation, but in every other, wherein his Abdication shall appear of evident Advantage to the Union of the Church; and that in this Respect, he shall be oblig'd to stand to the Declaration and Order of the Council. 2. That if, when requir'd by the Council, he refuse or delay to resign for the Sake of the Union; he shall from that Moment be deem'd as fallen from the Pontificate, and no Body is to obey him any longer. 3. That the clandestine Retreat of the Pope is unlawful, and prejudicial to the Union of the Church; that he ought to be summon'd to return to *Constance* to perform his Promise, and to be acquainted, that if he

(1) *A tempore incarnationis ejusdem Con-* since the Pope withdrew. *V. d. Hardt. T. cili;* in the 4th Session it was read only, *IV. p. 99.*

refuses

1415.

refuses or puts it off too long, he shall be proceeded against as a Favourer of Schism, and a suspected Heretick. 4. That if the Pope has a Mind to come to *Constance* and actually perform his Promise, he shall have Assurance given him, that he shall not be taken into Custody, nor committed to Prison, nor molested in his Person, or in his Estate, before or after his Renunciation, but that he shall be perfectly safe and free, under the Protection of the Emperor and the Council; and that Provision shall be made for his Establishment, after his Renunciation, by eight Commissioners, of whom 4 shall be at his own Choice, and four others nominated by the Council.

AFTER these Articles were unanimously approv'd, the Bishop of *Poznania*, who read them, propos'd some other Articles preparatory to the ensuing Session; particularly To write on the Part of the Council, to all the Kings, Princes, States, Communities, Academies, &c to acquaint all Christendom with the Pope's Flight, and the sure and free Continuation of the Council, notwithstanding his Absence: To establish Pains and Penalties for Deserters, because notwithstanding the Prohibitions, there were Persons that went away clandestinely and in a Disguise: To confirm and approve the Sentence pass'd by the Council of *Rome* (1) against the Books and Doctrine of *John Wickliff*, by burning the said Books: To appoint the Cardinals of *Cambray* and *St. Mark*, the Bishop of *Dale*, and the Abbat of *Cisteaux*, together with the Doctors of Divinity and Canon Law, to be Commissioners with full Authority in Matters of Faith (2), and particularly in what relates to the Doctrine of *John Wickliff*, and *John Hufs*.

Other Affairs regulated in this Session.

XXVII. THESE Propositions being admitted, the same Prelate represented, that it would be proper for the Council to desire the Emperor to invite *John XXIII.* to come back, on promising him all the Freedom and Honour possible. This Remonstrance being approv'd of, the Emperor made Answer, ' That he knew very well that *John XXIII.* was at *Lauffenberg* under the Protection of the Duke of *Austria*; but that he did not know whether he would be in the Humour to return to *Constance* when desir'd, nor whether the Duke would permit him. That in the mean Time, according to the Desire of the Council, he would write to the Pope to request him to return, and would send him a Safe-Conduct'. He also offer'd to go in Person to the Pope to bring him back to *Constance*, in Spite of the Duke of *Austria*, in Case the Council thought fit. So generous an

(2) As to this pretended Council, see the *History of the Council of Pisa*. Part II. 93, &c.

(2) The preceding Commissioners were only nominated to take Informations, and not to decide matters of Doctrine.
Offer

Offer had the Applause of the whole Assembly, but was not made Use of.

1415.

AFTERWARDS the Emperor gave Notice that he had sent Troops against the Duke of *Austria*, and before *Schaffhausen*, where there were several Cardinals and Officers of the Pope. That he had order'd *Frederick* Burgrave of *Nuremberg* his General, to signify in his Name to those Cardinals and Officers, that if they would return to *Constance*, he would give them Safe-Conducts, and re-conduct them and theirs with all manner of Security; but that they made Answer to *Frederick*, that they did not want his Safe-Conduct, because their Intention was not to follow the Pope, nor to go to *Constance*, but to return to *Rome*. That the Cardinals and others of the Pope's Officers at *Constance*, were of the same Mind. That nevertheless he protested, that according to the Opinion and Order of the Council, he was still ready to grant Safe-Conducts to the Pope, the Cardinals, the Officers of the Court of *Rome*, and all that were willing to return, and to bring them back very securely by his Men, and that such as refused these Offers would have none to blame but themselves, if any Violence was done to them, or if any thing fell out to vex them. At the same Time, the Emperor order'd all the Prothonotaries and Notaries to register the said Declaration. As the Cardinals were particularly concern'd in this Speech, *Zabarella* made Answer in his own Name, and in the Name of his Colleagues, most of whom were present, ' That after the Pope was withdrawn, all ' the Cardinals who remain'd at *Constance* agreed to follow the Pope ' and to stand by him, if he was inclin'd to execute the Resignation ' in the manner he had promis'd; but that if he broke his Word, ' they would break from him, and adhere to the Council. That as ' he had not yet said or wrote any Thing that could give Cause ' to judge that he was not willing to perform his Engagements, ' they had endeavour'd to salve his Honour. As to the Imputation upon the Cardinals of *Scaffhausen*, that they had said that ' they would neither come to *Constance*, nor follow the Pope, but ' that their Intention was to return to *Rome*; and as to the Charge ' upon those of *Constance*, of being in the same Disposition, he declares that neither He nor his Colleagues know any thing of that ' Matter, and that they cannot express their Surprise at such Reports ' (a).

(a) The Monk of St. Denis, L. 35. Cap. 11. p. 1023. *Labb. ubi sup.* p. 245.

XXVIII. THAT's all that pass'd in this Session, whose Decrees, and especially those that were made first, have given Occasion to great Controversies, and produc'd numberless Volumes for about three Centuries past, during which the Question *Whether the Pope is above a General Council, or whether a General Council is above the Pope*, has been very hotly disputed. The Character of an Historian excuses me, and

Controversy on the Superiority of the Council, or of the Pope.

1415. and even forbids me to enter into the Merits of this Controversy, as a Disputant on either Side of the Question. But I may be allow'd to make some Remarks upon Facts; which may help the Reader's Judgment of it. 'Tis certain that in the Council of *Pisa*, the Question was determin'd in favour of General Councils. For in the thirteenth Session *Peter Plaoul D. D.* of the University of *Paris*, and afterwards Bishop of *Senlis*, having maintain'd and prov'd by several Arguments in a full Assembly, that the Church represented by a General Council is above the Pope, the Bishop of *Navarra* confirm'd that Doctor's Opinion by the Suffrage of 103 Doctors, and several Licentiates of Divinity, as well as by that of the famous University of *Bologna*. In Pursuance of the Transactions of this Session, the same Council proceeded against *Benedict XIII.* and *Gregory XII.* and depos'd them, which is the greatest Act of Superiority that a Council can possibly exercise over a Pope. If we only except the discontented deposed Popes, and those of their Obediencce, who were not many in regard to all Christendom, the same Sentiment was generally espous'd down to the Council of *Constance*. In this Council the Question was again controverted with more Heat than in that of *Pisa*. But *John XXIII.* no sooner deserted, than *Gerson* made that famous Discourse in favour of the Superiority of General Councils, which was afterwards the Rule of the Decrees of the Council of *Constance* on this Subject. The Pope complain'd of it bitterly to the Archbishop of *Rheims*, when he was deputed to him at *Schaffhausen*, from the *French* Nation in the Council, and the Cardinals did then maintain in several Congregations that the Council was dissolv'd by the Absence of the Pope, because the Pope was above the Council. But notwithstanding this Opposition from the Pope and Cardinals, the Council after mature Deliberation pronounc'd the Decrees just now mentioned. Words cannot more strongly express the Superiority of a Council over the Pope, nor carry it higher than they do here. For it was there determin'd, *That a General Council represents the Catholic Church; that it receives its Authority immediately from Jesus Christ; that is to say without the Pope's Interposition: That the Pope himself is oblig'd to obey all the Decrees of such a Council without Exception; that the Council has Authority to prosecute and punish the Pope if he is disobedient:* And this in all the Cases of which a Council can be Judges. Such are all Matters relating to Faith, the Schism, or Union of the Church, and its Reformation in the Head and Members. This shews that they did not only mean a Council assembled at a Time of Schism, or Competition betwixt several Popes, but every other General Council, even supposing the Decree had not plainly express'd it by those Words, *and every other Council legally assembled.* 'Tis true that it may be objected, and so it actually was, that when this Decree was pass'd,

pass'd the Council of *Constance* could not be reckon'd a General Council, because all the Nations were not yet assembled in it, as they were afterwards. But I know not whether the Absence, and even the formal Opposition of one single Nation, and some private Persons dispers'd here and there, can hinder a Council from being deem'd General, which is assembled by a Pope canonically elected, and by the Emperor, with the Consent of all the rest of Christendom. I refer this to the Judgment of such as are concern'd in this Dispute, and shall only observe that all the Nations uniting afterwards, and unanimously approving the Council of *Constance*, it could then no longer be doubted but it was a General Council. 'Twas by Virtue of this Union that *Benedict XIII.* was depos'd, and *Martin V.* chose, who also approv'd of this Council very solemnly and without any Restriction. So that if there is Room for any reasonable Dispute about it, it must turn only upon this, *viz. Whether the Decrees of the Fifth Session of the Council of Constance, which establish the Superiority of a General Council over the Pope in any Case whatsoever, ought to be included in the General Sanction, which all the Nations and Martin V. himself gave to this Council, or whether they ought to be excluded out of it.* I resume the Thread of the History.

1415.

XXIX. As soon as the Duke of *Austria* retir'd to the Pope at *Schaffhausen*, the Emperor publicly impeach'd him and demanded Succours to oppose him as a publick Enemy. The Ambassadors of *France* and many great Noblemen, at the Sollicitation of the Cardinals, had in vain interceded with him in his Favour; for *Sigismond* being jealous of the Honour of the Council and his own too, and besides being no great Friend to *Frederic*, persisted in the Resolution he had taken, and declared he wou'd give him no Quarter. Therefore on the seventh of *April* he caus'd an Edict to be fix'd up at all the Gates of the Churches of *Constance*, and all the publick Places, summoning the Duke to appear, putting him under the Ban of the Empire, and absolving all his Vassals from their Oath of Allegiance. He wrote at the same Time to all the Cities of *Swabia*, *Switzerland* and Parts adjacent, that it would be a glorious and a meritorious Action to prosecute *Frederic* with Severity, as an Enemy to the Church and Empire, and a Disturber of the Council. A great many Lords Spiritual and Temporal who were disgusted with the Duke, or jealous of his Power, only wanted such an Opportunity to take off the Mask. Such were *Eberhard* Count de *Nellembourg*, Count *William* of *Montfort*, the Count de *Tangen*, the Count de *Werdenberg*, Count *Frederick* of *Toggenburg*, Count *John* of *Waldbourg* the Emperor's Steward. And the Duke upon this Occasion experienc'd the Ingratitude and Treachery of many of his Friends, who made Religion a Pretence to rob him, after he had glutted them with his Favours. The Emperor support-

Frederic of *Austria* put under the Ban of the Empire.

V. d. Hardt, T. IV. p. 103. Reichenthal Fol. 58. Naucler. Gerard Rood. Hist. Austr. P 138.

1415. ed all these Measures with an Army of about 40000 Men, which he divided into several Bodies to go and seize the Provinces and Towns of the Duke of *Austria*. They immediately took from him *Stein*, *Raynal ad an.* (1), *Dissenhoven* (2), *Frawensfeld* (3), *Winterthour* (4), and several little Places in *Swabia*. Some Historians say that the Bishop of *Coire* and the Count *de Toggenbourg* besieged *Feldtkirch*, a little City of *Tirol*, in vain, yet *Dacher* says it was taken. *Schaffhausen* being also surrender'd, in a little Time, purchased the Prerogatives of an Imperial Town from *Sigismond*, for a round Sum of Money. But the Emperor did not find the rest of the *Switzers* so easy to engage. They excus'd themselves a long Time from taking Arms against *Frederic*, by Reason of a Truce of 50 Years which they had made with him, tho' the Council had declar'd to them that they were not oblig'd to keep that Treaty with a public Enemy. But finding that they themselves were threatned with Excommunication and the Ban of the Empire, they were at length compell'd to take Arms, on Condition that the Emperor should make no Peace with the Duke, without including them, and that what they should acquire in this War should be their own for ever. Accordingly they have always kept Possession of the Country of *Argow*, which they then took, as well as *Baden* in *Switzerland*, *Mellingen* and some other little Towns in the Neighbourhood. The Elector Palatin, whose Sister *Frederic* had marry'd, took Possession of some Places in *Alsace*, which belong'd to the Duke, not as his Enemy, but in concert with him to preserve the Province. The unfortunate Duke, who thought himself shelter'd from the Storm by the Protection of the *Switzers*, was extremely alarm'd at this News. Being stript of great Part of his Dominions, prosecuted by his Enemies, abandon'd by his Friends and Allies, he did not know what Course to take. He did not think it safe to go and throw himself into the Emperor's Hands by courting his Favour, and he was no longer able to stand against him, notwithstanding all the Importunities of *John XXIII.* who saw no Safety either for the one or the other, but in Despair. To encourage him this Pope endeavour'd to make him believe, ' *That 'twas only a Storm which would soon blow over*; that it was impossible for the Council to subsist in his Absence; that as soon as it was dissolv'd, most of those Powers who had only taken Arms to maintain it, would lay them down; that then it would be easy to make Head against the Emperor; that neither Money nor Men would be wanting; that he would forthwith go and solicit Succours in *Lorraine* and *Burgundy*; and lastly, that as he had

Stumpfb. Hist. Concil. Const.
Fol. 44-

Gerrard Roo, ubi supr.

Bzo. ubi supr.

(1) A small Town in the Canton of *Zurich*.

(2) A Town of *Switzerland* betwixt *Stein* and *Schaffhausen*.

(3) Capital of the County of *Turgaw* in *Switzerland*.

(4) Another Town in *Turgaw*.

no Favour to hope for, neither from the Council nor from *Sigismund*, 1415.
 he had no other Course to take but to make a vigorous Resistance.

XXX. MEAN Time the Nations assembled every Day to continue the Affairs of the Council, as much as if the Pope had been present. In one of those Assemblies, four Prelates, viz. one of each Nation were deputed to the Cardinal *de Viviers* Bishop of *Ostia* and Vice Chancellor of the Church, to enjoyn him to perform his Functions usual. He promis'd indeed to hold the Chancellor's Courts, to sign Dispatches or Orders, and to do Justice to all Parties; but he declared that he could not hold a Consistory without the Pope's express Commands. Those same Deputies did also in the Name of the Council order the Cardinal of *Cambray* to continue to examin the Matters of Faith, relating to *Wickliffe* and *John Hus*, and to be ready to make a Report thereof when call'd for. This he promis'd as far as to the Discussion of Doctrine, leaving it to the Cardinals of *St. Mark* and *Florence* to prepare the Briefs for the Trial, as Men learned in the Law.

XXXI. THERE return'd next Day to *Constance* five or six of *John*'s Cardinals, an Archbishop and a Bishop of *Italy*, with some *Spanish* Prelates and Auditors of the *Rota*, (2) who no doubt thought it more advisable to lay hold of the Safe-Conducts which the Emperor had sent them, than to share the Fortune of Vagabonds. Those Passports were deny'd to no Body that were inclin'd to return to the Council. But as it appear'd they had no limited Time, it was observ'd that several made an ill Use of 'em, and that instead of returning to *Constance*, they kept them to make Use of at some other Time and Place, perhaps to the Prejudice of the Union of the Church. This oblig'd the Emperor, with the Consent of the Council, to call in all the Passports which he had granted, and were not made Use of within the Time. This Declaration is dated *April 13. 1415.*

XXXII. THE Pope who was still in a Consternation, left *Lauffenberg* also in the Night, in a Disguise, and went to *Friburg* in *Brisgaw* in the Diocese of *Constance*, of which *Niem* gives a very agreeable Description. (3). This Place, which at that Time was very strong and safe from

I i 2 Danger,

(1) *Anthony* Bishop of *Ragusa* for the *Italian* Nation, *Walter* Prior of the Order of *St. John* of *Jerusalem*, for the *French* Nation; *William Grac* Divinity Professor for the *English* Nation, *Peter Dettinger* L. L. D. for the *German* Nation. *V. d. Hardt, ub. supr. p. 104.*

(2) *Reichenbal* observes that no Body went to meet those Prelates, unless it was to ridicule them.

(3) Quod unum est de melioribus Oppidis, sive Castris Christianis inexpugnabile, pulcherrimis ædificijs, & stratis sive plateis amplis & bene dispositis, & alias ita bene ornatum quod est mirabile videre. Et per omnes vicos ejus est decursus aquarum. Et sunt in eo quatuordecim Monasteria diversorum Ordinum, Virorum & Mulierum. Et alia multa miranda, & per omnia speciosa, ampla & amœna.

1415. Danger in other Respects, rais'd his Courage and made him enlarge his Demands. For from thence he sent a Memorial, wherein he offer'd to resign only upon the following Conditions. 1. That the Emperor should grant him a Safe-Conduct in due Form, such as it should be dictated by his Holiness. 2. That it be resolv'd in Council the Pope should enjoy entire Freedom and Security, both before and after the Resignation, but especially that he be not molested do what he will. 3. That a Stop be put to the War undertaken against the Duke of Austria, not only for the Benefit of the Council, but to the End that the Pope may go and reside freely upon the Duke's Territories. 4. That after his Resignation he shall be perpetual Cardinal Legate over all Italy, or that he shall enjoy during Life the *Bolognese* and the County of *Avignon*, besides a Pension of 30000 Florins of Gold to be levy'd on the Cities of *Venice*, *Florence* and *Genoa*. *Theodoric de Niem* adds, that he demanded also to hold of no other Person whatsoever, and not to be oblig'd to give an Account to any Body, either of what he had done or might do hereafter.

Pro nullis gestis inquietari.

The Council's Apologetic Letter to all Christendom.

April 13.

V. d. Hardt, T. IV. p. 108.

XXXIII. THIS Memorial which was read in an Assembly of the Nations, only serv'd to confirm them in the Thought which they had before, that the Pope made a Jest of the Council, and that he only sought to gain Time, that he might get clean off by the Assistance with which he was flatter'd from the Duke of *Burgundy*. For this Reason the Nations met again next Day to concert the Letter which they had resolv'd to write to the Kings, Princes and several States of *Europe*, to the Academies, and all the Religious Houses, to justify the Conduct which the Council had been oblig'd to observe towards *John XXIII*. This is an important Piece not only to the History it self, but also for the better Discovery of the Motives and Springs by which the Council was acted in every Thing that had happen'd hitherto: After a short Recapitulation of what pass'd at the Council of *Pisa*, and afterward down to that of *Constance*, they represent, 'That in this last, wherein there were more Princes, Prelates and Doctors

na. Ita quod ipse Dn. Balthasar, & illi qui secum erant Curiales, intrantes ipsum Oppidum, illudque conspicientes ita esse notabile, de hoc valde commirati fuerunt. Et sunt homines illius Oppidi valde civiles, bene scientes regere seu politicare. Ubi etiam sunt bona Victualia, & in optimo foro. i. e. Which is one of the best Towns or Castles belonging to the Christians, being impregnable and adorn'd with very beautiful Structures and spacious Streets, well contriv'd and wonderfully adorn'd; and Water runs thro'

all the Streets. It has fourteen Monasteries in it of various Orders for both Sexes, and has so many other Things to be valued for their Beauty, Grandeur and Delightsomness, that *Balthasar* himself and his Companions entering the Town, and seeing it to be so very remarkable, very much admir'd it. And the Men of that Town are very civil and skilful in Government. Here is also one of the best of Markets and good Provisions. *Niem. ap. V. d. Hardt*, T. II. p. 399, 400.

than were ever seen in any other, *John XXIII.* having an Eye to
 his own Interest more than to the Union of the Church, had no-
 thing so much at Heart as the confirming of the Council of *Pisa*,
 which had depos'd his Competitors, and by Virtue of which he
 had been elected. But that the present Council, without pretending
 to derogate from that of *Pisa*, had unanimously given it as their O-
 pinion that the voluntary Resignation of the three Competitors was the
 most proper Way to procure the Union; and that it had been propos'd
 to *John XXIII.* with all the Civility and Respect that cou'd be. That
 having at first pretended to accept of this Expedition with a good Grace;
 and also solemnly sworn to comply with it effectually, all the Affairs of
 the Council went on in the most peaceable and amicable manner possi-
 ble. That upon the Pope's said Promise, the King of the *Romans*
 had promis'd upon Oath, to have an Interview with *Peter de Luna*
 and the King of *Arragon* at *Nice*, on the first of *June*, as had been
 agreed on with the Legats of *Benadict XIII.* and *Gregory XII.*
 That all these Conventions were made with admirable Agreement
 and Tranquillity. But that when they were to be put in Execu-
 tion, the Malice of Men, or the Instigation of the Devil, or ra-
 ther both together, rais'd a thousand Obstacles against it; of
 which one of the chief was the clandestine Retreat of several Pre-
 lates, with a View to get the Council dissolv'd. That upon Notice
 hereof, the Emperor was desir'd to set a Guard at the Gates of
Constance, till other Measures could be found out to hinder their
 stealing away, (1) of which the Motives and Consequences were but
 too plain. So that the Emperor, in pure regard to the Exhorta-
 tions of the Council, had caus'd the Gates to be shut half a Day
 only. That *John XXIII.* complain'd of this wise Precaution; as
 an Infringment of his Freedom, and a manifest Violation of his
 Safe-Conduct. That upon these Complaints, the Emperor had as-
 sembled the Princes, Prelates and Doctors to pacify the Pope and
 to satisfy his Doubts; that it was represented to him with all Hu-
 mility, that the Emperor had only caus'd the Gates of the City
 to be shut up at the Intreaty of the Council, and because some
 Prelates had stolc away; but that he was so far from proposing
 by it to give the least Shock to his Security or Liberty, that he
 was on the contrary ready to defend him against all the World;
 and to give him all the Security that he could desire, as well for
 his Residence at *Constance* as for his Retirement to any other Place;
 and if the Pope thought himself wrong'd upon this Occasion, he

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 V. d. Hardt,
 T. IV. p. 242,
 25.

V. d. Hardt,
 T. IV. p. 52,
 53, 54.

(1) *Suspiciabamur enim, quod postea clari-
 ssimus exitus nobis demonstravit, ne excogita
 quaedam ambitio impudentissimaque cupi-
 ditas id efficeret. i. e.* We suspected, as

the Event has clearly demonstrated, that
 some would be so ambitious, and so
 shamelessly covetous as to do this. *V. d.*
Hardt, T. IV. p. 55. and 109.

would a

1415. would submit to his Judgment and that of the Council; which having satisfy'd the Pope, the good Understanding betwixt him and the Emperor seem'd to be perfectly restor'd. That the Pope declaring afterwards that he had a Mind to go to *Nice*, there to execute his Resignation at the same Time with *Peter de Luna*, the Council thought it was better for the Pope to appoint Proctors to do it, because it was apprehended that for want of an Agreement with *Peter de Luna*, he would return no more to the Council, and that consequently the whole Scheme of the Resignation would fall to the Ground. That in the mean Time as they fear'd with very great Reason, and from the Experience of what had pass'd, some Collusion between *John XXIII.* and *Peter de Luna*, if they met together, it was signify'd to the Pope that his Presence was necessary in the Council for promoting the Extirpation of Heresy, and the Reformation of the Church, which he had promis'd to finish before the Council broke up. But that notwithstanding the fair Hopes he gave as to this Point, but three or four Days before, by himself and by Means of the Cardinal of *Florence*, who made so nervous and eloquent a Speech thereupon in his Presence; that there was no Body but thought that *John XXIII.* would continue in the Council to the last, or that if he withdrew from it he would return forthwith; notwithstanding these fair Hopes, we say, we were surpriz'd to hear that he stole privately out of *Constance* the 20th of *March* at Night, disguis'd in an indecent Habit, and repair'd to *Schaffhausen* to the Protection of the Duke of *Austria*. That the Council was so much afflicted at his withdrawing himself, as to shed Tears, the rather because there was no Instance known that even the worst Popes ever deserted a Council; for *Sixtus III.* (1) and *Symmachus*, when accus'd of enormous Crimes, were so far from running away, that they submitted to the Authority of the Councils by whom they were try'd. That *John XXIII.* not content with having escap'd in so scandalous and criminal a Manner, had sent menacing Orders to the Officers of the Court of *Rome* to come to him forthwith, tho' he was very sensible they were necessary in the Council; which Orders were comply'd with by several, and even by a great Number of Cardinals, most of whom were nevertheless already come back. That the Emperor (2) behav'd on this Occasion with so much Clemency and Equity, that he left every one at Liberty either to stay or go. That nothing was more easy than to have hinder'd *John XXIII.* from leaving *Constance*, his Design was

V. d. Hardt,
T. IV. p. 67.

(1) Father *Pagi* affirms, that the Acts which contain'd the Accusations of Uncleaness are spurious.

(2) This Circumstance is not clearly made out by the Acts.

so public; but that the Emperor made an open Declaration (1) in these Terms (2), *I had rather John XXIII. should retire of his own Accord, than to give him Cause of reproaching me, that I had shamefully broke my Word, and depriv'd any Person whatsoever of his Freedom.* That therefore the Apprehensions which the Pope pretended to be under, in order to excuse his Flight, must be look'd upon as no other than an idle Plea; for the least Shadow of Violence was not offer'd to him, unless it can be deem'd an Act of Violence to demand Things of People which are just and reasonable, when they are not so agreeable to their Inclinations, as they are to their Engagements. That when all is said and done there was nothing that might not be requir'd of *John XXIII.* for so great a Blessing as the Union of the Church, and nothing but what the Council had Authority to compel him to, if he would not consent to it. That it was very evident that his pretended Fear was only a frivolous Subterfuge, because the Cardinal *de Chalant* and the Archbishop of *Rheims*, who were sent to him at *Schaffhausen*, declar'd in his Name to the whole Council in the Emperor's Presence, that the Pope never had any Reason to mistrust him, but rather some of the Prelates. That consequently all Things being maturely consider'd, it was manifest that the Withdrawing of *John XXIII.* was for no other View but the Dissolution of the Council, in order at the same Time to hinder the Union and Reformation of the Church. That as they were on the Point of sending Deputies to him, to engage him not to go beyond *Schaffhausen*, that he might be more at Hand to treat about the Union, he withdrew suddenly upon *Good Friday*, during Divine Service, to *Lauffenberg*, and from thence afterwards to *Fribourg*, another Place belonging to the Duke of *Austria*; which plainly shew'd that there was no more Time to be lost, and that it was absolutely necessary effectually to remove the Impediments which *John XXIII's* Behaviour had already laid in the Way of the Church's Union, and those which might arise hereafter from his being withdrawn. That nevertheless all the gentle Methods should still be made use of to bring him back, either to *Constance*, or some other Place in the Neighbourhood, by offering him all manner of Security and good Treatment; and that two Cardinals had already been nominated with several Prelates and other Persons of Weight, to request him to come and perform his

v. d. Hardt,
T. IV. p. 94.

(1) *Hec verissima sunt, hæc Deum testamur cunctis fideiibus, i. e.* These things are most true, for which we take God to witness, with all the Faithful.

(2) How came it to pass that *Sigismund* did not act with the same Courage in re-

gard to *John Husi*, and that he listen'd rather to the Advice that was given him to let him lie in Prison, than to that which the *English* gave him to put *John XXIII.* under an Arrest?

• Promise.

I.

1415. ' Promise, and to declare to him at the same Time, that if he refuse
' he shall be proceeded against according to Law'. The Letter con-
(a) Von der cludes (a) with desiring the Assistance of the Prayers of all Christi-
Hardt, T. ans for the happy Issue of so great a Work.
IV. p. 108,

112. XXXIV. IN one of the Assemblies of the same Day, the Nations
Friars Men- came to a Resolution with respect to the Begging Fryars, which 'tis
dicant. necessary to mention. As those Monks were always very much at-
13 April tach'd to the Popes, by Reason of the great Exemptions granted
V. d. Hardt, to them, the Escape of *John XXIII.* was follow'd by the withdraw-
T. IV. p. ing of most of the Generals of the Orders who were at the Council.
107. 'Twas dangerous for many Reasons to suffer this Desertion. For be-
sides that there were, no Doubt, able Men amongst them of whom
the Council might stand in need, it was to be fear'd, that while ab-
sent, they would make Cabals in Favour of the Pope, and to the Pre-
judice of the Union of the Church. This oblig'd the Council to
forbid those who were still at *Constance* to withdraw from thence up-
on any Pretence whatsoever, and to order those that were absent to
return within thirty Days Time. Besides, they were enjoyn'd to as-
semble no Chapter during this whole Year, on pain of being depriv'd
of their Degrees. And if there happen'd any Competitorship for the
Generalship of the Order, they were enjoyn'd to agree in a Fort-
night on the Place and Time for holding a Chapter on that Head
next Year; and in Case they should not be able to agree on the Time
and Place, the Affair was referr'd to the Emperor to decide it by his
Sovereign Authority.

Death of XXXV. THE famous *Manuel Chrysoloras*, who bestirr'd himself
Manuel Chry- with so much Zeal for the Union of the Church, had not the Satisf-
soloras, his faction to live to see an End of its Troubles. I have elsewhere said
Epitaph and that this Learned *Greek* Ambassador had accompany'd *Zabarella* to
Encomium. *Lombardy* to settle the Time and Place for the Council with the Em-
peror. He went with the same Cardinal to *Constance*, where they
both died. *Chrysoloras* went off before the Cardinal, for he died the
15th of *April*, 1415. whereas the other did not die till *September*,
1417. *Chrysoloras*'s Epitaph is to be seen in the *Dominicans* Church
V. d. Hardt, at *Constance*, in the *Byzantine* Character, *Ante Aram banc situs Do-*
T. I. Proleg. minus *Manuel Chrysoloras Miles Constantinopolitanus, ex vetusto genere*
p. 10, 11. *Romanorum qui cum Constantino Imperatore migrarunt. Vir doctissimus,*
History of prudentissimus, optimus, qui tempore Generalis Concilij Constantiensis obiit,
of *Pisa*, Part ea existimatione, ut ab omnibus summo inter mortales sacerdotio dignus
II. p. 185. haberetur. Die 15 Ap. 1415. Conditus est apud Dominicanos. This
Epitaph tells us two Particulars, very much to the Honour of *Chry-*
soloras, one that he was descended from those old *Romans* who went
to *Constantinople* with *Constantine* the Great; the other that all Man-
kind thought him worthy of the Tripple-Crown. On one Side of
the

the Epitaph are these Verses writ in Gold Letters, and compos'd by *Aeneas Sylvius*, in Praise of *Chrysoloras*. 1415.

*Ille ego qui Latium prisca imitarier artes
Explofis, docui, sermonum Ambagibus, & qui
Eloquium magni Demosthenis & Ciceronis
In lucem retuli, Chrysoloras nomine notus.
Hic sum post Vitam, & peregrina in sede quiesco.
Huc me Concilij deduxit cura, trium dum
Pontificum Ecclesiam vexaret seua tyrannis.
Roma meos genuit majores, me bona Tellus
Bytantina tulit, cinerem Constantia servat.
Quo moriare loco nil refert, undique Caelum
Pœnarumque domus mensura distat eadem.*

i. e.

*I was the Man known by the Name of Chrysoloras,
Who by Periphrases now exploded,
Taught Italy the ancient Arts to imitate,
And brought again to Light the Eloquence
Of Great Demosthenes and Tully:
Here I am since Life, and in a strange Land I rest.
Hither I came to attend a Council, while
The Church was plagued by the cruel Tyranny of three Popes.
Rome gave Birth to my Ancestors, Byzantium to me,
But Constance has my Ashes.
No Matter where thou dy'st, since, whenever it be,
Heaven and the Place of Punishment are equi-distant.*

XXXVI. WHILE *John XXIII.* was dodging from Place to Place, Sixth Session all the necessary Measures were taken at *Constance*, either to bring him back to the Council, or to reduce him one Way or other to his Duty. This was the principal View of holding the sixth public Session, at which *John de Brogni* Cardinal of *Viviers* presided, as he will do hereafter, (1) in all the others, during the Vacancy of the Holy See, in Quality of Dean of the Cardinals, as has been already said elsewhere. The Emperor was at this Session as usual, (2) as were also all the

(1) If he did not preside before, 'twas because he was either Sick, or not in Town, or for some other Reason unknown.

(2) *Sedet Rex dalmatica & pluviali vestitus, diademate coronatus, Sceptro, Pomo Aureo, ac Ense per tres Proceres tentis, ac corona per alium quartum, quando ipse met eam ca-*

pite non gestaret, assistentibus ei duobus Cardinalibus a latera. i. e. The King sitteth in his Robes, crown'd with a Diadem, three Noblemen bearing the Scepter, Golden Apple and Sword, and a fourth the Crown, when he does not wear it on his Head, two Cardinals supporting him. Spondan from the King's Library at Paris.

K k

Cardinals

1415.

Cardinals then at *Constance*. *Nicholas Kurouski* Archbishop of *Gnesna* celebrated the Mass there. This Prelate made a very good Figure at the Council. 'Tis even said, that he had a great many Votes there for the Papacy, and that if he had pleased, he might have been advanc'd to that Dignity. His Encomium may be seen in *Dlugos's History of Poland* (3).

AFTER the Celebration of Mass, the Act of Resignation, which the Commissioners drew up to be sent to *John XXIII.* was read and approv'd. In this Act they make him declare, ' That having heretofore promis'd and sworn to resign, for fear lest the Execution of that Promise should be either hinder'd or retarded by any Accident, ' that he does of his own Accord and Free-will nominate such and such Proctors for his Resignation; and any two of them shall have the Power to execute it, notwithstanding any Opposition from the others, ' or from himself: That he promises and swears to the Catholic Church and to this Council, which represents it, not to revoke those Proctors either directly or indirectly, let what will happen, even tho' it were express'd in the Law; and tho' a Reason should arise, which upon any other Occasion wou'd justify the Recal of those Proctors. ' That he shall make no Alteration in this Act, in any Manner whatsoever, neither with Regard to the Form of it, nor with Regard to the Proctors thereby appointed; and that he expressly renounces all manner of Prerogatives which he might claim upon this Head, ' declaring void from this Time all Exceptions which he may make to it hereafter, as well as all Excommunications which he may fulminate himself upon this Occasion, or cause to be fulminated by others. That the Resignation made in his Name by the said Proctors shall be of the same Force and Authority, as if he had made it himself in Person; and that by his *Full Power* he supplies all Defects, Omissions or Nullities which may happen in this Act. That nevertheless he does not think himself disengag'd by this Procuration from the Oath which he has taken, to resign in all the Cases specify'd by his Promise, which shall continue in full Force till the Work of the Union be consummated; and that whatever Opposition he has made to it, even by the Advice of the Cardinals, he actually renounces the Pontificate from this Time forward, and absolves the Cardinals, Patriarchs, Archbishops, Prelates, all the Officers of the Court of *Rome*, and all Christendom in general from their Oath'. Afterwards the Council nam'd two Proctors out of each Nation to be join'd in Commission with those whom *John XXIII.*

V. d. Hardt,
T. IV. P.
116, 117.

(3) *Lib. XI. p. 467. Cramer de Reb. Polon. Lib. XVIII. p. 425.* There must have been two Archbishops of *Gnesna*, of whom one died in 1411. according to the *History of the Council of Pisa, Part II. p. 85.* upon the Authority of *Dlugos*.
should

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should nominate himself, viz. for the French Nation *Thibaud* Archbishop of *Besancon*, *William* Bishop of *Evreux*, *John* Bishop of *Geneva*, and *Benedict Geniau* a *Benedictin* D. D. For the Italian Nation, *Pile* Archbishop of *Genoa*, *Anthony* Bishop of *Concordia*, *James* Bishop of *Adria*, and *James* Bishop of *Trevigni*: For the English Nation *Nicholas* Bishop of *Bath*, *Robert* Bishop of *Salisbury*, *John* Bishop of *Litchfield*, *Thomas* Abbat of *St. Mary's* in *York*: For the German Nation *John* Archbishop of *Riga*, *John* Bishop of *Lytbomiltz* in *Moravia*, *Peter* Bishop of *Rypen* in *Denmark*, *Andrew* Bishop elect of *Posnania* in *Poland*. After this Nomination the Council confirm'd the Choice which had been made of the Cardinals of *St. Mark* and *St. Florence*, and of the other Deputies, to go and carry the said Procuration to the Pope. They had Orders to summon him to appoint Proctors forthwith, and to return to *Constance*, or else to resolve within two Days upon the Choice of *Ulm*, *Ravensbourg* or *Basil*, to repair thither in ten Days Time, and not to withdraw from thence till the Affair of the Union was finish'd, at least as far as was in his Power; and upon his Refusal of these Propositions, they were to demand a Bull of *John XXIII.* whereby he should declare that he was no longer a Pope; and the Council was resolv'd from that Time to proceed against him as against a notorious Heretic and Schismatic, in Case that he did not accept of those Proposals. But it was agreed at the same Time to suspend all manner of Proceedings, till they had his Answer; and to procure him an honourable Maintenance and Post, if it was agreeable to the Mind of the Council. Mean Time, as this Commission could not be executed without his passing thro' the Territories of the Duke of *Austria*, who was also Master of *Fribourg*, *Brisac* and some other Places in the *Brisgaw*, Safe-Conducts had been demanded of him, which were not yet arriv'd. This Delay giving Cause to suspect some Collusion betwixt that Duke and the Pope, it was agreed in the very same Session, that if those Safe-Conducts did not arrive before the next Session, *John XXIII.* should be publickly summon'd. Mean Time, the Council order'd again that the Cardinal *d' Ossia* shou'd dispatch and sign the Petitions, and do Justice to the Parties; and that if he refus'd they would proceed against him.

XXXVII. AFTER they had thus settled every Thing that related to *John XXIII.* they proceeded to other Affairs. In this very Session they appointed the Commissioners of each Nation to proceed against *John Husi*, to a definitive Sentence, ^{Jerom of Prague's Safe-Conduct.} *exclusively* according to some, *inclusively* according to others, viz. for the Italian Nation, *Nicholas* Archbishop of *Ragusa*; for the German, the Bishop of *Sleswic*; for the French, *Ursin* of *Talananda*; for the English, *William Core* D. D. These same Commissioners had Orders also to receive the Report of the Cardinals of *Cambray*, *St. Mark* and *Florence* concerning

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V. d. Hardt,
 T. IV. p.
 106, 119.

cerning the Prosecution and Condemnation of the Books and Articles of *John Hus*, as well the 45 condemn'd at *Paris* and *Prague*, as *Wickliff's* 260 Articles condemn'd at *Oxford*. One of the chief Transactions of this Session was the reading of *Jerom of Prague's* Safe-Conduct, which had been drawn up the 11th of *April* by the Deputies of the Nations. This Safe-Conduct, which is at the same Time a Summons. runs thus. The Sacred Synod forming a general Council at *Constance*, happily assembled by the Holy Ghost, and representing the Catholic Church militant, wisheth to *Jerom of Prague*, who calls himself Master of Arts of several Universities, that he may be discreetly wise, but that he be not wise over-much. Know that we have had Cognisance of a certain Writing which you caus'd to be fix'd up on *Quasimodo Sunday* at the Gates of the Churches of *Constance*. You declare by this Writing, that you are ready publickly to answer your Adversaries, who accuse you of the Crime of Error and Heresy, and of which you have been accus'd and defam'd among us in many Forms, especially with Respect to the Doctrine of *John Wickliffe*, and many other Doctrines contrary to the Catholic Faith, provided that a Safe-Conduct be granted to you, by Virtue of which you may come hither in Safety. As we have nothing more at Heart than to take the Foxes which ravage the Vineyard of the Lord of Hosts (Sabbath) we cite you by these Presents, as a Person violently suspected and accus'd of having rashly advanc'd several Errors; and we order you to appear here within a Fortnight, reckoning from the Date of this Summons, to answer, as you offer'd, in the first Session that shall be held after your Arrival, to every Thing whatsoever that shall be objected to you in Matters of Faith. For this End, that no Violence may be done to you, we give you by these Presents a plenary Safe-Conduct, *Saving nevertheless Justice, as far as it is incumbent on us, and as the Orthodox Faith requires*; certifying to you withal, that whether you appear at the said Term, or whether you do not appear, the Council by themselves or by their Commissioners will proceed against you as soon as the Term is expir'd. Given at *Constance* in a publick Session, *April 17, 1415.* under the Seals of the Presidents of the

(a) *V. d. Hardt*
 T. IV. p.
 119.
Reichenbal
 p. 205.

four Nations (a). THIS Citation or Safe-Conduct was publickly fix'd up next Day; and if we may believe *Reichenbal*, it came to *Jerom of Prague's* Hand. There's an important Remark to be made on this Safe-Conduct, *viz.* that it was not near so advantagious as that which the Emperor had granted to *John Hus*. The latter was pure and simple, without any suspicious Limitation, as *Varillas* own'd, and not such as is sent to a Person accus'd to repair to the Place where he is to be try'd. If these

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these Terms, *With a Salvo to Justice, and as far as is incumbent on the Council, and as the Orthodox Faith requires*, had been in the Safe-Conduct of *John Huss*, he would not have been so rash as to go to *Constance*, and the Council would have had more to say in Defence of its Violation. Besides, the Great Men of *Bohemia*, who were concern'd for *John Huss*, wou'd have been far from accepting a Safe-Conduct which did not protect him from the Secular Arm, in Case the Council should think fit to declare him a Heretic: 'Tis an idle Subterfuge, therefore, in the Jesuit *Rosweide*, and all others that have pretended to justify the Behaviour of the Council in this Respect, to say, as they do, that the Clause, *With a Salvo to Justice, and without Prejudice to the Orthodox Faith*, was understood in the Emperor's Safe-Conduct. Such Clause must be plainly express'd, unless there be a Design to deceive the Person to whom the Safe-Conduct is deliver'd: An Imposition too vile to be charg'd upon so great an Emperor.

XXXVIII. AMONG so many various Interests it was impossible that every thing which was transacted in the Council, should be equally approv'd by all the Parties. While some enter'd their Protests in Form of Law, others propagated defamatory Libels, which struck at the Honour of the Council in general, and of its Members in particular. A Decree was therefore read absolutely forbidding Pieces of this Kind against any Person whatsoever, on Pain of Excommunication and Imprisonment, till the Council could proceed more at large against the Guilty. They were oblig'd to renew these Prohibitions more than once.

XXXIX. ALL these Resolutions were approv'd unanimously. The Cardinal *d' Ostia* declar'd only for his own Part, that he would readily sign every Thing that should be agreeable to Justice, but that he would do nothing nor sign any Thing contrary to the written Law. *Gobelin Persona* reports that a certain Prelate made a Motion for excluding the Cardinals from the Assemblies which took cognizance of the Affair of *John XXIII.* and the Reformation of the Church, as they had been already excluded from most of the Assemblies wherein *John XXIII.* was concern'd. The Reasons upon which that Prelate founded his Motion were these. 1. That the Affair under Consideration being the Reformation of the Church in the Head and Members, *i. e.* of the Pope and Cardinals, they ought not to be Judges in their own Cause. 2. Because the Cardinals having elected *John XXIII.* tho' they were not ignorant of his Behaviour, they deserv'd rather to be punish'd than to be present at the Council, and to assist in the Choice of a new Pope. 3. Because they had given very great Suspicion by following the Pope, after his scandalous Flight, without having Leave for it; which shews that they approv'd of it. 4. That those who were return'd to *Constance*, and

Defamatory Libels prohibited.

A Proposal to exclude the Cardinals: *Gob. Persona Etat. VI. Cap. 94.*

v. d. Hardt. T. II. p. 285.

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‘ and some of those who remain’d there, having publickly maintain’d
‘ that the Council was dissolv’d by the Absence of the Pope, and that
‘ it could be no longer any thing more than a Conventicle, they had
‘ excluded themselves from it by so erroneous a Declaration, be-
‘ cause in Cases of Schism the Council is above the Pope and the
‘ Cardinals, and holds immediately of God. 5. Lastly, That for
‘ so long Time as the Dignities of the Pope and the Cardinals
‘ are not suppress’d, there is no Humane Power, nor Wisdom, not
‘ even all the Strength and Policy of the Council, can attain to the
‘ Reformation of the Church in its Head and Members, because the
‘ Pope will never want Creatures, by means of his Favours in Reser-
‘ vation and Reversion.’ *Henry de Sponde*, who mentions these Ar-
‘ ticles with great Indignation, was of Opinion, that they were hatch’d
‘ in the Brain of some Pettifogger and spurn’d by the whole Assembly.
‘ What the Council’s Resolution was upon them is indeed not known.
‘ I am strongly inclin’d to believe, that this Proposal was made upon
‘ some other Occasion, and that *Gobelin Persona* is mistaken, not only
‘ in the Circumstance, but in the Foundation of it, because there is
‘ no mention of it in the Acts, except in those of *Vienna*. Perhaps it
‘ was the Opinion of some private Man who might declare it in Con-
‘ versation, but it does not appear that the Council ever had an In-
‘ tention absolutely to exclude the Cardinals from having a Share in
‘ any of the Deliberations, as the Memorial pretends. All that was in-
‘ sisted on, was that they should only vote in Quality of the Members
‘ of their own Nations, and not as Members of the College of Car-
‘ dinals. Be this as it was, it will appear presently by the Memorial,
‘ which the Cardinals presented next Day, that the Prelates Memorial
‘ had made a Noise, and that they were alarm’d at it.

Letters from the University of Paris to the Council. *V. d. Har. T. IV. p. 121.*
XL. AFTER this *Benedict Gentian* read three Letters from the U-
‘ niversity of *Paris*, one to its own Deputies, the other to the Coun-
‘ cil, and the third to the Emperor. I will here give three of those
‘ Letters as they are insert’d by the Monk of *St. Denis* in his History
‘ of *Charles VI.* and as they are translated by *M. le Laboureur*, viz.
‘ the Letters from the University to the Council, to the Pope, and to
‘ the *Italian Nation*. That which was address’d to the Deputies of the
‘ *French Nation* runs thus.

*To the Reverend and Learned, our Trusty and Well-beloved, the Depu-
‘ ties by us sent to the Sacred General Council of Constance.*

‘ Reverend Doctors, and most dear Friends,
‘ WE are very much mov’d and extremely sorry for the withdraw-
‘ ing of our most Holy Lord; nevertheless depending on the Pro-
‘ mises which he has sworn, and desiring to promote the Accomplishment
‘ thereof

thereof with all the Care possible, we write to him in manner as followeth.

1415.

IT seemeth, most Holy Father, that the divine Goodness is ready to finish that great Work of the Peace of the Church, which from your Wisdom and Piety you have pursued with so much Pains and Cost, if the Intentions of the Sacred Council of *Constance*, and of your Holiness correspond, and provided that both Sides are-acted by a godly Passion, over which the Malice of the Enemy of this Sacred Union cannot prevail. May it please the Holy Ghost to descend upon your Assembly, and to incline their Minds to Peace and Union, to which we cannot but think you are determin'd from an Inspiration altogether divine, considering the Proof we have of the Care you have taken of it, and of the Method you have chose to resign and voluntarily to renounce the Pontificat, as the others also do, who were depos'd by the Council of *Pisa*; and finally considering the Vow and Oath you have made to embrace all Means, and to reject none that shall be thought fit for attaining to this Union. In this you have made a Discovery of Sentiments of singular Piety, Religion, and that Compassion which a good Father has for his Family. For if *Solomon* awarded the Child to her who chose rather to lose the Name and Title of Mother than to suffer it to be so cruelly divided and cut in twain, we cannot sufficiently esteem a Sovereign Pontiff, and he cannot testify a more paternal Love than generously to offer to resign his Dignity, and to prefer the Re-establishment and Reconciliation of the Church, which has been so deplorably divided for a long time, to the Excellency of a Rank and Dignity so exalted. Your Holiness by that verbal Engagement and Promise seems to speak the Mind, not only of the Sacred Council, but of all Mankind; for as it is the most zealous and earnest Desire of all Christendom, so 'tis the most just. 'Tis true, Most Holy Father, that Reasons may be assign'd for your remaining in *statu quo*, and not suffering your self to be dethron'd from the sovereign Pontificat; but as you are oblig'd to make Use of all the Means for winning Souls to God and preventing Division, it was equally glorious and necessary upon this Occasion, to have Regard to the Salvation of so many People, Kingdoms and Nations, which have the same Design in View as the Council, and which might be expos'd to a Dissention pernicious to the Church and their Consciences. As it already appears by what you have promised and sworn, that you have prefer'd the Peace and Welfare of Christendom to your own Greatness, if this generous Design is attended with the Consequence which is expected from it, the World will eternally ring with your Praises, and by the voluntary renunciati-

on

1415.

' on of an Honour so short liv'd, you will, with the Merit of an im-
 ' mortal Reward, render your Name the most illustrious in the World.
 ' One Thing only makes us doubt of this, for we are somewhat scrup-
 ' pulous, Blessed Father, at the News we have receiv'd of your with-
 ' drawing from *Constance* to *Scaffhausen*. This is not a Place more
 ' becoming the Dignity of the Sacred Council, nor so proper for the
 ' Accomplishment of an Affair of so great Importance, and were it
 ' so, yet as *Constance* was chose by your Holiness, so your Orders
 ' were humbly obey'd, and it was more agreeable than any other
 ' City, because 'tis large, rich and handsome; which obliges us to
 ' own to you ingenuously, that this Alteration cannot but make the
 ' Disease worse, which is undertaken to be cur'd. Your Holiness was
 ' there supported by the Presence of the most amiable, most christian,
 ' and most invincible Emperor, who was capable of giving you all
 ' the necessary Security to protect you against all Manner of Injuries:
 ' You was there accompany'd by the Sacred College of Cardinals,
 ' which wou'd have fought for the Preservation of your Person, and
 ' for the Maintenance of your Honour and Glory. The whole
 ' Church in Obedience to you was assembled there in Numbers much
 ' superior to your Enemies, and the *French* Nation, which is not the
 ' smallest Part of that Assembly, would not have suffer'd that the
 ' least Word shou'd be said to affront you. Where then is the Place,
 ' Most Holy Father, in which your Person can be treated with more
 ' Honour, Security and Veneration, than in a City wholly devoted to
 ' you, and which you have chose, than with your Church, than with
 ' the most Christian Emperor, and with so many other considerable
 ' Persons, who wou'd have rejoic'd with you every Day for your
 ' Clemency's generous Resolution and sacred Oaths? There is no Per-
 ' son so ignorant, so little acquainted with the Affairs of our Religi-
 ' on, nor so unconcerned in the publick Welfare, that can doubt, that
 ' as long as your Holiness shall persevere in your Intention to give
 ' Peace to the Church, the Sacred Council and all its Members will
 ' pay you all the Honours and Respects that a Man can receive. After
 ' this, 'tis left to your Holiness's Consideration, most gracious Father,
 ' what the World may think of you for withdrawing thus from the
 ' Sacred Council, when the Business in Hand was to find out Ways
 ' and Means for Peace. Men are not at Liberty to depart from their
 ' Sentiments upon such an Occasion, and there is no Reason that can
 ' justify your withdrawing, or that can admit of any Pretence in com-
 ' petition with the Importance of so sacred an Assembly; nor can any
 ' one be of a contrary Opinion, who is convinc'd by the unshaken
 ' Foundations of the Sacred Council of *Pisa*, to which the most
 ' headstrong and obstinate ought to submit. God forbid, blessed Fa-
 ' ther, that your Holiness shou'd separate from the Sacred Council in

' an

an Affair of so great Importance ; and as this wou'd be separating from the Church of God, do not deprive your Name of that Glory, nor by your Absence leave the Council all the Honour of treating about and determining an Affair of such Consequence without you, while the Glory of it shou'd be yours. Most Holy Father, be you the first Mover of it, and may your Perseverance render you most zealous for the Consummation of so great a Work. This is what we beg of your Holiness and conjure you to for the Honour of the Church, from which there is no Separation without Destruction, and for the Sake of that Peace which you owe us, and which we have obtain'd by the shedding of the Blood of Jesus Christ. Remember the Bowels of God's tender Mercy, keep true to your Sacred Vow and to the solemn Oath you have taken, and return to *Constance*, to your Brethren and Children so affectionate, or rather to the Church of God, and your Church in order to grant universal Peace in conjunction with the Council, which is there assembled for that End, to the Lord's Flock, in which the Ambition for the Papacy and the Passion for Governing, keep up a scandalous Division. May your Holiness never follow this wicked and pernicious Advice, to endeavour the retarding of the universal Peace by the Means of your Departure, and under Pretence of taking Time to perform your Oath. Shou'd the Prelates waste themselves in Expence and Fatigue, shou'd the Holy Synod be dispers'd; all these fine Undertakings wou'd fall to the Ground, and cou'd not be taken up again but with more Danger ; and on the contrary your Holiness ought speedily to acquiesce in the Councils of the Sacred Synod, nay by your Authority you ought to see its Statutes happily executed.

Now as we have great Hopes in our Lord, of the Resolution, Power and Vigour of this Council of Constance, whose Resolutions we will openly support, we persuade our selves, that you will join all your Efforts with its holy Instructions, that through your Care every thing will go better and better, and that your happy Labours will bring Affairs to this desired Peace. This is what we exhort you to, and we even pray you to signify our Sentiments just as they are express'd in this Letter to the whole Assembly, and to let us have good News from you oftner. May it please the Most High to direct your Thoughts and Designs, and to bless your Persons with all manner of Prosperity.

Given at *Paris* in our General Congregation, expressly assembled for that Purpose in *St. Bernard's* Convent, the Second Day of *April*.

THE RECTOR OF THE UNIVERSITY OF PARIS.
L I L E T

1415.

LETTER from the University of Paris to the Archbishops, Bishops, and Doctors of the Italian Nation.

‘ Most Reverend Fathers and Lords,

‘ **W**E thought it a happy Beginning for the Affairs of the Church
 ‘ of God, that by his Inspiration, and by your Concurrence,
 ‘ and from Motives worthy of your Vocation, our Lord the Pope
 ‘ was induc’d to promise and swear, to accept the Method of Resig-
 ‘ nation. We return’d Thanks for it to God with so consummate an
 ‘ Alacrity of Mind, and with such Veneration for the Sacred
 ‘ Council of *Constance*, as if we thought it wholly divine. But we
 ‘ are perfectly surpriz’d to hear since, that our said Lord has with-
 ‘ drawn himself in such a manner, since he had Reason to expect as
 ‘ much Glory and Honour from it, as the Church could reap Be-
 ‘ nefit. We cannot think, but such his withdrawing must be preju-
 ‘ dicial to the Union, and the rather because ’tis but too true, most
 ‘ Reverend Fathers, that several Usurpers or Pretenders to the Pon-
 ‘ tificat have often given us fair Words, and afterwards convinc’d us
 ‘ that their Intentions were quite contrary to their Promises. Not
 ‘ that our filial Devotion will admit of such a Thought with respect
 ‘ to our Most Holy Father, but we ought always so to act, that no
 ‘ Mark of Schism may remain to offend our Enemies. You know
 ‘ how dangerous it is for the Peace of the Church, that the Pope
 ‘ shou’d withdraw from the General Council, and how mischievous it
 ‘ is for the Council to abandon the Pope. Therefore we wou’d
 ‘ exhort your generous Nation to persist constantly in your Resoluti-
 ‘ on to persuade our said Lord the Pope to return to the Council
 ‘ without any more Excuse, in order to prosecute and accomplish what
 ‘ he has vow’d and sworn for the Peace of the Church, for which you
 ‘ also ought to be so much concern’d. May it please the Supreme
 ‘ Trinity to protect your most noble Nation. Written in our General
 ‘ Congregation held at St. *Bernard’s* for this Purpose the 2d Day of
 ‘ *April.*’

THIS Letter was receiv’d the 21st of the said Month, and presen-
 ted by two venerable Doctors of the said University residing at the
 Council, with this Superscription. ‘ To the Reverend Fathers in
 ‘ Jesus Christ, the Archbishops, Bishops, Doctors, and others repre-
 ‘ senting the *Italian Nation*, in the Sacred and Universal Synod of *Con-*

‘ *stance.*’

'*France.*' It was subscrib'd, Your good Friends the Rectors of the University of Paris. (1)

1415.

As to the Letters from the said University to the Council and the Emperor, they only contain Applauses, Exhortations to pursue the Affair of the Union, notwithstanding the Pope's Absence, and all the Opposition of his Adherents, with Offers of Service, and Engagements to submit to all the Decisions of the Council. Lastly, in this same Session the Letter was read from the Council to all Christendom, and particularly to the Kings of *France* and *Poland*; after which they broke up.

XLI. THE Day after this Session the Cardinals gave in a Memorial to the Nations, to establish their Right of being present and voting in the Assemblies held for treating of the Union and Reformation of the Church; from which some were for having them entirely excluded. The Memorial follows with the Council's Answer to each Article. The Cardinals represent in this Memorial.

'THAT as some make it their Business to debase the Church of *Rome*, the Cardinals have thought fit to convince the Public of the Preheminence of that Church, by the following Arguments.'

1. THAT according to the Canons and to the Tradition of *Jesus Christ* the Church of *Rome* is the Mother, the Mistress and the Head of all others, and that the contrary Opinion is implicit Herefy'.

The Answer of the Council. This Opinion however is not contradictory to any of the Articles of Faith contain'd in the Creed.

2. THAT the Church, as Mistress of all the Churches, ought also to be deem'd the Head thereof. And 3. That the Church of *Rome* being the Head of all Churches, is also the Head of a General Council, and of the Catholic Church, which is compos'd of all the particular Churches.

The Council's Answer. As to the Word *Head*, even tho' it were granted that the Church of *Rome* is the Head of the other Churches, it should not tend to the keeping up of the Schism. 'Tis true indeed, that the Church of *Rome* may be the Head in a Council assembled to try and condemn Herefy. But 'tis not so when the Business of their meeting is to extirpate a Schism, of which the Cardinals themselves have been the Authors, because they wou'd be Judges in their own Cause, as is prov'd by the Canon Law. (*Distinct. 79. Cap. I, II, IV, VIII, IX.*)

(1) The Monk of *St. Denis* Hist. of *Charles VI.* Lib. XXXV. Cap. XIII. p. 1027 to 1030.

1415.

4. THE Church of *Rome* is in Possession of this Preheminence of Power and Authority, not so much by Human Tradition, as by Divine Tradition; according to which the Apostle *St. Peter*, the Vicar of *Jesus Christ*, and all his Successors are acknowledged to be the Heads as well of the Church of *Rome* as of the Catholic Church. From whence 'tis clear that the Authority of the Pope or of the Church of *Rome*, and of the general Council, proceeds immediately and originally from God, (immediatè & principaliter), tho' it depends on the Ministry of Man, and the Human Power (*ministerialiter*), because the Pope is created by the Election of the Cardinals, the Cardinals by the Authority of the Pope, and the General Councils by the Summons of the Pope, or some other lawful Power.

The Council answers, That to the Word *Power* CANONICAL should be added. And for this they quote the Decree of (a) *Nicholas II.* at XXIII. Cap. the *Lateran Council*, concerning the Election of the Popes. I. ad ann. 1059.

5. THE Church of *Rome*, which is principally represented in the College of the Cardinals and the Pope, is the chief Party or principal Member of a general Council; and the Pope or his Legat in his Absence ought to preside and decide therein definitively, unless there be any Objection to it founded on the Divine Law.

THE Council makes no Scruple to agree to this Proposition *Take all Things together, (ceteris paribus)*. This is prov'd by the Canon Law, whereby it appears that towards the close of the fifth Century, *Theodoric King of the Goths* assembled a Council at *Rome* in the Affair of *Symmachus* (i).

6. THE Church of *Rome* as well as the general Council, represents the Catholic Church, tho' not equally.

As to this, the Council observes that the Word *equally* is very aptly apply'd, because the *World* is bigger than the *City* (*major orbis urbe*). From whence they infer that the Church of *Rome* is not the Catholic Church, but only the principal Part of it. From thence it comes that 'tis forbidden in the Law, to call the Pope Catholic Bishop.

(a) *Distin.* XCIX. Cap. III. 7. IN case of the Death or Absence of the Pope, the Church of *Rome* is sufficiently represented by the Cardinals present at the Council; especially if they are establish'd for that End by Apostolical Authority, or by the Approbation of the Council.

8. THE Church of *Rome* is of so great Authority that nothing ought to be decided without it, or without those that represent it, unless it evidently appears that the said Church or the College that represents it, obstinately affects to be absent, or is in an Error; in which Case it shall be lawful to proceed without, and e-

(i) In the fourth Council of *Rome*, assembled under that Pope. *Distin.* XVII. Cap. VI. *Pagi. Brev. Gest. Pont. Rom.* T. I. p. 242.

'ven contrary to her Opinion'. I will give the Council's Answer to this in the Note, because I don't well understand it (1).

1415.

9. As the Right of reforming all the Members of the Catholic Church, appertains to the Church of *Rome*, she ought to be heard with Respect in a general Council, when a general Reformation is the Business in Hand, instead of being excluded from such Council; and tis but Justice to hear every State in particular, which is propos'd to be reform'd, and to acquaint it of the Decrees concerning it. Consequently there's nothing more silly and indecent, than what some People say in Public, *We will summon the Cardinals when we please, but not when the Business in Hand is to reform them*; for 'tis in the Breast of the Cardinals themselves to summon and try those who talk at that rate.

THE Council answers, That this is not vain Language, because the Affair in Hand is the Choice which the Cardinals have made of a Pope incapable or improper for that Dignity. Moreover the Pope being accus'd of several Crimes, he is oblig'd to purge himself, after the Example of *Leo IV.* and other ancient Bishops, who justify'd themselves before the Emperors, the Kings, and the General Councils.

10. THE Privileges and Liberties of the Church of *Rome* being founded partly in the Divine Law and partly in the Humane Law, and approv'd by Custom, the General Council cannot justly deprive her of it, but by the Authority of that Church, or from some Reason founded on the Human Law.

THE Council answereth, that they are authoris'd to act as they do, and that they injure no Body by exercising their Right. One might, say they to the Cardinals, very well apply to you the Words of St. Paul, (a) *The Husbandman that laboureth must be first Partaker of the Fruits*: But ye do the contrary. We labour and ye seek to reap the Fruits of our Labour, not only first, but even ye will not let us have them last. For in the beginning, from the First, you extend your selves so far that it seems as if you would engross every Thing.

(a) II. Tim. ii. 6.

11. WHEN the Interests of the Church of *Rome* fall under the Consideration of a General Council, no Suffrages ought to be admitted but those of discreet and learned Persons, and such as are well vers'd in the Divine and Human Laws, otherwise it would be like blind Mens judging of Colours.'

(1) *Responsio Concilij.* Nota, quod isti duo articuli, sc. Romana Ecclesia, Papa auctoritatis est, &c. non procedunt, nisi sub distinctione, prout in præcedentibus tactum & discussum est in *ghyfellis*.

1415. *The Council answers*, that 'tis to be suppos'd that such as are there are all of this Character, or that if any are deficient in Knowledge, their Zeal and Piety will supply it; for Knowledge puffeth up, and Charity edifies (a).

(a) *V. d. Hardt*
T. II. p. 282,
296.
Disputes be-
twixt the Di-
vines of the
Council con-
cerning the
manner of
Wording the
Decrees.

19 April, &c.

V. d. Hardt,
T. IV. p.
136.

XLII. IN the sixth Session the Commissioners appointed for Matters of Faith, were order'd to prepare them to be laid before the Council. It was requisite to begin with the Doctrine of *John Wickliffe*, which had given Occasion for that of *John Hufs* and *Jeroms* of *Prague*. The Doctors having therefore consider'd all *Wickliff's* Articles for many Days, there was nothing to be done but to form the Decree for condemning them. But a new Dispute arose about this, among the Divines, which added to other Affairs retarded the seventh Session till the second of *May*. The Point in Dispute was whether *Wickliff's* Doctrine should be condemn'd in the Pope's Name in these Terms, *We, such a Pope, by the Approbation of the Council condemn, &c.* or whether it should be condemn'd only in the Name of the Council, without mention of the Pope in these Words, *The Council condemneth, &c.* In an Assembly of Doctors which was held thereupon, the Cardinal of *Cambray* argued for condemning *Wickliff's* Doctrine, in the Name of the Council only, without making any mention of the Pope, because the Council is above the Pope, who is himself only a Part of the Council. But out of forty Doctors in this Assembly there were but twelve of this Prelate's Sentiment; the others maintain'd that the Council having no Authority but by the Pope, who is the Head of it, 'tis the Pope who ought to pronounce definitively, and who by Consequence ought to be nam'd at the Head of the Decrees, without making any other mention of the Council, than to express its Approbation. *Peter d' Ailli* in spite of this Opposition defend'd his Thesis stoutly, and did not spare to say that the *Council was so far above the Pope, that they might depose him*. The Divines who were not of his Opinion did not fail to give Notice to *John XXIII*. But as soon as *Peter d' Ailli* was inform'd of it he wrote himself to the Pope that he wou'd give an Account of his Conduct and his Opinion to the Cardinals and Divines assembled in Council.

Peter d' Ailli's
Memorial,
V. d. Hardt,
T. VI. p. 60.
& Op. Ger-
s.n. Part II.
p. 950.

XLIII. THIS he did by the following Memorial, which is inserted in the Treatise that he compos'd at *Constance*, touching the *Authority of the Council over the Pope*, where he maintains his Opinion by these Arguments, ' 1. That several Decrees of the Councils, and even several Popes have express'd themselves after this manner, *The Council ordereth, or determineth, Witness the Council of Jerusalem, which speaks on the Part of the Assembly, and not on the Part of St. Peter* in particular. ' 2. That Pope *Gregory* having said that he held the four General Councils in equal Veneration with the four Gospels, for this Reason, because they were establish'd by Universal

Consent; it follows evidently from thence that 'tis the Prerogative of General Councils to decide in Matters of Faith. 3. That the Authority of the Council over the Pope takes Place, especially in Cases where Judgment is to be given between Rival Popes, as hap- pen'd in the Schism of *Symmachus* and *Laurence*, where the Bishops assembled by *Theodoric* speak in the Council's Name, and not in that of the Pope. 4. That 'tis an Error, and even according to some a Heresy to maintain as some do, that the Council has no Authority by it self, but only by the Pope, who is the Head of it, because it wou'd follow from thence, that the Council of *Pisa* wou'd be of no Authority, having not been assembled by any Pope, and that by Consequence the Election of *John XXIII.* wou'd be naught, because he had succeeded *Alex. V.* who was chose by that Council. 5. That the said Council was above the Pope, because it depos'd two of 'em, and that any other General Council may do the same. 6. That the Council with the Pope, when he is present, constituting but one and the same Mystick Body, of which the Pope is the Head; it cannot be said, that one Member only has more Authority than the whole Body. 7. And lastly, That from thence may be inferr'd, how far some Civilians are mistaken, who pretend that none but the Pope has a Right to decide in a Council; that the Council can only advise; that the Pope may, if he think fit, reject the Advice or Opinion of the Council, whereas the Pope's Sentiment must absolutely be adher'd to, even tho' it were opposite to that of the Council. In order to shew the Error of this Opinion, the Cardinal maintains, That the Catholick Church, and by Consequence the Council, which represents it, has receiv'd from Jesus Christ, and not from the Pope, the Privilege of being infallible in Faith, a Privilege which the Pope has not, because he may err.

1415.
In the 5th
Century.

XLIV. IT was on that same Day the 19th of April, that as the Cardinals of *St. Mark* and *Florence*, with the Deputies of the Nation, were preparing to go to the Pope, there was an Assembly to give them their final Instructions. Besides the Orders which they had to demand of him a Procuration which shou'd please the Council by such a Term, they receiv'd other very positive ones for their Behaviour in this Negotiation. For they were not to speak separately to *John XXIII.* but always in a Body, nor treat with him directly or indirectly about any Affair but that which was given them in Commission, till they should give an Account themselves, which they were order'd to do in twelve Days, at the Expiration of which, if they did not return, it was declar'd to them, that they must hold themselves recall'd. I know not if they did not act contrary to their Orders by charging themselves with a particular Memorial, which the Patriarch of *Antioch* address'd to the Pope, and wherein he maintain'd these two Theses:

Cardinals
deputed to
John XXIII.
19 April.
V. d. Hardt.
T. IV. p. 139.

1415. Theses: The one, *that the Pope is superior to the Council*; the other, *that Decrees are to be form'd in the Name of the Pope and not in the Name of the Council.*

Memorial of the Patriarch of Antioch for the Pope's Superiority. *V. d. Hardt. General Council. T. II. p. 295. & T. VI. p. 64.*

XLV. To the End that the Reader may be enabled to judge of this Controversy, 'tis necessary to give the Arguments of the Patriarch of Antioch, as I have done those of the Cardinal of Cambray. The first Question therefore was, *Whether a Catholic Pope be subject to a General Council.* The Patriarch maintains the Negative with all his Might by several Arguments taken from the new Canon Law. The first is borrow'd from a Letter (1) ascrib'd to Anaclet, which is in the Body of Laws, where this Pope is made to say, that the Church of Rome has receiv'd the Preheminence over all Churches and all Christian People, not from the Apostles, but from Jesus Christ himself; from another Letter which Pope Leo I. must have written in 445 to the Bishops (2) of the Province of Vienna, upon the Disputes between the Bishop of Arles, and the Bishops of that Province, wherein this Pope says, *That the Power which Jesus Christ has given to the Mystick Body of the Church resides to that Degree in St. Peter, that thro' him 'tis diffus'd over the whole Body*; and finally from a Letter of Pope Nicholas II. or rather Peter Damianus, written about the Year 1060, wherein this Pope condemns those for Hereticks, *who wou'd deprive the Church of Rome of the Preheminence granted to it by Jesus Christ.* As to this, the Patriarch of Antioch admonishes those who plead for the Superiority of the Council over the Pope, to be very careful how they oppose this Sentence of Pope Nicholas, *there being not, says he, any authentick Witness to prove, that ever St. Peter, or any of his Successors gave any Superiority to a General Council over the Pope.* The Patriarch's second Argument is founded upon the *Fulness of the Pope's Power*, which is an Attribute that fits him alone, the other Churches being only Sharers of his Care, without having any Share in that full Power, according to the Decision of Gregory IV. in a Letter address'd † to all the Churches of Christendom, concerning the *Nullity of a Council*, which is not assembled by the Pope, * who gives Authority to the Council, instead of receiving it from them. He also quotes this Maxim of the Canon Law, || *That the Pope is Judge of all Mankind without Appeal, and that he is accountable to none but God.* Which is so true, as the Patriarch says, according to Boniface the Martyr,

Distinct.
XXII. 1.

† In 853.
Decret. Part II. Caus. II. Quest. VI. Titul. Decr. * Decret. Part I. Dist. XVII.

|| Decret. Part II Caus. IX. Quest. III.

(1) Decret. I. Part Distinct. 22. Cap. II. This Letter is universally confess'd to be spurious. See *Blond. Epist. Pont. Cens. p. 138. 146.*

(2) Distinct. XIX. Cap. VII. It must be observ'd, that the subject Matter of this Letter is not the Authority of the Pope with respect to the Council, or that

of the Council with respect to the Pope, but of the Submission which all the particular Bishops ought to pay to the Judgment of the Pope in Differences betwixt themselves. See *Leo's Letter. Lett. 89.* according to the old Edition, and 10. according to that of Father *Quésnel.*

* *that*

* that tho' the Pope should send People in Crowds to Hell, none but God can call him to Account for it, because the Pope cannot be judg'd by any Body, unless he err in the Faith. After having heard the Patriarch of Antioch, as to the first Question, 'tis easy to judge, what was his Opinion of the second, viz. Whether Decrees ought to be drawn up in the Name of the Council or the Name of the Pope? He says, it ought to be in the Name of the Pope, and if we allow all the Principles which he builds on to be true, he is in the Right. He pretends also, that 'tis the constant Practice, as well as the unanimous Sentiment of the Doctors, and that it never was otherwise, but in one of these three Cases. Either when Popes have err'd in the Faith, or when being absent, they have given a Power to the Council to form their Decrees in their own Name, or when out of Humility they have been pleas'd to give up their Right. Nevertheless, the Opinion of the Patriarch, and the other Advocates for the Pope, and the See of Rome, did not prevail in the Council. This Patriarch was also oblig'd afterwards to make Excuses for this Memorial, by declaring, that he had no Intention to decide any thing touching this Question, but only to inquire into it for Information Sake. However the Cardinal of Cambray answer'd it, whose Reply deserves to be printed as well as the Memorial.

1415.
* Distinct.
XL. Cap.
VI.

Argutive non determinative. Oper. Gerf. Part II. p 955, 956.

XLVI. His general Thesis is, that in many Cases the Council is above the Pope, and he pretends to prove it by the Laws natural or divine and human or canonical, but he begins with the latter. There is a Maxim in the Body of the Canon Law, which says, that the Pope can't be judg'd, neither by the Emperor, nor by all the Clergy, nor by Kings, nor by the People. From this Maxim the Canonists infer, that the Pope cannot be judg'd by a General Council. Peter d' Ailli, who was not willing to give up the Decretals, gets out of the Difficulty the best he can. In order to oppose one Decree with another, he quotes that which says, that the Pope cannot be judg'd by any Body, unless he err in the Faith. This Exception opens a very wide Field to him to find several Cases in which the Pope may be judg'd. For he alledges, that if the Pope when accus'd or convicted of any Crime does not own his Error, he may then be judg'd, because Obstinacy is a Heresy, and even according to the Canon Law, Idolatry and Paganism. As to what the Decree says, that the Pope cannot be judg'd by all the Clergy; the Cardinal maintains, that by all the Clergy in that Place must not be understood a General Council, but only a Part of the Clergy, as that of Rome; or some particular College, as that of the Cardinals. The Canonists alledg'd also in the Pope's Favour this Maxim of Law, That as the Greater cannot be judg'd by the Less, nor the Superior by his Inferior, so the Pope cannot be judg'd by a General Council, because the Pope is above the Council. But Peter d' Ailli answers by denying the two Propositions, viz. that the Greater cannot be judg'd by

Answer of Peter d' Ailli for the Superiority of the Council. Decret. Pars II. Causa IX. Quest. III. Tit. XIII. Nemo.

Decret. Pars I. Dist. XL. Tit. VI. Si Papa.

Dist. LXXXI Cap. III.

Decret. Pars I. Dist. XXII Tit. I. Quia the ergo.

M m

1415 *the Lesser*, and that the Pope is above a General Council. As to the first he maintains, that 'tis generally false, because the K. of *France*, who is the greatest in his Kingdom, is often judg'd in his Parliament; that the Pope himself is judg'd by a Priest in the Tribunal of Conscience, and that he may also be judg'd by an inferior Tribunal to which he submits voluntarily. Upon this the Cardinal quotes a Letter from Pope *Leo III.* to *Lewis the Debonnaire*, wherein this Pope declares, that he submits to the Emperor's Judgment, whether he has been deficient in any of the Duties of his Character. As to the second Proposition, which imports, *that the Pope is above the Council*, the Cardinal plainly denies it, and proves it to be false by several Arguments, and by a great Number of Authorities from the Canon Law, tho' he does not deny, that the Pope is the Greatest in the Council, because he is the Chief of it, as the Head is over the other Members of the human Body. After having answer'd the Objections of some Canonists, the Cardinal of *Cambray* maintains, that the Council is above the Pope, by Arguments and Passages of Scripture, which we may be excus'd from mentioning here, because both are already taken Notice of, where we have given the Sentiments of *John Gerson*, and *Peter d' Ailli* himself on this Head. Here I shall only translate his Conclusion. It follows from all that has been said, that according to the divine and human Laws the Pope may in several Cases be try'd and condemn'd by the Catholick Church, or by the General Council which represents it, and that there may be an Appeal from his Judgment to that of a Council, especially in Cases that may have a Tendency to the Destruction of the Church. Otherwise it wou'd follow, that Jesus Christ has not sufficiently provided for the Welfare of the Christian Church, whereof he is the Supreme Head, which is a Thought that can't be conceiv'd without Heresy. Ecclesiastical Polity therefore requires, that when a Pope undertakes to destroy the Church, either by Heresy or Tyranny, or by some other notorious Crime, we shou'd appeal from his Judgment, accuse and condemn him in a General Council; in a word, resist him Face to Face, as *St. Paul* withstood *St. Peter*; where it is remarkable, *continues he*, that when *St. Peter* was reprov'd by *St. Paul*, it did not appear that it was for any Heresy, but only for his Behaviour, which *St. Paul* did not think upright. This shews, that the Pope may be corrected in other Cases than in that of Heresy, as when he scandalizes and troubles the Church of God. That if the Pope will not submit to the Judgment of the Council, the Church ought to act then-as if the See was vacant, and to resume those Rights which it has only conceded to the Pope for its Edification. For put the Case, that during the Vacancy of the Papal See, the Cardinals obstinately refuse to elect a Pope, or disturb the Election by Cabals and Hostilities, or are

Decret. Pars
II. Quest.
VII. Tit. 41.
Nos si incom-
petenter.

Oper. Gers.
lib. supr. P.
959.

‘ themselves molested in the Election by some tyrannical Power, or rather suppose all the Cardinals to be dead, or palpable Hereticks, is it not evident, that in all those Cases the Church has a Right to assemble for creating a new Pope and a new Clergy, and to remedy those Disorders by any Means whatsoever?’

1415.

XLVII. THE Deputies whom the Council had sent to *John* Negotiations XXIII. did not want Exercise. Not finding the Pope at *Friburg* they of the Deputies went to *Brisac* to seek him, from whence it was said, that the D. of Council with *Burgundy's* Servants were to conduct him to *Avignon*. The Measures *John* XXIII. for it were actually concerted, but *Sigismund* having Notice of it as *Nicm. ap. V. d. Hardt. T. II. p. 401.* well as the Council from trusty Hands, the Council resolv'd to write to this Duke to desire him not to countenance the Pope, but to send him back to perform his Promise. The Duke answer'd the Council, 1415. n. XI. that *John* XXIII. having indeed wrote to him immediately after his being withdrawn, that he left *Constance* with no other View, but to go to *Nice*, there to resign the Pontificate; he had promis'd him all manner of Assistance for so good a Design, but that having since heard of his scandalous Flight, he was far from giving him any Protection, being resolv'd to adhere in all things to the Council. If we may form a Judgment of this by the whole History, there was nothing so insincere as these Protestations of the D. of *Burgundy*, who thwarted the Council all that he could. Be this as it will, the Deputies having found *John* XXIII. at *Brisac*, he gave them Audience the next Day *p. 401, 402.* † after their Arrival, and deferr'd his Answer to the Day following *. † 24 April. * 25 April. But on that Day they were very much astonish'd to hear, that he had decamp'd in the Morning for *Newenbourg* (1), from whence we shall find presently that he retir'd with Precipitation.

XLVIII. ON that very Day, *Jerom* of *Prague* was arrested as he was returning to *Bobemia*, because the Council had been pleas'd only to give him a Passport or Safe-Conduct to come to *Constance*, but not to return. 'Tis true, that as he was absent on the 17th of *April*, the first time that he was summon'd, a Safe-Conduct was dispatch'd to him, which promis'd him all manner of Security; but it was with a *Salvo to Justice*, and without Prejudice to the Interests of the Faith. 'Tis possible too that he receiv'd it, as *Reichenbal* says, but that not thinking it sufficient, he affected to be ignorant of it, that he might proceed on his Journey. But if it be true, as the same Author says, that he declaim'd against the Council all the Way as he went, he cou'd not well avoid being arrested. *Reichenbal* says, that *Jerom* of *Prague* arriving in some Town of the *Black Forrest*, and having an Invitation from the Parson of the Place to an Entertainment which he made that Day for his Brethren (2), he fell a raving against

(1) A little Town upon the *Rhine* in Story, says, that *Jerom* had drank too much when he talk'd at that rate. *Uß.*
 (2) *Maimburg*, who holds in the same *Sup. p. 225.*

1415.

the Council, which he call'd the *Devil's School*, and a *Synagogue of Iniquity*, boasting moreover, that he had confounded the Doctors, and producing a Writing sign'd by 70 Persons to prove it. But this last Article renders *Reichenthal's* Narrative extremely suspicious. For this Writing could be nothing else but the Testimony which the Lords of *Bohemia*, who were at *Constance*, gave him, that he had used all his Diligence to give an Account of his Faith in the Council, and that he withdrew for no other Reason, but because he was deny'd a Safe-Condukt in due Form. Be that as it will, *Reichenthal* adds, that the Clergy offended at *Jerom* of *Prague's* Talk, inform'd against him to the commanding Officer of the Town, who order'd them to keep the Secret, and to stay till next Day. That then *Jerom* was accordingly arrested by the commanding Officer, who declar'd to him, that he must return to *Constance*, there to shew Cause, why he had scandaliz'd the Council; That *Jerom* affirm'd, he had asserted nothing but what was true, and that moreover they were in the wrong to arrest him, because he had a Safe-Condukt. But that this Officer told him, *Whether he had a Safe-Condukt or not*, to *Constance* he must go, and th t he sent him thither accordingly. This is another Circumstance which makes me suspect, that *Reichenthal* was not well inform'd. For even tho' *Jerom* had receiv'd such Safe-Condukt, instead of being any Service to him upon this Occasion, it made against him by the Clause *with a Salvo to Justice*; and the *Interests of the Catholick Faith*, because having revil'd a General Council, he had render'd himself unworthy of any Safe-Condukt according to the Doctrine of the Council it self. Two Relations written at that time by the Disciples of *Jerom* of *Prague*, say with more Simplicity and Probability, that he was arrested at *Hirsaw* by the Officers of the D. of *Sultzbach*, that being carry'd from thence to *Sultzbach*, he was detain'd there till Orders came from the Council, who had Advice of *Jerom's* being in Custody, from one of the Sons of *John Count Palatin* of the *Rhine*, D. of *Bavaria*, and Prince of *Sultzbach*, and that this Nobleman receiving Orders to send him to *Constance*, he was carried thither in Chains.

Opp. Hus.
Part II. Fol.
349, 350.

Lewis of Bavaria intercedes for *Frederick* of *Austria*.

Spond. ad ann. 1415.
n. XXVI. V. d. Harat. T. IV. p. 136.
Theod. Vrie, ap. V. d. Ha. T. I. p. 199.

XLIX. THO' *Frederick* of *Austria* had brought Disgrace upon himself thro' his own Folly, yet several great Noblemen, particularly *Lewis* of *Bavaria* of *Ingoldstat*, one of the Ambassadors of the King of *France* at the Council, strenuously interceded for him with the Emperor; His Imperial Majesty who did not desire to ruin *Frederick*, but only to oblige him to make Satisfaction, saying to *Lewis* of *Bavaria*, when he was interceding for *Frederick*, That *Theft was not to be pardon'd without Restitution*; the *Bavarian* plainly understood, that the Emperor was resolv'd to have *John XXIII* restor'd upon any Terms, and that otherwise there was no Hopes of a Peace for *Frederick*. He therefore intreated the Emperor to grant him a Safe-Condukt

1415.

dust for that Duke, engaging to bring him back to the Council, and to dispose him to prevail on *John XXIII.* to return thither likewise. The Emperor and the Council, who desired nothing more than to reclaim *Frederick D. of Austria* to his Duty, readily granted him the Safe-Conduct, and charg'd *Lewis of Bavaria* with the Negotiation. He set out therefore with some other Noblemen to wait upon *Frederick* at *Fribourg*, where he very warmly remonstrated to him, that in the present deplorable State of his Affairs he had nothing to trust to but the Emperor's Clemency. 'You see, says he to him, that most of your Allies and Friends have not only abandon'd you, but actually declared against you. What Appearance is there, that the *Swissers*, that Nation so warlike and so formidable to your Family, can resolve to restore *Argow* to you while they keep in Arms, especially while they have so specious a Pretence to detain it, as the Protection you have given to the Pope contrary to the Interest of the Church? Your Country must become the Theatre of a War, which the Emperor may keep up as long as he pleases, without any Expence to himself, because he carries it on, as one may say, in your own Bowels, and because all your Subjects and Vassals are his Confederates. As to the foreign Troops you are put in Hopes of, in the present Situation of Affairs, there is nothing more chimerical. For even tho' the *Swissers* and the Princes who are concern'd for the Continuance of the Council, and the Return of *John XXIII.* should not oppose their Passage, they would come too late to be of any Use to you. Whereas by your imploring the Clemency of *Sigismund* you wou'd in him find a Protector perfectly dispos'd to procure you the Restitution of what has been taken from you. For he knows as well as we do, how dangerous it is to give an Occasion to many Towns to shake off the Yoke of their Princes and become Independent. If you are inclin'd to have so much Deference for the Advice of your Friends, I will undertake to introduce you my self to the Emperor and will be responsible for all the Consequences.' The Noblemen whom the Council sent along with *Lewis of Bavaria* supporting this Advice by fresh Instances; *Frederick* comply'd after some Reluctance, and they concerted Measures together to bring *John XXIII.* to *Fribourg*. With this View *Frederick* wrote to him, 'that as he was not safe at *Newenbourg*, nor upon the Road which he design'd to take, because the Emperor had Troops in it which only waited for an Opportunity to seize his Person, he advised him to return to *Fribourg*, where he wou'd be safer.' *John XXIII.* was as loth to comply at first as *Frederick* had been. On the one Hand he always expected the Emperor's Army at his Heels, but on the other Hand he was loth to trust *Frederick*, of whose secret Intrigues he could not be ignorant. However, as he chose rather to throw himself

April 26.

Ger. Roo. p. 139, 140.

1415. self upon his Generosity than to suffer himself to be taken by main Force, he return'd to *Fribourg*.

The Legats of the Council meet *John XXIII.* at *Fribourg.* April 27.

L. THE Prelates whom the Council had sent to him, and who were returning *re infecta*, were very agreeably surpriz'd to find *Lewis* of *Bavaria* and some other Noblemen at *Fribourg*, who told them, that if they would stay but a few Hours, they might execute their Commission to *John XXIII.* The Pope was very much mortify'd to find the Legats of the Council at *Fribourg*, after he had refus'd to give them an Answer at *Brisac*. They repeated the Request which they had made to him to grant his Procuration, and to chuse one of the Cities which had been propos'd to him for treating of the Affair of the Union, declaring to him, that otherwise the Council was resolv'd to proceed against him. 'Tis natural to suppose, that he was ruffled at this Declaration. However he promised to answer next Day, but he was in such an angry Mood at the same time, that the Ambassadors had no great Hopes of it. Next Day when they went to wait upon him, they surpriz'd him in Bed, where he receiv'd them after a very indecent Manner (1), according to the Report of *Niem*, who by the way has not spar'd this Pope. He did not give them the Procuration which they demanded, but he promis'd to send it after them to the Council, and only put into their Hands the same List of Pretensions which had been propos'd on his Part some Days before by the Archbishop of *Genoa*. As to his Procuration he gave it to the Count *Berthold des Ursins*, with a Charge to keep it or give it to the Council, as Occasion presented, and not till he had his Order. Mean time he practis'd Simony at *Fribourg* with his Courtiers (2), as he had done at *Constance* it self all the Time he was there, according to the Report of the same Author just now mentioned, who was Witness of it.

April 28.

V. d. Hardt. T. IV. p. 137.

Return of the Council's Legats. April 29.

LI. THE Legats of the Council returning to *Constance* by the time which had been prescrib'd them, the Emperor assembled the Nations to hear their Report. But the Council had no great Reason to like it, because instead of bringing *John XXIII's* Procuration, they only gave Hopes that he would speedily send it. This Delay added to the extravagant Pretensions which he again caus'd to be repeated by those Legats, shew'd that his only Aim was to amuse the Council. This made the Council resolve, that the Summons agreed upon a few Days before shou'd be executed next Session. But the D. of *Austria* arriving at *Constance* to make his Peace with the Emperor and the Council, the Pope plainly saw that he had no more

(1) *Stalpando se inferius inverecandè, i. e. Immodestly scratching his Polsteriora.* *Niem* ap. V. d. Hardt. T. II. p. 402.

(2) *Simoniam ibi liberè exercebant,*

prout prius apud nos tunc existentes facere consueverunt. *Niem* ubi sup. p. 403, 404.

Time

Time to lose, and that he was likewise under a Necessity of providing for his own Safety. Therefore he presently dispatch'd the Count *des Ursins* with Orders to present the Procuration which he had put into his Hands to the Council. But it was far from being conformable to the Plan deliver'd by the Council to their Legats, and by them to the Pope. For he only promis'd and swore *That he was ready to resign purely and simply, as soon as Provision was made for his Liberty and Maintenance, in the Manner and Form that he had propos'd to the Cardinals of St. Mark and Florence, and to the Bishop of Carcassonne, who was also one of the Council's Deputies.* This Procuration was unanimously rejected, as well as the exorbitant Demands, which he knew would not be granted him, and which he only made for an Occasion of Complaint. Therefore nothing more was propos'd or thought of than to hold a public Session, in order to execute the Summons which had been agreed upon.

1415.
April 30.
V. d. Hardt,
T. IV. p.
138, 139.
Spond. ad an.
N^o. XXVI.

May 1.

LII. BEFORE this Session, there was an Assembly at seven o' the Clock in the Morning at the Vestry, to resume the Consideration of what had been agreed upon by the Nations the Days preceding. As they had refus'd to grant the Cardinals the Privilege of Voting in the National Assemblies, in Quality of Cardinals and Members of that College, but only as Deputies of their respective Nations, they were but seldom present. For this Reason the Assemblies were held some Hours before the public Session, in order to impart to them what was proper to be therein read, and to have their Approbation. They had already complain'd several Times of this Proceeding of the Council towards them, as a manifest Contempt, but always without Effect, because it was shrewdly suspected by their Conduct that they juggled with the Pope. They again made the same Complaints in this Morning's Conference, but to as little Purpose. It was in vain for them to represent, ' That the Time was too short to consider of things so important as those in Question. That they had more Reason to be esteem'd a Nation than the *English*, who had but twenty Deputies, among whom there were but three Prelates; whereas they were sixteen Cardinals, exclusive of those that were yet to come'. There was no Possibility of their obtaining any Thing. They were answer'd that they might be present at the Assemblies of their Nations, to give their Voice there, as the other Deputies, but that they should not pretend to it in the Quality of Cardinals. When they saw what a desperate Condition the Cause of *John XXIII.* was reduced to by his whole Conduct, and especially by the return of *Frederic* his Protector to *Constance*, they were oblig'd to submit and to come to the Session, at which there met twelve of 'em. The Emperor was present at it, the Cardinal of *Ostia* presided, and the Cardinal of *Ragusa* celebrated the Mass of the Holy Ghost.

Assembly of
the Nations
before the
public Sessi-
on.
May 2.
Schelst. Ab.
& Gest. p.
235.
V. d. Hardt,
T. IV. p.
139, 140.
Spond. ad an.
1415. n.
XVII.

LIII. THE

1415. LIII. THE Affair of *Jerom* of *Praque* was the first that came on in this Session. At the Motion of the Proctors of the Council, it was resolv'd to summon him a second Time, because he had not answer'd the first Citation, which was made in due and ample Form the 1^oth of *April*. This was executed the very same Day, immediately after the Session.

May 2. *V. d. Hardt*, T. IV. p. 140. The first Citation of *John XXIII*. *V. d. Har. T. IV. p. 143. Bzov. ad an. 1415. p. 393. e. l.* LIV. AFTER this, the same Proctors gave an Account at large of the Conduct of *John XXIII*. and demanded that he might also be summon'd with all his Adherents, and that Safe-Conducts might be granted to them in the Name of the Council and the Emperor, to come with all Manner of Security to the Council. This being pass'd *Nemine Contradicente*, the Emperor publicly declar'd that it was necessary to give a Safe-Conduct in his own Name, and in that of the Council to *John XXIII*. but he protested at the same Time that *He only gives it as far as he had a Right to do it, and that he only engag'd for the Observance of it on that Footing and no otherwise (1)*. As nothing was propos'd in the Sessions, but what was resolv'd before-hand in the Assemblies of the Nations, this Precaution had, no doubt, been concerted there, both to render the Conduct of the Council more uniform, because the Doctors had declar'd to *Sigismond*, that he had not a Right to grant a Safe-Conduct to *John Huss*, and to reserve to themselves the Liberty of proceeding against *John XXIII*. in Case he should make an ill Use of his Safe-Conduct. As to the Summons it self, it runs with very little Variation as follows.

‘ THAT *John XXIII*. having fled in a Manner that was clandestine, scandalous, prejudicial to the Union of the Church, and contrary to his Engagements, the Council had sent Prelates and other Persons of Distinction to him to invite him to return to *Constance* to perform the Promise which he had there made upon Oath, to labour for the Extirpation of the Schism and the Reformation of the Church in its Head and Members; but that since instead of returning he kept farther off every Day, the Council at the Request of its Proctors summons him to appear in Person with his Adherents, at the End of nine Days, after the said Citation is publish'd, to clear himself from the Charge of Heresy, Schism, Simony, the Misapplication of the Revenues of the Church of *Rome*, and other Churches, as well as several other enormous Crimes, in which he obstinately persisteth; declaring to him that whether he appear or not, at the end of this Term, they will proceed against him and his Adherents, according to Law. And that they may have no Pretence for not return-

(1) *Serenissimus verò Romanorum Rex præfatus dixit, quod placet, quod detur sibi Salvus-Conductus nomine sui & Syno-*

di, ea protestatione, in quantum idem Dominus Rex tenetur sibi dare de jure, & servare alios Salvos-Conductus sibi datos.
ing

1415.

ing, a Safe-Conduct is granted both to the one and the other, where-
 by they shall have free Access to the Council, and remain there with
 all Security, *without Prejudice to Justice.* This Summons was exe-
 cuted in the following Session.

SINCE it may be thought strange to find a Charge of Heresy in this
 Summons, because it did not appear that *John XXIII.* had advanc'd
 any Proposition directly against the Faith, 'tis proper to explain this
 Matter. It has been already said somewhere that it was a Maxim of
 the Canon Law, That the Pope could not be try'd by any Body but
 in a Case of Heresy. 'Tis true that this Maxim was not so generally
 receiv'd, but that there were very able Doctors in the Council, who
 publickly maintain'd the contrary, particularly *Peter d' Ailli* and *John*
Gerson. But as the Opinions of particular Men are of no Force against
 a Law or Custom, till the same is abrogated by public Authority, it
 was therefore indispensably necessary one Way or other to find out
 some Heresy in a Pope, when they were about to try him even for
 Crimes. Therefore the Canonists had taken Notice of divers Cases
 which implicitly contain'd Heresy, as for Instance the *Schism*, because it
 strikes at that Article of the Creed, *I believe one Hoily Catholic Church.*
 Simony was also look'd upon by most as a Crime of Heresy at least in-
 directly, as well as Obstinacy in any Sin whatsoever after repeated Re-
 proofs. *John XXIII.* was affected by all these Cases. A MS. of *Bres-*
law says that he was accus'd of obstinately and publickly denying the
 Immortality of the Soul, the Resurrection of the Body, and a Life
 to come (1).

AFTER the Reading of this Summons by the Archbishop of *Genoa*,
 he moved the Assembly to know whether they wou'd consent to the
 holding of the eighth public Session on the 4th of *May*, for the Con-
 demnation of the Memory and Errors of *Wickliff*, which Motion they
 generally approv'd, and then broke up.

LV. *JOHN* of *Nassau*, Archbishop and Elector of *Mentz*, had
 been one of the principal Protectors of *John XXIII.* This Prelate
 who had already render'd himself odious, and even formidable by se-
 veral Enterprizes since he came to the Electorate, never seem'd to fa-
 vour *Sigismund*, but thwarted him as much as he could in his Elec-
 tion to the Empire, by espousing the Interest of *Josse* the Margrave
 of *Moravia.* He afterwards made a League with the Dukes of *Au-*
stria and *Burgundy* for the Support of *John XXIII.* because he fear'd
 the Emperor's Resentment, if he render'd himself too potent in Ger-

Archbishop
 of *Mentz*
 sends to the
 Council to
 make his A-
 pology. *Ge.*
Perf. n. C. sm.
Etat. VI. p.
 331. *Nauch.*
 1045.

(1) Item quod ipse Dominus Johann.
 Pap XXIII. sæpe, & sæpius coram diversis
 Prælatiis, & alijs honestis, & probis viris
 pertinaciter, Diabolo suadente, dixit, alle-
 ruit, dogmatizavit, & altruxit vitam æter-

nam non esse, neque aliam post vitam banc
 animam, cum corpore mori, & extingui
 ad instar animalium brutorum, dictumque
 corpus mortuum semel, in novissimo die
 minimè resurrecturum.

N n

many

1415. *many* by the Election of a Pope that shou'd be at his Devotion: But the Disgrace of the Duke of *Austria*, and the Severity of the Council to *John XXIII.* and his Abettors, giving him Reason to fear being involv'd in the like, the next Day after the Citation of the Pope, he sent his Ambassadors to the Council to make his Apology there. They were admitted, but what was resolv'd upon that Head is not mentioned in the Acts. The Abbe *Tritheme* says, that this Archbishop obtain'd his Pardon of the Council, for having conniv'd at *John XXIII's* Retreat. It appear'd by a Letter from the Deputies of the University of *Cologne* that after the Pope's Escape, *John de Nassau* return'd to *Mentz* for the Recovery of his Health, promising to go back to *Constance* whenever the Emperor commanded him. Mean Time he sent his Deputies or Plenipotentiaries thither, who were favourably receiv'd.

V. d. Hardt,
T. IV. p.
148.

Assembly of the Nations before the public Session May 4. LVI. IMMEDIATELY before the eighth Session the Nations assembled to give the finishing Stroke to what was therein to be read. It was then and there resolv'd to send a third Summons to *Jerom of Prague* and all the *Wickliffites* in general, because in that very Session the Memory of *Wickliff* and all the Articles of his Doctrine were to be condemn'd. Before we proceed to the eighth Session 'tis necessary to inform the public concerning this *John Wickliff* and his Doctrine.

History of
Wickliff and
Wickliffism.

LVII. *Wickliffism* being the Source of *Hussitism*, this Digression cannot be unseasonable nor irregular. *John Wickliff* or *Wicleffe* (1), Doctor and Professor of Divinity at *Oxford*, was born about the Year 1324. at the Place underwritten. He began to make a Noise in 1360. by the strenuous Opposition he made to the Incroachments of the Monks, who under pretence of their Exemptions broke the Rules and Statutes of the University of *Oxford*. In 1365. *Simon of Isleb*, Archbishop of *Canterbury*, appointed *Wickliff* (2) Warden of *Canterbury* Hall in *Oxford*, in the room of a Fryar whom he expell'd, because of his turbulent Humour. Sometime after this (a) *Simon Langham* a Monk succeeding *Simon Isleb*, by Papal Provision, in the Bishoprick of *Canterbury*, thought fit to expel *Wickliff* from his Hall, and to restore the same Fryar that had been turn'd out by his Predecessor. *Wickliff* appeal'd to Pope *Urban V.* (3) but he

(a) 'Twas in
1367. according
to *Wbar-*
ten.

(1) He is often call'd in the old Acts *John de Wicles* or *Wicosles*, because he was of a Parish call'd *Wiclisfe* near *Richmond* in *Torkshire*, as I was inform'd by M. *Villa* a Priest of the Church of *England*, and D.D. so he is likewise call'd by M. *John Lewis* the *Englisb* Minister at *Meregate* in his Life of *Wickliff*, printed in *Englisb* at *London* in 1720.

(2) See the Patent of this Archbishop *Hist. & Antiquit.* of the University of *Oxford*, Lib. I. p. 184.

(3) This Pope having referr'd this Affair to the Judgment of a Cardinal, confirm'd the Fryar by a Bull dated in 1370.

lost his Cause. The Pope put none but Monks in the College and expell'd the Seculars. In 1366. the same Pope who had his See at *Avignon*, having offer'd to cite *Edward III.* because he had not perform'd Homage to him for the Kingdoms of *England* and *Ireland*, nor paid the Tribute which *John Lackland* (1) was engag'd for: *Wickliff* back'd by the Parliament strenuously defended the King's Rights against a Monk, who as warmly pleaded for those of the Pope. In 1374. *Wickliff* was appointed the second of the seven Ambassadors and Commissioners that were sent to *Bruges* to confer with the Bishops of *Pampeluna* and *Sinigaglia*, and *Giles Sancho* Provost of *Valencia*, who were the Pope's Commissioners in the Affair of the Reservations of Benefices. (2) It was agreed by this Treaty, which lasted two Years, that the Pope should renounce the Reservations in *England*, but History says, that he did not keep his Word (3). As *Wickliff*, during his stay at *Bruges*, had several Occasions to be better inform'd of the Artifices and Tyranny of the Pope and the Court of *Rome*, he rav'd against 'em more than ever upon his Return. We find in the *English MSS.* of *Wickliff*, that he call'd the Pope the *Insolent Priest of Rome, Antichrist, Robber, &c.*

BESIDES *Wickliff's* great Talents, by the Confession even of his Enemies (4), it may be concluded that the Freedom with which he spoke of the Tyranny of the Popes, the Irregularities of the Clergy, and the Usurpations of the Mendicant Fryars, equally interest'd him in the Favour of the Kings *Edward III.* *Richard II.* the D. of *Lancaster*, the greatest Part of the Laity, and also of the Clergy (5), not to mention the University, which was almost intirely devoted to him. 'Tis not impossible, but the Sentence of *Urban V.* oblig'd *Wickliff* to talk more sharply than he had yet done against the Pope, who had turn'd him out of his Benefice, and against the Monks who had seiz'd it. But it wou'd be rash to assert this positively, as *Polydore Virgil, Cochleus,* and many others have done, because for ma-

(1) The Arrears of this Tribute had been due 32 Years. *Rapin's Hist. of England.* Tom. III. p. 228.

(2) In the 7th Tome of Mr. *Rymer's Fœdera*, are several full Powers from the Kings of *England* to treat with the Pope's Nuncios upon this and other Articles of Oppression and Vexation by the Court of *Rome*, and in P. 41 of that Tome, there's the full Power which was granted to *Wickliff*, and others in that Commission. All which Full Powers or Commissions may be easily turn'd to by consulting the 1st Vol. of *Acta Regia.*

(3) I learn from *M. Villz*, that during this Treaty the Bishop of *Banger*, Chief of the Commission, was translated by a Bull from the Pope to the See of *Hereford.*

(4) *Henry de Knighton, Thomas Walden, Wm. Wivort,* and many others mention'd by Mr. *Lewis.*

(5) *Henry Wharton* says, that *Wickliff* at the End of an *English* Confession upon the Sacrament of the Altar, declar'd, that one third of the Clergy was of his Party, and ready to support him at the Hazard of their Lives.

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ny Years past *Wickliff* had began to preach the same Doctrine with great Strength and Applause. This would be attempting to write a History of the Dictates of the Heart, and not a History of Facts. For if other Historians should say, that 'twas *Wickliff's* Sermons which induc'd the Monks to turn him out of his College, they might do it with the same Foundation.

(a) *Larrey's*
History of
England,
Reign of Ed.
P. 725.

BE this as it will, the Monks despairing of being able to oppress *Wickliff*, carry'd their Complaints to the Court of Rome to *Gregory XI.* who succeeded *Urban V.* in 1376 or 1377; this Pope sent Briefs to *Edward III.* to *Simon Sudbury* Archbishop of *Canterbury*, to *William Courteney* Bishop of *London*, and to the University of *Oxford*, to draw up the necessary Informations against *Wickliff*, and also to commit him to Prison with his Adherents (1). But as he was supported by the D. of *Lancaster*, who was at that Time very powerful in *England*, and my Lord *Piercy* the Earl Marshal (a), he escap'd Condemnation this bout, notwithstanding two Synods assembled for that Purpose in 1377, and continu'd to defend his Doctrine publicly by Word of Mouth and Writing. *Edward III.* dying towards the Close of this Year, before the Arrival of the Pope's Bulls, and *Richard II.* being as yet a Minor, the Parliament assembled to consider if the King had not a Right to hinder the Money of the Kingdom from being carry'd to the Court of *Rome*, tho' the Pope demanded it on Pain of the Ecclesiastical Censures. *Wickliff* being consulted on this Head, maintain'd the Affirmative. There were several Assemblies against *Wickliff* the Year following, but without Effect, because he was so well supported. In 1380, he undertook the Translation of the Bible into *English*, admitting none of the Books to be Canonical but those that were acknowledg'd to be such by the Protestants. In 1381 he began to attack the Doctrine of Transubstantiation, undertaking to prove in publick, that *the consecrated Host is neither Jesus Christ, nor any Part of him.* Tho' the Monks prevented this publick Disputation, yet *Wickliff* declar'd his Opinion wherever he came. He said among other Things, *that the Church had been in an Error many Years concerning the Sacrament of the Eucharist, and that he was resolv'd to reduce it from Idolatry to the Worship of the True God.* (b) Nevertheless he met with Adversaries, not only in the University, but among the great Men of the Kingdom, who did not approve of his Doctrine of the Eucharist, so well as that touching the Pope and Court of *Rome*; and it was actually condemned by twelve Doctors, Heads of the University, of whom four were Seculars, and eight Monks, with *William de Barton* Chancellor of the University at their Head.

(b) History
and Antiq.
of Oxford, ub.
supr. p. 188.

(1) See Bull of *Gregory XI.* Hist. and Antiq. of the University of Oxford, ub. sup. p. 187.

WICKLIFF not caring to appeal from this Sentence, neither to the Pope, nor to any Bishop, nor to any Ecclesiastical Ordinary, appeal'd to *Richard*, in hopes of being supported by the Secular Arm. But the D. of *Lancaster* not approving of his Conduct, exhorted him to submit to his natural Judges, so that *Wickliff* despairing of any Protection for the future, resolv'd to retract (1), which he did in a publick Manner in 1382, in Presence of the Archbishop of *Canterbury*, the Bishops of *Lincoln*, *Norwich*, *Worcester*, *Salisbury*, *London*, *Hereford*, and a great Concourse of the People. Nevertheless it appears by the (2) Act of his Recantation, that it was very ambiguous, and that his Judges would not have been content with it, if they had not apprehended that this Affair wou'd have made too much Noise. Consequently *Wickliff* soon recover'd himself, preaching his old Doctrine again, which drew another Sentence upon him and his Followers, but to no Purpose, because this Doctrine gain'd Ground every Day. He had some Adherents of great Distinction. Among others *Nicholas* of *Hereford*, Master of Arts, signaliz'd himself in favour of *Wickliff*, who, as it is said, set a great Value on his Friendship. In the Number of his principal Adherents, we must also reckon *Philip Repingdon*, a Canon of *Leicester*, and D. D. who was afterwards Bishop of *Lincoln*, who in his first Sermon expatiated very much in Praise of *Wickliff*, and upon his Orthodoxy. Being to preach upon *Corpus Christi Day*, *Wickliff's* Adversaries fearing that *Repingdon* wou'd preach up *Wickliff's* Doctrine, desir'd the Archbishop of *Canterbury* to cause *Wickliff's* Articles, that were already under Condemnation, to be publish'd at *Oxford* upon the Eve of that Festival. This engag'd the Archbishop to order *Peter Stokes*, who he knew was very much incens'd against the *Lollards* or *Wickliffites*, to read the said Sentence upon the very Day that *Repingdon* was to preach. And this Prelate wrote at the same time to the Chancellor to be present at the Performance, but the Chancellor stiffly refus'd it, saying, that no Bishop had Authority to condemn Heresies in the University. Afterwards assembling the Proctors and Secular Masters, as well the Heads, as others of the University, he declar'd to *Stokes*, that instead of supporting him in this Affair, he wou'd oppose him with all his Power, and even with Force of Arms. Accordingly when the Day came, the Chancellor, Prætor, and Proctors, went to the Sermon with a good Number of Men arm'd. The Preacher declaim'd very much against the State of the Church, sup-

(1) The Author of the Antiquities of *Oxford* says, that this was the second time of his retracting; but he does not prove it, nor do I find it any where ap-

pear, *Doctrinam suam jam secundò retractare coactus est.* ub. sup. p. 189.

(2) See this Act in *Wickliff's* Life, by *Lewis*, p. 272.

ported.

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ported *Wickliff* in every thing, and even asserted, that whoever did not pray for the Temporal Lords before the Bishops or the Pope himself, infrin'g'd the Holy Scriptures. When the Sermon was ended, the Chancellor accompany'd with 100 Men, that had Arms under their Cloaths, attended the Preacher to the Church Door, and gave him great Applause, while *Stokes* that durst not open his Mouth, was hiss'd by every Body. The latter being summon'd by the Archbishop to give an Account why he had not executed his Orders, told him, that he had not done it, because it wou'd have been as much as his Life was worth and theirs that were with him. However, some time after, they were all oblig'd to retract. This probably was the Reason, why *William Courteney*, now Archbishop of *Canterbury*, did not cite either *Wickliff* or his Adherents to the Synod which he call'd at *London* in 1382, wherein he condemn'd 10 Propositions of *Wickliff* as heretical, and 13 as barely erroneous (1). This is the Synod which *Wickliff* in his *Trialogue* calls the Earthquake Synod, because there was an Earthquake while they were assembled to condemn him. The Council was very much alarm'd by it, but the Archbishop encourag'd them, and the Session continued. *Wickliff* did not appear there in Person, because he had been told, that Ambushes were laid to surprize him; but he had his Proctors there, and the Chancellor of the University of *Oxford* pleaded his Cause there with very great Courage, but little Success.

WICKLIFF not being able to live peaceably at *Oxford* any longer, retir'd this Year to *Lutterworth* in *Leicestershire*, where he had obtain'd a Parsonage. In this Retirement he continued to write against the Pope, and the Church of *Rome*. Among other Tracts he wrote one in *English*, intitul'd, *The great Sentence of Excommunication explain'd*, wherein he clear'd up many of his Articles that had been condemn'd, and in particular attack'd the *Croisado* which *Urban V.* had publish'd against the Adherents of *Clement VII.* *They set up, says he, the Standard of Jesus Christ, the sovereign Teacher of Peace, Mercy and Charity, in order to murder Christians for the Sake of two knavish Priests, who are manifestly Antichrist. When shall we see the proud Priest of Rome grant plenary Indulgences to engage Men to live in Peace, Charity and Forbearance, as he does to animate Christians to cut one anothers Throats?* (a) Not long after his Retirement to *Lutterworth*, he had a Fit of the Palsey of which he recover'd, but his Health declin'd ever after it: This probably was the Reason why he was not prosecuted by his Enemies, who look'd upon him as a Man too weakly to cope with; and about two Years after, his Illness carry'd him to the Grave, on the 28th of De-

(a) *Lewis*.
p. 99.

(1) See the Propositions in *Lewis's Life of Wickliff*, p. 373.

ember, being *Innocents Day*, when he was seiz'd with the Palsy in his Tongue, while he was at Church hearing Mass, and during the Elevation of the Host, which they did not fail to interpret as a Judgment of God.

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LVIII. *WICKLIFF's* Doctrine was not bury'd with him. *John Hus*s says in a Treatise he wrote in 1411, that *Wickliff's* Books have been read freely for thirty Years in the University of *Oxford* (1). The same *John Hus*s, at the End of the 2d Tome of his Works, has a very advantageous Testimony, which was given in 1406 to *Wickliff* by the University of *Oxford*, wherein they declare, that 'tis false, that *Wickliff* was convicted of Heresy, or that he was dug up to be burnt after his Death (2). Indeed *Anthony Wood*, Author of the *History and Antiquities of the University of Oxford*, calls the Authority of this Testimony in question, because it does not appear in the Records of that University. The same Author says, that this Testimony was presented by *John Hus*s to the Council of *Constance*, but that *Robert Halam* Bishop of *Salisbury* having delivered an Act of the University, which was the very reverse of it, the Affair was refer'd to the Judgment of the Council. I find nothing concerning this Particular in the Acts of that Council. Mean time, I am very much of *Anthony Wood's* Opinion, who thinks, that this Testimony in favour of *Wickliff* was forged and sealed with the Seal of the University by *Peter Payne* and the other *Wickliffites*, who were pretty numerous at *Oxford*; which was the more easy for them to do, because, according to the Author above-mentioned, no Care was taken of the University-Seal, and any one was at Liberty to make use of it. This oblig'd the Academy to take Measures in 1426 against the Abuse that had been made of their Seal in time past. Be that as it will, we find that in 1396, there was a Convocation of the Clergy in which 18 Articles were laid before the Assembly, extracted from certain Books, which the Doctors of Divinity, Masters of Arts and Bachelors, who were *Wickliffites*, had compos'd with the Title of *Triologue*, after the manner of *Wickliff*. The first of those Articles was, *That the Bread remaineth Bread after the Consecration*. At that Time the Proposition was only examin'd, and not condemn'd (a).

Progress of
Wickliffism.

(a) Hist. and
Antiq. of the
Univ. of Ox-
ford, p. 159.

It happen'd otherwise in 1408. For *Thomas Arundel* Archbishop of *Canterbury* perceiving the Progress of *Wickliffism*, by the Sale of *Wickliff's* Books, publish'd a Mandate, prohibiting, under great Penalties,

(1) *Tota Universitas Oxoniensis ab annis 30 legit, tenuit & studuit libros ipsius M. Joan. Wicleff Defenl. contr. Anglic. Joan. Stokes, oper. T. I. F. 109. b.*

(2) See this same Testimony in the Hist. and Antiq. of the University of

Oxford, Lib. I. p. 203. 'Tis to be found also in very near the same Terms in *Theobaldus's* History of the *Hussites* War, p. 4. This Testimony was brought to *Prague* by *Peter Payne* an *English* Man and a zealous *Wickliffite*.

the

1415. the Sale of any of that Doctor's Books, but what was approv'd by the University in a Body, or by 24 Deputies, whom the Archbishop should appoint. In 1410, the University it self condemn'd *Wickliff's* 45 Articles, with several others, which according to some amounted to 61, and according to others, to 80, and even to 200. Afterwards *Wickliff's* Books containing those Articles were publickly burnt, which happen'd much about the Time that those Books were burnt at *Prague*.

BUT this Execution only serv'd to add new Lustre to *Wickliff's* Writings. 'Twas this that engag'd *Thomas Arundel* to declare in 1411. by Letters of Citation to the Chancellor, Doctors, Masters and Scholars of the University that he was coming to make a Visitation to the end that all might be ready to receive him. But he was so coldly receiv'd this Bout that he was fain to return *re infectâ*, because the University by Virtue of a Privilege from the Pope pretended to be independent on the Jurisdiction of the Bishops. But the Archbishop making them a Visitation afterwards by Authority from the King, the University was oblig'd to submit and to nominate two Commissioners to examin *Wickliff's* Books, and in short they condemn'd no less than 267 Articles extracted from several of his Treatises. This Sentence having been confirm'd by the Archbishop, he sent Mandates to prosecute the *Wickliffites* with the utmost Severity, and he was back'd by the Royal Authority. But this Severity only tended to exasperate the *Wickliffites* against the Archbishop, whom they were so bold as to excommunicate. This Prelate finding their Party had too much Power and Influence for him to master them, resolv'd to have Recourse to *John XXIII.* and to desire him to cause *Wickliff's* Articles to be condemn'd, and his Body to be dug up and thrown upon a Dung-hill. The first he obtain'd, (1) but the second was not perform'd till 1414. when the Remains of *Wickliff* were dug out of his Grave and burnt, and his Ashes thrown into *Lutterworth* River. This brings us to the eighth Session of the Council of *Constance*.

The eighth Session.

May 4.
V. d. Hardt,
T. IV. p.
150.

LIX. As to the Ceremonial, every thing pass'd as in the preceding Sessions. The Emperor was present at it, the Cardinal *de Viviers* presided in it, and the Patriarch of *Antioch* celebrated Mass. That part of the Gospel, *Beware of false Prophets*, was read in order to prepare the Minds of the Assembly, for the Reading and Condemnation of *Wickliff's* Articles. *Vital* the Bishop of *Toulon* preach'd a Sermon upon those Words, *The Spirit will guide you into all Truth*. We find in a MS. of *Vienna* that in this Sermon the Prelate did not conceal the *Truth*, with respect to the Pope and the Cardinals, that his Zeal

(1) *John XXIII.* condemn'd *Wickliff's* Articles in his pretended Council at *Rome* in 1412.

carry'd

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carry'd him so far as to *curse* the Pope, and to accuse him of having *ly'd* in a certain Fact, which is not express'd in the M S. (1) Another MS. of *Vienna* says that in this Session an Order was made to fix up the Summons which had been decreed in the former Session against *John XXIII.* and that the Emperor therein gave Notice that *Frederic* of *Austria* was return'd to *Constance* in order to be reconciled to him and the Council. This Reconciliation was resolv'd on probably that same Day, tho' the Acts do not shew it, because it was executed the very next Day after. But the principal Business of this Session was the reading and condemning of *Wickliff's* Doctrine and Memory. The Archbishop of *Genoa*, after having read the Decree of the *Lateran* Council (2), *Firmiter Credimus*, which was approv'd of by the Emperor and by the whole Council, read the 45 Articles of *Wickliff's* Doctrine which had already been condemn'd at *Rome*. These Articles follow just as they are exhibited by *Dr. Von der Hardt* after comparing them with several *German* MSS. The *Leipsic* MS. adds to each Article the Reason given by the Doctors for condemning it, under the Title of *A short Censure of Wickliff's 45 Articles, by the Divines of Constance*: And there's a *Vienna* MS. which gives a more ample Condemnation of those Articles, but it appears by the Conclusion of it to have been only the Censure of a single Divine, because the Author submits himself to the Judgment of the Church of *Rome* in Case he has advanc'd any Thing against the Faith. The short Censure having been read in the Session, we will report it with the Articles without omitting any Thing, which is remarkable in the larger.

ARTICLE I. *The Substance of material Bread and the Substance of material Wine remains in the Sacrament of the Altar.* This Article is declared to be *false, erroneous and heretical*, which Censure is confirm'd by the *Lateran* Council, and by the Authority of *St. Ambrose*. But it must here be observ'd that the Doctors of the Council have made a small Alteration in the Words of *St. Ambrose* which changes the Meaning of it. *St. Ambrose* says, *Before the Consecration, 'twas Bread, but when the Words of Jesus Christ are once pro-*

(1) Ubi puram dixit veritatem de Papa & Cardinalibus. Benedicatur anima Domini Episcopi de Papa dixit, maledicatur caro sua, & alibi verè ita mentitur sicut si dicerem, Deus non est Unus & Trinus, i. e. Where he spoke the naked Truth concerning the Pope and Cardinals. Blessed, said he, be the Soul of our Lord the Bishop, but curst'd be his Flesh; for he is guilty

of as a great a Lie, as if I shou'd say God is not One and Three. *Cod. Vindob. Elstraw.*

(2) *Innocent III.* assembled this Council at *Rome* in 1215. in which Transubstantiation was made an Article of Faith. *Decret. L. I. T. I. Cap. I. V. d. Hardt, T. III. Part XII. and XIII.*

curst'd,

1415. *woun'd, 'tis his Body* (1). Instead of this the Doctors make St. *Ambrose* say, *That before the Consecration 'tis common Bread* [panis usitatus] *and that after the Consecration the Bread which was, is made the Body of Christ,* (ubi autem accesserit consecratio, de pane fit corpus Christi.)

ART. II. *The Accidents of the Bread do not remain without a Subject in the Sacrament of the Altar.* This Article is declar'd to be false, erroneous and favouring of Heresy, as it is generally understood. (2). This Censure is founded upon a very subtle Argument in Logic, on some Passages of *Peter Lombard*, and on two Decretals, one from Pope *Lucius* in 1181. which excommunicates all Heretics that are of a different Opinion from the Church of *Rome* concerning the Sacrament of the Eucharist; the other of *Innocent III.* in 1215. which establishes Transubstantiation.

Or in his own Person, according to others.

ART. III. *Christ is not himself,* (identice) *and really in his proper corporal Presence in the Sacrament.* This Article is declar'd to be false, erroneous and heretical for the same Reasons; to which is added the Opinion of *Richard Middleton* an English Scholar of the thirteenth Century, who says we should abhor the Impiety of those who maintain that the Body of *Jesus Christ* is not really in the Eucharist, but only typically.

(a) Conficit.

ART. IV. *A Bishop or a Priest who is in mortal Sin cannot ordain nor celebrate (a), nor consecrate, nor baptize.* This Proposition is declar'd to be rash and heretical, because it has a Tendency to render the whole Ecclesiastical Hierarchy doubtful and uncertain; besides that 'tis contrary to the Opinion of the whole Church, and in particular to that of St. *Austin* and St. *Bernard*.

ART. V. *It cannot be prov'd by the Gospel that Jesus Christ ordain'd the Mass.* This Article is only term'd false and erroneous in the short Censure, but 'tis declar'd heretical in the larger one. The Doctors bring no other Reasons for their Opinion, but the Words of the Institution of the Eucharist, whereby they pretend to prove that *Jesus Christ* celebrated Mass, and order'd his Disciples to do the same.

Bernard
Luxem. Edi.
1523.

ART. VI. *God ought to obey the Devil.* This Article is not call'd heretical. 'Tis only said to be false, grating and offensive to pious Ears, and may induce the simple to obey the Devil. *Bernard of Luxembourg*, in his Catalogue of Heretics, gives this Article of *Wickliff* in these Words which bear a quite different Construction; *God has given it to the Devil to obey.* But all the other printed Books and MSS. say unani-

(1) Antequam ergo consecratur, panis est. Ubi autem verba Christi accesserint, corpus est Christi. *Ambros.* de Sacram. L. IV. Cap. 5.

(2) Sapiens hæresin universaliter intellegam, *Decret.* Lib. V. Tit. VII. C. 9. ad abolendam.

mously,

mously, *God ought to obey the Devil*, and it appears by the Terms of the Condemnation that this Article was so worded. I own I am surpriz'd that I don't find this pretended Proposition of *Wickliff* mentioned by *Thomas de Walden* an *English Carmelite*, who has by Degrees (1) confuted all his Countryman's Books, without letting a single Word escape that cou'd be suspected of Heresy. I even find a Proposition of *Wickliff* in it, which is very opposite to the Imputation charg'd upon him. *The Devils*, says he, by the Report of his Adversary, cannot tempt Man farther than God gives them Permission. Nor do I find this Article in another Confutation of *Wickliff's Doctrine*, which another *English Monk* (2) wrote in 1396. by order of *Thomas of Canterbury*. This makes it suspicious that this Article was nothing but a meer Slander, or a wrested Inference to blacken him. For *Wickliff* in the Apology he wrote for himself in *English*, after the *Earthquake Synod*, treats this as an Article of infamous Heresy, and a calumnious Imputation invented by false Witnesses (a).

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(a) Lewis p. 96.

ART. VII. *If a Man be truly contrite, external Confession is unprofitable to him and superfluous.* This Article is call'd *false, erroneous, heretical, abominable and Diabolical.* Which Censure is grounded upon those Words of *St. James v. 16.* and *Mat. viii. 4.* and *xviii. 8*; upon the Authority of *Lombard*, and upon the Decretal, *Omnis utriusque*, which orders all Persons of what Sex soever to confess their Sins. In the larger Censure the Necessity of external Confession is establish'd for this reason, because a Sinner who is only in a State of *Attrition* may, by the Confession of his Sins, acquire the Grace of Contrition thro' the Sacrament of Penance.

ART. VIII. *If a Pope is (præcitus) a Reprobate, (malus) wicked, and by Consequence a Member of the Devil, he has receiv'd no Power over Believers from any Body, except perhaps from the Emperor (a Cæsare.)* This Proposition is declar'd to be false and erroneous in the short Censure, but in the larger 'tis deem'd heretical; in the first Place because *Caiaphas*, tho' probably one of the Reprobate, nevertheless prosper'd; and in the second Place, because Men, for want of knowing the Decrees of God, cannot be sure they ever had a true Pope. *Wickliff* in his aforesaid Apology, explaining himself upon this Article, says that a Priest in a State of deadly Sin does indeed form all the Sacraments, but to his own Damnation, because the Priests are not the Authors of the Sacrament, and 'tis a Power which belongs only to God (b).

(b) Lewis ub. supra.

(1) This was publish'd much about the same Time that the Council of *Constance* was held; for 'tis dedicated to *Martin V.*

whom the Council elected Pope. *Wald. T. I. p. 73. Col. 1. Venet. 1571.*

(2) *William Wildford. Vid. Fascic. rer. expet. Fol. 96.*

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ART. IX. Since Urban VI. (1) there has been no Pope that we ought to receive, but we are under a Necessity to live every Man according to his own Laws, after the manner of the Greeks. The Article is declar'd false, grating to the Ear, erroneous, contrary to good Manners, and very heretical; because 'tis contrary to the Council of *Pisa*, which is own'd to be legal, and to have canonically elected *Alexander V.* as well as contrary to the Sentiment of the whole Church, which looks upon the Church of *Rome* as the Head of all the Churches by a Succession that has not been interrupted since *St. Peter's* Time, and as the Centre of Christian Unity, and also contrary to the Authority of *St. Paul*, who forbids the Faithful to be unequally yok'd together with Unbelievers, by whom the Council understands the *Greeks*.

ART. X. 'Tis contrary to the Holy Scriptures, for Ecclesiastical Persons to have any Temporal Possessions. This Article is censur'd as erroneous, heretical and seditious. The Right which the Clergy have to the Possession of Temporalities is establish'd by several Arguments drawn from the Holy Scriptures. The Clergy under the old Law possess'd 48 Cities with their Suburbs. They had Tithes of all the *Israelites*, and the first Fruits of their Corn, Wine, Oyl, &c. as well of all Things consecrated to God. Besides, if according to *St. Paul*, a Bishop must be given to Hospitality, and a Deacon must rule his House, they must have Houses and Substance. It appears by the Book of the *Acts*, that the Believers had Possessions, and the Divines of the Council say that among those Believers there were Clergy. *Jesus Christ* likewise had Money, of which *Judas* was Treasurer. God orders *Jeremiah* to buy a Field or a Piece of Land, which, as the Comment says, belong'd to a Priest or Levite whom the Doctors of the Council call *Ananias*, and who is call'd in Scripture *Hanameel*. To all these Authorities they add that of *St. Austin*, who says in a Letter to a certain Bishop nam'd *Boniface*, that what they possess more than is necessary belongs to the Poor; and upon the whole they conclude that this Article of *Wickliff* has no other Tendency than to stir up the Laity to seize the Possessions of the Clergy. In the *Great Sentence of Excommunication* explain'd by *Wickliff*, and in other Tracts, he sums up his Opinion on this Matter under these Heads.

1. THAT the Tithes are not of Divine Right, because it does not appear from the Gospel that *Jesus Christ* either paid or order'd them to be paid.

2. IN his Complaints to the King and Parliament he desir'd that the Tithes and Offerings might be given as before to honest

(1) The Schism began with this Pope.

able Persons (1), but not be extorted by Force and Excommunication.

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3. HE disapproves that the Laity should be so oppress'd to pamper the Luxury of a Priest, that they are not able to maintain their own Families and to relieve the Poor.

4. THAT as the Laity only paid Tithes to be instructed in the Word of God, so there were many Cases, wherein, according to the Laws of God and Man, the People may refuse to pay them; and that the Parsons are more accursed of God in refusing to teach by their Preaching and Example, than the People in refusing them Tithes when they don't discharge their Duty well. Yet he does not deny but that 'tis reasonable that a good Priest shou'd have wherewithal to maintain himself handsomly, and even more than is barely necessary; and he finds Fault with the Appropriation of Parish Churches to rich Monasteries, which swallow up all the Profit, and put none in those Churches but some Ignoramus to whom they give very little.

ART. XI. *No Prelate ought to excommunicate a Person unless he knows that Person is excommunicated by God; and he who excommunicates in any other Case becomes thereby a Heretic, or excommunicates himself.* In the short Censure 'tis declar'd that this Article is rash and scandalous, that it tends to disturb the Peace of the Church, and to disannul Ecclesiastical Penalties; but in the larger Censure 'tis branded with Heresy. This Condemnation is founded upon these Reasons. 1. That *Jesus Christ* did not say, *Thou shalt bind upon Earth whatsoever thou knowest is bound in Heaven*, but on the contrary, *Whatsoever thou shalt bind on Earth shall be bound in Heaven*. From whence 'tis clear, according to the Doctors of the Council, that the Sentence of Heaven does not precede, but follows that of the Church; which is confirm'd by the Authority of *Hugh de St. Victor*, a Fryar of the 12th Century. 2. That there being no Man to whom God has reveal'd whether a Man is excommunicate or not, it would follow that Excommunication would never be legal, which is contrary to the Authority that *Jesus Christ* has given to the Church. 3. That when a Prelate or Priest has taken all possible Precautions not to be deceiv'd, and exercises his Authority with a good Conscience, he is entirely blameless, tho' he be mistaken in the Censures which he passes, and that his Excommunication is as valid as Baptism administer'd by a Priest that is a Drunkard, an Adulterer, or a Murderer.

ART. XII. *He that excommunicates a Clergyman, because he has appeal'd to the King or his Council, is guilty of High Treason against the King.* The Doctors think this Article false, perverse and scandalous.

(1) This is a Passage level'd against the Begging Fryars, whom he did not think such Villains.

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The Reason they assign for it is, that God has given the Spiritual Authority to the Bishops, and that in this respect they are not subject to Kings nor Princes, nor to any Secular Power, because, according to St. Paul, whom *Hugh de St. Victor* and *Alexander Hales* quote upon this Head, *He that is spiritual judgeth all Things, yet he himself is judged of no Man* (1). Therefore a Clergyman condemn'd by his Ordinary may indeed appeal from his Judgment to that of a superior Ecclesiastic, but not to a Lay Tribunal, because this wou'd be to appeal from a Superior to an Inferior. From whence it follows that his Prelate is justifiable in such Case to excommunicate him as a Rebel, without being liable himself to any Accusation of Treason against the Secular Powers.

ART. XIII. *Such as cease to preach or bear God's Word, because they are excommunicated by Men, are excommunicated in effect, and will be look'd upon as Traitors against Jesus Christ in the Day of Judgment.* The Article is judg'd to be false, rash, contrary to Good Manners, injurious and scandalous; because there are Occasions wherein a Prelate has a Right to forbid a Priest from Preaching, or a Layman from hearing the Preacher on Pain of Excommunication, especially when the Dispute is concerning some erroneous Doctrine of which he is accused. At such Time the Priest is not excommunicated when he ceases to preach, nor the Lay-man when he does not go to hear him, because they are both oblig'd to obey their Lawful Superiors; as appears from *Matt. xxiii. 3.* *Heb. xiii. 17.* and by the Examples of St.

AG. XVI. *Paul and Silas* who were forbid by the Holy Ghost to preach the Word of God in *Asia*.

ART. XIV. *All the Fryars mendicant are Heretics, and they who give them Alms are excommunicate.* This Article does not appear in the larger Censure, but in the short one 'tis declar'd heretical and scandalous, because it wou'd follow from thence that the Apostles and *Jesus Christ* himself wou'd have been Heretics, because they begg'd. This is pretended to be prov'd from those Words of *Psalms XXXIX.* according to the vulgar Translation, *I am poor and needy*, where the Comment says that *Christ speaks of himself in the Person of a Slave.*

ART. XV. *During all the Time that a Temporal Lord, or a Prelate, or a Bishop is in mortal Sin, he is neither Lord, nor Bishop, nor Prelate.* The Proposition is declar'd to be false, erroneous, rash, heretical, and so prov'd from *Romans xiii. 1* *Pet. v.* and from the Examples of *Saul* and *Solomon* who were Kings, of *Caiaphas*, of the Scribes and

(1) *1 Corinb. ii. v. 15.* I translate this Passage according to the vulgar Version, which is that follow'd by the Council

and the two Learned Men abovementioned, one of whom liv'd in the 12th, the other in the 13th Century.

Pharisees who were Prelates, and of Judas who was a Bishop, as the Doctors of the Council say. *Wickliff* in his *English* Treatise of *Servants and Lords*, complains that his Words were wrested to render him odious to the Temporal Lords, and declares that is not his Opinion.

ART. XVI. 'Tis lawful for the Temporal Lords to deprive the Clergy, who live in the Habit of any Sin, of their Possessions and Estates. In the short Censure this Proposition is said to favour Heresy and the Avarice of *Julian* the Apostate, who, that he might have a Pretence to strip the Christians, quoted those Words of their Master to them, *If any Man doth not renounce all that he hath he cannot be my Disciple*. But the larger Censure plainly treats this Article as downright Heresy and Sacrilege, because the Church-Livings are those of God himself, who having been pleased to erect upon the Earth a Kingdom of which he is Sovereign Monarch, has consecrated certain Temporal Estates for the Administration thereof. That consequently it is no more lawful for Temporal Lords to seize the Church Revenues under Pretence of the wicked Lives of the Clergy, than for Peasants to rob any Prince or State of their Domains on Pretence of some Defect in the Government. This Argument is corroborated by the terrible Sentence which *St. Peter* pronounc'd in Quality of Universal Pastor upon *Ananias* and *Saphira* for having withheld the Possessions which were consecrated to the Church, that is to say, in the Sense of the Council, to the Clergy.

ART. XVII. The People may of their own Accord correct their Sovereigns when they are guilty of any Error. This Proposition is declar'd to be false, scandalous, heretical and seditious, and is prov'd to be such by several Scripture Authorities known to every Body, and by *David's* Conduct towards *Saul*. But in the larger Censure there's an Exception in favour of the Church and People, viz. That the Church having originally and in Propriety the Keys of the Kingdom of Heaven, which the Pope only holds of her, the Church may in Cases of Heresy depose a Pope, degrade him and deliver him over to the Secular Arm; just as the Empire may depose the Emperor, a Kingdom its King, and a Duchy its Duke, or correct him after some other manner for certain capital Crimes. As to these two Articles *Wickliff* complain'd that his Adversaries had construed in an absolute Sense what he had only express'd in a limited one, by distinguishing what is done tyrannically and unjustly, from what is done according to the Laws; and he accuses them of having chang'd the *English* Word he made use of signifying a *Judgment of the Court*, (*judicium forensè*) into a Latin Word, which signifies, of their own Accord, or Fancy.

ART. XVIII. The Tithes are meer Alms, and 'tis lawful for the Parishioners to retrench them on account of the Sins of their Prelates.

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This Proposition is branded with all the Characters of Reprobation, and several Passages are quoted from the Old and New Testament, as well as the Authority of the Decretals and the Canonists to prove, that the Tithes being of Divine Right, 'tis a Sacrilege to take them away from the Clergy, let them commit any Faults whatsoever against God or Men. Among others, there is a Passage of *Hugh de St. Victor*, which establishes this Difference between the Tithes and other Ecclesiastical Revenues, *viz.* That the Tithes belong to the Church, both by Right and Possession, whereas the other Temporal Revenues only belong to it by Possession.

ART. XIX. *Take one with another, the particular Prayers which the Prelates or Fryars make for a certain Person, are of no more Service to him than the general Prayers.* This Article is deem'd false, and erroneous, and is confuted by several Passages of Scripture, which enjoin particular Prayers. But this Article is blam'd above all, by Reason of this Inconveniency, *viz.* That it would follow from thence, that the Prayer of *St. Gregory* for the Soul of *Gratian*, would have been of no more Service to this Emperor than to others, tho' he was nevertheless deliver'd out of Hell by the Merits of that Prayer.

ART. XX. *He who gives Alms to the begging Fryars is actually excommunicate.* This Article is declar'd false and extravagant, and is parallel'd with the Heresy of *Diotrephes*, who wou'd not receive the Brethren; but this is founded on the following Article, to which the Confutation of it is referr'd.

ART. XXI. *Whoever enters into the Monastick State, either among the endow'd Monks, or among the Fryars Mendicant, renders himself not so fit for keeping God's Commandments.* The Proposition is reckon'd false, erroneous, contrary to good Manners, and heretical. To prove it they quote that Passage in *St. John*, who says, that *all that is in the World is the Lust of the Flesh, and the Lust of the Eyes, and the Pride of Life*; for say they, the Monks, and especially the Begging Fryars, avoid the Lust of the Flesh by the Vow of Chastity, the Lust of the Eyes by the Vow of Poverty, and the Pride of Life by the Vow of Obedience. Nor are the other Scripture-Passages forgot, which enjoin all Christians to renounce the World; but above all, 'tis pretended, that the Advice Jesus Christ gave to the young Man in the Gospel is the Foundation of a Monastick Life. Finally, to confute this Article the Doctors assert, that they have no need of any other Argument, but that of the Authority of the Church of *Rome*, which approves of all these Religious Orders.

ART. XXII. *The Holy Men by whom such Orders were instituted sinn'd in so doing.* This Proposition is declar'd to be false, erroneous, heretical and scandalous, for the same Reasons as above, as well as the XXIII. which

which says, That all who are of Religious Orders do not belong to the Christian Religion.

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ART. XXIV. *The Monks ought to earn their Livelibood by the Labour of their Hands and not by Begging.* The Proposition is said to be false, rash, and erroneous. The Reason of it is, because where Jesus Christ says, *The Fowls of the Air neither sow nor reap*; the Comment says, that the Saints are justly compar'd to the Birds, because they fly towards Heaven, and because some are such Strangers to the World, that they do nothing in it. To this they add certain Decretals, which authorise the Monks to beg.

ART. XXV. *All those are guilty of Simony, that engage to pray for others when they are assisted by them in Temporalities.* This is judg'd false, rash, contrary to good Manners and heretical. 1. Because 'tis contrary to Charity and Gratitude. 2. Because, the Labourer is worthy of his Hire, and because Jesus Christ has promised to reward him richly, that shall give him so much as a Cup of cold Water. 3. Because there is nothing Simoniacal in those Engagements, provided St. *Austin's* Maxim be observ'd, *That a Man must eat in order to be able to preach, but not preach with a View to his eating.*

ART. XXVI. *The Prayer of the reprobate Person availeth nought.* This Article is call'd false and erroneous by the short Censure, but the larger Censure declares it heretical, if it be understood in the general Sense and without Exception. In order to justify this Censure, they suppose that a Person in a State of Reprobation is capable of doing meritorious Actions, and such too as would render him worthy of eternal Salvation, if he did not lose the Grace of God by falling afterwards into some deadly Sin and dying in Impenitence. On this Supposition 'tis affirm'd, that it being possible for the Prayer of a Reprobate to be made with Charity and Humility, it may by Consequence be effectual. 'Tis true, that this Proposition is prov'd by a Passage of Scripture, which perhaps every Body will not think very decisive, that is the Parable where the Master forgave his wicked Servant the Debt, because he humbly desir'd him. Nor do I know whether the Argument which is annex'd to this Passage will be approv'd of any more than the Quotation, *viz.* That if the Sword of a reprobate Emperor or King is not in vain, because he doth not bear it in vain, there's much more Reason for supposing that the Prayer of the Reprobate is not in vain, when 'tis offer'd up with Charity. The foregoing Reflections relate to the Prayers of Reprobates in general. The Censure speaks afterwards of the Prayer of Priests, who may be

Præfci.

Matt. xv. ii.

In the XIXth Article where *Gratian* is mentioned, the Doctors meant *Trajan*; but that's a Fable of *John the Deacon*, which has been rejected by the Learned

of all Communion, and particularly confuted by *Baronius*, *Bellarmin*, *Maimbourg*, and by *Father Dom. Denys de St. Marthe*.

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in a State of Reprobation; as to which they say, that the Church would never be sure of the Efficacy of any of the Prayers, which the Priests make for her, because there is no Revelation whereby we can be able to discern those who are not reprobate from those who are so. *St. Augustin* is quoted upon this Head, who says, that the Prayers put up by wicked Priests are nevertheless heard by Reason of the Devotion of the People.

ART. XXVII. *All things happen from absolute Necessity.* The Proposition is declar'd false and rash in the short Censure, for these Reasons. 1. Because it would follow from thence, that Commands, Exhortations and Counsels would be absolutely in vain; for no Body troubles himself to exhort the Sun to rise, or the Rain to fall, which things happen necessarily according to the Course of Nature. 2. Because that Opinion destroys all manner of Vice and Virtue in the World; since no Body can be prais'd or blam'd for what he does only from inevitable Necessity. But the larger Censure is much more severe against this Article of the absolute Necessity of all Events. It declares, that it is not only a very dangerous Heresy, but the Heresy of Heresies, the Error of Errors, and the Mother of Vices; that 'tis contrary to Scripture, Reason and Experience; and that they who maintain it, don't deserve to be confuted by Arguments, but by Blows and Punishment, of which they cou'd have no Reason to complain, because such Pains would be inflicted on them by absolute Necessity. Several Scripture Passages are afterwards quoted, to prove that there are contingent Events, that is to say, things that may happen, or not happen; and the Arguments and Authorities made use of by those of the contrary Opinion to support their Hypothesis are confuted.

ART. XXVIII. *The Confirmation of Youth, the Ordination of Clergymen, the Consecration of Holy Places, have been reserv'd by the Popes and Bishops to themselves, merely out of Avarice and Ambition.* This Article is declared to be injurious and erroneous; injurious because 'tis reviling the Prelates contrary to the Commandment of God, *Exod. xxii. 28.* Erroneous because it appears from *Acts viii. 14 to 17,* that the Apostles, whom the Bishops succeeded, had this special Privilege of the Laying on of Hands, and of conferring the Holy Ghost upon those who were baptised, which the Council takes to be Confirmation. As to the Ordination of Clergymen, and those especially who are of the chief Orders, 'tis pretended to belong to the Bishops upon the Authority of the Holy Scriptures. They think there is a Pattern for it in the third Chapter of the Book of *Numbers*, where the Superintendency over the Levites is given to *Aaron*; and an express Order for it in the first Chapter of the Epistle to *Titus*, where *St. Paul* orders Elders to be ordained in every City; in the 6th Chapter of the *Acts*, where we find the Apostles laying their Hands on the

Tit. i. 5.

Act. vi. 6.

the Deacons chose by the Assembly; in the first Epistle to *Timothy*, where St. Paul recommends it to him to lay Hands suddenly on no Man. Besides these Passages the Doctors alledge a very particular Reason of the Privilege which Bishops have, exclusive of other Clergymen to give the Sacrament of Confirmation, and that of Ordination to Priests and Deacons. Namely, That in these two Sacraments the Holy Ghost is conferr'd, whereas the other five only confer Graces that are *infinitely inferior* (1). As to the Consecration and Dedication of Holy Places, 'tis only appropriated to the Bishops for the Sake of Order and Decency, and by the Authority of the Decretals.

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Titul. v. 22

ART. XXIX. *Universities and Colleges, with the Degrees therein taken, were introduc'd by a Pagan Vanity, and are of no more Service to the Church than they are to the Devil.* This Article is declar'd false, injurious, contrary to good Manners, suspected of Unsoundness in Faith, and even heretical according to the larger Censure. 1. Because the Church has establish'd those Foundations, with a good Intention, for the publick Benefit. 2. Because the Universities have produc'd abundance of Persons eminent for Learning and Piety, who have been very great Blessings to the Church; as the *Bernards, Anselms, and Thomas Aquinas*. 3. Because in the old and new Law, mention is made of Doctors, and it cannot be suppos'd, without Blasphemy, that they deriv'd their Authority and Origin from a Piece of Heathenish Vanity, as to which several Passages of Scripture are quoted, and particularly *Acts* xiii. 1. and *Ephes.* iv. 11. 4. Because it ought not to seem strange, that there are several Degrees in the Sciences, any more than several Degrees of Freedom in the Arts, and that this Variety contributes extremely to the Maintenance of good Order, and the keeping up of Emulation. Lastly, They quote a Decretal of Pope *Honorius III.* for the Maintenance of Universities and Scholars.

In 1220.
Decretal V.
Tit. 5. Cap. V.

ART. XXX. *The Excommunication of the Pope, or any other Prelate, is not to be regarded, because 'tis the Censure of Antichrist.* This Article, as to the former Part, is deem'd false, erroneous, contrary to the Decision of the Church, and tending to a damnable Contempt of the Keys, of the Ecclesiastical Jurisdiction, and of the Spiritual Sword; and as to the second Part of it, 'tis term'd false, injurious and scandalous, because it insinuates, that the Pope is Antichrist. But in the larger Censure, the entire Article is declar'd to be here-

(1) In baptizations creata gratia Baptismatis, in Pœnitentiâ creata gratia remissionis peccatorum, in Eucharistiâ corpus & sanguis Christi, & creata gratia unionis cum corpore Christi mystico, & ita de aliis duobus Sacramentis, conjugio, & unctione extrema. *Vid. Hæd. T. VI. p*

291 *i. e.* In baptizing, there's the Grace of Baptism, in Penance, the Grace of Remission of Sins, in the Eucharist the Body and Blood of Christ and the Grace of Union with the Mystical Body at Christ, and so of the two other Sacraments, Marriage, and Extreme Unction.

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Matt. xviii.
17, 18.

tical and blasphemous. They prove that Excommunication by the Pope and Prelates is of Divine Authority from those Words of Jesus Christ, *to the Church*, where by the Church must be understood the Ecclesiastick Judge, and not the Assembly of the Predestinate, as the Hereticks say, nor a General Assembly of all Christendom, because such an Assembly is impracticable, and besides, the Majority would be incapable of passing Sentence with a true Judgment of the Case. But I am surpriz'd, that among these 45 Articles condemn'd by the Council, there is not one, which expressly says, that the Pope is Antichrist, because *Thomas de Walden* accuses *Wickliff* of having asserted it in those very Words.

Walden T. I.
L. II. Cap.
49.

ART. XXXI. *They who found Cloysters are Sinners, and they who enter them are Persons diabolical.* This Article is declared false, erroneous, favouring of Heresy, and even heretical, according to the larger Censure. 'Tis confuted by the same Reasons almost as the XXIIst. with this Addition, that it would follow from hence, that *Samuel*, the other Prophets, *John the Baptist*, Jesus Christ, and his Apostles were Persons diabolical.

ART. XXXII. *'Tis contrary to the Institution of Jesus Christ to enrich the Clergy.* The Proposition is declar'd false, erroneous, heretical, and is attack'd by the same Arguments as the Tenth Article.

Decret. Part
I. Dist. 22.
cap. 1.

ART. XXXIII. *Pope Sylvester, and the Emperor Constantin err'd by endowing the Church.* This Article is deem'd rash, scandalous, favouring of Infidelity, and contrary to good Manners, for the same Reasons that are urg'd upon the tenth, and they are supported by the Instance of the *Virgin Mary*, who by Miracles rewarded the Gift which *St. Patrick* made of his Estate to the Poor to her Honour, and by the Bull of *Nicholas II.* which ascribes the Empire of the Earth and that of Heaven to *St. Peter*. *Wickliff* had said in his Treatise of the Ordination of Clergymen, that *Constantine* had ruin'd the Church by his great Donations to it, because they had introduc'd Ambition and Luxury into it. In his Treatise of *Ecclesiastical Possessions*, he bewails the horrid Abuse which they made of their Wealth; and in other Tracts he had asserted, that Clergymen and Monks ought not to be great Lords, nor live like great Lords, because under the Law the Priests and the Levites were content with the Tythes and Offerings.

Decretal V.
Tit. VII.
Cap. XII.

ART. XXXIV. *'Tis lawful for a Deacon and a Priest to preach God's Word, without the Authority of the Apostolical See or Bishop.* This Article is declar'd to be false, erroneous, rash, and contrary to the Determination of the Church; but this Censure is only founded upon a Decretal of *Innocent III.* which only forbids the Laity from preaching, and upon the Danger of Heresies creeping in by Favour of such Permission.

ART. XXXV. I pass it, because it has been already condemn'd in the XXIIst. and XXIII. XXXVI.

ART. XXXVI. I pass this too, because 'tis very near the same with the XXXIId. and XXXIIId.

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ART. XXXVII. *The Church of Rome is the Synagogue of Satan, and the Pope is not the next and immediate Vicegerent of Jesus Christ and his Apostles.* This Proposition is judg'd false, scandalous, erroneous, and heretical in all its Parts; First, because there's no Salvation out of the Church of *Rome*, as is prov'd by the Decree (1) of the *Lateran Council*, *Firmiter*, already quoted, and by a Decretal of Pope *Calixtus I.* which establishes, that the C. of *Rome* is the Mistress of all Churches, and that 'tis not lawful to depart from her Decisions; and by another Letter from *Anaclet*, which says the same thing, tho' in stronger Terms. From thence it clearly follows contrary to the second Part of the Article, that the Pope is the next and immediate Vicegerent of Jesus Christ, because the Church of *Rome* has determin'd it. In the larger Censure 'tis added, that tho' such a Pope and such a College of Cardinals may be Members of the Devil, it does not follow from thence, that the Church of *Rome* is a Synagogue of Satan, if we consider it as a Mystical Body, which can never decay as to its formal State, tho' its material Part which is such a Pope, and such Cardinals, may be very much corrupted.

Distin^a. XII. 1.

Distin^a. XXII. 2.

This Argument is illustrated by a very obscure Comparison.

ART. XXXVIII. *The Decretals are Apocryphal, they corrupt the Faith in Jesus Christ, and the Clergy who study them are Fools* (2). The first Part of this Article, which says, that the Pope's Decretals are Apocryphal, is deem'd contrary to the Determination of the Church, from the Authority of the Decretals themselves, viz. one of Pope *Hilary*, another of Pope *Damasus*, another of Pope *Hormisdas*, and one of Pope *Adrian*. As to the second Part of it, which says, that the Decretals corrupt the Christian Faith, 'tis declar'd heretical, because 'tis the Decretals that maintain Faith and Discipline against Heresies, and against Vices, as may be prov'd, say they, by reading them. The third Part, which charges those who read the Decretals with Stupidity or Folly, is treated as erroneous, blasphemous, and injurious to *Innocent III.* *Gregory XI.* *Boniface VIII.* *Clement V.* and *John XXII.* who order'd the Universities of *Tholouse*, *Bologna*, and *Avignon*, to establish Professors to teach them.

Decret. Part II. caus. XXV. Quest. c. 1. 5. 9. 11.

THIS whole Article is deem'd heretical by the larger Censure, in which, however, some Examination of the Decretals is admitted; but supposing them to be the Decretals of the Popes whose Names they bear, the same Authority is given to them as to the Epistles of the Apostles.

(1) If they had known as much of the Decretals of the Popes in that Age, as they do in the present, *Wickliff's* Article

would have been confuted by other Arguments.

(2) *Et Clerici sunt fuiti qui eas student.*

ART. XXXIX.

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ART. XXXIX. I pass over it, because 'tis very near the same with the Articles X. XXXII. and XXXIII.

ART. XL. *The Election of the Pope by the Cardinals is an Invention of the Devil.* In the short Censure, this Article is only judg'd erroneous, and contrary to the *Lateran Council*, in which the Election of the Pope by the Cardinals was agreed on. I fancy that the Doctors of the Council did not think proper to lay too heavy a Censure upon this Article, nor to insist very much upon the Right of the Cardinals to elect the Pope, because they did not intend to admit them in the Election of the future Pope, at least in Quality of Members of this College. Nevertheless the Article is declared heretical in the larger Censure, but as this seem'd to be only the Censure of a private Person, 'tis not of the same Weight as the short Censure.

Distinct.
XIX. XXII.

ART. XLI. *'Tis not necessary to Salvation to believe the Sovereignty of the Church of Rome over the other Churches.* This Article is said to be false, rash, erroneous, and heretical; and they prove it from many Decretals, particularly those of *Nicholas II. Gregory IV.* and several others, which may be found in the Body of the Canon Law. In *Bzovius* we find this same Article condemn'd in these Terms. *'Tis an Error, if by the Church of Rome is meant the Catholick Church, or a General Council, or if they pretend to deny the Pope's Supremacy over all the particular Churches.*

ART. XLII. *'Tis a Folly to believe Indulgences.* This Article is declar'd to be erroneous and contrary to good Manners. 1. From this Passage, *Whatsoever thou shalt loose, &c.* 2. From this Reason, because the Consequence wou'd be, that the Pope, who is the Bridegroom of the Catholick Church, and the Bishops who are Bridegrooms of the particular Churches establish'd to raise a Lineage to Jesus Christ their Brother, could not distribute the Estates he has left for the Use of his Spouse, *viz.* the Merit of his Passion, nor the Treasures of the Bride and her Children, which consist in the Supererogatory Works of the Martyrs, Confessors, and Virgins; which is judg'd to be contrary to the Laws divine and human. But in the larger Censure this Article is deem'd to be heretical, extravagant and diabolical.

ART. XLIII. *Augustin, Bernard and Benedict are damn'd, unless they have repented, for having instituted Orders, and enjoyed Estates, and for the same Reason, all are Hereticks from the Pope to the meanest Fryar.* This Article is judg'd to be blasphemous, heretical and senseless, for Reasons that have been already mentioned elsewhere.

ART. XLIV. The 44th Article is wanting in the MS. of the short Censure, but 'tis mention'd in the larger Censure, and in *Bzovius* in these Terms. *Oaths which are taken to confirm or secure human Contracts and Civil Commerce, are unlawful.* 'Tis judg'd scandalous and

Bzov. ad. an.
1415. p. 397.

and heretical, and confuted by the Arguments which are commonly alledged against the *Anabaptists*. I do not observe, that *Thomas de Walden* has charg'd *Wickliff* with this Opinion.

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ART. XLV. All Religious Orders (1) without Distinction were introduced by the Devil. This Article is declar'd false, rash, senseless, scandalous, erroneous and heretical; because one or other of these two Impieties wou'd be the Consequence of it, either that the Christian Religion it self was introduc'd by the Devil; or that if Jesus Christ did not institute the Religious Orders, the Devil is more Holy than Jesus Christ.

AFTER the Reading of these XLV Articles, the Archbishop of *Genoa* began to read 260 others, pretended to be extracted from *Wickliff's Books*, which contain'd much the same Doctrine in other Terms; but the Cardinal *de St. Mark* interrupted him to put it off to another Time. The Acts do not mention the Reason which induc'd the Cardinal *de St. Mark* to interrupt the Archbishop in reading of those Articles. But it appears from a Memorial we shall see hereafter, that the *French* complain'd they had not had a Sight of 'em. However they were all condemn'd in this Session, as well as the 45, and all *Wickliff's Books* in general and particular, as the *Dialogus*, *Triologus*, &c. As to *Wickliff* himself, the Council declares that since they find after the strictest Inquiry that the said *Wickliff* dy'd an obstinate Heretic, they condemn his Memory, and order his Bones to be dug up, if they can be distinguish'd from the Bones of the Faithful, and thrown upon a *Dung-hill*. All these Decrees are pronounc'd in the Name of the Council, without any mention of the Pope. The 260 Articles abovemention'd may be seen in the Collection of *Orthwinus Gratius* in the Edition of 1535. and in the 151b Session we shall see the Articles that were extracted from them.

V. d. Hardt, T. IV. p. 152.

LX. As 'tis not always fair to judge of a Man's Doctrine and Sentiments, from such Articles as have been condemn'd by passionate or ill-inform'd Judges, such as *Wickliff's* Judges were, who trusted to the Report of his Enemies, I have thought fit by way of Digression to make an Extract of his Book intitl'd *Triologus*, the only printed Book of his, at least in *Latin*, that I know of, in order to have a just Idea of his true Sentiments. 'Tis certain that *Wickliff* compos'd a great Number of Tracts, some of which were printed both in *England* and *Germany*, and others left in M S. in several Libraries of those Countries, a List of which may be seen in *Henry Wharton's Appendix*, in *William Cave's Literary History of the Ecclesiastical Writers*, and in the *Life of Wickliff* by Mr. *Lewis*. But of all *Wickliff's* Works the most important seems to have been his *Triologus*, and it

Fasciculus rerum expetendarum & fugiendarum. Fol. 133. The general Character of Wickliff's Doctrine upon several Articles, extracted from his *Triologus*.

(1) We are thereby to understand Religious and Monastic Houses and Societies. was

1415. was this which principally contributed to his Condemnation in *England*, at *Rome* and at *Constance*. This is the very Piece which *William Widefort* a *Franciscan* Fryar confuted in a Treatise dedicated to *Thomas Arundel* Archbishop of *Canterbury*, as appears from the Dedication, and these Words at the End of it (a), *The End of the Treatise of Master William Widefort* of the Order of Fryars Minors against the Errors of the *Trialogus*, condemn'd at the Provincial Council of *London* under *Thomas Arundel* at *Canterbury* 1396. It does not appear that this Work was printed in *England*, and even according to *Wharton's* Testimony there is only one MS. Copy of it in *Trinity College* at *Cambridge*. It was in 1525. in a certain City of *Germany*, which is not mention'd; and I had the good Fortune to find a Copy of it in the Library of the University of *Francfort* upon the *Oder*. It bears this Title, *The four Books of the Dialogues of the very pious John Wickliff*, of which the first treats of the *Godhead and Ideas*; the second of *the Creation of the World*; the third of *the Virtues and Vices*; the fourth of *the Sacraments of the Church of Rome*; of *its pernicious Endowments*; of *the Reign of Antichrist*; of *the fraudulent Origin and Hypocrisy of the Mendicant Fryars (Fraternities)*, in which there is a *naked Representation of many Things worthy to be known in our Age*. And for the better finding them out there's an *Index and a Summary of the Contents of each Chapter*. A° 1525. As to the Title of *Trialogus*, which is likewise given to his *Dialogues*, he himself shews the Reason of it at the End of his Work, viz. That as there is more Pleasure in reading a Treatise where Persons hold a Discourse with one another, than a continued Treatise, he has introduc'd three Characters, viz. *Truth*, which represents a sound *Divine*; *Falshood*, which stands for the *Unbeliever* and the *Sophist*, and *Wisdom (Phronesis)*, which decides like a subtle and consummate *Divine*. But this Book favours altogether of the *Barbarism* of his Age. It generally abounds with the *Metaphysics* of the *Schools*, which together with the numerous Errors of the *Pres* render a great many Passages of it unintelligible. The three first Books are remarkable for nothing particular, but some very bold Assertions for that Age: For Instance, in the sixth Chapter of Book I. speaking of the *Mystery of the Trinity* he advances this Proposition; 'There are some so extravagantly mistaken in this Matter, as to think that the *Light of Faith* is contrary to the *Light of Nature*; and that consequently what seem'd impossible by the *Light of Nature*, ought to be necessarily believ'd by the *Light of Faith*; but the *Truth* is, that such a *Blindness* is not the *Light of Nature*, but meer *Darkness*, because those two *Lights* are not opposite to each other (b)'. In the same Book Chap. XI. where he treats of the *Limits of our Ideas*, speaking occasionally of the *Doctrine of the Eucharist*, such as it is taught in the *Church of Rome*, this

(a) Fascic.
 Rer. expet. &
 Jug. Orb.
 Grat. Fol. 96,
 133.

(b) Fol. IX.

this is what he says, ' They say that the consecrated Host is an Accident without a Subject, mean Timethis is what they cannot know. ' Consequently they affirm what they don't comprehend, and what ' God himself could never teach them; from whence 'tis clear that ' their Opinion is false and full of Ignorance, because God teaches all ' Truth, and nothing but what he knows to be Truth, and which he ' is able to make others conceive (a).

(a) Fol. xviii.
fin.

IN Lib. III. Chap. VII. which treats of Grace, he maintains that *the Prelates who grant Indulgences without Distinction (communiter), blaspheme the Wisdom of God, because thro' their Covetousness they pretend foolishly to understand a Matter which they know nothing of.* That is to say, according to the Principles he had laid down, they know not whether a Man is Elect, or whether he is a Reprobate, whether he is truly contrite or only so in Appearance. In the same Chapter he says that the Error of the Eucharist being introduc'd as soon as Satan was let loose, drew Mankind into many other Heresies. *Those stupid Simonists, says he, imagine that Grace is to be bought and sold like an Ox or an Ass.*

THE eighth Chapter is intitl'd *The absolute Necessity of all Contingencies.* The Objection to this was, That it would follow from thence that 'tis not in God's Power to save a Reprobate. It seem'd that the Objection gravell'd him, and 'tis not very easy to apprehend how he cou'd get off on't. But he parries it thus, ' On this Subject; says he, I make ' use of Terms founded upon just Arguments and the Scriptures as they ' are us'd by the Ancients. But the Moderns, who coin Terms after their own Fancy (*baptizant terminos secundum sua arbitria*) have ' no other Argument for what they advance than this, by which many ' are deceiv'd, *The Court of Rome and its approv'd Doctors say thus; ' therefore, it is true.*

THERE are many Things remarkable in the 30th Chapter of the same Book. It treats chiefly of the Abuse of the Invocation of the Saints, which according to him is only founded on late Traditions. Therefore he lays it down first as a Principle that the *Authority of the Holy Scriptures, which is the Law of Jesus Christ, infinitely surpasses any other Writing, how authentic soever it may appear, because the Authority of Jesus Christ is infinitely above the Authority of all Mankind.* He extends this Principle farther in the following Chapter, where he says that the Authority of the Holy Scriptures is independent on any other Authority, and is preferable to every other Writing, but especially to the Books of the Church of Rome, of the modern Doctors, and the Pope's Bulls. From hence he infers, That we ought not to extol the Saints either of the Old or New Testament, any farther than they have imitated Jesus Christ, and conform'd to his Law. ' Therefore, says he, our Church (the Church

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of England) has this very reasonable Custom, that when any Saint whatsoever is invoc'd, the Words are address'd directly to Jesus Christ, and not principally to the Saints, and that the Solemnity or Festivity of the Day is to no Purpose, if it does not tend to magnify Jesus Christ, and to make Souls in Love with him. From hence 'tis inferr'd, that if the Solemnization of Saints Festivals deviates from this End; the Motive of it must be Avarice or some other Sin: Which inclines many to be of Opinion that all those Saints Days ought to be abolish'd, in order to celebrate none but the Festival of Jesus Christ, because then the Memory of Jesus Christ wou'd always be recent, and the Devotion of the People wou'd not be parcell'd out between Jesus Christ and his Members. — For, continues he, there are People who hold the probable Opinion that it wou'd be expedient that Men shou'd only worship Jesus Christ, because as he is the best Intercessor and the best Mediator, it wou'd be a great Folly to apply to others, — the rather because, as the Covetousness and the Self-Love of a Church increases every Day, it may happen that the Course of Devotion may be very much turn'd by it, and that Men may worship and serve a Devil canoniz'd for a Saint. — Let every Believer inquire why so many particular Churches apply to the Court of Rome with so much Toil and Expence for the canonising of some Brother, and he will find the Reason to be Covetousness, and the Ignorance of the true Faith. Wou'd any one chuse the King's Buffoon to be an Intercessor with him? The Saints indeed are not Buffoons in Heaven, but they are less compar'd with Jesus Christ, than a Buffoon is in Comparison of a King.

THE fourth Book is the most Theological, and gave the greatest Handle to Wickliff's Adversaries. He there treats of the Sacraments, and does not exclude the five which the Church of Rome has added to the two instituted by Jesus Christ. Let who will construe these Latin Words, *Nec didici picarias, ex quibus picarijs adjectis, hoc nomen Sacramentum limitari debet univoce ad hæc septem* (a).

(a) Lib. IV.
Cap. I. Fol.
C.

HE begins his Treatise of the Sacraments with the Eucharist, which he calls the Last Sacrament but one, as the most venerable of all the Sacraments, that which has the best Foundation in Scripture, and that about which, says he, there are at present most Difficulties and Controversies (*est dissentio brigosa*). The first Chapter treats of the Eucharist in general, and he goes upon these Principles, 1. That according to the Evidence of the Senses, the Bread and Wine consecrated at the Altar by the Priest, and which is vulgarly supposed to be the Body and Blood of Jesus Christ, remaineth Bread and Wine after Consecration. 2. That the white and round Body which the Priest eats after having broke it, is not different from a Wafer, not consecrated, and is subject to the same Changes, as to be gnaw'd by Rats, and
to

to corrupt with Time. 3. That there are modern Heretics, who to avoid the Inconveniencies which attend their Error concerning the Eucharist, say the consecrated Wafer is not a Sacrament but a real Thing, tho' 'tis call'd Sacrament, and not Thing (*rem*) in the Prayers of the Church, and in the Bulls or Constitutions of the Popes. 4. That in the Eucharist, as well as in every other Sacrament, there is a threefold Distinction, 1. The Sacrament and the Thing (*Sacramentum & res.*) 2. The Thing and not the Sacrament (*Res & non Sacramentum.*) 3. The Sacrament and not the Thing (*Sacramentum & non Res.*) The Sacrament and the Thing is according to him the Body of the Lord on High. 'Tis call'd Sacrament, because 'tis the visible Sign of the Divine Essence, and of the Grace of Jesus Christ, and when 'tis represented by the consecrated Wafer, 'tis the Thing signify'd by the Sign, *i. e.* the natural Body of Christ. As to the visible Thing, which is commonly call'd the sacred Bread, 'tis call'd *Sacrament*, and not *Thing*, not that it is not a Thing, for 'tis a Thing very plain, as we see it; but because 'tis not the Thing signify'd by the visible Sign which presents it self to the Eyes, that is to say, 'tis not the natural Body of Jesus Christ. *The Thing and not the Sacrament*, is the Union of Jesus Christ with his Church, which is effectually represented by the Sacrament, or the visible Sign. After having establish'd these Principles he expetries himself in very strong Terms, and I wish they were as clear, concerning divers Errors that crept into the Church, after Satan was let loose. *Some*, says he, *pretend that 'tis an Accident without a Subject, others that 'tis nothing, because 'tis the Concurrence of several Accidents of a different kind.* He declares that he had strenuously combated those Errors as well in the University as before the People, because of all Heresies that are multiply'd in the Church, there is none which has been more fraudulently introduc'd by Hypocrites, and that has more misled the People. *This Heresy*, says he, *fleeces the People and makes them fall into Idolatry; It denies the Faith of the Scriptures, and by such Infidelity it provokes the just Indignation of the God of Truth.*

IT wou'd be very expedient, says he, that the Catholic Church should consider this Point, and take great Care to shew what the Scripture wou'd have us believe on this Subject, because 'tis a Matter decided in the Gospel, more fully, with more Authority, more Scope and more Exactness than by the Court of *Rome*; tho' before Satan was let loose, this Court agreed with the Sentiments of the ancient Church upon this Point (1). It may well be suppos'd that he does not forget the Words of the Institution to establish his Opinion.

(1) He here quotes *Berengarius's* Recantation, who had maintain'd that the Opinion which he was forc'd to retract concerning the Eucharist, towards the middle of the eleventh Century, was the Opinion of the Church before him, and that it was *Paschasius* who had been guilty of an Innovation.

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Therefore he proceeds in the second Chapter to the Confutation of the various Constructions which are given in the Schools to those Words of Jesus Christ, *This is my Body*, which he affirms ' was only ' said of Bread, and not of the Body of Jesus Christ; because if they ' were understood to mean Jesus Christ's Body, and not Bread, it wou'd ' be making Jesus Christ guilty of the greatest Absurdity, to say, *This ' which is my Body is my Body*. Besides, he adds, if the Demonstra- ' tive Pronoun *This* be not spoken of the Bread, how can any one teach ' that by *Virtue of the Sacramental Words, the Bread is transubstantia- ' ted into an Accident without a Subject, and that the Body of Jesus Christ ' takes the Place of the Sacramental Bread?* (1) He argues upon the ' Wine after the same Manner as he does upon the Bread (2).

IN the fourth Chapter Truth accosts Wisdom in these Terms: ' You have done me a Pleasure in confuting with so much Bre- ' vity and Perspicuity this Matter against the Heretics, because there ' is so great a Number of Monks (Begging Fryars,) and other Peo- ' ple call'd Christians, who declaim against your Sentiment, who even ' study a thousand ways to take away your Life, who as notorious He- ' retics ought to be rooted out of the Church, or at least depriv'd of ' all Ecclesiastical Dignity, and by Consequence of the Possession of ' all Temporalities, and excluded from all Manner of Alms. Tell me ' therefore, I pray you, (more particularly) how the Bread remains ' Bread, after the Consecration of the Wafer, for there are many who ' say that if they believ'd this they shou'd never celebrate one Mass ' while they liv'd'. The Answer of Wisdom (i. e. *Wickliff*;) to this Article, is, that we must stick to the Scriptures. His Sentiment is very difficult to explain, but I think it reducible to this Proposition, viz. that as according to the Sense of the Scripture Terms, the Bread is the Sacrament or the Figure of the Body of Jesus Christ; so it must be believ'd singly upon the same Authority, that the same Bread is truly and really the Body of Christ (3), *Oportet cum ista Materia sit positiva ad fidem Scripturæ attendere, & ipsi plans credere, & sicut virtute verborum fidei Scripturæ conceditur, quod hoc Sacramentum est Corpus Christi,*

(1) Item si demonstratio pronomini Sacramentalis foret impertinens illi panis, quomodo doceri poterit pertinenter quod virtute illorum verborum Sacramentalium est transubstantiatio in accidens sine sub- jecto & Corporis Christi, in loco panis Sacramentalis innovatio. Fol. CIII.

(2) But by the way, *Wickliff* is guilty of a pleasant Blunder here, by saying that the Holy Spirit, to leave Sophisters no room for Cavil, was pleas'd that Jesus Christ shou'd make use of the Masculine Gender when he spoke of the Blood, *hic*

est Sanguis meus. He was not aware that the Neuter Gender is us'd in the Greek, with Regard both to the Wine and the Bread. Consequently St. *Jerom* will be the Holy Spirit who has employ'd the Masculine Gender instead of the Neuter, which he ought to have made use of according to the Original.

(3) It has been said a long Time as to this Subject that the Presence signify'd by the Elements of Bread and Wine is no less real and true than the Corporeal Presence.

Et non

Et non solum quod erit (I fancy there's some Mistake here) vel figurat sacramentaliter Corpus Christi; sic concedatur eadem auctoritate simpliciter quod iste panis qui hoc Sacramentum est veraciter Corpus Christi (a). 1415. (a) Fol. CV.

There is not, says he, among the Vulgar any one so stupid but he understands this Argument, *This Bread is the Body of Christ; therefore 'tis Bread, and by Consequence remaineth Bread, and it is at the same Time both Bread, and the Body of Christ.* This he illustrates by some familiar Examples (1), as that of a private Man, who upon being made a great Lord or Prelate wou'd nevertheless be the same Man, tho' a Man rais'd to a higher Quality; and that of *John* the Baptist, who being made *Elias* by Virtue of the Words of Jesus Christ, remain'd nevertheless *John* the Baptist. Consequently, as *John* the Baptist is *Elias* figuratively, and *John* the Baptist personally, just so the Bread is figuratively the Body of Christ, but naturally Bread. As to what was said by some Priests or Monks, whom he calls harden'd Heretics, that if they thought what he taught concerning the Eucharist was true, they wou'd not celebrate Mass, 'It wou'd, says he, be a great Happiness to the Church, and much for the Honour of God, if such Apostates wou'd never consecrate their Accident, because by so doing they multiply their Blasphemies against God every Day, and make him a Lyar; for by destroying the first Matter, which God has order'd to be perpetual, they at once destroy the World, which God hath created, and make a new one; tho' there can be nothing new under the Sun, save only the unheard of Miracles which they falsely boast of working, and which undoubtedly God himself cannot work (2).

WHERE then wou'd be the Harm if such Idiots of Heretics never celebrated, because for want of Understanding the very Words they know not what the Sacrament is, which they make and adore? After having again quoted the Words of the Institution, as they are in the Gospels and the Epistle to the *Corinthians*, where what Jesus Christ calls his Body is constantly term'd *Bread*, he says it wou'd have been a very gross Neglect in *St. Paul* towards the Church of God, if knowing that this Sacrament is not *Bread*, he so often call'd it *Bread*, without ever once calling it by its true Name, especially when he cou'd not be ignorant as a Prophet, that Heresies wou'd arise concerning this Matter. 'Surely, says he, the Man must be a very impudent Heretic, who denies it to be *Bread*, contrary to the Authority and express Testimony of Jesus Christ and *St. Paul*. The Rats and other Vermin know it full well to be *Bread*. O that Believers

(1) *Exemplis gressis.*

(2) *Mundum quem Deus creavit statim destruant, quia materiam primam quam Deus ordinavit esse perpetuam destruant,*

& nihil innovatur in Mundo præter hoc quod mentiuntur se facere inaudita mirabiliaque indubiè Deus non potest.

could :

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' could but see how Antichrist and his Accomplices condemn and
 ' persecute the Sons of the Church to Death, for maintaining this
 ' Truth according to the Gospel! I am very sensible that the Truth
 ' of the Gospel may for a Time be trampled under Foot, that it
 ' may be oppress'd in publick Places, and even suppress'd by the Me-
 ' naces of Antichrist; but I am as sure that it will never be extin-
 ' guish'd, because Truth it self has said that *Heaven and Earth shall*
 ' *pass away, but my Words shall not pass away,* (Licet Cælum & Ter-
 ' ra quoad innovationem aliquam sic tranlibunt). Let the faithful
 ' Soul awake then, and diligently inform it self of our Heretics, what
 ' is the Nature of this venerable Sacrament, if it be not Bread as the
 ' Gospel, the Senses and Reason tell us it is. I am very certain that
 ' the Idolaters, who make to themselves Gods, are fully appriz'd what
 ' those Gods are in their own Nature, tho' they pretend there's
 ' some Divinity within them which is communicated by the God of
 ' Gods. Therefore every Believer must say that tho'e Heretics are
 ' more ignorant than the Rats, Brute Creatures and the Pagans.
 ' From all this results our Conclusion, which is, that *this venerable*
 ' *Sacrament is naturally Bread, and Sacramentally the Body of Jesus*
 ' *Christ.*'

THE fifth Chapter is to prove, by Arguments drawn from Reason, what had been establish'd in the foregoing Chapter, by the Authority of Jesus Christ. He lays it down first as a Principle incontestable and generally receiv'd, that God cannot do any thing which is contrary to Reason, that he does not destroy a Nature innocent and impeccable as Bread is, and that he does not confound the natural Knowledge he has given us, without Necessity and without Reason. From this Principle he draws several Consequences, and this amongst the rest, *viz. That Feeling and Tasting being those of our outward Senses which are most to be depended on, the Heresy which gives a Lye to the Testimony thereof in the Sacrament of the Eucharist cannot produce any other Sacrament than that of Antichrist.* This he offers to prove philosophically, almost by the same Arguments that were brought to accuse *Descartes* for having destroy'd Transubstantiation by his Principles relating to sensible Qualities, and Sensation. He exposes, with a great deal of Vivacity and Satyr, the Absurdities which arise from the Doctrine of Transubstantiation. 'Tis ridiculous, says he, to offer at such an Imposition upon the Understanding, contrary to the Evidence of the Senses, as would be too gross to deceive Rats; namely to go to persuade People, that Bread is not Bread, but only Accidents or Appearances. Suppose, says he, that several Wafers consecrated and not consecrated were jumbled together unknown to the Heretick, he would then be as much at a Loss to distinguish the Bread from its Accident, as we are to distinguish between Wafers

' fers consecrated and not consecrated, because Consecration is not a
 ' Thing to be felt. Moreover 'tis certain, that what has been once
 ' consecrated can't be consecrated twice, because in this Case an Ac-
 ' cident wou'd be consecrated without Bread and Wine. From hence
 ' it appears, that Priests can never know, whether they consecrate
 ' truly or not. For if a great Quantity of Wafers has been conse-
 ' crated by a Priest immediately as they came from the Bake-house,
 ' there will be nothing left to consecrate but the Accidents; or if
 ' Wine imported into *England* has been consecrated in *France* unknown
 ' to the *English* Priest, neither can he consecrate that Wine for the
 ' very same Reason. What Cause therefore could induce Jesus Christ
 ' thus to deprive his Disciples of the Use of their Senses, without any
 ' Advantage redounding to them for the Loss; because the Bread
 ' and Wine remaining still Bread and Wine would be more proper
 ' to represent the Body and Blood of J. C. than an Accident without
 ' a Subject; and because there can be no Demonstration of any Point
 ' in the Bread and the Wine where the Body and the Blood of Jesus
 ' Christ may not be as well as in any Point whatsoever of such mon-
 ' strous Accident.'

THE VIIIth Chapter contains almost the same things, but in a
 very obscure perplex'd Manner. The clearest Passage I cou'd find in
 it is this. ' I fancy, that when the Devil invented this abominable
 ' Doctrine, he reason'd with himself after this Manner. If once I
 ' can by Antichrist my Vicegerent seduce the Believers of the Church
 ' to such a Degree, as to deny that this Sacrament is Bread, and to
 ' believe that 'tis only an Accident, there's nothing but what I can
 ' persuade 'em to the Belief of after that, because nothing can be
 ' said more opposite to Scripture and to good Sense. Thus let a
 ' Prelate's Life be what it will, be he guilty of Luxury, Murder,
 ' or Simony, the People may be made to believe, he is no such Man;
 ' nay they may be persuaded, that the Pope is infallible, especially in
 ' the Faith of the Church, and that being the Most Holy Father,
 ' he cannot sin.' In the Doctrine of Transubstantiation, he supposes
 a Saying of Jesus Christ to be fulfilled in *Matt. xxiv. 15.* *When ye*
therefore shall see the Abomination of Desolation in the Holy Place, &c.
 ' For pray, lays he, what more abominable Desolation can there be,
 ' than to see upon the Altar, by the Institution of Antichrist, several
 ' Hosts consecrated and expos'd to the Adoration of the People, tho'
 ' naturally 'tis Bread only, and the Body of Christ but figuratively.
 ' 'Tis to no Purpose, continues he, for the Monks (the Fryars Men-
 ' dicant) to say, that they don't worship the Host, but that they re-
 ' verence it because of the Presence of the Body of Jesus Christ in it.
 ' For as there is no Creature wherein the uncreated Trinity, which
 ' is much more perfect than the Body of Jesus Christ, is not present,

' all

1415. all the Creatures ought to be ador'd for the same Reason. From whence it follows, according to the Principles of the *Fryars*, that the People who adore this Host as the Lord's Body are Idolaters. As for us who follow Scripture-Evidence, we worship this Host in Heaven, with more Truth and Piety than we do the Crucifix or other Images made by Men.

IN the VIIIth Chapter he undertakes to prove by Arguments very subtle, which seem demonstrative, that 'tis impossible and contradictory, that the Bread and Body of Jesus Christ should be the same thing (*identificari*). Then he attacks what is call'd the Doctrine of *Impanation*, held, as he says, by some False-Brothers. The Tenor of this Doctrine, says he, was to believe, that as the Divine and Human Nature make one and the same Person in the *Logos*, so by Virtue of the Sacramental Words, the Bread and the Body of Christ make one and the same in *Imagination*, or one and the same Person in the Eucharist. This he confutes in these Terms. 'According to this Doctrine, says he, the Body of Jesus Christ, and by consequence J. Christ glorify'd passeth thro' all the Changes, and all the Denominations that Bread doth; so that the Body of Jesus Christ would not only be made by the Priest at the Altar, but by the Baker, and it would be so multiply'd, that Jesus Christ would have many Bodies. Besides every thing which happens to Bread would happen to the Body of Jesus Christ, it might be eaten by Rats, and converted into Maggots; and what is abominable, the Priest at the Altar would break the Neck and all the Members of Jesus Christ. The Consequence, says he, is evident, because when two Natures are united into one and the same Person, as in the Incarnation, every thing which is said of either Nature is said of the Person. Thus we say with Truth, not only that Jesus Christ, but that God was crucify'd, dy'd and was bury'd; just so if the Bread is become the same thing as the Body of Christ, and if the Body of Christ is really Christ himself, it follows from thence, that the Bread was really Christ God. But is there any Idolatry more detestable? For at this rate every Church would have its God, who would have all the abominable Attributes we have been speaking of, and consequently the Godhead would be the most hideous Thing (*turpissima*) in the World. Besides, if there is an Impanation, why do we not celebrate the Feast of the Impanation? By the same Reasons it would necessarily follow, that Jesus Christ was a Stone, a Lamb, a Sheep, a Calf, a Serpent. From all these Absurdities which would follow Impanation, he infers that the Bread is only the Body of Jesus Christ, because 'tis proper (*habile*) to represent him (*habitudinaliter*); and that as by looking in a multiplying Glass we do not see several Men, but several Representations of one and the same Man, so several Pieces of Bread

‘ Bread are not several Christs, but several Representations of
‘ Christ.’

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THE ninth Chapter runs almost on the same Subject. The tenth is very much perplex'd and difficult to understand, because of the Subtleties of the School, and probably Errors of the Presb. As *Wickliff* had affirm'd, that Bread and the Body of Jesus Christ were in the Sacrament of the Eucharist, tho' in a Manner very different, viz. the Bread naturally and the Body of Jesus Christ figuratively, Error cavils about it under the Pretence that all the Philosophers and Divines agree, that one and the same Body cannot be in one and the same Place at the same time. *Wickliff* does not deny the Proposition, and very cunningly supports it; but he distinguishes between the Manner of Bread's existing in the Sacrament, viz. in its Nature and in its Dimensions, and the Manner of the Existence of the Body of Jesus Christ in it, viz. spiritually but really, and in a Manner worthy of Jesus Christ, *benè, pulchrè & realiter*. This may suffice to give a general Idea of *Wickliff's* Doctrine upon several Articles, and particularly that of the Eucharist. The Reader may be more fully inform'd as to other particular Articles in the Life of *Wickliff* by Mr. *Lewis*.

LXI. Immediately after the Session, the first Citation of *John* First Citati-
XXIII. was solemnly set up first at the *Swissers* Gate, thro' which ^{on of J:bn} the Pope fled, and then at all the Gates and Churches of *Constance*. XXIII.
This Citation, which had been resolv'd on the 2d of *May*, was drawn up in these Terms. ‘ In the Name of God, *Amen*. In the Year of
‘ our Lord 1415. on the 8th Council Day, and *Saturday* the 4th
‘ of *May*, in the 5th Year of the Pontificate of *John* XXIII. I
‘ *Giseler de Bovensten*, the under-written Notary Publick, in Presence
‘ of the Witnesses under-written, and specially call'd and requir'd for
‘ that Purpose, have affix'd the Letters of personal Citation issued by
‘ the Sacred Council of *Constance*, forming a General Council repre-
‘ senting the Catholick Church, and lawfully assembled by the Holy
‘ Ghost, which Letters were decreed by the Council at the Request
‘ of the venerable Masters *Henry de Piro* Licentiate in the Laws,
‘ and *John de Scribanis*, both Proctors and Promoters of the Af-
‘ fairs of the Council, against the said Lord Pope *John*, and those
‘ who favour and harbour him (*receptatores*) and seal'd with the Seals
‘ of the Presidents of the four Nations of this Council, as well as by
‘ the four Notaries of the four Nations.’ These Letters of Citati-
on began thus. *The Sacred General Council of Constance, &c. to all
the Faithful in Jesus Christ, Union, Peace and Joy everlasting;* and
they conclude in these Terms before the Subscription of the Notaries.
*Dated at Constance in the Province of Mentz, at the publick Session
held in the Cathedral Church the 2d Day of May, 1415, in the fifth Year*

R r

of

1415. of the Pontificate of John XXIII. Present, the illustrious Princes and Lords, *Rompold Duke of Silesia, Frederick Burgrave of Nuremberg, John James Son to the Marquis of Montferrat, John de Visconti of Milan, Sigismund de Possantz of Hungary*, Gentlemen especially call'd and requir'd, and of other Christians in a great Number. ' Upon the Instance, and at the Request of the said *Henry de Piro* and *John de Scribanis*, &c. I have affix'd the said Citation to the Gates of the City of *Constance*, call'd *Suetzdor* (1) (*Swiss Gates*) in the Original and Copies; and at One o'Clock in the Afternoon of the same Day, I went and took away the original Letters of the said Citation and carry'd them with me, after having register'd the said Process at the Request of the said Proctors, in Presence of two Apostolical Notaries, Clerks of *Mentz* and *Liege* (2). Some time after, on the same Day, I *Giseler* went to fix up the same Summons at the Gate call'd *Rumperdor*. Then at Night I took away the Original of the said Citation to carry it elsewhere in Presence of three Notaries, two of *Italy* (3) and one of *France* (4), from whence I took it again in order to fix it up at another Gate (5) with the same Formalities (a).

(a) *V. d. Har.*
T. IV. p.
174, 175.
Assembly of
the German
Nation for
the Union of
the Church.
V. d. Hardt.
T. IV. p.
157, 158.

LXII. The same Day the German Nation assembling to take the Affair of the Union into particular Consideration, *John Abundi* one of the Proctors of the Council represented on the Part of the President of the Nations, that some Persons of Weight, zealous for the Union of the Church, having important Hints of Advice to give upon that Head, which ought not to be made publick to every Body for fear of their being thwarted by some secret Intrigues, it would be proper to appoint three Deputies of the German Nation to confer with them thereupon. Accordingly they nominated for that Purpose *Nicholas Archbishop of Gnesna, Peter Bishop of Rypen* (6) and *Albert Bishop of Ratisbon*. *Theodoric de Niem* says, that it was at this time that the three Cardinals return'd, whose Zeal for *John XXIII.* had kept them hitherto at *Schaffhausen*, viz. *Raynaud de Brancas, Otho de Colonna*, who succeeded *John XXIII.* and the Cardinal *de Tricarico* the Pope's Nephew. A great Number of his Officers who had follow'd him to *Fribourg*, return'd also that Day to *Constance*, when they saw there was no likelihood of saving their Fortunes by paying him any farther Attendance (7).

V. d. Hard.
T. II. p. 405.

(1) 'Twas by this Gate that *John XXIII.* went out.

(2) *Gombert Fabri, Peter Vanini* of *Osterwick*. In the Citation of the 4th of *May* there are three Notaries nam'd, one of *Liege*, one of *Mentz*, one of *Hildesheim*.

(3) *Clement de Cumes*, and *Bassian de*

Putalegis de Lodi.

(4) *John Girardi* Notary of the French Nation at the Council, and Clerk of the Diocese of *Poitiers*.

(5) These Gates are not nam'd.

(6) *Rypen* in *Jutland*.

(7) *Deficiente illic melle, musca ulterius*

LXIII.

1415.

LXIII. THE Deputies of the Nations assembled the next Day after this Session to be Witnesses and Mediators of the Reconciliation of *Frederick D. of Austria* with *Sigismund*. This was one of the most solemn Assemblies that had been seen, both for the Number and Quality of the Persons that were present. There were fourteen Deputies of the *Italian Nation*, reckoning Bishops and Doctors, four of the *English Nation*, twenty one of the *French Nation*, eighteen of the *German Nation*, and thirteen Laymen, as well Princes as others. The Ambassadors of *Venice, Milan, Florence*, and other Towns of *Italy*, who had had great Quarrels with the Emperor, were invited to it, to receive a Lecture of Respect and Obedience towards his Imperial Majesty. When the Duke of *Austria* was ready to appear, *Sigismund* represented to the Assembly, that he had been oblig'd to arm against *Frederick*, for having offended the Church by clandestinely carrying away the Pope, in order to break off the Council as far as lay in his Power, and for having stripp'd several Bishops, Abbats, and Churches, as well as a great many temporal Lords, Widows and Orphans, who had been reduc'd to Beggary by his Usurpations. The Emperor adds, that he had sworn to make no Peace nor Truce with that Duke, but that however, as he was come to beg Pardon, he did not refuse to grant it, provided he could do it without breaking his Oath, as to which he desired to know the Council's Opinion. The Deputies after a little Deliberation told the Emperor, that the Point in Dispute was not a Treaty of Peace betwixt two Equals, but the shewing of Mercy to a Vassal and a Prisoner, and that there was nothing contrary to his Oath in an Act of so much Generosity and Clemency. The Emperor hearken'd to it, and immediately the Deputies sent four Prelates by his Order to go and fetch the Duke, who accordingly came into the Assembly, supported by *Frederick Burgrave of Nuremberg*, his Nephew, and his Cousin *Lewis of Bavaria*, who presently fell at the Emperor's Feet to beg Pardon for their Kinsman. The *Burgrave* in particular address'd himself to the Emperor in these Words, which he spoke with a loud Voice. ' *Frederick Duke of Austria* my ' Uncle here present has begg'd me to intercede with your Imperial ' Majesty, and to desire your Pardon for having offended your Majesty and the Council, and for having committed a great many Outrages against the Clergy and Laity, Monasteries, Widows, Orphans, &c. He resigns himself, his Domains, Estates, and all his Possessions in general, with all that he can claim, to your Imperial Majesty's Power and Mercy, and promises to bring back *John XXIII.* to *Constance*, desiring only for his Honour's Sake, that no

Frederick of Austria reconcil'd with the Emperor.
May 5.
V. d. Hardt.
T. IV. p. 160. T. II.
p. 405.
Naucier,
1047. Roo,
p. 141. Reichenb. Fol.

us frustra velle non curarunt. Nemo ub. there, the Flys did not care to go farther for nothing.
Supr. p. 406. i. e. The Honey failing

1415.

(a) Fol. 60.a.
(b) *stumpb.*
R. 53.

‘ Violence may be offer’d to this Pope, or his Domesticks, in their
 ‘ Persons or Estates.’ After this Speech the Duke of *Austria* ad-
 vanc’d, and on his Knees begg’d Pardon of the Emperor, confirming
 the same Submission which the *Burgrave* had made in his Name,
 promising moreover, with his Hands joyn’d, never to undertake any
 thing directly or indirectly against his Imperial Majesty. Upon this
Sigismond gave him his Hand and granted him his Pardon. *Reichen-
 thal* (a) and *Stumphius* (b) say, that after *Frederick* had thus resign’d
 his Domains to the Emperor, the latter turning towards the Amba-
 sadors of *Italy*, and particularly those of *Milan*, *Venice*, *Genoa*, and
Florence, said these Words to ’em. *Gentlemen of Italy, you are not ig-
 norant that the Dukes of Austria are the most powerful Lords in Ger-
 many, yet you see I know how to manage them as well as all the others.*
 But as the Emperor was not to be put off with mere Ceremony, he
 assembled the Deputies of the Nations on the same Day, that he
 might have the same Engagement in Writing, which had only been
 made by the Lips. In this Assembly the Duke of *Austria* himself
 publickly read an Act, whereby he declar’d, ‘ that he actually resign’d
 ‘ his Person, his Towns, his Fortresses in *Swabia*, *Alsace*, the *Brif-
 ‘ gaw*, *Tirol*, and every where else into the Emperor’s Hands, to dis-
 ‘ pose thereof according to his Will and Pleasure, that he promised to
 ‘ bring back *John XXIII.* to *Constance*, or such other Place as his
 ‘ Imperial Majesty should be pleas’d to order, and to remain there
 ‘ himself till the Emperor was in full Possession of all his Domains,
 ‘ and all that he possess’d or cou’d claim from any one whatsoever;
 ‘ that in Case of the least Contravention to this Engagement, all the
 ‘ Duke’s Estate should devolve to the Emperor, and belong to him,
 ‘ as to their lawful and natural Proprietor, and that lastly, *Lewis*
 ‘ Duke of *Bavaria*, Elector *Palatine*, and *Frederick* Burgrave of *Nu-
 ‘ remberg* should be his Guarantees.

THE Reader perhaps will not be displeas’d to see this Act, as it is
 extracted from the MSS. of *Leipsic*, *Gotha*, *Vienna*, *Windeck*, *Dacher*,
 and *Theodoric Vrie*, ‘ We FREDERIC, &c. acknowledge that having
 ‘ incurr’d the Indignation of the most Serene Prince *Sigismond* King, &c.
 ‘ we appear’d in Person before our said Lord the King at *Constance*;
 ‘ and that we gave and resign’d, as we do by these Presents, give and
 ‘ resign to his Royal Grace, Our Person, Territories, Men, Towns,
 ‘ Fortresses, and all that we have and hold, without any Exception,
 ‘ in such manner that he may dispose of Us and all Ours, according
 ‘ to his Royal Pleasure. We also resign to our said Lord the King,
 ‘ all Actions whatsoever which any Person or Persons Ecclesiastic or
 ‘ Secular, Nobles or Plebeians, of what Dignity and Condition soever
 ‘ may have against us for any Cause whatsoever, without Exception,
 ‘ in such manner, that whatever the said Lord shall command, regu-
 ‘ late

late or dictate thereupon, shall be by us executed without any Delay or Opposition. We also engage for the Return of Pope *John* to *Constance*, or for his Repair to such other Place as the King shall order, that he may be brought before the King and Council, and put into his Power, in Hopes that according to his Royal Word, Pope *John* and those who shall accompany him to *Constance*, or elsewhere, may be entirely safe in their Persons and Effects. That if Pope *John* be deposed or resign, it shall be left to the Council to provide for him in the Manner they think fit. As for us, we will, as in Duty bound, remain in Hostage at *Constance*, till Pope *John* comes thither, or to some other Place, as the King shall order, and till all the Officers, Cities and Inhabitants of the Fortresses, Towns, and Territories which we possess in *Swabia*, *Alsace*, upon the *Rhine*, in the *Brisgaw*, in the County of *Tirol*, upon the *Adige*, in the Valley call'd *Intbal*, have taken the Oath of Allegiance to the King upon the Gospels; and that for the Execution of all the Premises, they shall be content with the King's bare Letters, Words, or Insinuations, without any other Proof, during all the Time that the King by himself or by his Letters shall not disengage them from their Promise and Oath. And in Case that we do not perform these Engagements in Whole, or in Part, or contravene them in any manner whatsoever, which God forbid, the said Cities, Fortresses, Territories and Men, shall from that Time wholly devolve to the King and the Holy Empire, and shall be bound to obey him as their lawful, common, and natural Sovereign notwithstanding all Contradiction and without any Fraud or Tergiversation. This is what we swear, and for the greater Security we intreat the Lords *Lewis Duke of Bavaria* and *Frederic Burgrave of Nuremberg* to sign and seal the present Act with their Seals (a). At the same Time *Frederic of Austria* sent Orders to all his Intendants, Governors and Commanders, to take the Oath to the Emperor, who sent a great Army to take Possession of all that Duke's Territories, good Part whereof was already in the Possession of the *Switzers*, who had divided it into Shares. *Ury* was the only Canton that generously declar'd they had only taken Arms to obey the Emperor, and that they wou'd have no Hand in robbing the Duke, for which the rest of the *Switzers* laugh'd at 'em. *Reichenthal* says that the first Country which the Duke put into the Emperor's Hands was the *Balicwic* of *Turgaw*, and that *Frederic's* Friends desir'd those of *Constance* to receive (and deliver it without Damage to the House of *Austria*) (b). Some Towns had purchas'd their Freedom, and all the rest quickly submitted in *Swabia*, the *Brisgaw* and *Alsace*. It was not so easy to be Master of the Duke's Possessions in *Tirol*, because the Inhabitants had call'd in *Ernest* of *Austria* his elder Brother to oppose

1415.

W

(a) *Theo. Vrie*
ap. V. d. Har.
 T. I. Part I.
 p. 199, 200.
 and T. IV.
 p. 162, 163.

(b) Fol. 60. b.

1415. pose the Imperial Troops. *Ernest* having assembled the States of *Tirol* (1) at *Inspruc*, it was resolv'd in that Assembly to defend the Country against the Emperor. After this Resolution *Ernest* went to visit the other Places of *Tirol* to put them in a State of Defence against an Attack. Mean while the Emperor's Ambassadors arriv'd at *Tirol* with Orders from *Frederic* to resign the Places in that Country to his Imperial Majesty; but *Ernest* told them in plain Terms ' That they might return from whence they came, that the Emperor had already enrich'd himself sufficiently, at the Expence of *Frederic*; that he wou'd have oppos'd it with all his Power, if he had known it, and that it was but reasonable that he shou'd keep something.'

The Council and the Emperor send to *Friburg* to fetch the Pope. *May 9.* *V. d. Hardt.* T. IV. p. 163. LXIV. THE Emperor finding it too difficult to undertake the Reduction of *Tirol*, resum'd the Affairs of the Council, being satisfy'd for the present with keeping *Frederic* as Hostage. As it was impossible for the Duke alone to perform the Promise he had made to bring back *John XXIII.* to *Constance*, the Council deputed the Archbishops of *Besancon* and *Riga* to him at *Fribourg* to engage him to return, and the Emperor on his Part sent the Burgrave of *Nuremberg* thither at the Head of 300 Men, in order to use Force, if fair Means wou'd not prevail. As soon as they arriv'd at *Fribourg*, their first Care was to place Guards at the Avenues of the City, for fear the Pope shou'd escape. Then the Prelates going to wait upon him, exerted all their Eloquence to persuade him to return with them to the Council of *Constance*, to which he was summon'd to defend himself publicly in the ninth Session, which was to be held on the 13th of this Month. The Pope receiv'd them with a very gay Air, and told them that he was ready to go with them to *Constance*, and also that he was sorry he left it in the Manner he had done. Nevertheless, he only made these fair Protestations to amuse the Deputies, while he negotiated a secret Accommodation with the Council. For, next Day, unknown to them he sent a Full-Power to three Cardinals, viz. those of *Cambray*, *St. Mark* and *Florence*, to plead his Cause in the Council on the Day that he was to appear. But this Full-Power was neither admitted by the Council, nor accepted by the Cardinals to whom it was address'd.

Disputes between the Knights of the Teutonic Order and the Poles. *May 11.* *V. d. Hardt.* T. IV. p. 164. LXV. MEAN while other Affairs came upon the Stage which were not neglected. At this very Time Commissioners were appointed to inquire into the Disputes of the Knights of the *Teutonic* Order with the *Poles* and their other Neighbours. As this is one of the most important Affairs to a General Council, and in some Measure concerns all Mankind; 'tis necessary in the first Place to give a General Idea of

(1) At this very Time and Place *Ernest* had a Son born, who was afterwards Emperor by the Name of *Frederic IV.*

it,

it, by tracing it as far as possible from its Origin. Therefore we shall make no scruple to repeat here what has been said of it in the History of the Council of *Pisa*, to which the Reader may have Recourse for further Particulars (a). It was about 200 Years ago that the *Poles* who have been Christians for above two Centuries, finding themselves exposed to the frequent Incurfions and Invasions of the *Prussians* (1), who were again engag'd or relaps'd into Pagan Idolatry, call'd to their Assistance the Knights of the *Teutonic Order*, which was instituted towards the Close of the twelfth Century. The *Poles* in consideration of those Succours had granted the Knights, upon certain Conditions, some Countries in the Neighbourhood of *Prussia*, and all they cou'd conquer in that Province, to which *Conrard Duke of Massovia* had great Pretensions. This Grant was confirm'd by the Emperor *Frederic II.* and by the Popes *Honorius III.* and *Gregory IX.* who moreover granted Indulgences to the Knights for the Conversion of the Infidels of all those Climates, with Bulls putting them in Possession of all their Countries. Under this Pretext of converting the Infidels, they wasted *Prussia, Lithuania* and all the Neighbourhood with Fire and Sword, not sparing even the *Poles* their Benefactors notwithstanding their being Christians. There were tedious and Bloody Wars for a long Time upon this Account between the *Poles* and the Knights, who were supported by most of the Christian Princes in *Germany*. And tho' the Knights had been defeated in several set Battles, their Zeal, or rather their Ambition and Avarice not permitting them to observe either a Peace or Truce, they always return'd to the Charge, under Colour that the *Poles* did not act with Zeal enough neither for the Conversion of the Infidels remaining in those Countries, nor for the reconciling of the *Greek and Latin Churches*. This appears in the *History of the Council of Pisa* from the Letters address'd on this Subject to all Christendom, and in particular to the Emperor *Robert*, from *Ladislaus Jagellon King of Poland*, and *Alexander Withold Great Duke of Lithuania*.

LXVI. 'Tis very plain that those Letters had no great Effect be- cause the War still continued, either from the Negligence with which *Theodoric Niem* charges *John XXIII.* upon this Head, or from the imprudent Fury of the Knights, who were always for Fighting and were always beat. They were totally routed in 1410. in a bloody Battle, wherein their Grand Master (2) was kill'd, and their whole

1415.
Nauclet. Cbro.
 p. 810. *Kortb.*
Hist. Eccl. p.
 518.
 (a) *History*
 of the Coun.
 of *Pisa*, Part
 II. p. 13, 22.

The Knights
 defeated,
Niem ap V.
d. Hardt, T.
 II. p. 359.
Dugl's Hist.
Polon. L. X.
 260.
 In July.

(1) The *Prussians* had been converted in the beginning of the thirteenth Century, by *Wildemar II.* King of *Denmark*; but it being a forc'd Conversion it was of no Duration. *Crantz. Vond.* p. 162. *Dughesi's Hist. Pol. L. VI. p. 644.* *Crantz.*

p. 334. *Bzovius ad ann. 1394. n. VII.*
 1396. n. IX. 1403. n. XVII. 1410. n. XXXIII. *Spond. ad ann. 1410. n. II.*

(2) The Grand Master's Name was *Ulric Janninus.*

Army

1415 Army cut to Pieces. *Bobuslaus Balbinus* says in his short History of *Bohemia*, that he saw a Letter in MS. from *Ladislaus Jagellon* to a Baron of *Bohemia* nam'd *Henry de Roses*, wherein that Monarch gives the Particulars of this Victory in such Language as discovers his good Nature. 'For he protests to his Friend, that before the Battle he cou'd not help weeping to think of the Slaughter that wou'd ensue; and that he joyn'd Battle with the Tears in his Eyes and his Heart full of Pity for the Defeat of his Enemies, which he foresaw wou'd certainly happen.' *Fatetur enim se consideratione tot mortalium perituro- rum, & strage futura, ante prælium lachrymas tenere non potuisse, & cum lachrymis, miseratione hostium, quos facile sibi persuadebat vincendos*

(a) *Balb. E. in aciem descendisse (a)*. The *Poles* neglecting to improve so compleat a Victory, the Knights were soon in a Capacity to venture another Battle, which they also lost after a very tedious and obstinate Fight on both Sides. This Overthrow oblig'd the Knights to enter into a Composition, but as it was owing to the Mediation of the Bishop of *Wurtzburg*, who was in their Interest; the Treaty was more advantageous to the Vanquish'd than the Victors. It was much about this Time that *John XXIII.* sent Legates to the *Poles* and Knights to engage both Sides religiously to observe the Truce that was just concluded betwixt them. But the Knights observing this no better than they did the former Truces, and still continuing their Hostilities, were again defeated two Years after. While *Sigismond* was only King of *Hungary* he was always in their Interest, but as soon as he was chosen Emperor he thought of reconciling all the Christian Powers together, that they might be in a Condition to assist him against the *Turks*. For this End he was willing to be a Mediator between the *Poles* and the Knights; and he renew'd a Truce betwixt them which p. 348, 349. was soon broke again by the Knights, according to Custom.

The Quarrel LXVII. THIS oblig'd *Ladislaus* and *Witbold*, at the Solicitation of betwixt the *John XXIII.* to have recourse to the Authority of the Council to *Poles* and the Knights re-check the ungovernable Fury of the Knights (1). The Arrival of sent to the the Ambassadors from *Poland* has been already mentioned (a). But Council whether it was owing to the Affairs which were the Consequence of V. d. *Hardt*, the Escape of *John XXIII.* or to the Friends which the Knights T. II. p. had in the Council, they had not yet found an Opportunity to bring 170. 181. this Matter on the Carpet. All they cou'd do at the first Time that (a) See Lib. this Matter on the Carpet. All they cou'd do at the first Time that I. Art. 78. 'twas mention'd, was to nominate Cardinal *Zabarella* and two Deputies of each Nation to inquire into it. The Matter turn'd properly upon two Questions, one of Law the other of Fact. The Question in Law was, *Whether Christians are allow'd to convert Infidels by Force of Arms, and whether the Christians have any Right to the Infidels E-*

(1) As was observ'd in the History of the Council of Pifa, Part II. p. 19.

states?

states. The Knights maintain'd the Affirmative, but *Paul Voladimir* Doctor of the Canon Law, a Prebendary of *Cracow*, and Rector of the University, one of the King of *Poland's* Ambassadors, strenuously maintain'd the contrary, and signaliz'd himself in the Council by some Pieces which he wrote upon this Subject. The Question of Fact related to the Conduct of the Knights, with regard to *Poland*, and the other neighbouring Countries. We must wait the Issue of this Affair, while we pass to the ninth public Session, at which the Emperor was present as usual, in his Robes, the Cardinal of *Osia* being President, and Mass being celebrated by the Bishop of *Salisbury*.

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LXVIII. THE Business of this Session being the Condemnation of The NINTH a Pope, that Part of the Gospel was read, very suitable to the Af-SESSION. fair, which says *There shall be Signs in the Sun and in the Moon* *. ^{May 13.} *V. d. Harat,* Probably it was not without Design, and without an express Order T. IV. p. that *Benedict Gentian* open'd the Session with reading (a) a Letter ^{166.} from the University of *Paris* to the Council and the Emperor. This ^{* Luke xxi.} Letter only contain'd Applauses of the Zeal of the Emperor and the Council, and Exhortations to push the Affair of the Union farther ^{(a) Accord-} ing to the than they had yet done, notwithstanding the Escape of *John XXIII.* ^{Vienna M S.} After this Encouragement *Henry de Piro*, Proctor of the Council, represented that *John XXIII.* having been summon'd to appear that Day, but being still absent, and no Body appearing for him, they cou'd no longer excuse themselves from suspending him from all the Papal Functions, after they had call'd him once more at the Gates of the Church, according to Custom; and that in the mean Time it was necessary to appoint Commissioners to hear the Witnesses against him, and to take their Oaths, in order to proceed then to depose him. The Cardinal of *Florence* thereupon stood up and declar'd that the Pope had sent a Full-Power to him, as well as to the Cardinals of *Cambray* and *St. Mark* to defend him in the Council, but that his Collegues not caring to accept the Commission, he was the less inclin'd to undertake it, because when he was at *Schaffhausen*, he himself had exhorted the Pope to come in Person to *Constance* to perform his Promise. The Cardinal of *St. Mark* confirm'd the same Thing, but the Cardinal of *Cambray* was not at this Session. After this Declaration *Henry de Piro* protested in the Name of the Council against this Full-Power, because the Citation was personal and the Cause criminal, adding that since *John XXIII.* had appointed Proctors, it was prov'd that the Summons had been notify'd to him, and that by Consequence he was *contumacious*. This Protest being made, the Council appointed two Cardinals and five other Prelates to go and call the Pope at the Gates of the Church. But the Cardinals absolutely refusing the Commission, the five other Prelates, among whom were the Patriarch of *Antioch*, and the Archbishop of *Gnesna*, went thither,

S f

1415.

and after calling in vain upon *John XXIII.* several Times with a loud Voice, they return'd and made their Report. Upon this the Council resolv'd to defer the Suspension of the Pope till next Day, from a Principle of good Nature and Charity (1), and appointed 23 Commissioners to hear the Witnesses and to take their Oaths. These were Cardinals, Bishops, Doctors and Auditors of the *Rota.*

IN this same Session four Prelates were appointed to do Justice to the Parties in those Affairs which shou'd be brought before the Council, either by way of Appeal, or by way of Complaint. They resolv'd at the same Time to chuse another *Keeper* of the Council, in the Place of *Berthold des Ursins*, who was then absent. Prelates of each Nation were also nominated to serve as Masters of the Ceremonies, and to place the Prelates and the Ambassadors in their Rank.

Charles Malatesta writes to the Council in the Name of *Gregory XII.*

LXIX. AFTER the Session the *German* Nation assembled in the Monastery of the *Franciscans*, and chose five Commissioners by Scrutiny to put those Articles in order that were to be exhibited to the Council against *John XXIII.* in order to proceed to the deposing of him. These Commissioners were *John Dwerch* Prothonotary of the Apostolic See, *Berthold Wildungen*, Auditor of the Sacred Palace, *John Abundi*, Doctor of the Canon Law, *Peter d'Oettingen*, Licentiate of Laws, *Henry de Piro*, Licentiate of Laws and Proctor of the Council. That same Day the Deputies of the Nations being again assembled in the same Place, the Emperor communicated a Letter to them, which *Charles Malatesta* Lord of *Rimini* and Governor of *Romagna* or *Romandiola* for *Gregory XII.* wrote to the Nations, with a Bull accompanying it, whereby the said Pope appointed *Malatesta* his Proctor to make his Resignation, and to give a Sanction to the Council of *Constance.* The Letter was superscrib'd, *To the most Reverend and Reverend, the Venerable and Illustrious Fathers and Lords, the Heads of the Nations assembled at Constance;* without Mention of the Council, because *Gregory XII.* had not yet acknowledg'd it. He tells them in this Letter that he had wrote to them before by two Clergymen whom he sent to them, and as one of them had the Misfortune to be murdered on the Road by Highway-Men, he desired them to give the same Credit to the other, as if the Deputation had been compleat. The Letter is dated *April 26,* and sign'd *Charles Malatesta, irrevocable Procurator of Pope Gregory XII. for completing the Union of the Church.* As to the Bull it self, 'tis directed to the Cardinal of *Ragusa*, and to the Patriarch of *Constantinople* Nuncios of *Gregory XII.* and of the Apostolical See, to the Archbishop of *Treves*, to the Elector Palatine, and to *Charles de Malatesta.* *Gregory XII.* therein declares, ' That having heard with Joy that the Emperor has assembled the

V. d. Hardt,
T. IV. p.
177.
May 13.

(1) Mansuetudine & caritate in Spiritu Sancto.

* Nations

‘ Nations at *Constance* to consult for the Peace of the Church, he is ready, as he always was, for so great a Good, to renounce the Pontificate, tho’ his Election to that Dignity was never so legal. That for this Purpose he gives them a Full-Power to call and authorise that Assembly, and to declare it a *Council General*, as it was form’d by the Emperor, and not by *Balthasar Cossa*, who has taken the Title of *John XXIII.* and on Condition that the said *Balthasar* shall not preside in it nor ever be present at it, on which Provisoës and not otherwise, he authorises them to do whatever shall be thought for the Advantage of the Union.’ After this Bull had been read, *Sigismund* order’d the Deputies of the Nations to examine it well, that they might send it back and desire another if it was not in due Form.

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LXX. THE Cardinals of *Ursins* and *St. Mark*, the Bishop of *Dole*, and the other Commissioners, who were appointed to hear the Evidence against *John XXIII.* met at the same Time and Place for that Purpose. An Apostolical Curfitor reported to them in the Morning, that according to their Order he had summon’d thirteen Witnesses to appear at Two o’Clock in the Afternoon in the Convent of the Fryars Minims. Of these thirteen there appear’d but ten at the Hour appointed; but they were all Persons of Distinction, Bishops, Abbats, Priors, Prothonotaries, Doctors and Licentiates. The Commissioners took their Oath in order to make a Report thereof in the following Session.

Assembly of the Commissioners in the Affair of *John XXIII.*

LXXI. THE Emperor was present at this Session, and on each Side of him sat the Cardinals *des Ursins*, and *de Lodi*. *Bertrand* Bishop of *St. Flour* in *Auvergne*, Ambassador from the King of *Cyprus* (1), celebrated Mass, and the Cardinal of *Ostia* was President. There were fourteen Cardinals present, viz. The three Cardinal Bishops just now mentioned, *Branda* of *Piacenza*, *Francis* of *Venice*, *William* of *St. Mark*, *Anthony de Cbalant*, Cardinal Priests, *Amedeus de Saluces*, *Renaud de Brancas*, *Lewis de Fliséo*, *Landolph de Bari*, *Otho de Colonna*, *Lucidus de Comite*, and *Francis* of *Florence*, Cardinal Deacons. There were three Cardinals, viz. *Peter de Cambray*, *Anthony* of *Aquileja*, and *Thomas de Trisarico* in the Kingdom of *Naples*, who were absent, tho’ they were at *Constance*. *John XXIII.* having been summon’d for the 13th of *May*, and not appearing, the Proctors then very earnestly demanded his Suspension. But the Council had thought fit to give him Time till next Day, and by Reason of his Non-appearance on this Day, it was resolv’d in this Session, upon the fresh Instances of the Proctors, to declare him and his Adherents *contumacious*; after having made Proclamation for them once more;

SESSION TENTH, wherein *John XXIII.* is suspended. *May 14. V. d. Hardt. T. IV. P. 179.*

(1) His Name was *John* or *Janus de Luzignan.*
S f 2

which

1415.
Lucidus de
Comitibus,
 created by
John XXIII.
 in 1411. He
 was of the
 Family of
Conti in Italy.

which was done upon the Spot by the same Commissioners that acted the Day before, with this Difference, that now they had two Cardinals at their Head, viz. the Cardinal of *St. Mary in Cosmedin*, and the Cardinal of *Florence*, whereas before, the Cardinals refus'd the Commission. Immediately after the Report they made, as on the Day before, that they had not seen either *John XXIII.* or any Body from him, the Deputies of the Nations, who had been appointed to take the Oaths of the Witnesses, represented by the Cardinal *de St. Mark*, who spoke first in the Name of all the rest: 'That it had been sufficiently prov'd by undeniable Witnesses, that *John XXIII.* had squander'd the Revenues of the Church of *Rome*; that he had render'd himself guilty of all kinds of Simony, that he was a scandalous Sinner, a Disturber of the Christian Religion, and that in other respects he was a Man that deserv'd to be suspended from all Administration of the Ecclesiastical Revenues, as well with regard to Spirituals as Temporals.' The other Commissioners having afterwards confirm'd the same thing, *John XXIII.* was unanimously declar'd suspended from the Pontificate, which Sentence was publickly read by the Patriarch of *Antioch*, and approv'd by the whole Council. The Sentence begins with a Recapitulation of every thing that pass'd after the clandestine Retreat of *John XXIII.* from *Constance*. The chief Heads of the Narrative are, 1. That after he went away in that scandalous manner, the Council had sent Cardinals, with other Prelates and Persons of Distinction, earnestly to require the Pope to return to *Constance*, to perform his Promise concerning the Union and the Reformation of the Church. 2. That as he went further off every Day, instead of returning, the Council had been mov'd by the Proctors to summon the said *John XXIII.* by publick Advertisement, as a Person notoriously Simoniackal, a Squanderer of the Estates and Prerogatives of the Church of *Rome* and other Churches; a Favourer of Schism, besides being guilty of many other enormous Crimes, incorrigible, and a Deserter from the Council to which he had submitted himself for the Union and Reformation of the Church. 3. That upon this Motion, the Council had resolv'd to summon *John XXIII.* and his Adherents, personally, by a publick Edict, affix'd to the Gates of the Churches, and of the City of *Constance*, requiring him to appear in nine Days after the Citation; and they wou'd produce ocular and auricular Witnesses to depose, that this clandestine Retreat was, and is still prejudicial to the Church of God, scandalous and shameful, that it disturb'd and hinder'd the Union of the Church, that it fomented and fortify'd this detestable Schism, and that it favour'd of Perjury and *Heresy*, and that by consequence it render'd *John XXIII.* altogether worthy of Suspension and Deposition. 4. That upon the ninth Day after the Citation, which was *Tuesday* the

14th.

14th of May, the Proctors appearing before us declar'd *John XXIII.* contumacious, because he had not appear'd after being personally summon'd; and they demanded, that he should be suspended from the Exercise of all Papal Power, and that he should be proceeded against according to the Tenor of the Citation. 5. That being inclin'd however to act in this Affair, not only with mature Deliberation, but with Mildness and Charity, the Council had for the third time caused a Summons and Proclamation to be made for *John XXIII.* with a loud Voice by the four Presidents of the four Nations, viz. *John* Patriarch of *Antioch*, *Anthony* Archbishop of *Ragusa*, *Nicholas* Archbishop of *Gnesna*, and *Nicholas* Bishop of *Bath*, assisted by the Publick Prothonotaries and Notaries, and in Sight of a great Number of People assembled at the Gates of the Churches, and of the City, where the Citation was made. 6. That the Commissioners above-mentioned, having immediately after made a Report to us, that *John XXIII.* had been summon'd and call'd upon by Proclamation, and that he had not appear'd, the Council with their usual Goodness had been pleas'd to stay till the Session, which was to be held on that Day. 7. That in full Session upon that Day, the Proctors having mov'd the Council to declare the Pope suspended for the Crimes above-mention'd, the Council did again, out of their super-abundant Equity, cause the Pope to be summon'd by publick Proclamation, adding two Cardinals to the other Commissioners appointed to make the said Proclamation. 8. That those Commissioners having made a Report that *John XXIII.* did not appear, the Council had pass'd this Sentence. ' In the Name of the most Holy and most adorable Trinity, &c. As it manifestly appears to us, that *John XXIII.* since his being advanc'd to the Pontificate has behav'd himself ill, and has misgovern'd the Church; that he has given, and does still give to all Christendom very ill Examples by his damnable Behaviour and detestable Actions; that he has publickly exercis'd Simony, as to Cathedral Churches, Monastries, Priors, &c. selling Ecclesiastical Benefices for ready Money, and squandering the Revenues and Prerogatives of the Church of *Rome*, and several other Churches; that after having been kindly admonished to amend himself, he always persisted, and doth still persist to scandalize the Church by the same Conduct. For these Causes we do by this present Sentence declare the said *John XXIII.* suspended from the Exercise of all Papal Power, Temporal or Spiritual, in order that he may be depos'd and turn'd out of the Pontificate according to the Forms of Justice: And by Virtue of these Presents, we forbid all Christians, of what Condition, Rank, and Dignity soever they be, Kings, Cardinals, Patriarchs, Archbishops, Clergy, or Laity, to obey him hereafter, directly or indirectly, on Pain of being punish'd according

to

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‘ to the Laws, as Favourers of the present Schism.’ This is almost Word for Word with the Sentence in the Acts of *Germany*, and in the XIIth Tome of *Father Labbe’s Councils*. To this the Monk of *St. Denis* adds the following Clauses: ‘ The Sacred Synod orders likewise and decrees, that when the Apostolical See is in any manner vacant, no Steps shall be taken towards the Election of the future Pope, without the Deliberation and Consent of the said Sacred Council, and if any Attempt be made to the contrary, they declare the said Election *ipso facto* null and void by the Authority of the said Sacred Council, and forbid all Persons to acknowledge the Person elected for lawful Pope, to the Prejudice of the said Decree, and to adhere to him, or obey him as Pope, in any Manner whatsoever, on Pain of rendring themselves Accomplices and Favourers of the Schism, and, as such, of being guilty of the everlasting Curse, and they order the Pains that shall be establish’d by this Sacred Council to be inflicted on those that shall elect him, and on the Person also who is elected, if he consents to such Election, together with all his Adherents. Which Council, for the sake of the Church’s Union, suspends all positive Laws, tho’ made by General Councils, with their Statutes, Ordinances and Privileges, to whatsoever Persons granted, and all the Penalties against whomsoever denounc’d, as far as the Effect of the said Decree may in any manner be thereby obstructed.

‘ *Item*, The Sacred Synod deprives Pope *John*, as a Person unworthy, unprofitable and dangerous to the Church, for the Crimes abovementioned, and deposes him from the Papacy, and all Exercise of the spiritual and temporal Power thereof, and declares all Christians of whatsoever Rank, Dignity or Condition they are, absolv’d from their Obedience and every Oath of Allegiance to him. Forbidding all the Faithful to acknowledge the said *John*, thus depos’d, for Pope, or to call him by that Title, and as such to adhere to him, or in any Manner to obey him. Mean time the said Synod, of their certain Knowledge and full Power makes good all Defects, if such by Chance have happen’d in the Cases above mention’d, or any of them, and by the same Sentence they condemn him to stay and remain in some good honest Place under the Guard of the most Serene Prince *Sigismund*, K. of the *Romans* and of *Hungary*, as a (a) Patron and most devout Defender of the Catholick Church, so long as the said Sacred General Council shall think it expedient for him, that he should remain so condemn’d for the Sake of the Union of the Church. And as to any other Penalties which he ought to submit to for Reparation of the said Crimes and Outrages, according to the Canonical Sanctions, the said Council reserve it to themselves to denounce or to execute them, either according

to the Rigour of Justice, or according to such Occasions as may offer to shew him Mercy.

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Item, The Sacred Synod statutes and decrees for the Sake of the Union of the Church, that neither *Balthasar Cossa*, lately stil'd Pope *John XXIII.* nor *Peter de Luna*, formerly call'd *Benedict XIII.* nor *Angelo de Corario*, otherwise surnam'd *Gregory XII.* in the Places of their Obedience, shall for the future be elected Popes. And if the contrary happen they declare the said Election *ipso facto* void, and forbid all Persons of what Dignity or Preheminence soever they are, whether Imperial, Royal, Cardinal or Pontifical, to obey either of them to the Prejudice of the said Decree at any Time whatsoever, or to adhere to them on pain of being deem'd Favourers of the said Schism, and of incurring the Eternal Curse; and they order those who shall presume to the contrary to be severely prosecuted by all manner of Ways, and even by Recourse had to the Secular Arm.

THE same Sacred Synod orders the four Judges deputed from the Generality to summon the Prelates who are absent from the Council, and to demand the Punishment of those that shall fail to repair to it, as they shall think proper by the Laws of God and Man

(a) The Monk of St. Denis Hist. of Cha. VI.

LXXII. AFTER this was read, the Cardinal of St. *Mark*, who had been one of the Commissioners to hear the Witnesses, started some Objection against the Crime of Heresy, which was suggested in the Sentence. He maintain'd (1) that no Witness had accus'd *John XXIII.* of Heresy, and that it was not necessary to interrogate them thereupon. As he was, probably, of the same Opinion with most of the Divines of *France*, who thought that a Pope might be depos'd for any Crime as well as Heresy, he was not willing that the Sentence shou'd be charg'd with an impertinent Accusation, difficult to support. But the other Divines, who were not ignorant that it was a Maxim of the Canon Law, that a *Pope can only be try'd for Heresy*, were not sorry that this Accusation appear'd in the Sentence, supposing it might be prov'd from the Pope's Obstinacy to maintain the Schism, which, according to the Doctors, was at least indirect and implicit Heresy, as it had been decided in the Council of *Pisa*. *Schellstrate* says that the Cardinal of St. *Mark* protested likewise against the Charge of Schism, as not being justly enter'd against *John XXIII.* because he had offer'd to resign, and even nam'd Proctors for that Purpose. But as this Learned Librarian of the *Vatican* does not quote the very Terms

T. II. p. 1040. The Protest of the Cardinal de St. Mark, V. d. Hardt, T. IV. p. 156.

Schellstrate Comp. Chron. p. 45. & Añ. & Gest. P. 235.

(1) Super quo dixit testes non deposu- aminati. V. d. Hardt, ub. supr. ex MSS. acte, neque esse necessarium ad presentem Brunsf. Lipsf. & Göt. actum, quod testes fuissent super hoc exa-

of

1415. of the Acts in this Place, his Memory may be suspected to have deceiv'd him in this Respect as much as it has in Point of Date. For in his *Chronological Abridgment*, he places the Protest of the Cardinal of St. Mark in the eleventh Session, which was not held till the 25th of May; and in his *Acta & Gestæ*, he places it as it ought to be on the 14th of the same Month, which was the Day of the Tenth Session. And indeed, where's the Probability, that the Cardinal of St. Mark should go about, in contradiction to the general and constant Opinion, to vindicate *John XXIII.* from having kept up the Schism, after the said Cardinal had from the Beginning of the Council signaliz'd himself among all the others by this Accusation? But as to the Charge of Heresy, the Cardinal was of Opinion, they might do without it, since there were other sufficient Reasons to condemn *John XXIII.* Be it as it will, the Council thought fit to refer the Discussion of this Matter to another Time, as well as the Motion made by *Benedict Gentian*, that in case the Provision to Benefices devolved to the Ordinaries during the Vacancy, the University of *Paris* might have a Share in those Benefices.

V. d. Hardt.
ubi sup. Bzo.
ad. an. 1415.
Sess. 10.

The Communion in both Kinds.

(a) As to this Bishop and Bishoprick, see *Balbin.* p. 233.

LXXIII. THE Suspension of *John XXIII.* being thus unanimously resolv'd on, they proceeded to other Affairs. That relating to the Doctrine of the Communion in both Kinds, which was censured as a Heresy in this Session by *John of Prague*, Bishop of *Litomissel* (a) in *Moravia*, is a Matter of so great Importance, that we can't help tracing it from its Origin, and beginning with the Man by whom the Censure was denounc'd. He was call'd *John of Bucca*, but better known by the Name of *John of Prague*, because he was a Native of that City. We learn from *Dubrawski* or *Dubravius*, Bishop of *Olmutz*, that *John of Prague* was put up for the Bishoprick of *Olmutz* in *Moravia*, but that *Wenceslaus* King of *Bohemia* oppos'd his Election for the Sake of one *Alfon* a Canon of *Wissebrade*, at the Solicitation of the Hereticks, as the Historian calls them, and of *Conrad* Archbishop of *Prague*. Mean time the Affair being carry'd to the Council of *Constance*, *John's* Election was approv'd in it, and according to the same Historian, he was actually promoted to the Dignity of Cardinal, by the Title of St. *Cyriacus*. The Historian says farther, that he was as brave a *Soldier*, and as good a *General of an Army*, as he was a *good Bishop*, and that on several Occasions he defeated the Hereticks in a set Battle (1). The Author of the *Ecclē-*

(1) Hic non Pontificem modo gessit, sed fortissimum & Militem, & Imperatorem, hæreticorum copiis ipsius auspiciis sæpè fuis. Cum is cataphraëto etiam equo insidens, instructis eorum aciebus idemtidem occurrere haud dubita-

rit, ob id vulgo Ferreus nuncupatur, i. e. Because he rode in Armour on Horseback he was not afraid to encounter their disciplin'd Troops, and therefore the Vulgar call'd him Iron. *Dubraw. de Episcop. Olmuc.* p. 875, 876.

fastical

fiastical History of Germany confirms this, and adds, that *Martin V.* 1415. who created *John* a Cardinal, made him Administrator of the Arch-
bishoprick of *Prague*, because the Archbishop was become a Favourer of
the Hereticks. He dy'd in the Year 1430 (b). (b) Ecclesiastical Hist. of Germany. Tom. II. p. 158.

ABOUT 25 Years before this, *Matthias de Lanow*, a Curate of *Prague* and Doctor of the Univerlity of *Paris*, in which he had stu-
dy'd nine Years, and was therefore call'd *Parisian*, preach'd publickly
against the Disuse of the Cup in the Communion, and as some say,
actually admistred to the Laity in both Kinds (1). But at that
time this had no farther Consequence. *Matthias* was censur'd by the
Clergy of *Prague*, and oblig'd to retract in a Synod assembled there
in 1389. The German Historian (c) of the *Hussites* War tells us, that (c) *Theobald*
the Books of *Matthias* were condemn'd in 1410 by the Archbishop of *Prague*,
together with those of *Wickliff*, *John Milicius* (2), *John Hufs*,
Jerom of *Prague*, and some others. *Procopius Lupacius* of *Prague*,
who has writ a Journal of the chief Events of this Kingdom, speaks
thus of this *Matthias*. 'He was a Priest of great Probity and Pie-
'ty, a fervent Stickler for the Truth of *Jesus Christ* and the Evange-
'lical Doctrine, a flaming Enemy of the Corruptions and Abuses
'that were crept into the Church, and even suffer'd Persecution for
'opposing them. Among other Pieces he wrote a Treatise of *Anti-*
'*christ*, which some ascribe to *John Hufs*, and another concerning *Fre-*
'*quent Communion*, which Tract concludes thus. *End of the Work*,
'*&c.* of Master *Matthias* of *Paris* and *Prague*, famous for his *Devo-*
'*tion*, and who suffer'd greatly for his *Affiduity* in preaching the *Gospel-*
'*Trutbs* (d).' This Testimony may be corroborated by the Preface (d) *Rerum*
which *Matthias* wrote to a Book of the Univerlity of *Paris*, compos'd
in 1389, concerning the *Danger of the Church* (3), in which *Matthias*
inveighs very strenuously against the Abuses of the Church of *Rome*.
Matthias dy'd in 1394. (d) Rerum Bvemicarum Ephemeris five Kalendarium Historicum, Autore Procopio Lupacio. ad. 30 Nro. Edit. Prag. 1554.

BUT this was only raking the Ashes over the Fire, for it was kin-
dled again some Months after the Departure of *John Hufs* for *Con-*
stance, by *James de Misa* (4), alias *Jacobel*, Parson of *St. Michael's* at
Prague (5), a Man famous in that Day and Country for his Learn-
ing, and the Purity of his Manners. He was put upon it by one
Peter of *Dresden*, who as *Aeneas Sylvius* says, being expell'd *Saxony*

(1) This Fact was maintain'd by *John de Rckfane* at the Council of *Basil*. *V. d. Hardt*. T. III. Proleg. p. 20, 21. *Job. de Polemar* ap. *V. d. Hardt*. ub. sup.

(2) As to *J. bn Milicius*. See *Balbinus*. p. 407.

(3) See this Tract in a Collection intituld *Autil gia Papa*, printed at *Basil* in

1555, and publish'd by *W. lfgang Wifsenburg* a *Divine*.

(4) *Misa* is a Town in *Bohemia*, other-
wise call'd *Strzibroc*. *Balbin*. p. 222.

(5) *Literarum doctrina & morum Praestantia juxta clarus*. *Aeneas Sylv. Hist. B. b. Cap. 35. Jacob piccol. Commen. Lib. VI.*

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for

1415. for the *Vaudois Heresy*, retir'd to *Prague*, where he kept a School. (e) This *Saxon Doctor* going one Day to visit *Jacobel*, told him he was surpriz'd, that so learned and holy a Man as he, did not perceive a gross Error that had prevail'd in the Church for a long time, viz. the *With-holding of the Cup*, notwithstanding those Words of Jesus Christ, (f) *Except ye eat the Flesh of the Son of Man, and drink his Blood, ye have no Life in you.* *Jacobel* being touch'd to the quick by what *Peter of Dresden* said, consulted Tradition as to this Point, and finding that the Communion in both Kinds was authorized by the Fathers of the Church, he resolv'd to make Use of his Interest with the Laity, to procure them the Restoration of the Chalice. He not only caused Theses to be stuck up against the *with-holding of it*, and for the *Communion in both Kinds*, but he preach'd the same Doctrine in *St. Michael's Parish*. As he was supported by one of his Collegues, *Sigismund Rzepanski*, he easily prevail'd with the People to communicate in both Kinds in this Parish, which was attended with the Applause of the whole City, and the University. Mean time the Clergy left no Stone unturn'd to oppose this Innovation. *Jacobel* was turn'd out of his Parish of *St. Michael*, but receiv'd with open Arms in that of *St. Martin*, where he continu'd to preach the same Doctrine. Some Doctors were set upon him, who attack'd him in several Treatises, which he did not suffer to pass unanswer'd. The Affair making a Noise throughout all *Bohemia*, *Conrad* (1) Archbishop of *Prague* was oblig'd to fulminate an Excommunication against *Jacobel*. But as it only made him preach it with the more Vigour, the *Bohemian Clergy* thought fit to have Recourse to the Authority of the Council, and sent *Jacobel's Propositions* and Books to *Constance*, there to be condemn'd. *John Bishop of Litomissel* having therefore impeach'd him in this Session, a Congregation was assembled the same Day to begin the Examination of this important Affair.

LXXIV. THIS is the proper Place to bring in the History of the Controversy, which was manag'd with such Heat both at *Prague* and *Constance*, between *James of Misa* and the Divines of the Church of *Rome*, touching the *Communion in both Kinds*, or the *Taking away of the Cup* or Chalice. This is of the more Importance, for that it was a principal Cause of a long and furious War, wherein they thought it a Duty to decide that by the Sword, which they could not determine by the Pen. We have just now seen, that *Jacobel* had publish'd Theses at *Prague*, wherein he maintain'd the Necessity for People to communicate in both Kinds, and confuted the Custom of with-holding the Cup; and that he had taught the same Doctrine in his Pulpit. *Jacobel's* principal Arguments for the Communion in both Kinds were

(1) As to this Archbishop, see the History of the Council of *Pise*. Part II. P. 77. 223. 228.

drawn,

History of
the Contro-
versy about
the taking a-
way of the
Cup.

drawn, 1. From the Holy Scriptures (1). 2. From several Testimonies of the Fathers, such as *Origen*, *St. Cyprian*, *St. Augustin*, from whom he quotes divers Passages, *St. Ambrose*, *St. Jerom*, *St. Chrysoftom*, *St. Gregory*, *St. Hilary*, *St. Bernard*, *St. Fulgentius*, and *St. John Damascenus*. To the Authority of the Fathers he adds that of the Schoolmen, as *Thomas Aquinas*, *Albert le Grand*, *Nicholas de Lira*, *Alanus*, *William de Monte Laudano*. 3. In short, he quotes the Authority of several Popes, as *Gregory the Great*, *Leo I.* *Innocent III.* *Gelasius I.* *Clement V.* *Urban IV.* 4. He confirms this Doctrine by the Canon Law, and from the whole draws his Inference in these Terms. 'Tis more clear than Day-light from these Authorities of the Sacred Scriptures, from this Institution, and from those Decrees of the Holy Doctors, the Sacred Canons, and the Catholick Church; that the Communion of the venerable Sacrament of the Body and the Blood of our Lord Jesus Christ, ought to be administr'd to all Christians in the Species of Bread and Wine. That's the Word, the Law, the Truth, the Institution and Gospel of our Lord Jesus Christ, his Apostles and the Primitive Church, which cannot be annull'd and set aside by any Custom of the Church of Rome, how ancient soever it be, nor by the Constitution or Decree of any Pope, or any Council (a).

(a) *V. d. Hardt*
p. 800, 821.

It may be imagin'd that an Innovation so considerable, supported with so much Resolution, did not fail of Opposers, of whom some attacked it of their own Accord, and others by order of the Council itself. I shall rank these Pieces according as I find them stand in the Collection of *M. Von der Hardt* (b). The first is an anonymous Piece (b) T. III. Part 14, 15. (c), and probably was written at Constance. 'Tis address'd in form of a Letter to *James de Misa*; who is therein term'd a Pastor and Divine of Prague. It seems by the Style of it wherein *Jacobel* is treated as a Brother, and an Eloquent Preacher of the Word of God; that the Breach was not yet open'd. This Letter may be divided into XVII. Chapters. In the first *Jacobel* is charg'd with a Want of that Reverence due to the Ceremonies establish'd by the Church, and to the Orders of the Superior Clergy or Prelates. There is this Description in it of the Church; 'The Church is an (3) Ecclesiastic Assembly of all the Good and Bad in Christendom: The Head of the Catholick Church is Jesus Christ, and the Pope is his immediate Vicegerent. The Eyes of the Church are the Prophets, Apostles

(1) Among other Passages he quotes *Matt. xxvi. 28.* *Mark xiv. 22, 24.* *Luke xxii. 15, 20.* *J. bn. vi. 53.* *1 Cor. xi. 23, 29.* and he proves from the Authority of the Fathers, and *St. Austin* in particular, that in Matters of Faith the Sacred Scriptures are our only Rule.

(2) *M. Von der Hardt* conjectures it was writ by *Andrew de Bricks*, *ub. supra.* *Proleg. p. 23.*

(3) This Word seems superfluous, and contrary to the Author's Intention.

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and Preachers of the Truth. The Ears of the Church are the obedient Laity. The Discernment of the Church is in its Nostrils, and the Snivel or Excrement which comes from the Nose is Heresy, which the Church blows out of it. The Holy Scriptures are the Mouth of the Church. The Teeth of the Church are the Interpreters or *Expositors* (1) of those sacred Writings. The Hands of the Church are its Protectors. The Feet of the Church are the Labourers that nourish the Pastors. That which cometh out of the Belly are Persons unclean and impure, the Wicked and the Guilty who oppress the Stomach of the Mother Church, and who after Death are devour'd by the Devils, as the Swine were. It appears by the second Chapter that *Jacobel* and his Adherents had been excommunicated, and that he preach'd nevertheless, because he was of Opinion that an unjust Excommunication is not binding. In the third *Jacobel* is reproach'd with officious Preaching at several Places without a Call, and without a Mission. For, says the Author, *You, dear Brother, and Others must know that there's a double Mission, the one habitual, the other local. The Habitual Mission comes from Jesus Christ, by the Consecration of a Bishop. The Local Mission is made by the Permit or Order of the Prelate of the Place. I am therefore very much astonish'd, dear Brother, that you shou'd undertake without this last Mission to visit several Churches, and there to preach.* In the fourth Chapter the Author confutes what *Jacobel* had advanc'd agreeable to the Principles laid to the Charge of *Wickliff* and *Jahn Huss*, that the *Tythes are meer Alms, and that the Temporal Lords may lawfully take them from the Prelates and the Priests, who make ill Use of them.* In the fifth Chapter he returns to the Visits which *Jacobel* made to several Churches, and to the Ecclesiastical Functions which he there exercis'd, notwithstanding his Excommunication, in Contempt of the Keys of the Church. The Author maintains, 'That according to a Bull of *Alexander III.* every Clergyman who thus violates an Interdict ought to be depriv'd of all Benefices and Dignities, and subjected to everlasting Damnation; and if Monks do it they ought to be confin'd in the Jail of the Convent.' *Jacobel was for reducing the Clergy to the primitive Times and Condition of the Apostles, who had no Possessions, to the end that they might be more at Liberty to preach the Word of God, being thereby exempt from Pomp, Avarice, Luxury and the other ordinary Sins of the Clergy.* To this the Author answers in the VIth Chapter that *Jacobel* pretended to limit God's Power, as if he wou'd not or cou'd not settle Things otherwise than in the Time of

(1) 'Tis in the Text *Compositores*, i. e. Compilers, but I am inclin'd to think it an Error of the Press. The Expositors are call'd the Teeth of the Church, because they chew its Doctrine, as we may say, for the People the better to digest it.

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the Apostles. He finds his Answer upon what Jesus Christ said to his Disciples, that he had many Things more to say to them, which since they cou'd not retain, the Holy Ghost wou'd teach them. *Thus, says he, by the Teachings of the Holy Spirit the Church at this Day is in a much more honourable State, and the Devotion there much greater than in the Primitive Church, because at that Time the Apostles were more concern'd for the Conversion of the Gentiles to the Christian Faith, than for the Ornaments and Devotions of the Church, and the Splendor of the Clergy.* The whole Chapter is worth reading for the Oddness of the Subject (a). (a) *V. d. Har.* The VIIth and following Chapters to the Xth inclusively are taken T. III. p. up in Defence of the *With-holding of the Cup*, contrary to the Doctrine 353, 355- of *Jacobel*, who was for the Peoples communicating in both kinds: *Which*, according to the Author, is contrary to the Will of Jesus Christ and of God, contrary to the Tenor of all the Sacred Scriptures, contrary to the Canons, and contrary to the Statutes of the Holy Mother Church of Rome.

To prove that the Communion in both kinds is contrary to the Intention of Jesus Christ, he alledges 1. The last Supper of our Lord, who wou'd not have fail'd to have invited the Virgin *Mary* to it, who was much more worthy of it, than all the Apostles together, as well as the 72 Disciples, the Master of the House where he celebrated his Last Supper, and all his Family, *Joseph of Arimathea*, *Nicodemus* and several others that generally follow'd him. As to the Objection from the Command of Jesus Christ that all shou'd drink, he easily gets off on't, by saying, *That Jesus Christ order'd all to drink of the Cup, for the Sake of Judas, for fear that St. Peter and the other Apostles shou'd fall into a Rage against that Traytor, if Jesus Christ had excluded him from the Communion of the Chalice.* He makes several other Answers much of the same Force, which it wou'd be too tedious to relate. As to the other Passages of Holy Scripture, he pretends to prove from several Types in the Old Testament, that none but those who officiate ought to communicate in both kinds, and that the Laity ought only to partake of the Bread. For Example, *Melchisedec* brought forth Bread and Wine because he was the Priest of the Most High God (b). Just so 'tis said that the Prophet *Elias* eat Bread and drank Water (c). He also quotes other Passages from *Leviticus* (b) *Gen. xiv. 18.* and *Deuteronomy*, as little to the Purpose. The Passages in the sixth (c) *1 Kings xix. 6.* Chapter of *St. John's* Gospel are, according to him, good Arguments to prove that the Laity ought only to communicate in the Species of Bread. Indeed he is grappled by the 53d Verse of the same Chapter, which *Jacobel* quoted to prove the Communion in both kinds, *Except ye eat the Flesh of the Son of Man and drink his Blood, ye have no Life in you, &c.* But he gets rid of this Objection by two Answers. 1. That those Words of Jesus Christ were spoke to the Apostles, and to those

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AFTERWARDS the Author answers the Passages quoted from the Fathers, for the Necessity of the Communion in both kinds. In answer to that of St. *Gregory*. call'd the Great, importing that the Blood is pour'd into the Mouths of the Believers, he says 'tis by means of *Concomitancy*, because where the Body of Jesus Christ is, there also is his Blood. As to that of *Thomas Aquinas*, where the Doctor asserts that 'tis agreeable with the use of the Sacrament, that it be given to Believers separately, that is to say, in both Kinds apart from each other; our Author declares it to be the Meaning of St. *Thomas*, that 'tis agreeable to the Use of the Sacrament to be offer'd separately upon the Altar for all Believers; and that there are above 200 Passages in St. *Thomas's* Book, where he says, that the Body of Jesus Christ must only be given to the Laity in the Species of the Bread, and not his Blood in the Species of Wine. But he does not quote one of those 200 Passages. As to the Canon of *Gelasius*, which says, that there's no separating one Species from the other, that is to say mangling the Sacrament and giving but one Part of it, without *Sacrilege*, he quotes the Comment upon this Canon, which says, that *Gelasius* meant this of the Priest who sacrificeth, or who maketh the Body of Christ, because the Priest who celebrates cannot, without *Sacrilege*, omit the second Species, which is that of Wine (1). As to St. *Cyprian*. who is for the Laity's communicating in the Species of Wine, the

(1) Unde fertur quod Glossa super eodem Capitulo dicit, quod dictum *Gelasij* Papæ intelligitur de sacrificante aut conficiente. Et hoc Christus voluit Luke xxii. dicens, *Hec facite in commemorationem meam*. Johannes Andreæ dicit in Glossa, hoc in meam commemorationem facite, i. e. conficite. Quia Sacerdos celebrans non debet dimittere secundam speciem, scil. Vini,

alias committeret Sacrilegium. Sicut quidam fecerunt antiquitus, habentes plures Ecclesias, in omnibus officiantes, in ultima celebratione sumebant sub utraq; specie Sacramentum, sed in primis missis tantum sub una specie scil. panis. Et tales Sacerdotes corrigi hic *Gelasius* de Sacrilegio, & non Laicalem populum. Ub. supr. p. 364.

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Author makes no Scruple to reject him in this Article. *Cyprian*, says he, spoke according to the Custom of the Primitive Church, believing it was good for the People to communicate in both kinds. But the Church does not follow him in this and many other Articles. The Author does not deny, but under the Primitive Church several communicated in both Kinds; but he says this was done from two Motives. Some did it piously (*ex pia devotione*) as *St. Cyprian* and *St. Donatus*. But they left it off as soon as it was reveal'd to them either by their understanding of the Scriptures, or by miraculous Visions, that they ought not to continue it.—Others did it out of Malice, as *Nestorius* and *Pelagius*. In short, the Anonymous Author makes it almost as great a Crime in the Laity to shed a few Drops of the Blood of Jesus Christ thro' Imprudence, as it was for the Jews to take away his whole Mass thro' Rage and Malice (1). On this Occasion he does not forget the pretended Decree of Pope *Pius*, which orders 'That if thro' Neglect the Priest shou'd let any Drops of the Blood of J. C. fall on the Ground, or on the Linnen or the Woollen Cloth, such Priest shall perform forty Days Penance, and be suspended for a certain Time from the Celebration of the Mass. He shall also lick up the Drop which is fallen, and burn the Linnen or the Woollen on which it fell. If it fell on a Stone it shall be scrap'd up, and the Scraping carry'd into the Vestry (a).' The Conclusion which the Author draws from it cannot (a) De Con- but appear strange to the Reader. If, says he, the Priests are so severely ^{secr. Distin.} punish'd for shedding a Drop of the Blood thro' Negligence, if the Linnen ^{II. Cap. 27.} and the Woollen must be burnt, with much more Reason ought the Laity, who wet their Beards or Clothes with the Blood of Jesus Christ, to be burnt with their Clothes and Beard on, and to be sent to Hell, unless they do Penance (b) ^{Ub. sup. p. 359.} From thence the Author proceeds to the mention of the Inconveniencies which wou'd attend the Communion in both Kinds. 'The first is, that in the carrying of the Blood of Jesus Christ to sick Persons remote from the Church, in Forrests, in the Plains, or on the Hills, &c. in the Country, there wou'd be very great Danger, that the Blood of Jesus Christ might fall to the Ground, with the Priest and the Beast that carries him. And, continues he, if it be said, that it would be sufficient to give only the Bread to the Patients, I infer from thence, that this wou'd be sufficient also for all the other Laity. The second Inconvenience is, that if the Blood of Jesus Christ be kept in the manner that the Wafers are kept, the Sacrament of Wine would soon turn to Vinegar. The third Inconvenience is, that many People would thereby run a Ha-

(1) Ideo illi permaxime peccant, qui ita incaute sanguinem Christi iundunt, & cum hoc faciunt Laicalem populum sub Specie vini communicare. Nam prius

fuit maximum peccatum, Sanguinem Jesu Christi fundere violenter, mortalem & divisibilem. Ub. supr. p. 362.

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ward of their Salvation, because there are many who can neither drink nor taste Wine, as appears from the Example of the King of Poland (1), and several others. The fourth is, that for a great Body of People, there must be a great Number of large Vessels, especially in the Time of a Plague. The fifth is, that in Time of War, if several thousand Men were desirous to communicate in both Kinds, where would they find a Chalice large enough, and who cou'd lift it? The sixth is, that if People were to communicate in both Kinds, there are many, who wou'd think that Jesus Christ is not entirely in the Species of Bread, which wou'd give occasion to a great Heresy.' The Business of the Xth Chapter is to prove, that the Communion in both Kinds being contrary to the Practice and Decisions of the Church of Rome, which is infallible, and the Mistres of all the Churches, such Communion is by consequence illegal and criminal.

IN the following Chapters the Author taxes *Jacobel* with several other Innovations. 1. Of preaching publicly, that every one may confess and communicate when he will, where he will, and to whom he will, without troubling his Head about his Parson, who may be guilty of Avarice, Pride, Luxury, Simony. 2. Of preaching, that the Pope is of no greater Dignity than a meer Priest, because St. Peter had no more Authority and Dignity than other Priests. To overthrow this Thesis of *Jacobel*, he quotes several Cases, in which none but the Pope can absolve. The first is, when Men burn, pull to pieces and violate a Church. The second is, when knowingly and voluntarily a Person communicates with one that is excommunicate. The third is, when the Pope's Letters are counterfeited. The fourth is, when a Priest celebrates Mass, knowing that he is excommunicate. The fifth is, Simony and Sacrilege. The sixth is, using Force, and laying *violent Hands* upon the Clergy, or any Religious Persons (2). He afterwards quotes several Cases, in which it is not lawful to absolve a Priest without Authority from the Pope or Bishop, or his Vicars, except *in articulo mortis*. 1. Incest. 2. The Abuse of a Virgin, and especially ravishing her. 3. Murder. 4. The committing of Fornication with a Nun. 5. The striking of his Father or Mother. 6. Sodomy, and every other Sin against Nature. 7. The Violation of his Vows. 8. Perjury. 9. Sacrilege in the Administration of the Sacraments of the Church. 10. The setting of Fire to Houses and Corn. 11. The making away with his Children (*prolis oppressio*). 12. Blasphemy against God and his Saints. 13. Heresy, whether it be by erring in the Catholick Faith, or by perverting the Sacraments, or by Simony. 14. Adultery, double or single. It appears by the

(1) *Ladisl us Jagellon.*(2) *Percussor Cleri, vel Persona Religiosa.*

15th Chapter, that *Jacobel* permitted the People to sing, both in private and publick, such Hymns or spiritual Songs, as were not approv'd of by the Church, to the Offence of the People, and in Contempt of the Canons, Constitutions of the Church, and the Orders of Superiors. The XVIth Chapter is to establish the Authority of those Canons and Constitutions. The Letter concludes with a brotherly Exhortation to *Jacobel* to return within the Pale of the Church, and not to distinguish himself by Novelties. We may be excus'd from giving an Account of the Treatise that follows this, which bears the Name of *Andrew de Broda*, Divinity Professor at *Prague*, because 'tis absolutely the same as the preceding, with this Difference, that the one is anonymous, and the other bears the Author's Name.

'Tis therefore necessary to proceed to the Answer of *Jacobel*, or *Jamas de Mife*, otherwise call'd *Sorizidra*, to those Treatises. We shall only abridge it because 'tis very long, the first Part consisting of L. Chapters, and the second of XXX. It begins with this Protestation. 'I protest, as I did before in the University of *Prague*, that in this Matter so useful and so salutary to Christians, or in any other, my Intention is not to advance, write, or affirm any Thing presumptuously against the Holy Catholick Church of Jesus Christ, or against the true Christian Faith, and against the most Holy Law of God. And if this should happen to me, which God forbid, thro' my Ignorance, Inadvertence, or Imperfection, which I own to be very great, I revoke and retract it, desiring it may be look'd upon as a thing not advanc'd, and I submit to the Correction of all who have a Right to correct those that go astray, and to bring them back into the Ways of Truth.' After this Protestation, he thus establish'd his Thesis. 'This Article of the Evangelical Faith, which was held formerly in the Primitive Church, ought still to be held and observ'd in the Church at this Day, viz. That the Lord Jesus, God and Man, whose Works are perfect, left a Memorial of his Miracles before his Death, by instituting the great Sacramental Supper compleat and perfect by the sacramental Eating and Drinking. Which Sacramental Supper so compleat and perfect, he himself gave to his Disciples, and by them to the whole Body of the Church, to eat and drink sacramentally the Body and Blood of our Lord, in both the sacramental Species, which he has commanded to be done to the Consummation of Ages: As *St. Paul* receiv'd it from the Lord, so he has enjoyn'd it to be observ'd by all the Congregations of Churches.'

IN answer to the Objections, he begins with the Passage of *St. John's* Gospel, Chap. vi. 51. *Except ye eat the Flesh of the Son of Man, and drink his Blood, ye have no Life in you.* *Jacobel*, as has been already said, had quoted that Text as well as *Jahn Hnß*, to establish

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the Necessity of the Communion in both Kinds. *Broda* had objected; that if this Passage were taken literally, it would follow, that all Children, even after Baptism, were damn'd, if they dyed before they had receiv'd the Communion. From whence he inferr'd, that it must be understood figuratively and not literally, that is to say, that the Thing intended is to eat the Flesh and drink the Blood of Jesus Christ in a spiritual Manner through Faith, &c. *Jacobel* does not deny but this Passage ought to be explain'd figuratively and spiritually as St. *Austin* understood it, but he affirms at the same time, that it ought also to be understood of Sacramental Communion, and that Jesus Christ has therein taught beforehand, that every Communicant ought to partake of the Holy Sacrament of the Eucharist in both Kinds. But in order to obviate *Broda's* Consequences, he distinguishes between the several Conditions of Christians, and the various Degrees of the Necessity of Communion. The Communion purely spiritual, which is perform'd by Faith, is absolutely necessary to Salvation, because without Faith 'tis impossible to have Communion with Jesus Christ, and by consequence to be sav'd. The Communion of the Sacrament is only necessary from a conditional Necessity, that is to say, if there is a Capacity of partaking of it, and if the Persons are not hinder'd from it by involuntary Obstacles, as Children are, and adult Persons too in several Cases. *Jacobel* says, there's the same Degree of Necessity for both Species in particular as for the Sacrament in general. However he does not exclude from Salvation, those who partake only of the Species of Bread, because the Blame of it lies in the Infidelity of those Priests, who deprive them of the Species of Wine.

As to the Words, *drink ye all of it*, *Broda* had objected, that this was not an Obligation, nor a Command, because in that Case Jesus Christ wou'd have injoyn'd an impossibility upon several, particularly those who have an invincible Antipathy to Wine. *Jacobel* makes answer, that 'tis an express Command, but that it supposes that there is no impossibility of obeying it. Persons, for Instance, in Prison, who shou'd be deny'd the Sacrament in either Species, wou'd be entirely excusable for not communicating, provided there were no other Obstacles on their Part. In the same manner a poor Man is excus'd from giving Alms, provided his Intention and Will are good. As to the Plea, which *Broda* held in common with the Doctors of that time, that Jesus Christ had given the Sacrament in both Kinds to his Disciples, not as Laymen, but as Priests, *Jacobel* affirms, that on this occasion Jesus Christ perform'd the Function of a Priest, and that the Disciples represented all Christian People to the End of the World; in the same manner, says he, as according to St. *Austin* the militant Church was represented in the Person of St. *Peter*, when Jesus Christ said

said to that Apostle, *Thou art Peter, &c.* He afterwards quotes some Passages, wherein what Jesus Christ says to his Disciples, ought to be applied to all the Faithful, and this among the others, *What I say unto you, I say unto all.* Finally, he makes use of this Argument to shew the Absurdity of his Adversary's Principle, viz. That if the Disciples did not represent the People by receiving the Sacrament in both Kinds, neither did they represent them by receiving it only in the Species of Bread; from whence it would follow, that the Laity ought not to communicate in either Species, and that this Privilege would only appertain to the Priests (1).

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DR. Broda had declar'd, that if it was the Intention of Jesus Christ, that the Laity should communicate in both Kinds, he would not have failed to have invited the Virgin Mary to it, with the seventy two Disciples, &c. To which *Jacobel* makes this Answer, ' I have not observ'd hitherto, says he, that the Dr. has clearly prov'd, that the most glorious Virgin and the Mother of our Lord was not then in the same House with Jesus Christ and his Disciples, and that she did not receive the most Divine Sacrament in both Kinds. For because it is not expressly mentioned, it does not follow, that it was not so.' However he is very willing to admit, that the Virgin Mary was not there, and that she did not receive the Communion in both Kinds, but he asserts at the same time, that no Consequence can be drawn from it for the rest of Christians. ' This Faith, says he, and this Practice was chiefly instituted for frail, weak, sickly People, such as are the Bulk of Believers, whom the Disciples at that time represented, because they themselves were weak and unable to resist Temptations, which cannot be said of the blessed Virgin Mary, &c.' His Answer is much the same with respect to the seven-

(1) Quod si Discipuli tunc non gesserunt vicem futuræ plebis in suscipiendo hoc diviniſſimum Sacramentum sub utraque Specie: Tunc per idem nec gesserunt vicem Populi ad suscipiendum tantum sub prima Specie; eo quod non datur ratio diversitatis. Et per consequens, sicut non esset fundamentale, in prima Institutione Evangelicæ Dominicæ Cœnæ, quod communis plebs communicaret sub utraque specie, sic non esset fundamentale in eadem Institutione, quod communis plebs communicaret tantum sub prima Specie. Et si non fundaretur Communio Sacramentalis plebis, in ista institutione Evangelicæ Dominicæ Cœnæ, tunc nescio ubi alibi in Evangelio certius fundaretur. i. e. If the Disciples at that time did not represent the People in receiving the most

Divine Sacrament in both Kinds, neither did they represent the People by receiving it only in the first, inasmuch as the Reason of the Difference is not given: And by consequence as it was not a Fundamental in the first Gospel Institution of the Lord's Supper, that the common People should communicate in both Kinds, so it was not a Fundamental in the same Institution, that the common People should communicate only in the first Species. And if the Sacramental Communion of the common People was not founded in that Evangelical Institution of the Lord's Supper, then I know not where else in the Gospel it can be more certainly grounded. *Von der Hardt. Tom. III. Part XVI. p. 445.*

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ty two Disciples, &c. 'Tis a Principle among the Doctors of the Church of Rome, that in the Eucharist there is the Body of Jesus Christ with his Blood, under the Species of Bread, and Broda does not fail to make use of this Principle to authorise the with-holding of the Cup. *Jacobel* does not dispute the Principle, but he maintains, that we ought to adhere to it, with regard to the Manner in which Jesus Christ instituted the Sacrament. ' Our Lord, says he, ' when he presented his Body under the first Species, only said, *take and eat*, he does not say *drink*; and when he presented his Blood under the second Species, he only said, *drink ye all of it*, and not *eat under this second Species*. As therefore Jesus Christ only exhibits himself by way of spiritual and sacramental Nourishment, under the Species of Bread, and exhibits himself only as a Draught, under the Species of Wine, it follows from thence, that according to the Institution of Jesus Christ, the Blood is not taken under the Species of Bread, nor the Body under the Species of Wine. Otherwise, continues he, if we eat and drink the whole together, under one Species only, the other Species would be superfluous, which is repugnant to the Wisdom of the supreme Legislator.' The XVith Chap. of Part I. is very subtle and obscure, it even favours very much of Nonsense, and therefore it will be best to set down *Jacobel's* Answer in his own Words. ' *Broda* had said, that tho' in the Passion of Jesus Christ, his Blood was separated from his Body till the Hour of his Resurrection, and tho' by consequence, he who had celebrated the Eucharist during the Space of Time that Jesus Christ remain'd in the Sepulchre, would only have had the Body of Jesus Christ without his Blood, under the Species of Bread, and his Blood without his Body, under the Species of Wine; yet at the Moment of the Resurrection, Jesus Christ resum'd all his Blood, and since the Resurrection the Blood of Jesus Christ has ever remain'd inseparably with his Body, and will there remain eternally.' This is what *Broda* said to prove, that the People by communicating in the Species of Bread, communicated of the Body and Blood of Jesus Christ both together. *Jacobel's* Answer is as follows, ' I grant that Jesus Christ after his Resurrection resum'd all his Blood, and that it was then united to his Body for all Eternity. I grant also, that while Jesus Christ lay in his Sepulchre, his Blood was separated from his Body till the Resurrection. But the Dr. has not yet prov'd, that if during those three Days any one had consecrated the Sacrament in both Species, the Body of Jesus Christ would in that Case have been in the first Species, without his Blood, and his Blood under the second Species without his Body. For, I ask the Dr. whether when Jesus Christ instituted the Sacrament of the Eucharist, Jesus Christ was there entire as to his Body and his Blood,

• Blood, under either of the Species, or whether he was not there. As
 • he will not presume to assert the latter, he must of Necessity therefore
 • say the first. If therefore this venerable Sacrament of the Lord's Sup-
 • per had been kept during the time that pass'd between the Instituti-
 • on of the Supper and the Resurrection of Jesus Christ, why was
 • not Jesus Christ there entire under both Species, as at the first Sup-
 • per? For tho' the Body and Blood of Jesus Christ were at that
 • time sensibly (*sensibilibus*) separated, it was however possible, if
 • God had pleas'd, that they should be together after another Manner,
 • that is to say, after a spiritual and sacramental Manner (*in sacra-
 • mento*) as in the Supper which the Lord celebrated. Therefore
 • this Consequence is not good. The Body and Blood of Jesus Christ
 • were at that time separated *sensibly*, therefore they must needs have
 • been separated spiritually, really and locally, because thro' Faith.
 • (*secundum fidem*) one and the same thing may be sensibly in one
 • Place, and really and spiritually in another.

As to the Passage of the Xth Chapter of the First Epistle to the
Corinthians which *Broda* had asserted, related only to the officiating
 Priests, *Jacobel* answers 1. That St. *Paul* having given the Sacrament
 of the Eucharist to the *Corinthians*, as he had received it from the
 Lord, gave it to them by consequence in both Kinds. 2. That
 this Epistle being writ to the Laity, and not to the Priests of *Corinth*,
 the Order of eating the Bread and drinking the Wine, takes in the
 Laity as well as the Clergy. 3. That the Command of Self-examina-
 tion is common both to Laity and Clergy, because both the one and the
 other are subject to Sin; and if the Command was limited to the Priests,
 it would follow from thence, that the Laity ought not to communicate
 in any Sort. 4. That the Errors and Extravagancies censur'd by St.
Paul in these Words, *Have ye not Houses to eat and to drink in*, &c.
 were Abuses committed by the Laity rather than by the Clergy. 5.
 That when St. *Paul* said in the 34 v. of that Chapter, that he will
 set the rest in Order when he comes, this, as *Broda* says, does not
 relate to the with-holding of the Cup, as if St. *Paul* had deferr'd it
 till his Arrival, but to certain Points of Discipline, or Circumstances,
 which were not essential to the Sacrament of the Eucharist as those
 of Time, Place, &c.

As to *Broda's* accusing *Jacobel* and his Adherents of saying, 'What
 is a Decree?' 'Tis a Human Tradition. 1. What are the Decretals?
 They are Cloaks for the Pope (*coopertoria Papa*).' *Jacobel* makes an-
 swer, that as there are many things blameable in the Decretals, as
 there are some that favour Avarice under the Pretence of Piety,
 and are incompatible with the Observation of the Gospel, he does
 not receive them without a great deal of Examination and Choice,
 and that every Christian ought to take the same Care. Afterwards

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Jacobel answers the Exceptions, which *Broda* had made to the Passages of the Fathers, quoted in favour of the Communion in both Kinds; and from thence draws new Inferences against his Adversary. He even reproaches him with mangling those Passages of the Fathers, or perverting them in Favour of his Thesis, and of admitting only what suits him and rejecting what he does not like. I shall only quote two Instances of it. The first is, that *Jacobel* had quoted an ancient Missal, in which were these Words, *In giving the Communion to others, under the first Species, the Priest saith, May the Body of our Lord Jesus Christ be salutary to your Soul and to your Body, for eternal Life; and in presenting the Chalice to the same Laity, he says, may the Blood of Jesus Christ be wholesom to you in the Remission of Sins for Life everlasting.* He finds Fault with *Broda* for not having answer'd a Passage, which so plainly shews that the with-holding of the Cup is an Innovation. The second is concerning *Jacobel's* Quotation of a Passage from *William de Monte Lauduno*, which says, *that in receiving the Cup, all Truth is receiv'd, but not all the Sacrament; and that 'tis for this Reason, that in many Places they communicate both with the Bread and the Wine, that is to say, with the whole Sacrament.* *Broda* makes Answer by disallowing what the School Doctor says in these Terms. "The Words of this Doctor, says he, change the Rites of the Church, but this William is not to be credited. Whether this be observ'd in any Places, as he says, I know not, and I am not oblig'd to take every Doctor's Word for it, because the more is the Pity, there are many who have been mistaken. *Jacobel* does not let him go without a Reply, See, says he, this Doctor, he will not believe all the Doctors, nor William in particular, when he says the Truth, and he makes it a Crime in me, that I am not willing to believe the Doctors, when they speak against the Gospel.

IN the XXVIIIth Chapter *Jacobel* answers an Objection of *Broda* founded upon what he pretends has been the Practice of the Church of Rome for several Ages, viz. that on the Day of the Preparation for Easter, (Good Friday) neither the Pope, nor the Bishops, nor the Priests communicate in any other Species but that of Bread: From whence *Broda* inferr'd that the People might be very well satisfy'd to communicate always in the same Species (1). *Jacobel* answers,

1. That

(1) Quid respondebit ad Officium diei Parasceves? Aut quid dicet ad antiquissima Previaria de iplo die? Aut quid ritui Universalis Ecclesie respondebit, quæ iplo die sub una tantum Specie, Corpus & Sanguinem sumit? Dicat, si hoc sufficit Papæ & omnibus Episcopis, & Presbyte-

rijs, ipso die Parasceves Officium tenentibus, cur hoc non sufficit Laicis? Aut oportet adversarium dicere totam Ecclesiam sacrilegij crimen incurrere, aut pluribus annorum centenis turpiter erravisse. Sed quis hoc vult dicere de Romana Ecclesia, vel de omnibus ejus subjectis, & non potius

1. That this is only a Tradition and a Custom of the modern Prelates, which ought not to have the Preference to Apostolical Tradition.

2. That if those Prelates had the Salvation of the People, and the Institution of Jesus Christ at Heart, it wou'd be as easy for them to consecrate several great Vessels of Wine, as to consecrate several Wafers on the Day of the Preparation.

3. That the Doctor's Consequence is null and void, because admitting that the Communion upon one certain Day be only in the Species of Bread, it does not follow that it shou'd be so always, there being many Cases and Conjunctions in which the People cou'd not communicate in the Species of Wine, and in which by Consequence they wou'd be lawfully dispens'd from it.

4. That it wou'd be very unreasonable to alter this Custom, which the Author calls a *Rubric*, because it was only brought in by Men liable to Error, Prelates or others, and because such an Alteration wou'd be very easy, if both the Laity and Clergy were animated with a common Zeal to restore the Institution of Jesus Christ, and to communicate in both Kinds on the Day of the Preparation. He charges *Broda* with a manifest Contradiction concerning the Decree of *Gelasius*. This Decree says, as has been observ'd, that 'tis Sacrilege for a Person not to take the Blood of *Jesus Christ* under the Species of Wine, after having taken his Body under the Species of Bread. *Broda* owns that the Decree of *Gelasius* is Orthodox and Catholic, but he asserts that it concerns not the Laity, but the officiating Priests, who cannot, without Sacrilege, abstain from the Communion of the Chalice. From whence it follows, says *Jacobel*, according to my Adversary's own Confession, that for several hundred Years all the officiating Priests have committed Sacrilege on the Day of the Preparation, because they only communicate that Day in the Species of Bread. This opens a wide Field to him against the Pretension of the Church of *Rome* to Infallibility. He imagines, says *Jacobel*, that 'tis impossible that the Pope and Cardinals, so many Bishops, and so many other Prelates shou'd err. ' And for my own Part I affirm, ' that the Pope, the Cardinals, the Bishops and Prelates are Men ' very frail, and very subject to Sin. For they may be covetous, simoniacal, they are capable of entering into the Sheep-fold by ano-

potius erubescit, in quibus Universitates famosæ, solemnesque sunt, aut fuerunt ?

i. e. What will he say to the Office for *Good-Friday*? Or what to the most ancient Breviaries, concerning that Day? Or what will he say to the Rite of the Catholic Church, which on that very Day takes the Body and Blood under one Species only? He may say, If this be sufficient for the Pope and all Bishops and Presbyteries

officiating on the said *Easter-Eve*, why is it not sufficient for the Laity? Either the Adversary must say that the whole Church incurs the Crime of Sacrilege or has basely err'd for many Centuries. But who will say this of the Church of *Rome*, or of all its Subjects, among whom there are, or were famous Universities, without Blushing? *V. d. Hardt, ub. Supr. p. 486.*

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‘ther Way than by the Door, and are liable to many Sins. And
 ‘when the Name of the Church of Rome is given to an Assembly
 ‘of such People, I assert that such a Church is liable to Sin and Er-
 ‘ror, and to mistake in Actions as well as in Words, by calling Good
 ‘Evil, and Light Darknets, or Evil Good, and Darknets Light.’

THE XXXII. Chapter is altogether as curious, on account of certain Legends therein mention’d. Broda had tax’d *Jacobel* with admitting of only such Legends as suited him, and rejecting those in which he did not find his Account. To prove that formerly they communicated in both Kinds, *Jacobel* had quoted the Legend of *St. Donatus*, Which says, *That one Day as they were celebrating the Mass, and the Deacon was distributing the Blood to the People, there came some Pagans who threw the Deacon upon the Ground and broke the Chalice. The Deacon, continues the Legend, was very much afflicted at it as well as all the People, but Bishop Monatus having gather’d up the Pieces made it whole again by his Prayer. Broda cannot easily swallow this Legend, ‘For, says he, if St. Donatus’s Chalice had been of Gold, Silver, Copper, Pewter, Iron or Lead, how cou’d it break? And if it was of Glass or Earthen-ware, it was not necessary to have Recourse to a Miracle to patch it up again, because in those Countries they never want Vessels of Earth or Clay. Wou’d it not have been of more avail, continues he, to pray that the Blood of Jesus Christ, which had been spilt upon the Ground, might be sav’d and restor’d to the People? For he who had the Power of mending the Chalice, might also have restor’d all the Blood in it, without leaving a Drop upon the Ground. Tho’ perhaps ’tis better to say that the Good God suffer’d the Chalice to be broken, for fear lest the People shou’d receive what they ought not. But what troubles Broda most is Jacobel’s having quoted this and other Legends against him, and his refusing to admit that of St. Catharina and St. Margaret, or to believe that they interceded for those who honour’d ’em (1). Jacobel answers, that he does*

(1) Et negat Legendam Sanctarum,
 Catherinæ nec non Magarethæ, Virgi-
 num. Negat eas orasse pro se veneranti-
 bus, cum tamen Ecclesia canit de Sancta
 Catherina :

Especto pro te gladium,
 Jesu Rex bone. Tu meum
 Da Paradiso spiritum.
 Et fac Misericordiam,
 Meam agentibus Memoriam,

Similiter canit Ecclesia de Sancta Vir-
 gine Margaretha.

Ad mucronem corvis tenisa,
 Orat voce cum immensa
 Pru se venerantibus.

i. e.

He denies that the Holy Virgins *Cathe-
 rine* and *Margaret* pray’d for their Vota-
 ries, tho’ the Church sings of *St. Catharina*.

For thee Good Jesus I expect the
 Sword,
 Commend my Spirit to Paridice,
 And

does not deny the Legend of *Margaret* and *Catbarine*, that he honours the Saints as much as he can, and as much as he ought, and hat he teaches the People to honour them, but especially to imitate their Virtues. As to the Legends, he says that he advises Believers not to make more Account of them than of the Law and of the Word of God, because the latter is absolutely necessary and sufficient for Salvation; whereas in the Legends there are many things uncertain, false, contrary to God's Word, and which were only foisted into them by the Avarice of the Priests to get Money. For an Instance of this, he quotes the Legend concerning *St. Thomas*. ' This ' Apostle being one Day at a Wedding, there was a young *Jew* Girl ' who with a Flute celebrated the Praises of the Company, and find- ' ing that *St. Thomas* was also a *Jew*, because he always had his Eyes ' lifted up to Heaven without eating any thing, she fell a singing, ' *The God of the Hebrews is the only God that hath created all things,* ' *and founded the Seas;* and *Thomas* repeated the same Words after ' her. The Cup-bearer (*Pincerna*) seeing that *Thomas* neither eat nor ' drank, smote the Apostle of God in the Face. Upon which the ' Apostle utter'd these Words: 'Tis good for me to be smitten at ' this time, and to obtain Mercy in the Life to come. But I will ' not rise from my Seat till the Hand which struck me is brought ' to me by Dogs. Which, as they say, happen'd accordingly.' *St. Austin*, says *Jacobel*, blames this Revenge, and asserts, that it has been foisted into the Story by some Impostors.

AFTER this *Jacobel* returns to certain Passages of the Fathers, which *Broda* had produc'd in favour of his Opinion; *St. Jerom* says, for instance, ' That the Priests, who administer the Eucharist and distribute the ' Blood of the Lord to the People, impiously offend the Law of ' Jesus Christ; if they think 'tis the Words and not the Life of the ' Priest which make the Eucharist, and that nothing but solemn ' Prayer is necessary, and not the Merits of the Priests (1).' *Bro-*

And shew Mercy to those who
Celebrate my Memory.

The Church singeth in like Manner of
the holy Virgin *Margaret*.

With her Neck ready for the Sword
She prays with Voice exalted
For those who pay her Homage.

Rogo istum meum adversarium, ut
mecum, imo cum Ecclesia, Sanctorum
Legendas pie suscipiat. Quod, si non
vult, nec Donatum Laicis fidelibus sic alle-
get. *i. e.* I intreat my said Adversary

that he wou'd with me, nay with the
Church piously attend to the Legends of
the Church. Which if he doth not, let
him not thus quote *Donatus* to the Lay-
believers. *Von der Hardt, ub. supra. p.*
492, 493.

(1) Sacerdotes qui Eucharistiæ servi-
unt, & sanguinem Domini Populis ejus di-
vidunt, impiè agunt in Legem Christi,
putantes, Eucharistiam imprecantis verba
facere, non vitam, & necessariam esse tan-
tum solennem orationem, non sacerdotum
merita. *Hieron. in Sopbon. l. q. 1. ap. V. d.*
Hardt, ub. supra. p. 498.

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da picking out of those Words no more than what suited his Turn, and also construing them after his own Way, says, *That St. Jerom charg'd the Priests with Impiety for distributing the Chalice to the People.* But *Jacobel* has given him no Quarter upon this Head; 'I am surpriz'd, says he, that the Doctor was not asham'd to put so strange and forc'd a Construction upon the Words of St. Jerom. For in the first Place, continues he, 'tis very apparent from thence that the Priests at that Time gave the Communion to the People under the Species of Wine; and in the second Place, that St. Jerom has a bad Opinion of those Priests, who believe that the Sacramental Words only made the Sacrament, and that the good Life of the Priest signifies nothing towards it. From whence *Jacobel* infers, that he who opposes this Institution of Jesus Christ, and the Practice of the Apostles and the whole Primitive Church, is animated with the Spirit of Antichrist.

IN Chap. XXXVII. *Broda* defies *Jacobel* to tell the Time when the Church made this Alteration. We must hear his Answer from his own Lips, 'Why, says he, does the Doctor ask me this Question? For he is so angry with me, that if I tell him the Truth he will not believe me. Therefore I chuse rather to refer him to the Holy Scriptures, and there he will learn what follows. When the Abomination of the Desolation, spoken of by *Daniel*, began in the Sanctuary; When Iniquity began to abound, and the Love of many to wax cold, far and wide throughout the whole Church; When the Ungodly without Understanding, and carry'd away only by the Torrent of Impiety, as *Daniel* prophesieth, began to pollute the Sanctuary; At that Time they began to take away the continual Sacrifice from the People, according to this Sacramental and Spiritual Manner of communicating together under both Species.' According to this Prophecy of *Jeremiah* in the last Chapter of his Lamentations, *Our Inheritance is turn'd to Strangers, our Houses to Aliens. We are Orphans and Fatherless, our Mothers are as Widows. We have drunken our Water for Money, our Wood is sold unto us. Our Necks are under Persecution; We labour and have no Rest. We have given the Hand to the Egyptians and to the Assyrians, to be satisfy'd with Bread.* Let the Doctor read the Divine Scriptures, continues *Jacobel*, and there he will find how the Saints reign'd in the Church for a thousand Years, when and how at the Expiration of the thousand Years Satan was loosed from his Chain to deceive the Nations which are in the four Quarters of the Earth, *Gog and Magog*, and gather'd them together to Battle, &c. (a).

(a) Revelat.
Cap. xx. 8, 9.

THE following Chapters treat chiefly of the Authority of the Church, and of the Regard due to it, when she abuses it. To prove this Authority, *Broda* had quoted the Saying of Jesus Christ of the Obedience

Obedience due to the Precepts of the Scribes and Pharisees fitting in the Chair of *Moses*, and those other Words of the Sovereign Teacher, *Whatsoever thou shalt bind, &c.* As to the first, *Jacobel* asserts, that it must be understood, that the Scribes and Pharisees wou'd teach nothing contrary to the Law of God, in which Case Disobedience was absolutely requisite. From whence he infers, that those Priests are not to be obey'd, who contrary to the Doctrine of the Gospel, and contrary to the Institution of Jesus Christ himself, teach that the Cup ought to be taken away from the Laity. As to the second Passage, he understands it likewise conditionally, according to St. *Austin* and St. *Gregory*, that is to say, that the Excommunication of the Pope and the Priests is only ratify'd in Heaven, so far as it is just and agreeable to the Will of God, and that on the contrary, he who excommunicates unjustly, incurs the very Excommunication which he has inflicted upon others. From thence *Jacobel* infers, that tho' he was excommunicated, he was not oblig'd to leave off preaching and officiating as he was commanded by Jesus Christ, because his Excommunication was unjust, and that in this he has only follow'd the Example of St. *Chrysofom* (1).

WHAT has been said is almost every Word that is material in this first Part of the Dispute of *Jacobel* and *Broda*, except the Article which relates to Antichrist. *Broda* had put the Question to him, whether by Antichrist he meant any particular Person, or all those in general, who teach Doctrines, or invent Practices contrary to the Doctrine or Morals of Jesus Christ. In answer to this Question, he first of all quotes the Beginning of the IVth Chapter of the first Epistle of St. *John*, according to the vulgar Translation, where 'tis said, that whoever separates (*solvit*) Jesus Christ is Antichrist. He thereupon distinguishes a tripple Unity in Jesus Christ. The first is his Unity of

(1) Nec circa istam Excommunicationem propter hoc contra me fulminatam, est ordo juris observatus. Nam cum quadam vice coram Vicario in spiritualibus comparerem, quæsi ab eo informationem vel causam impediendi hoc Evangelicum opus. Ibi certe nullam reperi informationem, nec causam aliquam rationabilem, propter quam non deberet ministrari sanguis Christi plebibus sub specie vini. Unde firmiter credo, quod ex hoc ipso vere coram Deo non sum excommunicatus, licet præterse videar frivola Excommunicatione, vel ligatione apparenti in facie hominum, ex quorundam irrationabilibus motibus irretitus. *i. e.* Neither is the due Course of Law observ'd as to the Ex-

communication fulminated against me. For when I appear'd on a certain time before the Vicar in Spirituals, I desir'd to be inform'd of him as to the Reason of hindring this Evangelical Work. But I found no Information, nor any reasonable Cause, why the Blood of Christ shou'd not be administer'd to the People under the Species of Wine. From whence I firmly believe, that on this very Account I am not truly excommunicated before God, tho' from the unwarrantable Motives of some, I may in the View of Men seem entangled with a frivolous Excommunication or seeming Bond. *Von der Hardt. ub. supr. p. 508, 509.*

1415. Essence with the Father and the Holy Ghost, which Unity, he says; the *Arians* break. The second Unity or Union in Jesus Christ, is that of the Divine and Human Natures in one and the same Person. He accuses the *Manichees* of breaking this Union, by saying, that Jesus Christ had not a true human Nature. The third Unity or Union of Jesus Christ, is his Union with his Members, *i. e.* with those whom he has regenerated and united together by the Bonds of the same Charity and the same Love, which he himself has for them (1). *This third Union, says he, is broke by those, who teaching bad Doctrine and leading abominable Lives separate Jesus Christ from his Members, by taking the Divine Word from them, and depriving them of the Communion of the most Divine Sacrament in both Kinds (2). Whoever under the Appearance of Piety breaks this Union, is Antichrist.* From hence he draws his Inference in these Terms. ‘ Every Assembly of Hereticks, who under Pretence of Religion endeavour to hinder Believers from being One with Jesus Christ their Head, by the Imitation of his Life, all those, I say, with their Head make up one single Antichrist, and one single Person, in the same Manner as the Church of the *Elect* is one single Person with Jesus Christ its Head. Now the Head of the Body of Antichrist is an *individual* (a singular Person) vested with a supreme Office and Dignity, potent in Malice, which he exercises by his Members, in order to disturb by his specious Subordinations the Order which Jesus Christ has establish’d in his Church (3).

THE second Part of *Jacobel's* Tract against *Broda* contains a few things which have not been already handled in the first. I shall only take Notice of what is most important and particular. *Jacobel* had said in the first Part, that there was no Inconvenience, nor Scandal, nor Peril, that could hinder the inviolable Observance of the Institution of Jesus Christ, because there is no greater Inconvenience, no greater Scandal, nor greater Danger, than to violate that Institution, and consequently that the Church had no Right to make any Altera-

(1) Tertiam unitatem habet cum illis, qui sunt regenerati per ipsum in dilectionis conformitate. Quia quæ adhæret sibi per charitatem, & amorem, efficitur unus spiritu cum eo. *Vn der Hardt.* ub. sup. p. 517.

(2) Tertio modo quando quidam illam unitatem, quæ est inter Christum, & sua membra, per dignam susceptionem Sacramentorum, & observationem Legis Christi, solvunt per pravam Doctrinam, per abominabilem vitam. Vel quando mali in statu spirituali vel sæculari, potestativè impediunt inductiva seu inducentia

ad illam unitatem, ut verbum Dei, & communionem divinissimi Sacramenti utriusque Speciei ad Populum. *Vn der Hardt.* ub. sup. p. 517.

(3) Caput autem corporis Antichristi est individuum, officiale, aggregatum, supremum, potens in malitia per membra sui ad impediendum in Ecclesia Christi ordinationem per suas coloratissimas subordinaciones. Et sic solvens Jesum est Antichristus, & totalis magna persona, & partialis simplex persona in supremo potentissimo officio Antichristiano. *Vn der Hardt.* ub. sup. p. 517, 518.

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tion in it. *Broda* had drawn several Consequences from this Proposition, to which *Jacobel* replies. *Broda* said for Instance, that if the Church had not a Power to take away the Cup from the Laity, by reason of the Institution of Jesus Christ, neither should it communicate till after Supper, and till the fifth Day of the *Week*, as Jesus Christ did, neither should it mingle Water with the Wine of the Eucharist, because it does not appear that Jesus Christ did. *Jacobel* answers, that in those Circumstances which are external and indifferent to the Sacrament, Jesus Christ has prescribed nothing positive, and that not having said, ye shall not communicate till after Supper, and till the fifth Day in the *Week*, he has left the Church at Liberty to do it, when they think most proper for Edification; but that having said on the contrary, *Drink ye all of this*, and having instituted the Sacrament in both Kinds, the Church could never change this Institution without Sacrilege. As to the Mixture of Water with Wine in the Eucharist, *Jacobel* defies *Broda* to prove that Jesus Christ did not make that Mixture, and he proves by the Authority of *St. Cyprian*, that it was the Practice of the Primitive Church. In the XXIst Chap. he answers the Inconveniencies which *Broda* had urg'd against the Communion in both Kinds. 1. That since Jesus Christ and *St. Paul*, who were capable of foreseeing those Inconveniencies, did nevertheless institute the Supper in both Kinds, the Church at this Day should not pretend to be wiser than Jesus Christ and *St. Paul*. 2. That since the Primitive Church, which without Doubt was not vested with a less Measure of the Spirit of God, than in the following Ages, did not presume however to make any Alteration in this Institution, the Church at this time cannot do it without great Rashness. 3. As to the Objection started against carrying the Chalice to sick Persons in Places very remote, *Jacobel* answers, that if the Priests were animated with a flaming Zeal for the Salvation of Souls, they would not find this Difficulty unsurmountable. ' For, *says he*, if *St. Paul* made no Difficulty to cross ' Sea and Land, and to undergo so many Persecutions and Dangers ' for the Conversion of Men, with much more ease might Priests, ' animated with the Love of Jesus Christ, and disengag'd from the ' Cares of the World, consecrate a Chalice in the Mass, put it in- ' to the Vestry, (in *sacrario*) renew it or consecrate it again for fear ' the Wine shou'd grow sour, and so carry it to the Sick, either ' a Foot or on Horse-back. For in short *says he*, as several Acci- ' dents may likewise happen to the Priests, who carry the Species of ' Bread to the Sick, it wou'd follow from thence, that the Commu- ' nion ought not to be administer'd to the Sick in either Species. ' And if any Accident shou'd happen to the Priest upon the Road, ' after he had taken all possible Precaution in the Fear of God, he ' wou'd

1415. ' wou'd be entirely blameless, because the Misfortune wou'd fall out contrary to his Intention (1).

As to the Objection, That upon some Occasions there might be so many People, that it wou'd be in a Manner impossible to have a Number of Vessels large enough to give the Communion to every Person in both Kinds, he says, that the Difficulty wou'd easily be remov'd by appointing several Priests, each of whom shou'd distribute the Sacrament to a certain number of People, to the end that there might be no Confusion, and that there might be Vessels enough for every Company of Communicants. And if it shou'd happen that there are not Priests enough, or even none at all, which may possibly be the Case in a Time of Plague or War; in such an Extremity there wou'd be no Necessity for communicating in either Species, because Jesus Christ, who is the High-Priest of the Church, wou'd by his Grace make it up to Believing Souls, by giving them his Body and Blood spiritually and really. Nor does *Jacobel* think that the Communion ought to be stopp'd for fear of any Inconveniencies which may happen in a Crowd, because Things may be so dispos'd that the Communicants may come to the Holy Table in good Order, one after another. Nor does the Objection of Long Beards seem to him of any greater Weight: *They may*, says he, *so adjust their Beards by taking away the Superfluity, that there may be no Inconvenience to fear, as we see practis'd among the Oriental Priests, (whom he calls true Priests,) and among several Roman Priests, who also let their Beards grow. Whatever happens, they might make use of Tubes, thro' which those of the Laity that have long Beards, or shaking Hands, might taste of the Wine, without fear of any Irreverence.*

ONE of the principal Reasons for taking away the Cup, and which without doubt was the Reason that was most at Heart, is that if the Communion be given to the People in both Kinds, it wou'd shock the Doctrine of *Transubstantiation*, because many might be apt to think that Jesus Christ is not entire under each of the Species. *Jacobel* answers this Objection thus, ' And if any, *says he*, of the Communicants cou'd believe that Jesus Christ is not entire under each of the Species, some Priests might also be found who, while they communicate in both Kinds, wou'd be of the same Opinion. As there-

(1) Si enim Paulo non fuit difficile peragere terras, maria, & multas persecuciones & pericula subire pro salute animarum: Omnino sacerdotibus sic Christum Deum amantibus, non implicantibus se negotijs secularibus, & alijs non necessarijs ad salutem, sed vacantibus his quæ Dei sunt, esset facile in Missa consecrare Cali-

com, & in sacrario reponere, & post bidduum, vel triduum renovare, & iterum consecrare ne acefceret, & in mundo vase ad hoc dedicato infirmos visitare, & utrumque simul ad eos, cum reverentia deportare, & hoc vel pedites, vel equites in jumentis. *Von der Hardt, ub. supr. p. 563.*

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‘ fore this Inconvenience does not hinder the officiating Priests from communicating in both Kinds, so neither ought it to hinder the Laity from communicating in the same manner.’

I find but one remarkable Passage more in this second Part; which is the Excuse the Author makes for his chusing rather to adhere to the Holy Scriptures and the ancient Fathers, than to the Authority of Modern School-men. To vindicate this his Preference, he quotes a Passage of the pretended *Denis the Areopagite*, ‘ As We come far short, says this ancient Author, whoever he is, of the Capacity and Understanding of our Teachers, i. e. the Apostles, in the Knowledge of Theological Truths, the respect we have for their extraordinary Wisdom shou’d make us cautious of saying or thinking any Thing about the Divine Mysteries, but what we have learnt from our venerable Divines of the Primitive Church. Therefore we are not oblig’d to believe and to own any Scriptures to be infallibly true, but such as are call’d Canonical, or such as the ancient Fathers, inspir’d by the Holy Spirit, have extracted from them by lawful and necessary Consequences; so that what they have advanc’d probably of their own Authority, may be receiv’d, if it be agreeable to Scripture and to Reason, tho’ it be not expressly set down in the Scriptures. But whatever is contrary to it must be respectfully rejected, and only the Scriptures receiv’d to.’ This *Jacobel* confirms from the Contradictions there are between the Fathers, particularly *St. Austin*, *St. Jerom*, *St. Ambrose*, and from those Passages wherein they often contradict one another.

AT the End of the *Vienna MS.* there are these Words, ‘ Here ends the Replies of Master *Jacobel*, the good Preacher, against Dr. *Broda*, who attacks the Administration of the Communion to the People in both Kinds (1).

IN the Collection of *M. Von der Hardt*, there’s another anonymous Tract against *Jacobel*, in which I find nothing particular but the Marks by which the Author pretends to know a Heretick. He had them from a Tract writ by a *Dominican Fryar* nam’d *Reinber*, which was entitl’d, *The Errors of Hereticks*. This Fryar, according to our anonymous Author, confesses, that he was a Broacher of Heresy for 17 Years. *Reinber*’s Marks are curious, and therefore ’tis fit to mention them. ‘ Hereticks, says he, are grave and modest in all things. They avoid Luxury and Vanity in their Habit. They follow no Traffick, because ’tis attended with so much Lying, Swearing and Cheating, and they live by the Labour of their Hands.

(1) Expliciunt Replicationes M. *Jacobelli*, Prædicatoris boni, contra *Brodam* Ductorem impugnantem Communionem utriusque Speciei quoad vulgum. *Von der Hardt*, ub. *supr.* p. 584.

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' Their chief Disciples are Shoe-makers, Weavers and Taylors, who
 ' vent their Opinions at the Corners of Streets. If they have but
 ' Necessaries, they don't think of laying up Treasures. They are
 ' commonly chaste and temperate. They frequent no Taverns, nor
 ' other Places of Pleasure and Vanity. They are always employ'd
 ' either in their Work, or else in Learning, or in Teaching. They
 ' never mind canonical Hours, because they say, that a *Pater-noster*
 ' or two repeated with Devotion is better than tedious Hours spent
 ' without Devotion. They communicate willingly. They frequent
 ' Sermons, but are very glad when they can lay hold of the Preacher's
 ' Words. They look upon an Oath as a great Sin. When they are
 ' ask'd a Question, they scarce ever give a direct Answer. If he be
 ' a Layman, and question'd whether he knows this or that, he says,
 ' who should tell it to me? It belongs only to great Men to know this,
 ' for I am but a private Person. They love to insinuate themselves in-
 ' to the good Graces of the Noble and the Great, in order to preach
 ' things to them which are agreeable to the Laity, and disagreeable
 ' to the Clergy, to whom they are very great Enemies. They are al-
 ' ways introducing some Novelty or other, contrary to the Observa-
 ' tion of the Church of God, or the Church of *Rome*, which they de-
 ' spise and set at nought. They confound Truth and Falshood in or-
 ' der to deceive the People. They explain the Sacred Scriptures in a
 ' different Manner from the holy Doctors and the Church of *Rome*.
 ' They exasperate the People in their Preachments against those who
 ' are not of their Party. They speak little and humbly (1). They
 ' are well-behav'd in Appearance. They are generally pale. Their
 ' Sermons always set the People together by the Ears. They incess-
 ' antly preach up Charity, but they embitter the Minds of the
 ' People.

FROM thence *Reinber* proceeds to the Tokens, by which he pre-
 tends we may discover those that incline to Error or Heresy. ' As for
 ' Example, says he, if any one believ'd and demonstrated (*et ostenderet*)
 ' that the Church of *Rome* is not the Mother of all Churches, and
 ' the Head of all Christendom; if it be said and maintain'd that
 ' the Church of *Rome* is a Church of Avarice, Concupiscence and Si-
 ' mony; if it be said, that after Pope *Sylvester's* time, the Church
 ' began to decay by accepting the temporal Estate granted to it by
 ' *Constantine*. They who say, that when the Church was endow'd
 ' this Voice was heard, *Now Poison is got into the Church of God*, are
 ' in his Opinion extremely to be suspected. They who say, that the
 ' Pope is Antichrist, that he is covetous, greedy, a Simonist; that

(1) 'Tis *humiliter* in the *Latin*, which may also signify that their Language is plain and vulgar.

' he

he seduces Christian People; that the Title of Most Holy Father
 in Christ ought not to be given to him, because he is a Sinner;
 that he has no more Authority than a meer Priest; that he must
 not be call'd Father, but Brother, because as *Adam's* Children we
 are all Brethren; that he is not the Sovereign Pontiff; that the A-
 postles had the same Authority as *St. Peter*; that the Emperor is
 above the Pope, and may depose the Pope; that the Pope and Car-
 dinals, with their great Copes, and the Multitude of their Horses are
 nothing but worldly Pomp and the Devil's Toys; that the Church
 of *Rome* is a Synagogue; that the Constitutions and Customs of
 the Pope were only invented for the Sake of Lucre, as well as the
 Decrees and the Decretals; that General Councils are the Conspi-
 racies of Men, sometimes for Good, and sometimes for Evil; that
 under the Gospel Dispensation no Scripture ought to be a Rule, but
 the four Gospels, *St. Paul's* Epistles, and the Writings of those four
 Doctors, *St. Ambrose*, *St. Gregory*, *St. Jerom*, and *St. Austin*; that
 the Pope's Excommunication is nothing, because no Body can ex-
 communicate him whom God doth not excommunicate; that there's
 no Prophanation nor Irregularity that can hinder the Service of God
 and the Offices of every Day; that Priests in a State of mortal
 Sin may be turned out by their Patrons; that Priests ought to
 possess nothing in Propriety, and that they ought to work for their
 Bread as they did formerly; that a Priest in a State of mortal Sin,
 cannot make (*conficere*) the Sacrament, nor absolve, nor bind, because
 he himself is bound; that the Bishops and Priests are the Scribes and
 Pharisees; that a Bishop in a State of mortal Sin can neither ordain
 nor consecrate; that every Priest may preach where he will, when
 he will, and hear Confessions; that Wills ought not to be made for
 the Church (1); that the Prayers, Alms of the Church, and Mas-
 ses for the Dead, are of no Use; that every Christian Man or Wo-
 man may make the Body of our Lord according to the Opinion of
 the *Paterins* (2); that no Offering must be made for fear that the
 Priest should have wherewithal to keep a Concubine; that there
 must be no Images in Churches, in order to avoid Idolatry, as the
Greeks do, who have but few Images; that the *Greek* Rites are
 better than the *Roman* Rites; that the Ornaments of the Church,
 the Albe, the Chasuble, the Curtains, &c. were only invented for
 Pomp, and that the Apostles knew no such thing; that the Mass may
 be celebrated in Places not consecrated, as in private Hou'es, and with-
 out the Ornaments of the Church; that Indulgences are for no Use
 but to get Money; that 'tis no Sin to thresh a Priest, or a Clergy-

(1) *Testamenta Ecclesie non sunt facienda.*

(2) Thus they call'd the *Vaudois* and *Albigenses*.

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‘ man, nor to curse the Pope ; that every Prince may dispose of all
 ‘ Benefices at home without the Pope’s Consent ; that the Communi-
 ‘ on ought to be administer’d to Infants presently after Baptism ; that
 ‘ Jesus Christ has commanded the Laity to communicate in both
 ‘ Kinds ; that the Laity may explain the Gospels and the Holy
 ‘ Scriptures, and preach at the Corner of Streets, or in other pub-
 ‘ lick Places ; that the Life and Sufferings of any of the Saints must
 ‘ not be explain’d in Sermons, because there’s a great Number of false
 ‘ Stories in the Legends ; that ’tis an ill thing to found Monasteries ;
 ‘ that the Church ought to have no Revenues ; that the Tenths are
 ‘ meer Alms (a). ’

(a) *V. d. Har.*
 T. III. p.
 664. 670.

AFTER this Digression, the Author enters more particularly into his Subject, and attacks the Communion in both Kinds, almost in the same manner. I will only take Notice of some Passages, which I thought very singular. For Instance, the Distinction he makes between the Primitive Church and the *Modern Church* is curious. The Primitive Church, says he, is Rite, Custom, the Ceremony of Church-Believers in Matters concerning Faith since the Time of the Apostles, and the seventy-two Disciples ; but the Modern Church is Rite, Custom and the Ceremony of the Church, touching the Faith, from *Sylvester* to this Day. And to take the Word Modern in a more strict Sense, the modern Church may be computed for two hundred, or a hundred Years. Now, continues he, it must be observ’d, that in the Primitive Church every thing was done more plainly and coarsly (*modo grossiori*) than in the Modern Church, where every thing is perform’d with more Dignity. In the Primitive Church they baptised with common Water, now they baptise with Holy Water. In the Primitive Church the People communicated in both Kinds, as at *Corinth*, but the Modern Church putting all Things into a better Form, has reduced the Communion to one Kind only. (1) For the Apostles and their Followers omitted several Things, which the Modern Church has supply’d, because ’tis said in the Book of the *Acts of the Apostles*, that as fast as the Church groweth, the Operation of the Holy Spirit increaseth. (2) What he

(1) Sic etiam in primitiva communicatione apud Corinthios, fiebat sub duplici Specie. In moderna omnia sunt redacta ad meliorem formam, ad unam Speciem. Von der Hardt. ub. supr. p. 694.

(2) I would not advise Dr. Mill to insert this among his various Readings. I cannot help drawing this Conclusion from it, viz. That the Church being now more modern than it was 300 Years

ago, has a better Right to introduce a great many Noveltyes omitted by the Apostles. And as the farther that the Church is distant from the primitive Church, the more modern it will be, it may be computed, that if the Principle of the Anonymous Author takes Place, there will be no more Christian Religion left at the End of the World.

says

says in another Place concerning the Pope's Authority is no less remarkable. The Pope, says he, by his Decrees, his Constitutions, and his Councils, may engage Men in Sins quite new, and never known before. The Reason of it is, because 'tis a mortal Sin to violate any Constitution of a Pope whatsoever. For, he adds, if it be a Sin to violate what is but a laudable Custom of the Church, 'tis surely a very great one to contravene the Constitutions, Decrees and Councils of the Pope (1).

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LXXV. THIS Digression, in which I have engag'd by *Jacobel's* *John Hus* Undertaking, plainly shews, that *John Hus* was not the Restorer of the Chalice in *Bohemia*, as many Moderns have pretended, because they had no Advice of this Innovation at *Constance* till the 14th of *May*, 1415, at which time *John Hus* was in Prison. And his contemporary Historians, as *Aeneas Sylvius* and *James Piccolomini* do not ascribe it to *John Hus*, but to *Peter of Dresden* (2) and *Jacobel*. There are other Proofs of the Truth of this Fact. *Nicholas* Bishop of *Nazareth*, Inquisitor of the Faith in *Bohemia*, would not have given *John Hus* a Certificate of his Orthodoxy as he did * in *August*, 1414, if he had before explain'd himself at *Prague* upon the Communion in both Kinds, as *Jacobel* did. They in *Bohemia* could not know what was the Opinion of *John Hus* in this Article, because when he was in Prison at *Constance*, *John de Cblum* wrote to him to desire him to explain himself upon it. Besides, it did not appear from his Examination, that any thing was laid to his Charge upon an Article so important as that was. 'Tis true, that this Article was the first among those which *Michael de Causis* exhibited against him at first to the Pope and Cardinals. But as it was not renew'd against him afterwards, 'tis highly probable, that this was one of those two Articles which *John Hus* says were struck out at his first publick Examination (3). Consequently *Michael de Causis* grounded his Accusation only upon the Practice of the Disciples of *John Hus*, who then administer'd the Communion in both Kinds at *Prague* (4). Which does not prove that *John Hus* had taught it himself. In vain therefore does *Theobald* or *Thibaut* in his *German History of the Hussites War*, which I have before quoted, endeavour to confute *Aeneas Sylvius* and *Hagec*, who have ascrib'd this Alteration to *Peter of Dresden*, and *Jacobel*, and not to *John*

not the Restorer of the Chalice in *Bohemia*.

* Oper. Hus. T. I. Fol. II.

2.

Oper. Hus. T. I. Ep. 16.

Oper. Hus. ubi supr. Fol. VI.

(1) Et sic patet quod Papa per suas Constitutiones facit hominibus peccata ubi prius non fuerunt. Von der Hardt. ub. supr. p. 697.

(2) Nonnullum Error de Sacramento altaris irrepperat, sed attulit novam pestem. i. e. The Error concerning the Sacrament had not yet crept in, but *Peter of Dresden*

brought a new Plague. *Aeneas Sylvius*, Cap. 35. p. 89.

(3) Deleti sunt articuli duo. Epist. XXXVI.

(4) Patet iste articulus, nam Prage sui Discipuli ministrant illud sub utraque Specie. Op. Hus. ub. supr. p. VI.

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Hus. Whatever this Author says to establish his Opinion, cannot prevail against the Acts and Facts, no more than against the Testimony of cotemporary Authors. He says, for Instance, that *John Hus* taught the *Communion in both Kinds*, in his *Treatise of the Passion of Jesus Christ*. But after I had read that Tract, instead of finding any thing like it, I met with a Passage in it, which very clearly proves, that *John Hus* believ'd Transubstantiation, a Doctrine which seems to have been one of the principal Foundations for with-holding of the Cup. (1) *As Bread*, says *John Hus*, fortifies the Heart of Man, and *Wine increaseth his Blood*, well may the Bread be chang'd into the *Flesh of Jesus Christ*, and the *Wine into his Blood*; not in *Figure*, and in *Shadow*, but in *reality*. 'Tis true, that *John Hus*, when he was at *Constance*, wrote in favour of the *Communion in both Kinds*, before he was committed to Prison, at least, if we may believe the Title of this Work (2). 'Tis likewise true, that in his *XVIth Letter* he exhorts a Priest, not to oppose *Jacobel's Doctrine*, and refers him to a Tract which he wrote about it at *Constance*, and that in the *XIXth*, he sharply blames the Council for having condemn'd the *Communion in both Kinds*, and prefer'd the *Usage* of the Church of *Rome* to the express Order of *Jesus Christ*. Lastly, 'tis true, that in his *XLVIIIth Letter*, he returns an Answer as follows, to a Letter which *John de Cblum* wrote to him, to know his Sentiment upon this Article. 'As to the Sacrament of the Chalice, says he, you have the Writing I compos'd at *Constance* on this Subject, to which I have no more to say, only that the Gospel, and *St. Paul's Epistle* are express in this Point, and that the Primitive Church was of the same Opinion. Endeavour to obtain a Bull for permitting the Use of the Cup to such devout Souls as desire it, by observing the Circumstances therein requir'd.' All this proves indeed, that *John Hus* declar'd at *Constance* for the Doctrine of the *Communion in both Kinds*, and that perhaps he came from *Prague* with Dispositions favouring that Opinion. But instead of concluding from thence, that he publish'd his Opinion about it at *Prague*, we may infer the contrary. For if he had written or advanc'd any thing at *Prague*, in favour of that Opinion, nothing would have been more natural than for him to refer *John de Cblum* to those Writings or

(1) *Quia enim panis cor hominis confirmat, & vinum auget hominem in sanguine, merito idem panis in carnem Domini mutatur, & vinum in sanguinem transfertur, non per figuram, nec per umbram, sed per veritatem.* Op. Hus. T. II. Fol. XII.

21.

(2) *De sanguine Christi sub specie vini a Laicis sumendo, quaestio M. J. Hus, quam Constantia scripsit, priusquam in carcerem conjiceretur. Utrum expediat Laicis fidelibus sumere sanguinem Christi sub specie vini, videtur quod sic.* Op. Hus. T. I. Fol. 42.

Sermons,

Sermons, instead of referring him barely to what he wrote concerning it at *Constance*; and *John de Chlum* himself would have had no need to consult him. It appears also from *John de Chlum's* said Letter, that some People made a Scruple of admitting the Communion in both Kinds, because of some Writings publish'd by *John Hus*, which in their Opinion did not favour that Practice. *We earnestly intreat you*, Ep. XLVII. says *John de Chlum* to *John Hus*, if you think fit, to write down in this Paper, your final Intention as to the Communion of the Chalice, in order to communicate it to Friends; for there is some Division upon it among the Brethren, and many are troubled upon that Account, because they are for being determin'd by you, and some of your Writings. 'Tis evident therefore, that *John Hus* did not vent his Opinion at *Prague*, concerning the Communion in both Kinds, tho' it cannot be deny'd that afterwards he very much promoted *Jacobel's* Attempt by his Letters and Writings, which were privately carry'd into *Bohemia*. Therefore whatever Mankind thinks of this great Revolution in *Bobemia*, the Truth of History requires that all the Benefit, or all the Mischief of it, be ascrib'd to *Jacobel*, or to *Peter of Dresden*, and not to *John Hus*, who only contributed to it by his Approbation.

MEAN time we will give the Substance of his Treatise on this Subject: 'Tis intitul'd, *The Right of Lay-Believers to partake of the Blood of Jesus Christ, under the Species of Wine*. His Proofs are 1. The Words of the Institution, *Drink ye all of it*. 2. The Authority of *St. Paul*, who commanded the Believers at *Corinth* to receive the Sacrament in both Kinds, as he had been taught by our Lord, and who exhorted them to examine their own Hearts before they eat of the Bread, and drank of the Cup. 3. He quotes the Canon of *Pope Gelasius*, who towards the Conclusion of the 5th Century blames some People for superstitiously abstaining from the Cup, and orders the Bishops to give the Sacrament entire to every Communicant, because no Part of it can be with-held without Sacrilege. (a) He supports (a) De Consecrat. Distinct. II. Cap. XII. the Decree of *Gelasius* with the Opinion of *Thomas d' Aquinas* in the 13th Century, and of *Nicholas de Lyra* in the 14th. 4. He founds his Opinion upon the Authority of *Albert*, surnam'd *the Great*, Bishop of *Ratisbon*, who speaking of the Bread and Wine, says, that tho' God does not annex Salvation to those corporal Elements, yet Salvation may therein be found by the Institution of God, and Destruction by a voluntary Deviation from it. 5. He returns to the Authority of *Thomas d' Aquinas*, who says, that tho' Christ is entire under one of the Species, 'tis not in vain however to give him under both, because 'tis agreeable to the Use of this Sacrament, to give to Believers the Body of Christ to eat, and his Blood to drink, the Body being given for the Salvation of the Body, and the Blood for the Salvation of the Soul. 6. Then he goes back to the Middle of the 5th Century, and quotes those

1415. those Words of *Prosper*, which he ascribes to *St. Augustin*. 'When
 ' the Wafer is broke, and when the Blood runs from the Chalice in-
 ' to the Believer's Mouth, what doth it represent, but the Sacrifice
 ' of the Body of Christ upon the Cross, and the Effusion of his
 ' Blood from his Side?' (b) *St. Ambrose* is also brought upon the
 Stage, or rather the Author of the Treatise on the Sacraments, which
 goes by this Father's Name (1). *If*, says this Author, *as often as the*
Blood is shed, 'tis shed for the Remission of Sins, I ought to be always par-
taking of it, because I am always sinning (2). 7. The Passage of *Gre-*
gory, quoted also in the Canon Law, is as express as the others. *His*
Body, 'tis said in this Canon, his Body is distributed for the Salvation of
the People (c), *and his Blood is pour'd out not into the Hands of Infidels*
but into the Mouths of Believers. 8. He confirms his Opinion from
 the Authority of *St. Cyprian*, who in his Letter to *Cecilius*, explains
 himself thus. 'Tho' I know that many Bishops in the World keep
 ' close to the Evangelical Truth, and the Institution of Jesus Christ,
 ' without deviating by any human and novel Institution, from what
 ' Jesus Christ commanded and practis'd, yet as some, either thro' Ig-
 ' norance or Simplicity in sanctifying the Chalice of the Lord, and
 ' administering it to the People, do not perform what was done and
 ' taught by Jesus Christ, our Lord, and our God, the Author and
 ' Institutor of this Sacrifice, I thought it necessary to write to you se-
 ' riously on this Subject, to the End, that if there be any one, who
 ' still persisteth in this Error, he may be reclaim'd from it, by going
 ' back to the Root and Origin of our Lord's Institution.' *And a*
little after, 'For, because Jesus Christ hath said, that he is the true
Vine, the Blood of Jesus Christ ought not to be of Water, but of
Wine; and when the Wine is not in the Chalice, we cannot there
see the Blood of Jesus Christ, by which we have been redeem'd
and brought to Life (3). Finally, *John Hus* brings down the Tra-
 dition of the Church concerning the Communion in both Kinds, to
 the 14th Century (a).

(a) Oper.
 Hus. T. I.
 Fol. 42. 44.

(1) 'Tis the unanimous Opinion of the
 Learned, that the 6 Books of the Sacra-
 ments which are now among the Works
 of *St. Ambrose* are not his, as the Cardi-
 nal *de Bona* has ingenuously own'd. He
 guesses that 'tis a Work of the 8th or 9th
 Century. *De Reb. Liturg.* L. I. Cap.
 VII.

(2) *De Sacramentis*, Lib. IV. Cap. ult.
Et de Cmserat. ubi supr. Can. XIV. *John*
Hus afterwards quotes a Passage of *St.*

Jerom, which I could never find out,
 and which I don't understand the mean-
 ing of, there being in my Opinion a
 Fault both in the Quotation and the
 Words.

(3) Epistle LXIII. of the *Amsterdam*
 Edit. in 1700. on which see the Notes of
Rigault, and *Pearson* the Bishop of *Chester*.
John Hus also quotes several other Passa-
 ges from *St. Cyprian*, which are not so ex-
 plicit as this.

LXXVI. THO'

LXXXVI. THO' *John Hus* was but indirectly concern'd in the great Noise which the Communion in both Kinds made in *Bobemia*, yet the Bishop of *Litomissel* represented it to the Council, as a Consequence of his Doctrine, in order to hasten his Condemnation. But on the other Hand, the great Men of *Bobemia*, who were not ignorant either of the Instances of the Clergy of *Pragus*, or of the Activity of the Bishop of *Litomissel* against *John Hus*, wrote a Letter to the Council, which was read in this Assembly. It consisted chiefly of two Articles, viz. to desire that *John Hus* might be set at Liberty, and to justify *Bobemia* upon certain Reports that were propagated to its Prejudice, concerning the Sacrament of the Eucharist. As to *John Hus* the Nobility of *Bobemia* remonstrate, ' That during the Council of *Pisa* the condemn'd Heretics stay'd securely in that City, whereas *John Hus* without being heard, much less convicted, had been committed to a horrible Prison, where he was so poorly fed and so ill us'd, that he was in danger of losing his Reason; and all this, notwithstanding the Emperor's Safe-Conduct, and the Instances which that Prince had made for his Liberty; and that Advantage was basely taken of the Time to commit this Violence, when there was not one Ambassador at the Council from the Kings, Electors, and other Princes, nor one Deputy from the Universities. As to the Eucharist, they expressly deny that 'tis administer'd in *Bobemia* irreverently and prophanely as had been pretended. 'Tis come to our Ears, say they, that certain Backbiters, Enemies, who envy the Honour and Reputation of the Kingdom of *Bobemia*, have given the Council to understand that the Sacrament of the most precious Blood of our Lord is carry'd about in Flagons all over *Bohemia*, and that Coblers bear Confessions and administer the sacred Body of our Lord; but we pray the Council and the Emperor to give no manner of Credit to those Informers, and to such false Reports. The Bishop of *Litomissel*, who perceiv'd he was pointed at in the last Article, desiring time to justify himself, the Affair was put off to another Day.

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Letter from the Great Men of *Bobemia* to the Council.
Op. Hus. T. I. F. VII. VIII. V. d. Hardt, T. IV. p. 188. May 14-

LXXXVII. IN the foregoing Session we observ'd there was an Objection against the Charge of Heresy in the Sentence which the Council pass'd against *John XXIII*. The Cardinal of *St. Mark*, who was one of the Commissioners to hear the Witnesses, declar'd, that they had not been heard as to the Charge of Heresy (1), because it had not been necessary to interrogate them upon it. Nevertheless the Sentence stood, as it had been read by the Patriarch of *Antioch*, the Cardinal chusing rather to acquiesce; after having made his Remonstrance, than to interrupt the Deliberations of the Council. But that

Assembly of the German Nation for the Method of collecting the Suffrages.
V. d. Hardt, ub. supr. p. 190. V. d. Hardt, T. IV. p. 186.

(1) The Cardinal of *St. Mark* was not one of those that argued a Pope cou'd only be depos'd for Heresy.

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 ** See above
 112.

no more such Incidents might happen, the *German* Nation met on that Day to renew the Regulations which were made at the Beginning of the Council **, concerning the Method of proceeding in the Assemblies, and of collecting the Suffrages. It had been resolv'd, as I have elsewhere said, ' That before any Affair was laid before the Council, the Deputies of each Nation shou'd confer upon it among themselves, and that when they had agreed upon any Point, they shou'd each communicate it to his Nation in a Body, and give them Time till the Day after to consider of it. That then the whole Nation being re-assembled, the Opinion of every one that cou'd have a deliberative Voice in the Council, was exactly taken down, to the end that no Body might have Reason to complain of being neglected, and that on the other Hand the Council might not be reproach'd with taking the Opinion of all Persons whatsoever, without Distinction. That when a Nation had agreed upon any Article by the Majority of Voices, it shou'd be communicated to the other Nations for their Concurrence in a general Assembly of all the Nations. And lastly, that what was thus agreed on unanimously shou'd be deliver'd into the Session, seal'd up, there to be read and solemnly approv'd.' This Order had not always been so regularly observ'd by the *German* Nation as by the others, as they themselves own (1). From which Inconveniencies happen'd, as they are set down in the Memorial, which was presented and approv'd in this Assembly. 'Tis of the more Importance to give the Substance of it, because it discovers certain particular Reasons of Disgust, into which it wou'd otherwise have been difficult to penetrate. Perhaps the *German* Nation, which was far superiour to the others, not only by the Situation of the Council and by the Number of their Body, but also by the Presence of the Emperor, was above being confin'd to certain Formalities, expected to be observ'd by them as well as the others. For Instance, because there was not a very express Distinction made between those who might give their Opinions in the Assemblies, and those who had not that Right; it happen'd that Persons who ought to have been heard were neglected, and others heard, who had no Right to pretend to it. This had given Occasion to *John XXIII.* to complain in his Letter to the Dukes of *Berry* and *Orleans*, that the Suffrages of 1000 People who ought not to have been heard, carry'd it from the Prelates, and that consequently every Thing was manag'd by Violence or Caballing. The *German* Nation must also have neglected sometimes to communicate their Resolutions to the other Nations, because 'tis here observ'd that

(1) Ut alijs Nationibus ipsum strictè observantibus conformemur, ne ab ipsorum diligentia & providentia reprehensi-

biliter deficere videamur, *V. d. Hardt, T. IV. p. 190, 192.*

In the eighth Session the *French* protested they had not heard any mention of *Wickliff's* 260 Articles, which were therein condemn'd with the others, notwithstanding the Opposition of the Cardinal of *St. Mark*. In this Memorial they proceed afterwards to the general and particular Motives which ought to engage the *Germans* to follow so excellent an Order, and therein to imitate the *French* Nation, whereof an Encomium is here given, which is the more to its Honour, because it comes from an unsuspected Quarter (1). Among those Motives they don't forget to mention the Importance and Difficulty of Affairs, the great Number of Gainfayers or Malecontents, and the Example which the most solemn Assembly perhaps that ever was, wou'd set to the whole World (2). Moreover they maintain that there's no surer Method to render the Decrees of it irrevocable, than such good Understanding between the Nations, and such mutual Communication of all their Deliberations, because while each considers what is agreed upon as its own Act and Deed, they will be engag'd to maintain it. And lastly, while they give all those a Hearing, who may justly pretend to be heard in the Council, the same will not be dissolv'd till every thing is therein determin'd, because by that Means many will be depriv'd of the Opportunity of desiring their Dismission, on Pretence that they are useless at *Constance*, and that they neglect their Affairs elsewhere. But the *German* Nation (3) especially is the more engag'd to do nothing, without mature Deliberation, and to conform it self to the other Nations, in Point of Order, because as they here say, they have been long reproach'd with determining themselves, not so much by Wisdom as by blind Fury.

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LXXVIII. MEAN Time the Commissioners for the Tryal of *John* XXIII. went on with their Process. They had heard a great many Witnesses against him, who had prov'd enough to suspend him from the Functions of the Pontificate, as he accordingly was in the foregoing Session. But as the deposing of him was the Thing in View, they were oblig'd to hear fresh Witnesses, and to summon him once more for the fourth Time to appear on the 16th Day of the Month, in order to answer the Articles of Accusation exhibited against him. But not appearing that Day any more than on the others, they took the Oaths of 37 Witnesses, of whom some that had been sworn before, were heard as to other Facts. Among these 37 Witnesses were ten Bishops, viz.

Continuati-
on of the
Process a-
gainst *John*
XXIII.
May 16.
v. d. Hardt.
T. IV. p.

(1) Quodque Natio nostra Germanica in hoc conformet se laudabili observantiae Nationis Gallicanae, quae in suis Congregationibus distinguit non habentes voces ab habentibus. *ub. supr.*

(2) Retroactis temporibus vix fuerit. & verisimiliter nostro aevō nulla similis sit futura.

(3) Praecipue Natio Germanica in hoc sollicitior esse debet, ut veteris suae oblocutionis notam aboleat, quā quasi inconsulto furere duci dicitur, non consilio regulari.

Z z

Bartho-

1415.

Bartholomew Archbishop of Milan, *Almanus* or *Alanus* Bishop of *San Leone* (1), *Albert* Bishop of *Ast*, *James* Bishop of *Civita di Penna*, *Donne-a-Dieu* Bishop of *Narni* in *Ombria*, *James* Bishop of *Lodi*, *Nicholas* Bishop of *Affiso*, *Ogier* Bishop of *Aosta* in *Piedmont*, *John* Bishop of *Lavaur* and *Peter* Bishop of *Oleron*. All the other Witnesses were persons also of very great Weight, as for Instance, the Grand Master of *Rhodes*, and moreover Persons of good Authority; for there were among them a great many Officers of the Apostolical Chancery, and even of *John XXIII*'s own Secretaries.

Articles of
Accusation
against *J. bn*
XXIII.
V. d. Hardt.
ub. supr. p.
248. ex MSS
Brunswic &
Windob.

LXXIX. THE List of the Articles sworn to (2) by the Witnesses abovemention'd, contain'd 70 Articles, which were all attested and prov'd; but only fifty of them were read in full Council, the other twenty being suppress'd for the Honour of the Apostolical See and the Cardinals. The Articles that were suppress'd were, 1. *That Balthasar Cossa had been of a wicked Disposition from a Child, immodest, lascivious, a Liar, a Rebel to his Father and Mother, and in a Word addicted to almost every Vice*; and that he was notoriously known so to be. 2. That having by illegal Methods made a Property of Pope *Bonifac IX.* he got to be his chief Minister, and as it were, his Broker in Simony; by which Means he had acquir'd so much unjust Wealth that he was always call'd the *Rich Man*; and by the same Methods he advanc'd himself to the Dignity of a Cardinal, by the Title of the Cardinal of *St. Eustacius*. 3. That when he was Legate at *Bologna*, he cruelly oppress'd that City and Church, by tyrannical Extortions and Violence, and inexpressible Acts of Barbarity. So that several of the Inhabitants of *Bologna* had been massacred, others quite undone, and many were banish'd, or else went into voluntary Exile. That he had, in a manner never heard of before, sold six Parochial Churches of the Diocese of *Bologna*, and several other Ecclesiastical Benefices for ready Money to Lay Persons, who actually possess'd them as Prophané Estates (3), and that those Lay-Men establish'd Priests there after their own Fancy. That he had practis'd Simony to even greater Excess in many other Places than at *Bologna*: 4. That he had conferr'd upon a Bastard of the King of *Cyprus*, but five Years of Age, a Commandry of *St. John of Jerusalem*, with the Predecessor's Habit, and by a Bull (4) permitted that Child, whose Name was *Aloyse*, to make Profession thereof, notwithstanding his Minority, and contrary to the Statutes of the Order. That he did not

(1) *Leonensem.* *Baudrand* says that *San Leone*, in the farther *Calabria*, was once a Bishoprick. *St. Paul de Leon* a Bishoprick in *Bretagne* Suffragan to *Tours* is also call'd *Leonium*.

(2) This general List was found among

the MSS. of *Leipsick* and *Gitka.* *V. d. Hardt.* T. IV. p. 196.

(3) That is to say Temporal or Secular Estates.

(4) This Bull and some others may be seen, *V. d. Hardt.* T. IV. p. 219.

revoke the said Grant, but on the following Conditions; To reimburse the King of Cyprus the Money he had given for the said Commandry; to give the Pope 6000 Florins in Hand, and an annual Pension of 2000 Florins to the Bastard, together with a certain Office which brought in 2000 Florins more, and that all this was rigorously executed, notwithstanding all the Opposition made to it by the Order. 5. That he had advanc'd himself to the Pontificate by unlawful means, by causing his Predecessor Alexander V. to be poison'd, together with his Physician nam'd Daniel de St. Sophia. 6. That he had committed Fornication with Maids, Adultery with Wives, Incest with his Brother's Wife and with Nuns, and that he had been guilty of those abominable Crimes of Uncleanness, which draw down the Indignation of Heaven upon the Children of Rebellion. 7. That he had permitted a Knight of the Order of St. John of Jerusalem (1), to renounce the Vows and the Habit, and to marry, on his paying a Sum of 600 Ducats, and that having reserv'd the Commandry to himself, he afterwards sold it to a Youth of 14 Years of Age (2), who actually enjoy'd it without having made the Profession, because he gave him a Dispensation. 8. That he had tyrannically impos'd heavy Burdens on the French, living at Avignon, under Pretence of an intended Journey, in order to put that City and Country into the Hands of Ladislaus in pursuance of a Treaty which he made with him, and for the Repair of the Palace, to which Marin his Nephew, whom he had sent thither to be Governour, had set Fire. 9. That he had sold, alienated and squander'd great Part of the annual Revenues and Tributes belonging to the Church of Rome, in several Parts of France, and particularly at Avignon, in the County of Venaisin, and at Montpellier. That he had divided the Effects of St. Lawrence's Monastery between some of his Cardinals, and sold that of St. Alexis to a Bastard (3). 10. That he had bargain'd to give the Florentines the Head of John the Baptist, which was in the Convent of the Nuns of St. Sylvestre, for the Sum of 50000 Ducats, and that he would have actually deliver'd it, if the Saint had not reveal'd it to the Romans (4), of whom several were banished or committed to Prison, for having made publick Complaint of it. 11. That he had for ever alienated, in favour of some Laymen, the Tithes of Cento and Civita della Pieve in the Diocese of Bologna, to the Prejudice of that Bishoprick. 12. That it was publick and notorious, that he hath been, and is still an incorrigible Sinner, guilty of Murder, Poisoning, and other great Crimes, a declar'd Practitioner in

Galicis in Avinionc.

(1) He was call'd James de Viriac.
 (2) His Name was Aimar Soffel.
 (3) They are Monasteries of Rome.

(4) This pretended Revelation of John the Baptist was enough to render the other Evidences extremely suspicious.

1415. *W* *Simony, and an obstinate Heresick.* 13. That he had obstinately maintain'd before Persons of Honour, that there is no Life after this, nor Resurrection, and that the Soul of Man dies with the Body like that of Beasts.' Those were the main Articles that were suppress'd, and what follows is the Substance and Abstract of those that were read in the XIth Session. 'They accuse him of having advanc'd himself by illegal Methods to the Office of Chamberlain to *Boniface IX.* and of having been publicly that Pope's (1) Agent and Broker for the Practice of Simony; of having bought the Dignity of Cardinal, with the prodigious Sums he had amass'd by criminal Practices: Of having exercis'd the Office of Legate at *Bologna* with insupportable Tyranny, and of having there committed so many Robberies, Murders, and other unheard of Enormities, that the whole Country was thereby ruin'd and almost become a Desert: Of having usurp'd the Pontificate by his Intrigues and Interest: Of being worse than ever since his said Advancement, instead of being better as was expected; of having, like a prophane Person and a Pagan, despis'd all the Exercises of Religion and Piety, to which he was engag'd by his Character, and by the Laws of his Church, and of having perform'd his Duties, only in a careless, cursory Manner, *more like a Soldier or a Huntsman*, than like a Church-man, and that he did even this, not so much out of Devotion, as for fear of being accused of Heresy, and at last turn'd out of the Papacy.' 'Tis allerdg'd (2), *that he is look'd upon by all Mankind to be an Oppressor of the Poor, a Persecuter of Justice, the Pillar of the Unjust, the Support of Simonists, the Idolizer of the Flesh, the Sink of Vice, the Enemy of all Virtue, the Mirror of Infamy; that he neglects the publick Confisories, that he is always plung'd in Sleep or Pleasures, and that all that know him, speak of him, as no better than a Devil incarnate.* ' That since his Advancement to the Pontificate, he has render'd himself guilty of the most scandalous and most extravagant Simony that ever was heard of, in pawning, bartering, selling, mortgaging, alienating, and squandering the Revenues of the Church of *Rome*, and those of other Churches in Christendom, conferring Ecclesiastical Benefices for Money upon the highest Bidder, without regard to his Qualification, selling one and the same Benefice to several People at the same time, or making the same Person pay him the Value more than once, and forbidding the Auditors of the *Rota* to hear the Parties threupon, or to do any Justice.' In this List a great many Instances are produc'd of those simoniacal Practices, which make so many different Articles, and which I will

V. d. Hardt.
T. IV. p.
230. ex MSS
V. ind. b.

(1) *Mediatorem, Protractam & Traditorem.*

(2) This single Article is worth all those that were suppress'd.

not set down here for fear of tiring the Reader's Patience. After this Detail 'tis admitted as Fact, ' That in the first Year of his Pontificate, the Cardinals having exhorted him in Brotherly Love to scandalize the World no longer by that shameful Traffick of Spiritual Things, instead of reforming himself he had outstript his Predecessors in that Respect. That in the Council which he assembled at *Rome*, all the Prelates and Ambassadors that were there, and in particular those of *France*, together with the Deputies of the Univerfity of *Paris*, did in vain exhort him to amend, and to execute the General Reformation which had been resolv'd on in the Council of *Pisa*. That in 1412. he sent a certain *Florence* Merchant to *Brabant*, who was a Layman and actually marry'd, with a Power to levy the Tenths of all the Ecclesiastical Revenues, in the Dioces of *Cambray*, *Tournay*, *Liege* and *Utretcht*, and to cause all Persons and Places that should refuse to obey, to be excommunicated or interdicted by the Sub-Delegates. That he had permitted the said Merchant to chuse such Confessors as he pleas'd for Persons of both Sexes, who gave them general Absolution for a certain Tax, and that those Indulgences being publish'd at *Utretcht*, *Antwerp*, *Mechlin*, and other Places, he had thereby rais'd prodigious Sums of Money. That after he had oppress'd *Rome*, and squander'd *St. Peter's Patrimony*, either by inventing new Imposts, or by increasing those that were already establish'd, he had at last abandon'd the said Capital to the Plunder of the Enemy, by deserting it, as he did, contrary to his Promise in the Month of *June*, 1413. That the said Desertion had fill'd the City and Country with Robberies, Massacres and Sacrileges; that the Women were expos'd to the brutish Lust of the Soldiers, and that many of his Court had been stripp'd or assassinated, or sent to the Gallies, and condemn'd to perpetual Imprisonment. That all Mankind being incens'd at a Life so criminal and detestable, the Emperor *Sigismond* himself resolv'd at last to talk to him as he did at *Lodi*, where he intreated him with Earnestness and Respect to put a Stop to so great a Scandal, to reform his own Manners, and to assemble a Council forthwith to reconcile the Church, and to reform it in its Head and Members: That then he promis'd the Emperor all that he desir'd, but that instead of performing a Tittle, he soon after relaps'd into all the same Extravagancies as before. That having afterwards receiv'd the same Advice from the Bishop of *Salisbury* and the other Ambassadors of *England*, he had only answer'd their Remonstrances with Injuries and Menaces.' All the following Articles to the 52d in the List, exclusively, contain nothing but the Behaviour of *John XXIII.* from his Arrival at *Constance* to the present Time. In the last Articles 'tis declar'd, that all the preceding ones are publick.

1415.

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publickly notorious, and that moreover they have been attested and prov'd by several Archbishops, Bishops, Prelates, Doctors of Divinity and Law, and by a great many other Persons of Weight, and that this Examination has been conducted with all the Exactness, and all the Formalities required in criminal Affairs. From whence 'tis inferr'd, that John XXIII. is a Man of a stiff Neck, obstinate, a barren'd and incorrigible sinner, that he is a Favourer of Schism, and such a Person in other respects as to be absolutely unworthy of the Pontificate. The Vienna List concludes with this Reflection, 'What must we think of the Cardinals, who elected John XXIII. if they knew he was a Simonist, and scandalous in other respects, of which for their Reputation Sake, we make no mention here! After they had sworn to chuse the best Man out of their Number, what manner of Persons must they themselves be, if they thought they had not a better Man among them than he, who is convicted by so many Witnesses of being a Simonist, a Ravisher, an Incendiary, a Traytor, a Murderer, an incestuous Person, a Debaucher of Nuns, and one guilty of a Sin yet more crying!' Thus tenderly do they treat the Honour of the Cardinals! In complaisance to them certain Articles and Particulars too shocking are suppress'd, and at the same time a general Reflection is pass'd, which is a thousand times more confounding than the Recapitulation of all the Crimes of John XXIII.

V. d. Hardt.
T. IV. p.
235.

The Com-
munion in
both Kinds.
May 16.
V. d. Hardt.
T. IV. p.
208.

Crispinus.

LXXX. Two Days before this, they had read a Letter from the great Men in *Bohemia*, demanding that *John Hus* might be set at Liberty by Virtue of *Sigismund's* Safe-Conduct, and indirectly charging the Bishop of *Litomissel*, with having slander'd the Kingdom of *Bohemia*, in respect to the Administration of the Eucharist. Therefore this Day a General Congregation was held to hear what that Prelate had to say, and to answer the Demand of the *Bobemians*. The Bishop of *Litomissel* spoke first, but Authors set down his Answer with some Sort of Variation. The Acts of *Leipsic* and *Gotba* say, that this Bishop presented a Writing to prove, that according to the Instructions of *John Hus*, the Blood of Jesus Christ was carry'd about *Bohemia* in Flaggons (:), and that he desir'd his Paper might be register'd. A very ancient Author says, that the Bishop accompany'd his Apology with some very heavy Accusation against *John Hus*, but he does not say what it was. *Theobald* who has been already quoted, and who in the Judgment of *Balbinus* was very well acquainted with the Affairs of *Hussitism*, says, that the Bishop gave the Council to understand, both by Word of Mouth and Writing, that he had been

(1) In *flasconibus*.

forry

sorry to see *Wickliff's* Doctrine propagated in *Bohemia*, and both the Elements of the Holy Supper taken and receiv'd by Men and Women; and that from thence he had Reason to conclude, that the Sacred Wine was carry'd up and down in Vessels, as the Body is in Boxes, and that he had even heard the same reported by Persons of Credit. That he had also heard from another Hand, that a Woman had snatch'd the Host out of the Hands of a Priest, but that as he was not the Author of that Report, he referr'd for it to the Testimony of those who had propagated it; and lastly, that he desir'd the Council to provide a speedy Remedy for this growing Heresy. At the Beginning of the Works of *John Hus*, there's the Life of this Doctor written at the same time by one of his Followers, who says, that he wrote the Answer of the Bishop of *Litomissel*, *verbatim*, with his own Hand, and that it was in effect as follows.

That after having us'd all his Endeavours with his Collegues for the Defence of the Faith in *Bohemia* against the pernicious Sect of *Wickliffites*, he had been oblig'd to give Information thereof to the Council, not to disgrace the Kingdom of *Bohemia*, but on the contrary to promote its Honour; that a new Scandal had lately risen in that Kingdom, in that the said Followers of *Wickliff* gave the Sacrament in both Kinds to the Laity there of both Sexes; that they not only publickly and obstinately affirm'd that so it ought to be, but that the Opposition made to it by the Clergy ought to be deem'd sacrilegious, as he offers to prove from their own Writings, which ought to be laid before the Council. That moreover it was come to his Knowledge, as well by publick Fame, as by the Report of particular Persons, and by Writings which had been sent to him upon that Head, that the Blood of *Jesus Christ* was carry'd in Vessels not consecrated; that the Thing was very clear of it self, because if it is necessary for the People to receive the Sacrament in both Kinds, it is necessary that the Blood shou'd be carry'd in Vessels, as the Body is carry'd in Boxes, especially to the Sick. That he did not give it out as a Thing of his own Knowledge, but as Hearsay from Persons of Credit and Weight, that a Woman of that Sect had snatch'd the Body of *Jesus Christ* out of the Hands of a Priest, and administer'd it to herself; and that she maintain'd among other Errors, of which she was convicted, that it was requisite so to do, when the Priest refuses to administer; and that a Lay-man or Woman, if honest People, gave Absolution and the Communion with a better Right than a wicked Priest; because such a Priest can neither absolve nor consecrate. That he had never advanced, neither He nor his Collegues, that Coblers confes'd or administr'd the Sacrament in *Bohemia*, but that it was to be feared such a Disorder would soon happen, if the Scandal was not speedily reme-

Op. Hus. T.
I. Fol. VIII.

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‘ remedy’d ’. To this End he prayeth the Council, to whose Judgment he submits, who are Enemies to the King of *Bobemia*, either they who oppose such Errors, or they who propagate them, or obstinately maintain them. Now ’tis plain by this Piece, wherein the Bishop calls the Communion in both Kinds, a *Scandal perfectly new*; that he did not look upon it as the Work of *John Hus*, but only as a Consequence of his Doctrine, agreeably to what we have said of it elsewhere. As to the rest of the Letter from the *Bobemians*, a Bishop who is not nam’d (1) answer’d them by Word of Mouth in the Name of the Council, ‘ 1. That the Publick Faith had not been ‘ violated by the Imprisonment of *John Hus*, because it was known ‘ by credible Witnesses, that he had not received his Safe-Conduct, ‘ till a Fortnight after his Imprisonment (2). 2. That the Council ‘ was very much surpriz’d, that those of *Bobemia* should dare to ‘ write that *John Hus* had been committed to Prison without being ‘ heard or condemn’d, because every Body knew that after he was ‘ cited to *Rome*, where he refused to appear but by his Professors, he ‘ was there outlaw’d and excommunicated. That while he remained ‘ in the Bonds of the said Excommunication, he must be look’d upon as ‘ a Ringleader of Hereticks, especially after having presum’d to preach ‘ in *Constance* itself (3). 3. That they don’t understand what the *Bohemians* mean, when they say that the Hereticks condemn’d, enjoy’d ‘ all manner of Securities at the Council of *Pisa*. That if they mean ‘ the Pope’s Legates (4) who came thither for the Affair of the ‘ Union; ’tis true that they were tolerated at *Pisa* in Hopes of being able to succeed in it; but that they were very much deceiv’d, ‘ if they imagin’d that under this Pretext other condemned Hereticks ought to be admitted into so sacred an Assembly. 4. Lastly, ‘ to shew them that their Intercession for *John Hus* is not in vain, it ‘ was resolved to give him a Hearing the very first Opportunity, in ‘ order to proceed to his Tryal’. The *Bobemians* desir’d two Days Time to give their Answer which was granted them. (a).

LXXXI. *John XXIII.* being very loth to return to the Council, suffer’d himself to be brought partly by fair Means and partly by foul to *Ratolfcell* (5) a Town in *Swabia*, where there’s a good Fortrefs in the Territory of *Constance*, and but 2 German Leagues from the City. At the same time *Fribourg* and several other neigh-

Princes hæreticorum.

(a) V. d. Hardt. T. IV. Fol. 209, 210. *John XXIII.* is brought to *Ratolfcell.* May 17. V. d. Hardt. T. IV. P. 210. 211.

(1) It was according to *Walpenburg* the Bishop of *Carcaffonne*.

(2) This, as has already been prov’d, is false.

(3) It appears neither from the History, nor from the Acts, that *John Hus*

preach’d at *Constance*, any otherwife than in his Chamber.

(4) Those Popes must be *Benedict XIII.* and *Gregory XII.*

(5) *Cella Rodolphi.*

bouring

bouring Places which belonged to the Duke of *Austria*, were put into the Emperor's Hands. As soon as *John XXIII.* was at *Ratolf-cell*, *Frederick* Burgrave of *Nuremberg* gave Notice of it to the Council, who next Day sent for his Guard as well as for his Comfort, the Bishops of *Ast*, *Ausbourg*, and *Toulon* (1), with two Doctors each Nation. They had not yet taken the Oath of any of the Cardinals against the Pope, either because they were still in Hopes of his Return, or because for Decency-sake they had a Mind to wait the Issue of the Negotiations enter'd into with him by the Archbishops of *Riga* and *Besancon*. But as soon as he was made a Prisoner, and there were no Hopes left of his going back again, there were 12 or 13 of the Cardinals, who swore to the Articles above-mentioned, each as far as he knew. The Cardinal of *Ursins*, tho' he was himself one of the twelve Cardinals that were Evidences (a), was the Man that swore his Collegues. The others were the Cardinal of *Viviers*; the Bishop of *Palestrine*, known by the Name of the Cardinal of *Lodi*; the Cardinal of *St. Croix* of *Jerusalem*, call'd the Cardinal of *Venice*; the Cardinal of *St. Eusebius*, alias *Pisa*, the Cardinal of *St. Clement*, alias *Piacenza*; the Cardinal of *St. Nicholas*, in *carcere Tulliano*; the Cardinal of *St. Maria nova*, alias *de Saluces*; the Cardinal of *St. Adrian*; the Cardinal of *Florence*, the Patriarch of *Aquileja*; the Cardinal of *Sancta Susanna* and the Cardinal of *Cambray*; not to mention the Cardinal of *St. Mark*, who cou'd not be heard because he was sick. Among these Cardinals it must be observ'd that there were six of *John XXIII's* Creation, and four whom he had made Cardinal Bishops.

1415.
Niem. ap. V.
d. Hardt. T.
II. p. 406.
May 18.
Sp. nd. ad.
ann. 1415.
p. 745.

(a) V. d.
Hardt. T.
IV. p. 214.
and 253.

Onupbr. Pon-
tif. Max. p.
270, 271.
Assembly of
of the Nati-
ons to hear
the Deputies
of Bohemia
concerning
John Hus.
May 18.
V. d. Hardt,
ub j. wr. p.
211. Op. Hus.
T. I. Fol.
VIII. 2.

LXXXII. THE next Day the Deputies of the Nations met to hear the Answer of the *Bobemians*, touching the Safe-Conduet and Imprisonment of *John Hus*. In the Congregation of the 10th Instant a Bishop had said on the part of the Council that the Lords of *Bohemia* were misinform'd, when they complain'd of the Violation of the Emperor's Safe-Conduet, because they had it from good Hands, that *John Hus* had no Passport till a Fortnight after his Imprisonment. The Deputies of *Bohemia*, and particularly *John de Cblum*, whom this Matter did chiefly concern, made Answer, ' That upon the very Day that *John Hus* was apprehended, the Pope demanded of *John de Cblum* whether *John Hus* had a Safe-Conduet from the Emperor, to which *John de Cblum* answer'd a propos, *Most Holy Father, Know ye that he hath one*; and that the Pope asking him the same Question over again, he affirm'd in like manner. That indeed

(1) The Bishop of *Toulon* in particular was to be sure a very watchful Guard; for upon all Occasions he signaliz'd himself among the other Prelates by his Vigour against *John XXIII.*

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no Body did at that time demand a Sight of the Safe-Conduſt (1), but that next Day he, *John de Cblum*, complaining ſtill of the Impriſonment of *John Hus*, he ſhew'd the Safe-Conduſt to many Perſons, for which he calls to Witneſs the Prelates (2), Counts, Gentlemen, Officers, and the moſt eminent Men of *Conſtance*, who then ſaw and heard it read. That the ſaid Lord *John de Cblum* is ready to undergo any Punishment if he does not prove what he has aſſerted, beyond Contradiſtion. That moreover, the Lords of *Bohemia* refer themſelves to the Declaration of the Electors, Princes, and other great Lords, who were with the Emperor on the Spot when the Safe-Conduſt was diſpatch'd (3). From hence they infer that the Council and not the *Bohemians* have been miſinform'd, and that the ſpreading of ſuch Report is an Offence at the ſame Time to the Emperor, his Court of Chancery, and the great Men of *Bohemia*, becauſe 'tis as much as to ſay that the Safe-conduſt was obtain'd ſurreptitiouſly (4). As to the Objection made to them, that *John Hus* being accus'd of certain Errors in the Time of *Alexander V.* was ſummon'd to *Rome*, and becauſe he only ſent a Proctor to appear for him, he was there excommunicated, and had lain under that Sentence for five Years, they answer, 'That they know nothing more of ſuch Citation or Excommunication, than by common Report. That they had indeed heard *John Hus* and ſeveral Perſons of Credit mention the Reaſons that hinder'd him from appearing in Perſon. That even *Wenceſlaus*, the King of *Bohemia*, and almoſt all the Noblemen in the Kingdom cou'd testify, that *John Hus* would have appear'd at *Rome* or any where elſe with all his Heart, if he might have gone with Safety. That ſome of the Proctors whom he ſent to *Rome* to declare the Reaſon of his not appearing were committed to Priſon, and the others very ill us'd. That as to the Excommunication, which 'tis pretended he is ſtill under, they had often heard him ſay that he did not treat it with Contempt, but that he publickly appeal'd againſt it, as might be prov'd by the Acts of the *Roman* Chancery, of which they deliver'd in Copies. As to the Accuſation enter'd againſt *John Hus*, that he had preach'd publickly at *Conſtance*, *John de Cblum*, who always lodg'd in the ſame Houſe with him, answer'd, that he wou'd be bound under any Penalty they pleas'd, to prove the contrary, againſt any Perſon that ſhou'd dare to affirm that *John Hus* ever once ſtirr'd over the Threſhold from the Day of his Arrival to the Day of his Impriſonment, ſo far was he from having preach'd publickly in the City'. As to the Intima-

(1) Probably they had no great Curioſity to ſee a Piece that was to hinder Proceedings againſt *John Hus*.

(2) No Princes nor Ambaſſadors were as yet arriv'd in the Council.

(3) It was diſpatch'd at *Spire* the 18th of *October* 1414.

(4) *Ac ſi ipſum Salvum-Conduſtum ſurreptitiè impetraſſent.*

tion.

tion from the Council, that they do not understand what the *Bohemians* mean by those condemn'd Heretics, who were favourably treated at *Pisa*, they answer, ' That whether it be understood of the *Legates* of the Rival Popes, or of other particular Heretics condemn'd there or elsewhere, all that they demand for *John Hus*, is that he may enjoy the same Liberty as those Heretics, because he came to *Constance* of his own accord, and only with a View to give an Account of his Faith, to reconcile himself and his Adherents, who are the greatest Number in *Bohemia*, to the Catholick Unity, if it be prov'd against him that he teaches any thing contrary to that Union and to the Word of God, and finally to justify the Kingdom of *Bohemia* from the Accusation of Heresy, which it has been a long Time aspers'd with'. They said nothing at that Time of the Communion in both Kinds, nor of the Manner of administering the Eucharist, either because they did not as yet know what was the Opinion of *John Hus* upon it, or because they were not willing to perplex themselves with an Affair which pass'd in *Bohemia* during their Absence.

LXXXIII. THE Answer just now mention'd plainly discovers the Partiality of some modern Historians, who contenting themselves with copying the Objection made against him in the Council, without referring to the Answer, have affirm'd that *John Hus had no Safe-Conduet when he was apprehended*. 'Tis true, that when *John Hus* arriv'd at *Constance* he wrote to his Friends at *Prague* that he was come thither without a Safe-Conduet (1). But this Difficulty is entirely remov'd by the next Letter, wherein he says that *he came to Constance without a Safe-Conduet from the Pope* (). Therefore in the Margent of the preceding Letter, wherein he says that he arriv'd without a Safe-Conduet, the Editor has put (3) *Meaning a Safe-Conduet from the Pope*. In his XLIXth Letter, which he wrote from his Prison to the *Bohemian* Lords then at *Constance*, he tells them (a), that if they hear it said that he set out from *Prague* without a Safe-Conduet, as he himself declar'd in a Letter he wrote to his Friends at his Departure from *Prague*, and which had been counterfeited by his Enemies, they might answer, 1. *That he had no Safe-Conduet from the Pope*. 2. *That when he wrote that Letter he did not know that those Lords were to come with him from Bohemia* (4). 'Tis pretty evident from these Words *I did not know you were to come with me when I wrote that*

When *John Hus* had his Safe-Conduet.

(a) *Op. Hus. ubi sup. l. 72. 2.*

(1) *Venimus sine Salvo-conductu. Op. Hus. T. I. Fol 58. Ep. V.*

(2) *Veni sine Salvo-conductu Papæ ad Constantiam. Op. Hus. ubi sup. Ep. VI.*

(3) *Intellige Papæ.*

(4) This Letter is 11. *Op. Hus. F. 57.* and says expressly that he sets out with a Safe-

Conduet from the King, which must either be some Fault of the Transcriber or Printer. *Dr. V. d. Hardt* takes it for granted that he receiv'd it at *Nuremberg*, the 22d of *October* 1414 *V. d. Hardt T. IV. p. 396.*

1415. Letter, that the *Bobemian* Lords were furnish'd with the Safe-Conduct, but that as the Thing was very publick, it did not hinder his setting out, tho' he did not know whether those Gentlemen were to go with him or not. Consequently it was in one Sense true that he had a Safe-Conduct, because the King of the *Romans* had caus'd it to be dispatch'd and put into the Hands of the Gentlemen who were to accompany him; and in another Sense it was true, that he had no Passport, because he had it not in his own Possession. But whether he had it upon the Road or not, 'twas a base Action of the Council to take Advantage of that Letter, because the Safe-Conduct was shew'd when *John Hus* was committed to Prison, and the Emperor declar'd publicly that he had deliver'd it before this Doctor set out from *Prague*.

* See Article 26 of Lib. I. Add to this, that on the very next Day after * the Arrival of *John Hus*, he sent the Pope Notice by *John de Chlum* that he had a Safe-Conduct from the Emperor.

John XXIII's Suspension notify'd to him, Cerretan. ap. V. d. Hardt T. IV. p. 215. May 20. Spind. ad an. 1415. p. 745.
 LXXXIV. THE Deputies of the Council arriving at *Ratolscell* notify'd to *John XXIII*. both his Suspension from the Pontificate, and the Reasons of it. As he was only suspended, he had still some Ray of Hopes left, that his Judges wou'd relent when they saw his Repentance and Humiliation. Therefore he receiv'd the News with an Air of perfect Contrition, bewail'd his Mistakes, and made the best Defence he cou'd, especially against the Allegations of his intended Flight from *Ratolscell*, of which he was accus'd before the Commissioners as soon as they arriv'd. But when he cou'd stand it out no longer, it was too late for him to make his Submission. The Commissioners having, according to their Orders, demanded the Seal of the Pontificate and the Fisher's Ring, with the *Book of Petitions* (1), he deliver'd up all to them in order to be sent to the Council, and resign'd himself to their Custody with all the Meekness imaginable.

The first Examination of Jerom of Prague.
 May 23. Vit. Hieron. Op. Hus. T. II. p. 350 and 355. V. d. Hardt T. IV. p. 215, 216.
 LXXXV. IT has been observ'd that *Jerom* of *Prague*, not being able to obtain such a Safe-Conduct as he desir'd, withdrew from *Constance* with a Design to return to *Bobemia*, and that on the 25th of *April* he was apprehended by the Way, and committed to the Custody of the Prince of *Sultzbach*. This Prince having sent him back to the Council according to their Order, he was brought thither in Chains, and carry'd in those Bonds to the Elector Palatin, who led him as it were in Triumph to the Refectory of the Minor Fryars, where a General Congregation was assembled to examin him. As soon as he was arriv'd, the Letter was read which the Prince of *Sultzbach* had writ to the Council, to acquaint them that *Jerom* of *Prague* had been apprehended in his Territories as a Heretic and a Fugitive; as was also the Act of his Citation, which had been pub-

(1) *Libris supplicationum.* Niem ap. V. d. Hardt T. II. p. 406.

lish'd.

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fish'd several Times since his Departure. After the reading of those Pieces a Bishop asking him *why he fled, and why he did not appear*, he answer'd that he was oblig'd to retire, because he had been refus'd the Safe-Conduct which he had desir'd for his Security, as might be seen by the Certificate which the *Bohemian* Lords had given him at his Departure, and which they had in their Hands (1). As to the Citation, he protested that if he had known any Thing of it he wou'd not have fail'd to return instantly, even tho' he had been actually in *Bohemia*. Upon this Answer of his there was such a Noise in the Assembly that they cou'd not hear one another speak. When the Tumult was somewhat appeas'd, *Gerson*, who had formerly known *Jerom* of *Prague* at *Paris*, reproach'd him with a very insulting Air, for having given Offence to that University, by several erroneous Propositions, especially concerning *Universals* and *Ideas*. *Jerom* answer'd modestly, that after having been admitted Master of Arts in the University of *Paris*, he had only us'd the Liberty allow'd to Philosophers of affirming and denying, and that then he was not charg'd with any Error; that he was still ready to maintain what he had advanc'd at that Time, if they wou'd be pleas'd to give him leave, as well as to retract if they cou'd convince him that he was mistaken. Then a Doctor of the University of *Cologn* accus'd him of having vented several erroneous Opinions in that University. But *Jerom* of *Prague* desy'd him to give one Instance of it, upon which the Doctor stopp'd short, and pleaded that his Memory fail'd him. A third, *viz.* a Doctor of *Heydelberg* accus'd him of having advanc'd several Errors in that Place, and especially concerning the Trinity, which he had painted on a Shield, under the Likeness of Water, Snow and Ice. He return'd the same Answer, that he still persisted in what he had written, and in the Comparisons he made use of upon that Subject, adding, nevertheless, that he was very ready to retract with Joy and Humility, when he shou'd be convinced of an Error. Mean Time as some cry'd out *To the Fire, To the Fire*, he said aloud, that if his Death was so agreeable to them, he was resign'd to the Will of God. *No Jerom*, said the Archbishop of *Saltzbourg* to him (2), *God hath no Pleasure in the Death of the Wicked, but that he turn from his Way and live*. After this tumultuous Examination *Jerom* was deliver'd over to the Officers of the City to be carry'd to Prison, and every one departed home. Probably that was the Time when some of his Friends call'd to him from a Window to stand up for the

(1) The Prince of *Sultzbach* having taken away this Certificate from *Jerom* had sent it to the Council.

(2) *Everard* of *Nembausen* elected in Competition with *Berthold de Weckinc*,

Bishop of *Freyfingen*, obtain'd his Confirmation from Pope *Boniface IX*. He dy'd. in 1427.

Truth,

1415.

Truth, even to Death; and that he answer'd courageously that he was not afraid to die, and that he would stand to every Thing that he had promis'd when he was at Liberty. Some Hours after, towards the Evening, *John de Wallenrod*, Archbishop of *Riga*, caus'd him to be carry'd privily to a Tower of *St Paul's Church*, where they bound him to a Post, and chain'd his Hands to his Neck in such a Manner that they weigh'd his Head downward. In this cruel Posture he remain'd ten Days, having no Sustenance but Bread and Water, those of *Bohemia* not knowing what was become of him, till at last one of his Friends had Notice of it from one of his Keepers, and procur'd him better Nourishment. But notwithstanding this Relief, he fell so dangerously ill that he was oblig'd to desire a Confessor, by whose Means he obtain'd some small Ease in his Bonds. He lay in Prison till his Death, which happen'd, as we shall find, a twelve Month hence.

Peter de Mal-
d. niemitz.

Assembly of
the Nations
relating to
John XXIII.
V. d. Hardt,
T. IV. p.
215.

LXXXVI. THE Commissioners in the Affair of *John XXIII.* and the Deputies of the Nations, met on the 24th to concert what was to be laid next Day before the Public Session. As the principal Point in Hand was the Deposition of *John XXIII.* the Commissioners made a Report at this Assembly of the Evidence they had heard, and of all the Articles that had been sworn to. Tho' the Acts do not positively say it, yet it was no doubt, in this Assembly, that it was resolv'd to suppress the Articles of Adultery, Poysoning, Incest, and Sacrilege committed on the Persons of 300 Nuns, as 'tis express'd in a M S. of *Vienna*, Sodomy and other Abominations of the like kind (1); for in short, they were not read next Day in the Session, and no Body wou'd have ventur'd to suppress them without Consent of the Nations. The Report of the Commissioners being approv'd by the Deputies, *Henry de Piro* the Proctor produc'd four Bulls (2) of *John XXIII.* to prove what had been advanc'd against him, relating to the Order of *St. John of Jerusalem*, and the whole was sealed up as usual, to be carry'd next Day to the Council.

The ELE-
VENTH SES-
SION.
* May 25.
Niem. ap. V.
d. H. T. II.
p. 427.

LXXXVII. THE Emperor, all the Princes and all the Cardinals who were at * *Constance*, all the Ambassadors, Envoys and Deputies were present at this Session, which was a very solemn one. The Car-

(1) Verum est quod omiffi fuerint bene XIV. Articuli oblatis & clarè probatis, quia valde scandalosi fuerunt, de incestu Papæ cum uxore fratris sui, de adulterio ipsius & stupro & sacrilegio bene trecentarum Monialium, de toxico Papæ quo machinatus fuit in mortem *Alex. & Innocentij*, de *Sodomia*, quod multos juvenes destruxit in posterioribus, quorum unus in fluxu san-

guinis decessit, & quod violavit tres virgines sorores, & cognovit matrem & filium, & pater vix evasit. In Codice Vindob. Elstrawiano ap. *V. d. Hardt*, T. IV. p. 228.

(2) These four Bulls are to be found entire in the M S S. of *Leipsic* and *Göttingen*, *V. d. H. T. IV.* p. 219, 228.

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Cardinal *de Viviers* presided as usual, and the Bishop of *Arras* celebrated the Mass. The Proctors calling for the Commissioners Report of the Articles exhibited against *John XXIII.* and for their Proofs, the Bishop of *Posen* † read all the Articles that we have already seen, one by one, except those which the Nations had resolv'd to suppress for Decency Sake; tho' they were as well prov'd as the others. When he had finish'd the reading of one Article, another read the Depositions of the Witnesses and their Characters, without telling their Names, in this Manner. *The first Article is prov'd true and notorious, by two Cardinals, by a Prothonotary, by two Auditors, by a Clerk of the Chamber, by a Licentiat, by a Writer and an Abbreviator, by an Apostolical Proctor, by a Prebendary of a Metropolitan Church, by a Bishop and by several other unexceptionable Witnesses. The second Article, as to its Truth and Notoriety, is prov'd by two Cardinals, an Archbishop, a Bishop, and so of the other Articles.* When this was read, it was approv'd by the whole Council, and first of all by the Cardinal *de Viviers* for the College of Cardinals, by the Archbishop of *Milan* for the German Nation, by the Abbat *de St. Loup* for the French Nation and by *Thomas Polton* a Prebendary of *Salisbury* for the English Nation. Then the Council appointed five Cardinals, viz. the Cardinal *des Ursins* and the Cardinals *de Chalant, Saluces, Cambray* and *Florence*, to go to *Ratolfcell* to notify to the Pope what pass'd in this Session, only the Council appointed a Prothonotary and a Notary of each Nation to commit the Acts to Writing, the Pope's Writers being no longer own'd in that Quality after his Suspension, and *Benedict Gentian* read a Letter from the University of *Paris* to the Council; but 'tis not in the Acts.

† *Bertbold de Wildungen*

LXXXVIII. THE Cardinals set out immediately for *Ratolfcell*. *John XXIII.* As *John XXIII.* was suspended, and had himself already resign'd the Ensigns of his Dignity, they did not kiss his Feet when they approach'd him, but only his Hands and Mouth. If we may give Credit to the Acts of *St. Victor*, related by *Sponde*, the Prelates who guarded him on the Part of the Council, were the Men that hinder'd the Cardinals from repeating this Homage to him. He receiv'd the Council's Orders with a profound Submission, but not having the Power or Courage to answer them by Word of Mouth, he did it by a Writing under his own Hand, which he presented to them, and was carry'd to *Constance*. In that Paper he declar'd, ' That he was resolv'd to submit absolutely to the Orders and Decisions of the Council. That he was ready to make his Resignation either at *Constance*, or such other Place as the Fathers shou'd be pleas'd to appoint. That instead of opposing the Sentence which the Council shou'd pass upon him, he wou'd on the contrary ratify it with all his Authority, and in the Form that shou'd be prescrib'd to him; but that he pray'd the Council by the Bowels of the Divine Mercy, to take Care

John XXIII. is acquainted of his approaching Deposition. Sp. ind. ad an. 1415. p. 755.

r. d. Hardi, T. IV. p. 257.

of

1415. of his Honour, his Person and Estate, as far as might be done, with-
 out Prejudice to the Union of the Church.' The Cardinals return'd
 * May 26. the same Day to *Constance*; and next Day *, in a General Congrega-
 tion assembled for that Purpose, reported the happy News of *John*
*XXIII*d's Submission. Four other Commissioners were forthwith sent
 to *Ratolfcell*, viz. two Bishops, (1) and two Abbats, with Prothono-
 taries and Notaries, not only to signify to him the Articles and
 Grounds of his Condemnation, to the end that he might answer if he
 thought fit, but to appoint him to come the Day following to hear
 the Sentence of his Deposition. He express'd the same Sentiments of
 Resignation to those Deputies, that he had done before. He even
 refus'd to read the Articles of his Accusation, which were deli-
 ver'd to him for his Answer, declaring that it was needless for him
 to see them, because he held the Council to be infallible, and that he
 referr'd himself to the Act of Submission, which he had put into the
 Hands of the Cardinals. He only begg'd them to be tender of his
 Honour and Fortune, and to give the Emperor a Letter which he
 wrote to him to desire the same Favour.

May 27. The Pope's Letter to the Emperor, *V. d. H. T. IV. p. 259.* LXXXIX. THIS Letter is too material to be suppress'd. *John*
 XXIII. therein calls the Emperor his Dear Son, looking upon him-
 self still as Pope. After having extoll'd his Prudence and his other
 Virtues, but especially his Clemency, and that Generosity with which he
 had pardon'd the most mortal Offences; he puts him in Mind of
 their antient Friendship. He tells him ' That he owes his Advance-
 ment and Establishment on the Imperial Throne to his Recommen-
 dation, Care and Negotiations in all Parts of *Europe*. That
 afterwards, as often as the Emperor thought that his Presence or
 Assistance was necessary to him, he spar'd no Pains nor Expence to
 answer his Intentions, even to the Prejudice of his own Affairs and
 his dearest Interests. That when it was become absolutely necessary
 to assemble a Council, he had comply'd with every Thing that the
 Emperor desir'd, with respect to Time and Place, even so far as to
 approve of a Town which he justly suspected. That being solicited
 to repair thither by his Ambassadors, he had return'd Answer,
 ' That he wou'd infallibly go Sick or Well, tho' Gouty as he was, he
 shou'd be forc'd to walk it all the Way, and that if he shou'd hap-
 pen to die, he wou'd have his Corpse carry'd thither, rather than
 break his Word (2). That accordingly he was the first that arriv'd
 there, notwithstanding the Advice given him, and how much he was
 concern'd to return to *Rome*, there to recover his Authority.' Af-

(1) The Bishop of *Lavaur* and the Bi-
 shop of *Posen*.

(2) Si pedum officijs aut etiam claudicanti-
 bus calcaneis id foret agendum, id idem ni-

hilominus ageremus. Demum etsi ab luce-
 nos migrare contingeret, in satisfactionem
 promissorum perfectam corpus nostrum
 illuc perferri præceperamus.

For this long Catalogue of indirect Reproaches which were more likely to offend the Emperor than to make him relent; he tells him that in the present fatal Extremity into which he is fallen (1), and as he confesses, thro' his own Folly, he has no Hopes left but in him, and therefore earnestly intreats him to return him Love for Love, to pardon him if he has given him any Cause of Uneasiness, and to intercede with the Council in his Favour, to the end that after his Resignation, *which he has offer'd so long, and which he himself has more than once put into their Hands,* some Provision may be made for his Subsistence and Honour. This Humiliation came too late to work upon *Sigismond*. It had been preceded with too long a Series of Affronts, and was extorted in too violent an Extremity, for him to imagine it cou'd be sincere. We have elsewhere observ'd the Pope's insolent and affronting Declamation against the Emperor before his Escape. And afterwards he continually defam'd him by his Writings over all *Europe*, and every where accus'd him of having violated the Safe-Conduct which he had granted him. Nevertheless some Sort of Regard was had to his Submission. The Nations had resolv'd to pass Sentence on the 27th of *May*, but rightly judging that every Thing cou'd not then be ready for that Solemnity, it was put off to the 29th. And in order to make a Merit of it with *John XXIII.* new Deputies were sent to him, to acquaint him that in Consideration of his Submission to the Council's Judgment, the Reading of his Sentence had been put off for two Days, and that it wou'd not be so severe as had at first been resolv'd on; which Message he receiv'd with the same Tokens of Respect as the former. This oblig'd the Commissioners to meet again twice upon the same Day, once in the *Cordeliers* Convent, and the other Time at Cardinal *Zabarella's*, to resolve on the Prorogation of the Sentence till next Day, and to notify that Delay to *John XXIII.*

1415.

*Theod. Niem.
ap. V. d. Har.
T. II. p. 407.*

May 28.

XC. THE Emperor had promis'd to be in the Month of *June* at *Congregation* *Nice* in *Provence*, in order to confer with the King of *Arragon* and *Benedict XIII.* about the Union of the Church. But perceiving that the Escape of *John XXIII.* had cut out too much Work for him to keep his Word exactly, he had sent Ambassadors to the King of *Arragon* to desire longer Time, till *July* only; which the King of *Arragon* granted without any Scruple, by a Declaration dated the 28th of *April*, tho' it did not arrive at *Constance* till the beginning of *June*. It was drawn up in these Terms, ' Know all Men that We *Ferdinand* ' King of *Arragon*, &c. agreed with *Sigismond* the most Serene ' King of the *Romans*, on the one Part, and the Ambassadors of

(1) Non absque nostra fatebimur incuria.

B b b

' our

1415.

our most Sacred Lord Pope *Benedict XIII.* and ours on the other Part, to appear personally in the Neighbourhood of *Nice*, during the whole Month of *June* next ensuing, to confer together concerning the Matter of the Union, according to the Agreement pals'd and sworn betwixt us. But as the Shortness of the Time and the Importance of the Affairs will not permit this Interview to be made at the Time appointed, We by this public Act give our Consent to put it off one Month, viz. to the Month of *July* next; provided that the King of the *Romans* does promise and swear the same Thing. We promise and swear by the Cross of our Lord Jesus Christ, and by his four Holy Gospels, on which we lay our Hands, then to observe the Treaty concluded between us inviolably.' This Declaration is dated at *Valencia* (a). Mean Time as the Cardinals were ignorant of this new Negotiation, and as the Month of *June* drew near, they assembled to concert Measures for the Emperor's Journey to *Spain*. They had already propos'd two Things upon that Head to the Emperor and the Deputies of the Nations, but had not receiv'd any Answer: The one was, that as the Business of this Interview was to unite the Church, and to give it a Pope, it was for the Interest of their College, as well as for the Honour of the Council and the Emperor, that he shou'd be accompany'd by some Cardinals in his Journey to *Spain*, and they were fond of having those Cardinals to be some of *John XXIII's* Nomination. The other Proposition related to the Choice of a Protector of the Council in the Absence of *Sigismond*, who had design'd the Elector Palatine for that Employment, as one of the most proper Persons he cou'd think of to discharge it well, not only on Account of his Zeal, but of his Dignity. But being under the Obedience of *Gregory XII.* the Cardinals objected against it, unless he wou'd renounce that Obedience in a publick Session. In his Place they propos'd *Frederic* Burgrave of *Nuremberg*, whose great Qualities they prais'd to the Skies. They renew'd their Pretensions on this Head in an Assembly of the Nations, which was held the same Day at the *Cordeliers* Monastery, where the Cardinals of *Ursins*, *Cbalant*, *Saluces*, and *Florence* were present. The Cardinal *des Ursins* on the Part of that College propos'd the Cardinals *de Viviers*, *Cambray*, *Saluces* and *Florence* to accompany the Emperor, and the Burgrave of *Nuremberg* to have his Place in the Council; and declar'd that if the Emperor still declin'd to take the Cardinals along with him, and to nominate the Elector Palatine for Protector of the Council, they had at least discharg'd their Consciences, and cou'd not be blam'd, whatever was the Consequence.

(a) *V. d. Har.*
T. IV. p.
305, 308.

May 28.

TWELFTH
SESSION.
May 29.

XCI. THIS was the Session fatal to *John XXIII.* because it was that wherein he was entirely depos'd from the Pontificate. It was altogether as solemn as the former. The Cardinal *de Viviers* presided,

ded, and the Emperor was present at it, with all the Princes, Cardinals, Ambassadors, &c. That Part of the Gospel was read, saying, *Now is the Judgment of this World, Now shall the Prince of this World be cast out.* The Commissioners who were lately sent to the Pope gave an Account to the Assembly of the Success of their Commission, and the Bishop *de Lavaur*, who spoke for them all, said, that having several Times represented to *John XXIII.* the Crimes which had been prov'd against him, to the End that he might confess or deny them, and make what Opposition he shou'd think proper, against the Proceedings of the Council; he answer'd, ' That before his Accession to the Pontificate he had labour'd very much for the Union of the Church. That 'twas partly thro' his Management that the Council of *Pisa* was assembled to procure it. That while he was at *Constance* he had freely promis'd to resign for that End; and that he heartily repented his going away so shamefully as he did; protesting with an Air of very great Mortification, at least in Appearance (1), that he wish'd he had dy'd rather than committed so scandalous Actions. That therefore he was far from pretending to defend himself against the Resolutions of a Council which he own'd to be just and infallible, and which he consider'd as a Continuation of the Council of *Pisa* (2). That his going to the Council to hear his Sentence, was not necessary; that it might as well be brought to him, that he even expected it with Impatience, in order to receive it with a profound Submission and his Head uncover'd (3). That from this Time forwards he ratify'd, as far as lay in his Power, that and all other Proceedings of the Council relating to him, and that he wou'd do the same, tho' he were at *Bologna* or some other Place of his Devotion; so fully and heartily did he renounce all manner of Pretension to the Pontificate; but that he most humbly begg'd the Commissioners to recommend him heartily to the Compassion of the Council, that they wou'd please to be tender of his Reputation, and to provide for his Subsistance.' After this Report, upon a Motion made by the Proctor, *Martin Porree* Bishop of *Arras* read the Sentence of the Pope's Deposition, as follows:

1415.
V. d. Hardt,
T. IV. p.
266.
Niem ap V.
d. Hardt, T.
II. p. 407.
Gov. Person.

Sinceriter.
V. d. Hardt,
T. IV. p.
281.
Bzov. ad an.
1415. Sep. 12.

' THE General Council of *Constance*, after having call'd on the Name of Jesus Christ, and in the Fear of God examin'd the Articles presented and prov'd against *John XXIII.* and his voluntary Submission to all the Proceedings of the Commissioners, doth pronounce, decree and declare by the present Sentence, that the Nocturnal Escape of *John XXIII.* in a disguis'd indecent Habit, was scan-

(1) Tristi vultu ut apparuit.
(2) That was as much as to say, that as he had approv'd of the Deposition of the two other Popes, so he approv'd of his own.
(3) Etiam cum bireti mei depositio-

B b b 2 dalous,

1415.

dalous, that it disturb'd the Union of the Church and kept up the Schism; that it was contrary to his Vows and Oaths. That the said *John XXIII.* is a notorious Simonist, a Waster of the Revenues and Prerogatives of the Church of *Rome* and other Churches. That he had been guilty of Male-Administration both in Spirituals and Temporals. That by his dishonest and detestable Behaviour he has given Offence to all Christian People. That having persever'd in such ill Conduct to the last, notwithstanding all the loving Admonitions which were repeated to him over and over again, he prov'd incorrigible. That as such, and for other Crimes set forth in his Process, the Council doth declare him depos'd and absolutely depriv'd of the Pontificate, absolveth all Christians from their Oath of Allegiance to him, and forbids them for the future to own him for Pope, and to name him as such. And to the End that this Sentence may be irrevocable, the Council doth from this Time, with their full Power, supply all the Defects that may hereafter be found in the Process; and doth condemn the said *John XXIII.* to be committed in the Name of the Council to some Place where he may be civilly kept under the Guard of the Emperor, as Advocate of the Catholic Church, as long as the Council shall judge necessary for the Union of the Church; the said Council reserving a Power to it self, to punish him for his Crimes and Irregularities, according to the Canons, and as the Laws of Justice or Mercy shall require.'

WHEN this Sentence was read, the Cardinal *de Viviers*, the President, declar'd aloud, *That if there was any one, Great or Small, Rich or Poor*, that had any Objection to make against what had been now reported, he might propose it with all the Freedom in the World, but that Silence wou'd be construed as Approbation. There being no Opposition, the same Prelate approv'd the Sentence in the Name of his College, four Bishops did the same on the Part of the four Nations, and after them it pass'd thro' the whole Council *Nemine Contradicente*. 'Tis true, that after this general Consent, the Cardinal of *Florence* stood up to read a certain Writing, which according to the Conjecture of *M. Dupin* was a sort of Protest, but every Body opposing it he was forc'd to be silent. After this, the Archbishop of *Riga*, Keeper of the Seals, delivering up the Seal and Arms of *John XXIII.* *Henry de Piro* the Proctor demanded that the Seal might be broke and the Arms defac'd, which being executed on the Spot with the unanimous Consent of the whole Assembly, by the Pope's Goldsmith, the Archbishop of *Riga* had his *Quietus*. At the same Time five Cardinals were nominated to go to acquaint *John XXIII.* with his Deposition, who had Orders to exhort him to acquiesce therein with a good Grace, and to threaten him with more severe Treatment if he made any Resistance.

Elias Dupin
Biblioth. Ecc.
T. XII. p.
19.

XCII. THE

XCII. THE only Business therefore that remain'd to be done in this Session was to concert some Measures for the Election of a new Pope. With this View the Deputies of the Nations had form'd the three following Decrees, which were publickly read by the same Prelate that read the Sentence, ' In Case of a Vacancy in the See, after what Manner soever it happens, the first Decree absolutely forbids the proceeding to the Election of a new Pope, without the Deliberation and Consent of the Council, on pain of an eternal Curse, as well upon the Electors, as the Elected and their Adherents, and of being punish'd as Favourers of Schism, notwithstanding all Laws, Customs, and Privileges granted for that Purpose to any one whatsoever, even by General Councils. The Second orders that neither *Balthasar Cossa*, formerly call'd *John XXIII.* nor *Peter de Luna*, nor *Angelo Corario*, the one call'd *Benedict XIII.* and the other *Gregory XII.* in their respective Obediences, shall ever be elected Popes, and forbids all Persons of whatsoever Dignity they be, whether Emperors, Kings, Popes, or Cardinals, to contravene this Decree under the same Penalties, and even so far as to implore the Assistance of the Secular Arm^s. The third Decree orders the four Presidents of the Nations to cause all the absent Prelates to return to the Council, and to enact Penalties for such as refuse to return. The next Day after this Session, which was *Corpus Christi* Day, there were publick Thanksgivings for this good Success, by a solemn Procession, at which the Emperor, the Electors, the Princes, and all the Dignify'd and Inferior Clergy were present.

1415.
Decrees of the Council concerning the Election of a new Pope.

May 30.

XCIII. THE Deputies of the Council, who went to *Ratolfcell*, returning at the end of two Days, the Nations assembled to hear their Report. They found *Balthasar Cossa* as tractable as he had ever appear'd to be since his Imprisonment. As soon as they had deliver'd to him the Sentence for deposing him, he took it with Respect, and after having read a Part of it himself, he desir'd some Hours Time to withdraw and consider of it alone. Two Hours after he caus'd the Commissioners to be call'd in again, and declar'd to them in the Presence of the Prothonotaries and Notaries, whom he had sent for thither on Purpose, ' That after having read and duly consider'd the Sentence for deposing him, he approv'd it and ratify'd it of his own Motion and of his certain Knowledge,' of which he assur'd them by laying his Hand on his Breast, and swearing ' that he wou'd never appeal from that Sentence, nor contradict it in publick or in private, and that he renounc'd absolutely, without Restriction, frankly and heartily, all manner of Right which he had or might have again to the Pontificate; that he wou'd act no longer as Pope, and that he wou'd never more cause himself to be distinguish'd by that Dignity, protesting that he wish'd he never had possess'd it, and that he had not enjoy'd one happy Day ever since his Promotion. At the

Balthasar Cossa acquiesces in his being deposed.

1415.

the same Time he caus'd the Pontifical Cross to be remov'd out of his Chamber, adding that if he had any Change of Rayment to put on, he wou'd immediately in their Presence quit his Pontifical Robes and all the Marks of that Dignity (1). Moreover, he declar'd, that if hereafter any private Action shou'd be enter'd against him to aggravate his Punishment, he put himself under the Protection of the Council and the Emperor, in due Form and in ample Manner, in order to preserve the Memory of it to Posterity.

Maimbourg
corrected
Maimb. Hist.
of the Grand
Schism in the
West. Part 2.
p. 181.

XCV. THE Historian of the grand Schism in the West speaks of this Act of the Resignation which *John XXIII.* made at *Ratolfcell*; as of an Action so Christian, so Heroical, and so Worthy of a Holy Penitent, that tho' he had committed even greater Crimes than those charg'd upon him; and tho' he had actually deny'd *Jesus Christ* three Times as *St. Peter* did, it was enough to have cancell'd the Remembrance of it, and procur'd him a Crown of immortal Glory. It must be confess'd, so scandalous a Parallel, as that between *St. Peter* and a Man so much to be detest'd upon all Accounts from his Infancy to his Death-bed, as *Balthasar Coffa* was, is hardly tolerable. If *St. Peter* had deny'd *Jesus Christ* in cold Blood and at full Liberty, even such a Crime wou'd not have been comparable to Poisoning, Sacrilege, Incest and Sodomy, because it might likewise be suppos'd to have been committed in a Start of Incredulity. On the other Hand, if *Balthasar Coffa* had made his Resignation when he was free at *Constance*, or in the Places of Security belonging to *Frederic* of *Austria*, perhaps such an Action might have been consider'd as an Act of Penitence, which tho' late, and even forc'd in one Sense, would nevertheless have been somewhat meritorious. But to stamp the Characters of a Hero and a Penitent of the first Rank upon *Balthasar Coffa*, because while he was a close Prisoner he obey'd a Sentence which he cou'd not evade, at a Time too when he had Reason either to expect favourable Treatment or to apprehend a just Punishment of his Crimes, seems to me to discover an equal Failure in Sincerity and Truth, to which that Author professes a Regard even in this Instance.

Balthasar
Coffa is carry'd to
Gottleben June 3.
Niem ap. V.
A. Hardt. T.
II. p. 407.
T. IV. p.
296.

XCV. THE Council did not judge of this Matter as the Historian did abovemention'd. They thought *Balthasar Coffa* still too far off from *Constance*, to be watch'd so narrowly as they desir'd. Therefore he was remov'd from *Ratolfcell* to the Fortrefs of *Gottleben* within half a League of *Constance*, where *John Hus* was likewise a Prisoner. 'Twas a very curious Sight to see a Pope in the same Prison with *John Hus*, and especially a Pope who was so furious in his Prosecution. He had suffer'd him to be put in Prison contrary to his Promise, and had refus'd

(1) Et si mutatorias vestes habuisset, Mercurij, quâ dicta Sententia fuit lata, omnia & singula Papalia insignia dicta die tunc coram Prælatiis prædictis deposuisset.
him

him his Liberty, notwithstanding the exprefs Instances and Orders of the Emperor. Nay, he complain'd to all Europe against the Indulgence and Support, which Sigismond gave to that Heretic, and now behold him a Fellow-Prisoner at Goteben with John Hus, not for any private Opinions, but for the most enormous Crimes. As it cou'd not but be a Circumstance that mortify'd Balthasar Cossa to the last Degree; 'tis natural to suppose that John Hus cou'd hardly contain himself under the Joy it must give him. All Balthasar Cossa's Domesticks were taken from him, except his Cook, for fear lest they shou'd assist him to make his Escape. He aim'd to cultivate a private Correspondence at Constance; and Niem says he wrote to his particular Friends there to desire their Letters of Consolation. But it was to no Purpose, for no Body durst write to him, for fear of incurring a Suspicion. Besides he made the Trial too late. He had despis'd the wise Counsels of his best Friends, who had exhorted him to Amendment, and they did not care either to aggravate his Sorrow by ill-tim'd Reproaches, nor to pity him for a Disgrace which he had brought on his own Head, thro' his great Obstinacy. Mean Time, as there was some Suspicion of his secret Correspondence, and as there was Reason to apprehend the Consequences of it, tho' it was very ill manag'd, the Emperor order'd the Elector to send him to Heydelberg, and there to treat him with all manner of Civility. Accordingly, Niem says, that he was allow'd the Castle for his Prison, where he had free Liberty to take the Air; and that he had two Chaplains to celebrate the Holy Offices, and Gentlemen to wait on him. So memorable an Event as the Deposing and Imprisoning of a Pope did not fail to exercise the Pens of the Writers of that Age both in Prose and Verse. In a certain Chronicle publish'd at that Time, are these Latin Verses, wherein the Pope is introduc'd bewailing the Vicissitude of Human Affairs.

1415.

June 4.
Spond. ad an.
1415. p. 747.
Niem ub. Jur.

Engelbas.
Chr. n. p. 296,
297.

*Qui modo summus eram, gaudens de nomine Præsul,
Tristis & abiectus nunc mea fata gemo.
Excelsus solio nuper versabar in alto,
Cunctæque gens pedibus oscula prona dabat;
Nunc ego pœnarum fundo devolvor in imo,
Et me deformem quemque videre piget.
Omnibus ex terris aurum mihi sponte ferebant:
Sed nec gaza juvat; nec quis amicus adest.
Cedat in exemplum cunctis quos gloria tollit,
Vertice de summo, quando ego Papa cado.*

i. e.

1415.

i. e.

*I who lately triumph'd in the Stile of Pontiff,
 Now sorrowful and abject bewail my Fate.
 While on the lofty Throne I sat on high,
 All Nations prostrated to kiss my Feet.
 But now I'm plung'd in the very Depths of Sorrow,
 And all behold my Deformity with Remorse.
 Free-Will-Offerings of Gold were brought me from all Countries,
 But now I've lost my Treasure, and my Friends.
 Let my Fall from Glory's highest Summit
 Be a Warning to all that boast their Honours.*

XCVI. THE Council did not fail to acquaint all Europe of their Conduct towards John XXIII. in order to have it approv'd. 'Tis pretended that it was not approv'd in France, and that the King's Council took it very ill that they shou'd undertake to depose this Pope. I will report it in the Monk of St. Denys's own Word, ' The Ambassadors being thus dismiss'd came to Paris, but how elegant and favourable soever the Relation was which they made before the King, the Duke of Guyenne and the other Princes of France, it was taken for granted that they were not well pleas'd with it, and that it was resent'd that they had presum'd so far as to proceed to the Deposing of Pope John, without having ask'd their Consent. This appear'd very plain on the 13th of the same Month, from the ill Reception that was given to the Rector of the University, and his Companions at the Louvre, to which they went at a very wrong Time of Day, to make Remonstrances for the Ease of the People, who were over-burthened with Taxes and Subsidies. The Duke de Guyenne ask'd that excellent Orator John de Castillon, he that spoke for the rest, who had stirr'd them up to make that Remonstrance? He answer'd that it was not the Custom to reveal the Opinions of their Body; and the others adding, that they had their Resolution upon it in Writing; the Duke in a Passion caus'd the Orator to be arrested on the Spot, and order'd him to be confin'd in a Chamber, till they return'd with a better Sense of their Duty. Notwithstanding all the Intreaties and Interest they cou'd make for his Liberty, it was with very great Difficulty that they obtain'd it at the end of several Days, and they were fain to submit to another severe Reprimand from the Duke, who said to them several Times, *I wou'd have you to know that 'tis for the Love of God, and meerly out of Pity that we grant your Request, and not out of any Respect to Yourselves. You take too much upon you, by presuming at Things above your Power and Rank,*

' by

The Council gives Notice of the Deposition of Balthazar Cissa, to all Europe. Spond. ub. sup. p. 748.

' by which the Kingdom has been a very great Sufferer. I wou'd fain
 ' know who made you so bold as to offer to depose the Pope without our
 ' Consent. Perhaps your next Attempt will be to dispose of the Crown
 ' of the King my Sovereign, and of the Dominion of the Princes of the
 ' Blood, but we will take Care to prevent you. They subscrib'd this
 ' without making any Reply, for fear of offending him, and retir'd in
 ' great Discontent to their respective Habitations (a).

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(a) Monk of
 St. Denys
 Hist. of Cba.
 VI. T. II. p.
 1402.

XCVII. DURING the Vacancy of the See of Rome, the Emperor
 enter'd on the Administration of the Ecclesiastical Affairs in Germa-
 ny, confer'd several Benefices, and bestow'd Reversions. All that he
 design'd by it was to resume and re-establish the Rights which the
 Popes had usurp'd, as several Doctors at that Time prov'd. *Theodoric*
de Niem, before the Council of Constance, had written a Tract of the
Rights of the Empire, with Regard to the Investiture of Bishopricks and
Abbeys; and during that Council he made considerable Additions to
 the said Treatise. At the same Time *Peter de Ailli* complain'd openly
 that the Majesty of the Empire was trampled under Foot by the
 Pope's Incroachment upon the Ecclesiastical Benefices; and prov'd
 from several Authorities, that no Prelate cou'd be consecrated if he
 had not receiv'd the Emperor's Investiture. But this Right had been
 so far abolish'd by the Tyranny of the Popes, and by the Negligence,
 Superstition and Good-nature of the Emperors, that this Conduct of
Sigismond was deem'd a perfect Innovation. This appears from *Gobelin*
Persona Dean of *Bilefeld*, an Author who liv'd much about that
 Time, and who ends his Chronicle with the Council of Constance.

The Empe-
 ror enters
 upon the Ad-
 ministration
 of the Estates
 of the Clergy
 in Germany.
V. d. Hardt,
 T. IV. p.
 299, 300.
V. d. Hardt,
 T. I. Part
 VII. p. 391.

Gob. Persona
 Cosmogr. Æta.
 VI. Cap. 94.

' After *John* was depos'd, says he, the King gave *Gratie Expectative*
 ' for Ecclesiastical Benefices, under Colour, that according to ancient
 ' Custom, the King had the *Right of the first Prayers* in the Collation
 ' of the Benefices which belong'd to the Clergy; and tho' this Cus-
 ' tom had not been observ'd in Lower Germany (in *Allemagna Bassa*)
 ' in the Memory of Man, yet there were many Clergymen who at
 ' that Time obtain'd Benefices after that Manner'. The Anonymous
 Author of a M S. Chronicle, written much about the same Time,
 which is in the Library of *Helmstadt*, speaks likewise of this renewing
 of the Emperor's Rights, but in such a Manner however, that he as-
 cribes it to the Council, and not to the Emperor himself. *The Council*
of Constance, says he, confirm'd several Bishops Elect, which was a
 Thing never before seen or heard of. Among them the Bishops of
Swerin (b) and *Brandenburg* (c), were confirm'd with the Approba-
 tion and Ratification of their Archbishops (1).

(b) Henry
 Wargelin.
 (c) John de
 Waldau.

(1) The Bishoprick of *Swerin* was Suffragan to the Archbishoprick of *Bremen*, as
 that of *Brandenburg* was to *Magdebourg*.

The End of the Second Book.

C c c

T H E

THE
HISTORY
OF THE
COUNCIL of CONSTANCE.

BOOK III.

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Ccc 2 *the*

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THE



The HISTORY of the
COUNCIL of CONSTANCE.

B O O K III.



THE deposing of a Pope who had been such a constant Opposer of the Union and Reformation of the Church, had a great Tendency to pave the Way to both those Ends. Besides, the Maxim that a *General Council represents the Catholic Church, and is superior to the Popes*, had been so well establish'd, that the Vacancy of the See, instead of proving an Obstacle to the Designs of the Council of *Constance*, did on the contrary afford a very favourable Opportunity to put them in Execution.

1415.

I. WHILE the Commissioners of the Council were at *Ratolfcell*, to receive the Resignation of *Balibasar Cossa*, who shall no longer be call'd by any other Name; the Affair of *John Hus* was again brought upon the Carpet, in an Assembly of the Nations, which was held the next Day after that of *Corpus Christi*. He had been remov'd about

Assembly of the Nations upon the Affair of *John Hus*.

May 31. V. d. Hardt. T. IV. p.

two 287, 283.

1415. two Months ago, as is already mention'd, from the *Franciscans* Prison to the Fortress of *Gotleben*. The Arrival of *Jerom* of *Prague*, together with his Withdrawing from *Constance*, and his Return back again, had contributed not a little to exasperate People against him. The Bishop of *Litomissel*, who had inform'd against *Jacobel*, had taken hold of that Opportunity to render *John Hus* the more odious to the Council, while his Enemies took the Advantage of his being in Prison, to draw up Lists of his Errors, after their own Fancy, blotting out some Articles and adding others, according as they thought necessary, to hasten or aggravate his Condemnation. The Great Men of *Bohemia*, who had not Patience to see him languish so long without obtaining the Hearing which he desir'd, and which was put off from Time to Time under various Pretences, had deliver'd in a very pressing Memorial (1), some Days ago, to prevail for his Liberty. But they cou'd not obtain Satisfaction, and therefore in this Assembly they renew'd their Instances by a fresh Memorial of the following Tenor.

Memorial of II. IN the first Place, they intreat the Assembly to let them know the *Bohemians* in favour of *John Hus*. 18th of May, against the false Reports of the Enemies of *John Hus*, with respect to his Safe-Conduct, and concerning other Articles. Then, to shew the Malice of his Accusers in its utmost Extent, they produce a Protestation to the Assembly, which they affirm was made by *John Hus* in the Hearing of all *Bohemia*, in all his public Acts, as well at Church as in the University; but particularly in his Sermons. The Protestation follows. *Whereas I desire above all Things the Glory of God, and the Profit of Holy Church, as well as to be a faithful Member of Jesus Christ, who is her Head and Husband, and hath redeem'd her; I now again make this Protestation, which I have already made several Times, viz. That I never obstinately maintain'd, nor will ever hereafter maintain any Article contrary to the Truth of Faith. That I have held, do hold, and with the Help of God, always will hold all the Truths of Faith, being prepared to suffer the most cruel Death, rather than defend any Error contrary to those Truths. That I am ready to lay down my Life for the Law of Jesus Christ, of which I believe every Part was given by the Counsel of the most Holy Trinity, and publish'd by the Saints of God for the Salvation of Mankind (-). I believe moreover, all the Articles of this Law, in the Sense in which the Holy Trinity has commanded them to be believ'd. Therefore, as in my public Acts and Sermons, I ever made Profession of submitting and conforming my self to this Holy Law, I am still and always shall be submissive to the same, being ready to retract as soon as ever I am convinc'd that I have advanc'd any thing*

Credibili Veritate.

(1) This Memorial is attested by two Public Notaries, the one Imperial, and the other Imperial and Apostolical.

(2) *John Hus* had writ the same Thing in a Sermon, of which we have given an Extract.

contrary

1415.

contrary to the Truth. Upon this Head said the *Bobemians*, ' You see by this Protestation, and the many others he has made of the like Nature, how far *John Hus* is from any Inclination to maintain any Thing obstinately against the Church of *Rome*, and against the Catholic Faith. Yet his Enemies to satisfy their Malice against him have caus'd him to be imprison'd, notwithstanding the Emperor's Safe-Conduſt, in order that they may be able to oppress him with Impunity, by their false Imputations, inventing erroneous Articles to lay to his Charge, castrating or corrupting his Writings, without any regard to his Answers and Solutions, which they will very seldom vouchsafe to hear.' After this Reflection the *Bobemians* intreat the Fathers to interpose their Authority for the Enlargement of *John Hus*, to the end that he may have all the necessary Freedom to make his Defence, and to convince his Accusers of their Imposture and Slander, not only against him, but the Kingdom of *Bobemia*, in the Justification whereof, *Sigismund*, say they, is so much concern'd, as Presumptive Heir of the Crown. But in order to set the Innocency and Orthodoxy of *John Hus* in a clear Light, they quote an indisputable Testimony, which is the Certificate that was given him by the Inquisitor of the Faith at *Prague* in the Month of *August*, 1414. in these Words, *We Nicholas — Bishop of Nazareth, Inquisitor of Op Hus. T. L. Heresy in the City and Dioceſe of Prague, certify, that after having had Fol. XI. 2. Conferences for a long Time past with honest Master John Hus, Bachelor of Divinity, upon the Holy Scriptures and other Matters; we always found him a sound Catholick in his Discourses, Behaviour, and public Acts, and cou'd never yet find any Thing therein that was evil, sinister, or erroneous in any manner whatsoever. We declare moreover, that the said John Hus has caus'd a Writing in Latin and Bohemian to be fix'd up at the Gates of all the Churches, Colleges, and Public Structures of Prague, and at the Gates of the Palaces of the King and the Archbishop, whereby he gives Notice that he is ready to appear before the Archbishop and all the Clergy of Bohemia, at this Time assembled, that he may there have an Opportunity to give an Account of his Faith and Hope, and to hear all that shall pretend to convince him of Heresy; desiring that if they prove to be Slanderers they may be treated according to lex talionis. He gives Notice at the same Time that he is going to the Council of Constance with the same View. Mean Time, since that Writing has been affix'd up as aforesaid, no Body has appear'd to accuse him of Error or Heresy. In Witness whereof we have writ and seal'd these Presents. At Prague Aug. 30. The Lords of Bohemia conclude, with desiring the Releasement of John Hus, to the end that he may recover his Strength and Health, that he may be in a Condition to answer his Examiners, and they offer good Securities that he shall not depart out of the Hands of his Judges, till his Affair is determin'd. The Patriarch*

June 1.

1415. triarch of *Antioch* immediately return'd them an Answer in the Name of the Assembly, ' That as to the Protestation of Orthodoxy, which ' they had made in the Name of *John Hus*, the Truth of it wou'd ' appear in the Course of his Examination: That as to the false Ex- ' tracts which they pretended had been made of his Works; the ' same wou'd appear likewise in the Process of the Affair, to the Dis- ' charge of *John Hus*, if he be found innocent, and to the Confusion ' of his Slanderers; but as to the Sureties they had offer'd, the Pa- ' triarch made answer, that tho' there were a thousand of 'em, the ' Deputies of the Council cou'd not accept them with a safe Con- ' science, for a Man who was not to be trusted by any Means (1). ' That however they wou'd cause *John Hus* to be brought to Con- ' stance on the 5th of June, when he shou'd have all the Freedom ' of Speech, and shou'd be heard with good Temper and Char- ' ty'. The Emperor was not present when this Memorial was read, but arriving soon after, and being inform'd of it, he confirm'd the Assembly in the Resolution they had taken to give *John Hus* a public Hearing. But as this Prince had not heard the Memorial read, the *Bobemians* thought fit to deliver it to himself the same Day in his Palace, begging him at the same Time to intercede with the Council for the Enlargement of *John Hus*, and to grant them a Certificate of the Step they had just now taken, to the end that the Enemies of the Kingdom of *Bobemia* might not reproach them with having done any Thing irregular. The Ancient Author of the Life of *John Hus*, who reports this Circumstance, says *That he cou'd not learn what answer the Emperor made, but that it appear'd plain enough by the Sequel, that his Probity was over-reach'd, and that he suffer'd himself to be persuaded by the Cardinals and the Bishops to renounce his Safe-Conduct, because, according to the Decretals, a declar'd Heretic cou'd not be admitted to make his Defence neither under the Pretext of the public Faith, nor any other whatsoever.* Mean Time 'tis certain that *John de Chlum* went away from this Assembly and this Audience of the Emperor, so full of Hopes that he immediately gave Advice of it to *John Hus* in these Terms. *I am to acquaint you that the King was this Day with the Deputies of the Nations, and made them resolve on granting you a public Hearing. Your Friends will take Care that you shall be put into a very Airy Place, to the End that you may contemplate at your Ease.* We shall see hereafter that *John de Chlum* was too sanguine.

Op. Hm. ub. sup.

Hus. Ep. XLVII. Fol. 72.

A Deputati-
on to *John
Hus* to in-
duce him to,
retract.

III. 'Tis certain that the Council did all in their Power to avoid the Noise of a public Trial. On the one Hand, most of the Doctors were of Opinion that a public Hearing ought not to be allow'd to a

(1) In causa ejus viri cui nullo modo fides habenda esset.

Heretic, and on the other Hand it was apprehended that some Up-
 roar might happen at a Hearing of that Nature. Therefore the
 Council thought fit to send Deputies to *Gosleben* to induce him either
 to some Recantation or Declaration, which might excuse them from
 hearing him in a publick Manner. It appear'd by the Letters of *John*
Hus, that those private Examinations, which were very frequent, a-
 larm'd his Friends and Party, and that they wish'd he had refus'd any
 Answer at them. These Interrogatories were likewise accompany'd with
 an Air of Violence and Insult, enough to have shock'd the Constancy
 of a Man already weaken'd by a tedious and severe Imprisonment. The
 Examination he underwent on the first of *June*, was no doubt of this
 Character. *Michael de Causis*, says *John Hus*, in one of his Letters,
was there holding a Paper in his Hand, and stirring up the Patriarch
of Constantinople, to oblige me to answer to every Article. He is
brewing some Mischief or other every Day. God has for my Sins
permitted him and Paletz to rise up against me. Michael examines all
my Letters and Words with the Air of an Inquisitor, and Paletz has set
down all the Conversation we have had together for many Years. The
Patriarch says aloud, that I have a great deal of Money. An Archbi-
bishop said to me in the Hearing of all that I had 70000 Florins: Ha,
ha! said Paletz to me, what's become of that Robe so lin'd with Florins
(1)? I have this Day suffer'd great Vexation. Probably it was at this
very Hearing that the Deputies exhibited the thirty Articles against
him, which were afterwards read in the publick Session, demanding
of him whether he wou'd disown or defend them. If we judge of it
only by the Report of the Commissioners, it wou'd seem that John
Hus did then answer purely and simply, that he wou'd submit to the
Determination of the Council. And his Friends seem'd uneasy at this
Answer, because it was spread abroad under the Notion of a kind of
Recantation. But we shall have another Opinion of it if we refer to
his Letters. In the XVth, which he wrote after his public Hearing,
he says that he only promis'd to submit to the Council conditionally,
and that he protested at several private Hearings, as he has done since in
public, that as to the Recantation requir'd of him, he wou'd submit to
the Instruction, Direction and Justice of the Council, when he should be
made sensible, that he has writ, taught and answer'd any Thing contrary
to the Truth. That's the very same Protestation he made at the Begin-
ning, and that which he always constantly maintain'd. Also in the pri-
vate Hearings he contented himself with giving Explanations as to the
Articles objected against him, denying that some were his, and explain-

1415.
 Epist.
 LXXII. Fol.
 47.

Epist.
 XLVII.
 Braxavit.

V. d. Hardt,
 T. IV. p.
 196.
 Fol. 62.

(1) Joppa plena florenorum.

1415.

ing the others in their true Meaning (1): But when he was ask'd if he would defend them, he declar'd No, because he wou'd tarry for the Decision of the Council; that is to say, because he was for having a public Hearing, and was unwilling to engage himself to any Thing in the private Hearings. However he not only gave his Answers *vivâ voce*, but in Writing, to the end that they might not be alter'd by his Enemies.

First public
Hearing of
John Hus.

June 5.
Op. Hus. T. I.
Fol. XII.
(a) *V. d. Harât*
ub. supr. p.
306.

IV. SOME Days after this private Hearing *John Hus* was carry'd from *Golleben* to *Constance*, and put into the Monastery of the *Franciscans*, where he was laden with Chains to the Day of his Condemnation. Upon the Day of his Arrival, the Cardinals, Prelates, and almost all the Clergy at *Constance* being assembled in the same Convent (a), thought fit to examine the Articles said to be extracted from his Books, and the Testimonies with which they were supported, before they sent for him into the Assembly. But *Peter Maldonewitz*, a *Hussite*, who was there without doubt in Quality of Notary Publick, perceiving that they were going to condemn *John Hus* without hearing him, posted to give an Account of what pass'd to *Wenceslaus de Duba* and *John de Chlum*, who went instantly to advertise the Emperor of it. *Sigismund* no sooner had Advice of it, than he sent the Elector Palatine and the Burgrave of *Nuremberg* to the Assembly of the Prelates, to forbid them in his Name to try *John Hus*, without giving him a fair Hearing, and to order them at the same Time to send those Articles, which they deem'd erroneous, to his Imperial Majesty, because he was willing to have them examin'd by Men of Learning and Probity (2). The Princes having discharg'd their Commission, the Prelates put off the Examination of the Articles till *John Hus* was present. But if we may believe *Theobald*, they refus'd to send those same Articles to the Emperor. Before they sent for *John Hus*, the two Lords of *Bohemia*, just now mention'd, deliver'd to the Elector Palatine and the Burgrave of *Nuremberg* some of his Books, from which the Articles of his Doctrine had been extracted, desiring them to produce those Books to the Assembly, and afterwards to cause them to be read, that in Case of need they might be able to convince *John Hus's* Accusers of Forgery. As soon as the Princes had deliver'd those Books to the Assembly, *John Hus* was carry'd thither and they withdrew. As soon as he came in, they put his Works into his Hands, which he own'd, and offer'd to retract if any Error was found in them.

(1) Ad quemlibet articulum dixi, ut prius de aliquo dixi: Ille est verus ad istum sensum, & dixerunt: Vis eum defendere? Respondi quod non, sed sto ad determinationem Concilij. Ego petivi cum protestatione coram Notarijs & scripsi.

supplicationem toti Concilio, quam dedi Patriarchæ, in qua peto ut respondeam ad quemlibet articulum, sicuti respondi in privato & manu mea scripsi. Ep. 48.

(2) A viris doctis & bonis. *Theobald* Cap. XVII. p. 88.

After.

After this they began with the reading of the Articles. But they had scarce made an End of the first with the Evidences supporting it, when so terrible a Noise arose, that the Fathers cou'd not hear one another, much less the Answers of *John Hus*. When the Clamour was a little over, *John Hus* offering to defend himself by the Authority of the Scriptures and the Fathers, was interrupted as if he had spoke nothing to the Purpose, and they set upon him with Reproach and Banter. If he chose to hold his Peace, his Silence was look'd upon as an Approbation, tho' he declar'd he was forc'd to be silent, because they would not hear him. In short, every Thing pass'd with so much Confusion, that for the Council's Honour, the most judicious of the Members advis'd the putting off of the Affair to another Day.

V. THIS was Friday the 7th of June, a Day remarkable for a great Eclipse of the Sun, which was totally eclips'd at Prague about seven a Clock in the Morning, and was almost quite darken'd at Constance. About an Hour after the Eclipse, the Prelates being again assembled in the Presence of the Emperor, whom the Lords of Bohemia desir'd to be there, to prevent the Disorder which happen'd in the preceding Assembly; *John Hus* appear'd the second Time encompass'd with a great Number of Soldiers. *Wenceslaus de Duba*, *John de Chlum* and *Peter Maldoniewitz* the Notary abovemention'd, came in the Emperor's Retinue, to take Notes of what pass'd at this Hearing. When all had taken their Places, *Michael de Causis* read a Paper containing these Words, *John Hus has taught in the Chapel of Bethlehem, and other Places in Prague, a great Number of Errors, taken partly from the Books of Wickliff, and partly of his own Invention, and has always maintain'd them very obstinately, as he doth still. The first is, That the material Bread remaineth in the Sacrament of the Holy Supper after the Consecration and Pronunciation of the Words.* This *Michael de Causis* prov'd by the Evidence of several Clergymen of Prague, among whom was *Andrew Broda* Canon of Prague, famous for his Dispute with *Jacobel*. *John Hus* answer'd this Article by calling God to Witness that he never advanced this Proposition, and never so much as believ'd it. He only acknowledg'd that when the Archbishop of Prague forbade him to make use of the Term *Bread*, he cou'd not consent to it, because in the VIth Chapter of the Gospel according to St. *John*, Jesus Christ is several Times call'd *the Bread of Angels which came down from Heaven* (1) to give Life unto the whole World, but that he had never spoke of *material Bread*. The Cardinal of *Cambray* holding a Paper in his Hand, which he said he had receiv'd the Night before, ask'd him

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Second public Hearing of *John Hus*. June 7. *Calvisius Tabula Rudolphina*, p. 130. *V. d. Hardt*, T. IV. P. 308.

Theob. ub. su.

V. d. Hardt, T. III. Part III.

(1) *John Hus* meant the Bread of Heaven and the Bread of Life. See his Treatise of the Body of Christ. Fol. 163.

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whether he believ'd (1) the Universal *a parte rei*. *John Hus* answering that he did believe it, because it was the Doctrine of St. *Anselm* and other Doctors, the Cardinal put a Dilemma to him to prove that he must either renounce the *Universal a parte rei*, or believe that material Bread remaineth after Consecration. *John Hus* got off of this Dilemma by saying that *Transubstantiation was a Miracle* (2), which ought not to be drawn into Consequence for natural Things, in the same manner almost as some of the most able Philosophers of our Time have done, when Consequences were endeavour'd to be drawn from their Principles, against the real Presence and Transubstantiation. In the main, the Cardinal of *Cambray's* Objection did not affect *John Hus* any more than it did all the *Scotists* who believ'd the *Universal a parte rei*; and it must be allow'd that it was a Cavil very unbecoming that Prelate, who not content with *John Hus's* express Declaration, would fain have extorted a Heresy from him by the Subtleties of the Schools. Mean Time an *Englishman* undertaking to push the same Argument, *John Hus* did not spare him so much as he did the Cardinal, but treated it as a Childish Argument, which every School Boy cou'd answer. Another *Englishman* having objected to him that the Bread must needs remain, because it was not annihilated, he answer'd again that tho' the Bread was not annihilated, yet it ceas'd to be Bread by the TRANSUBSTANTIATION. Upon this, a third *Englishman* said, That *John Hus* explain'd himself craftily, as *Wickliff* had done; For, said he, *Wickliff* granted all these Things, and yet believ'd that Material Bread remaineth after Consecration, and actually turn'd the Decree of the Lateran Council establishing Transubstantiation in Favour of his Opinion. *John Hus* having said in Answer to that Reproach, that he spoke sincerely, and without Ambiguity; the *Englishman* ask'd him whether that Body of *Jesus Christ*, which was born of the *Virgin Mary*, suffer'd, dy'd, and rose again, and now sitteth at the Right Hand of God, is totally and really in the Sacrament of the Altar. The Answer doth not appear in the Relation; but *Theobaldus* says that *John Hus* positively affirm'd it, and that Answer cou'd not but be satisfactory, because one of those *Englishmen* who push'd it, openly declar'd that he was Orthodox in the Matter of the Eucharist, and agreed that the Dispute about the Universals did not appertain to the Faith. But

(1) 'Tis a meer Metaphysical Subtlety, which the best Philosophers now laugh at as a Dispute about Words.

(2) *Definit quidem esse in hoc singulari pane materiali, stante tali Transubstantiatione, cum ille tunc mutatur, vel transit in Corpus Christi, vel transubstantiatur, sed nihilominus in alijs singulari-*

bus subjacetur. Op. Hus. Fol. XII. 2. i. e. It ceaseth indeed to be in this singular material Bread, by means of such Transubstantiation, when as it is chang'd or passeth into the Body of *Christ*, or is transubstantiated; but notwithstanding in other Singularities it is made subjct.

John.

John Stokes, another *Englishman* (1), affirm'd, that while he was at *Prague* he had seen a Treatise ascrib'd to *John Hus*, in which it was expressly said, *That the Material Bread remaineth after Consecration*; *John Hus* absolutely deny'd it (2). 'Tis certain indeed, that he did not believe that Material Bread remaineth after the Consecration, because in his Treatise of the *Body of Christ*, he says that the Common Bread becometh by Consecration *Supersubstantial* or *Supernatural* Bread, and that the Eating of *Christ's* Body is limited to the Accidents of Bread. In this Treatise he also speaks of *Berenger's* Opinion, as of a great Heresy (3). *The Heresy*, says he, *with which Berenger was branded, was a great Heresy, for he held that the Bread which is plac'd upon the Altar is Bread not consecrated before the Consecration, and that by Consecration it only becomes consecrated Bread, and not the true Body of Christ.*

WHEN they had nothing more to reply to the Defence of *John Hus* upon this Article, they were oblig'd to have Recourse again to their Witnesses, who instead of unsaying what they had said, aggravated their Charge with fresh Matter. Among others there was a Curate of *Prague* (4), who reproach'd him with having treated *St. Gregory* as a Buffoon or Quack (5), when his Authority was quoted to him; but he stiffly deny'd it, and declar'd that he had always look'd upon *Gregory* as a most Holy Doctor of the Church. When this Dispute was somewhat appeas'd, the Cardinal of *Florence* accosted *John Hus* in these Terms, ' You know that in the Mouth of two or three Witnesses every Word shall be establish'd: Mean Time you here see near twenty against You, all Men of Weight and Credit; some have heard you teach these Things themselves; others have heard them from good Hands, and all together support their Testimonies with such solid Reasons, that we cannot help giving them Credit'. *John Hus* took God and his own Conscience to witness, that he had never taught what they had the Assurance so falsely to impute to him; adding that, tho' the Witnesses were many more than they are, they cou'd not prevail against the Testimony of his Conscience. Thereupon the Cardinal said ' It is not lawful for us to judge you according to your Conscience, but according to the Evidence of so many unexceptionable Witnesses, in whom there appears no Mark of Hatred or Spleen of which you accuse them. You say for Example,

(1) Among the Works of *John Hus* there's a Reply against one *John Stokes* an *Englishman*. Fol. 108.

(2) *Salva reverentia non est verum. i. e.* Saving your Reverence 'tis not true.

(3) *Eecce magna hæresis fuit Berengarij, de qua fuit iniamatus, quia scilicet tenuit*

quod panis, qui in altari ponitur, ante consecrationem est panis non consecratus; sed post consecrationem est solum panis consecratus & non verum Corpus Christi. *Op. Hus.* Fol. 164.

(4) He was call'd *John Proticema*.

(5) *Joculatorem* quendam.

that:

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* Op. Hus.
Fol. XXIII.
2.

‘ that you suspect *Stephen Paletz*, and that he has made unfair Ex-
 ‘ tracts of your Works. But herein, I think you do him great
 ‘ Wrong, because he has made those Extracts very faithfully, and
 ‘ has even drawn up the Articles in softer Terms than they are in your
 ‘ Writings. You have as little Reason to suspect other excellent Men,
 ‘ particularly the Chancellor of the University of *Paris*, whose Merit
 ‘ is so well known throughout all Christendom. The Cardinal meant
 ‘ *John Gerson*, and indeed it seems by some of the Letters (.) of *John Hus*
 ‘ that he did not like this *French Doctor*, and that he actually * accuies
 ‘ him of Imposture and Calumny. What is certain, is, that neither
 ‘ *John Gerson* nor the other Doctors of the University of *Paris* favour’d
 ‘ the Opinions of *John Hus*. This appear’d from the severe Censure
 ‘ they pass’d upon the nineteen Articles of his Doctrine, which were
 ‘ communicated to them to declare their Opinion of ’em. For after
 ‘ they had condemn’d them all in particular they came to this Conclu-
 ‘ sion, which is sign’d by *Gerson* in the Name of all the rest as Chancellor
 ‘ of the University. ‘ ’Tis our Opinion that the Articles abovemention-
 ‘ ed are notoriously heretical, and that a Heresy so scandalous ought
 ‘ to be forthwith extirpated, for fear that Mankind shou’d be intec-
 ‘ ted with it. For tho’ a Zeal appears in it against the Vices of the
 ‘ Prelates, which are indeed but too flagrant and too notorious, yet
 ‘ ’tis a Zeal without Knowledge. A discreet Zeal tolerates and be-
 ‘ wails the Sins which it sees in the House of God, when it is not
 ‘ able to drive them out. Vice is not to be corrected by Vice nor by
 ‘ Error, as the Devil is not cast out by *Belzebub*, but by the Spirit
 ‘ of God, who requires us to endeavour the Amendment of A-
 ‘ buses, with a great deal of Precaution and Regard to the Circum-
 ‘ stances of Time and Place. The Prelates are oblig’d to employ
 ‘ all their Authority and Viglance to suppress such Errors, and se-
 ‘ verely to punish those who maintain them, because in such Cases Con-
 ‘ nivance looks like Heresy.’ It appears by some of *John Hus*’s Let-
 ‘ ters that this Sentence of the Doctors of *Paris* went very near his
 ‘ Heart: *If I live*, says he in his List Letter, *I will answer the Ar-*
 ‘ *ticles of the Chancellor of Paris. If I die, God will answer them for me*
 ‘ *at the Day of Judgment.* The Acts do not say what Conclusion the
 ‘ Assembly came to upon the Article of the Eucharist, but ’tis very

(1) O si Deus daret tempus scribendi
 contra mendacia Parisiensis Cancellarij,
 qui tam temerarie & injuste coram tota
 multitudine non est veritus proximum er-
 roribus annotare. Epist. L. i. c. Oh that

God wou’d grant me Time to write a-
 gainst the Lies of the Chancellor of *Paris*,
 who has presum’d so rashly and unjustly to
 brand his Neighbour with Errors before
 the whole Multitude.

probable

probable that *John Hus* was acquitted of it, and that this is one of the two which he says the Council blotted out (1).

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THEY proceeded afterwards to another Article of Accusation, which said that *John Hus* had taught, and obstinately defended the Errors of *Wickliff* in Bohemia. He answer'd, that he had not taught the Errors of *Wickliff* or any other Person, and that if *Wickliff* had propagated Errors in *England* it concern'd the *English* to look to that. In order to prove this Charge, he was tax'd with having oppos'd the Condemnation which was pass'd on *Wickliff's* Errors, by the Archbishop *Sbinko* at *Prague*. He answer'd that all the Fault he found with that Censure was for its being general; and that he could not make that Declaration with a safe Conscience, which they wou'd have extorted from him; viz. that not one of the Articles of *Wickliff's* Doctrine was Catholic, or that they were all heretical or scandalous. But that especially he cou'd not resolve with himself to condemn that which says that *Pope Sylvester* and the *Emperor Constantin* err'd in endowing the Church: And that as to the Article which supposes that a Pope or Priest in mortal Sin cannot baptize nor consecrate, he had confin'd it, by saying that such a Pope or Priest consecrated and baptized unworthily (2). Upon this, his Accusers and their Witnesses exclaim'd and affirm'd that this Article was so drawn up in those very Words in the Treatise of *John Hus* against *Paletz*. But *John Hus* offer'd to forfeit his Head if the Article was not there limited in the manner he had declar'd. The Book was produc'd, and it appear'd that he had spoke the Truth. He declar'd of his own Accord, that neither could he acquiesce in the Condemnation of *Wickliff's* Article, importing that the Tenth is pure Alms. The Cardinal of *Florence* objected to him thereupon, that the Tenth being of Divine Right cannot be call'd Alms, because Alms must be given freely and without Obligation. To this *John Hus* answer'd 1. That Alms are of Divine Right, because the Rich are oblig'd to bestow them under Pain of eternal Damnation; and 2. That in the beginning the Tenth were free, but that in Process of Time they were made a Duty (3). An *English* Bishop having

See above p. 228.

(1) Deleti sunt Articuli duo, jam spero de gratia Dei quod plures delebuntur. Epist. XXXVI. 2. c. Two Articles are blotted out, and I begin to hope that by the Grace of God more will be serv'd in the same manner.

(2) Concedimus quod malus Papa, Episcopus, vel Prælati vel Sacerdos est indignus Minister Sacramentorum per quem Deus baptizat & consecrat. Those are the very Words of *John Hus* in his Treatise against *Paletz* p. 256. In his Confession

sent to *John XXIII.* in 1411. he denies in like manner that he had said purely and simply that a Priest in mortal Sin cannot consecrate nor baptize. *Op. Hus.* Fol. 9. 2.

(3) In 1411. *John Hus* publish'd a Treatise of Tenth, to prove that they are Alms. See the Protestation which *John Hus* made upon it in his Defence of *Wickliff*, upon the Article of the Trinity. *Op. Hus.* Fol. 105.

objected.

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objected to him that if all Mankind is oblig'd to exercise Works of Mercy on pain of Damnation, it wou'd from thence follow that the Poor wou'd be damn'd, because they have nothing to give; he answer'd that the Persons he meant were the Rich, and not the Poor. He was going to explain himself more at large on this Head, but was hinder'd. After this short Scholastic Digression, he resum'd his Defence, and urg'd some other Reasons which he had for not acquiescing in the Condemnation of *Wickliff's* Articles, but he protested at the same Time that he had not maintain'd one of them with Obstynacy, and that he only found Fault that they were condemned without producing Reasons for it from the Holy Scriptures; adding that most of the Doctors (1) of the University of *Prague* were of the same Opinion; whereupon he enter'd into the Particulars of the proceeding at the Time of the Condemnation of those Articles, as follows, ' When *Sbinko*, says he, order'd that all *Wickliff's* Books that were found in *Prague* should be brought to him, I my self gave him some of his Books which I had in my Custody, and desir'd him to mark such Errors as he found in them, that I might publicly disown them. But the Archbishop caus'd all the Books to be burnt as well those that I carry'd him, as those that he had from others, without troubling himself to point out any Error in them. Nevertheless he had no such Command from *Alexander V.* but by Means of the Bishop of *Sarepta* (2) he had only obtain'd a Bull, which order'd those Books to be taken out of the Hands of the People, because they contain'd several Errors, of which there was not one nam'd in the Bull. The Archbishop flatter'd himself that this Bull would be sufficient to induce the King and Nobles of *Bohemia* to consent to the Condemnation of *Wickliff's* Books. But therein he was mistaken. Nevertheless he assembled some Divines in the mean Time, whom he order'd to examine *Wickliff's* Books, and to proceed against them according to the Canons, which Divines unanimously condemn'd them to the Flames. But all the Doctors, Bachelors and Students, except those whom the Archbishop had nominated for the Examination of those Books, presented a Petition to the King, to stay the Execution of that Sentence; upon which the King immediately sent Persons to the Archbishop to inquire into the Affair. This Prelate

(1) *Conclusio Pragensis Universitas, quod non vult condemnationem 45 Articulorum factam per Doctores in Prætorio, tanquam justam & veram accipere, nisi condemnatores ipsam pro quolibet Articulo de 45 Articulis per sacram Scripturam probaverint, vel per rationes probabiles. i. e. The University of Prague*

came to a Conclusion not to receive the Condemnation of the 45 Articles, by the Doctors in Council assembled, as just and true, unless they prove it to be such, as to every one of them in particular, by the sacred Scriptures, or by probable Arguments. *Op. Hus.* p. CXI.

(2) See *Baudrand's Dictionary*, as to *Sarepta*.

' promis'd

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promis'd that he would issue no Order concerning *Wickliff's* Books, contrary to the King's Intention, and for that Time actually suspended the Execution of the Sentence of the Divines, which had been resolv'd on for next Day. *Alexander V.* being dead, the Archbishop was afraid that his Bull wou'd be of no more Force hereafter; and therefore secretly assembled his Divines in his Palace, which was shut close and well guarded, and there caus'd *Wickliff's* Books to be burnt. He had committed a greater Act of Injustice (1) before this, by publishing Prohibitions on pain of Excommunication, to preach in the Chappels under Colour of a Bull of *Alexander V.* I appeal'd thereupon to the same Pope, as having been misinform'd, and after his Death to *John XXIII.* who succeeded him (2) But the latter refusing Audience to my Advocates for two Years, I appeal'd finally from him to Jesus Christ the supreme Judge. Here *John Hus* was interrupted for the sake of putting two Questions to him, One, whether the Pope had granted him Absolution; the other, whether it was lawful to appeal to Jesus Christ. To the first Question he answer'd No (3). And to the second, that there was nothing more lawful than to appeal from inferior Judges to the sovereign Judge of all; the rather because his Judgments are infallible, and his Compassion such to the Miserable, that it does not permit him to refuse them Justice. Tho' *John Hus* talk'd very seriously and gravely, yet they made a Jest of his Appeal to Jesus Christ, and he was interrogated upon another Article, the Substance of which was, 'that in order to confirm the silly ignorant People in the Heresies which he had learnt of *Wickliff*, he had dar'd to give out that in *England*, while some Monks and other Learned Persons were assembled one Day at Church to dispute against *Wickliff*, the Church Door was suddenly split to pieces with Lightning, and *Wickliff's* Adversaries had much ado to escape'. They add that upon this Occasion *John Hus* said he wish'd that his Soul was in the same Place as *Wickliff's*'. It does not appear from his Answer that he took any Notice of the Accident of the Lightning; but as to the other Article, he answer'd that about twelve Years ago, reading some of *Wickliff's* Philosophical

(1) This was in 1404. *Op. Hus.* Fol. 235. 2.

(2) He says the same Thing in his Treatise of the Church. Fol. 225. 2.

(3) It appears nevertheless from the fourth Letter, among those of *John Hus*, that as soon as he arriv'd at *Constance*, the Pope took off his Interdict. *Breviter concluserunt ut accedant Magistrum (John Hus,) intimantes sibi quia Papa de plenitu-*

dine potestatis suspendit jam dictum Interdictum & Sententias Excommunicationis contra Magistrum Johannem latas. Op. Hus. Fol. 58. i. e. Briefly they came to a Conclusion to go to *John Hus*, and acquint him that the Pope, out of the Fulness of his Power, has suspended the abovemention'd Interdict and Excommunication laid upon him. But this Order was not executed

E c c

Works,

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Works, before his Theological Tracts were brought into *Bohemia*, he happen'd to let fall these Words (1) *I hope that Wickliff will be saved, but tho' I fear, on the other Hand, that he is damn'd, I wish nevertheless that my Soul was with his,* which made the whole Assembly set up another very great Laugh.

* *V. d. Hardt*
T. IV. p.
811.

AFTER this, *John Hus* was accus'd, ' of having one Day advis'd the People to take Arms, after the Example of *Moses*, against those who oppos'd his Doctrine * : Which produc'd several Writings next Day, that were distributed in *Prague*, where all Persons were exhort'd to take Arms and to give no Body Quarter'. He answer'd that this was falsely laid to his Charge by his Enemies; that indeed as he was preaching one Day upon the 17th Verse of the 6th Chapter of *St. Paul's Epistle to the Ephesians*, he exhorted his Audience to take the *Sword of the Spirit and the Helmet of Salvation*; but that he expressly admonish'd them that he meant the Sword of the Spirit, which is the Word of God, and not a material Sword, for fear that his Words shou'd be misconstru'd. As to the seditious Writings pretended, and the Sword of *Moses*, he declar'd that he did not absolutely know what it meant.

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IN short, they accus'd him of having imbroil'd all *Bohemia* by his Doctrine, and sow'd Discord between the Ecclesiastical and Civil States, in such Manner that several Clergymen had been persecuted, and even turn'd out of their Livings; and finally of having been the Cause of the Dispersion and Ruin of the University. *John Hus* made Answer that none of this had happen'd thro' his Fault, and clear'd up those Facts as follows, ' *Gregory XII.* says he, had promis'd at his Election to resign the Pontificate whenever the Cardinals shou'd think necessary, and had it not been for that Condition; he wou'd not have been chose. It was this very Pope that advanc'd *Robert* to the Empire, to the Prejudice of *Wenceslaus* then King of the *Romans*. Some Years after this, *Gregory* being loth to resign the Pontificate, as he had promis'd, the College of Cardinals wrote to *Wenceslaus*, who was no more than King of *Bohemia*, to withdraw along with them from their Obedience to that Pope, and to embrace the Neutrality: *Wenceslaus* was the more ready to accept of this Expedient, because the Pope had depriv'd him of the Empire, and the Cardinals gave him Hopes that another Pope wou'd re-establish

(1) In a Treatise of *John Hus* against *Stikes*, are these Words, which bear a very great Resemblance to his Answer. *Ego autem non concedo nec creao, quod Magister Iohannes Wickles sit hereticus, sed nec nego, sed spero quod non est hereticus,—unde spero quod Magister Iohannes Wickles est de*

salvandis. i. e. I neither grant nor believe that Master *John Wickles* is a Heretic, nor do I deny it, but I hope that he is not a Heretic. — From whence I trust that Master *John Wickliff* is of the Number of the Saved. *Op. Hus. T. I. Fol. 108. 2.*

' him

him in that Dignity. But *Sbinko* the Archbishop of *Prague* and his Clergy, refusing to obey the King in this Respect, several of the Clergy withdrew voluntarily, as did the Archbishop himself, after having rifled the Sepulchre of *St. Wenceslaus* (1), and burnt *Wickliff's* Books in spite of the King. For which Reason this Prince was not sorry for the Seizure of the Estates of some of those Clergy who were only influenc'd to desert from a Principle of Rebellion'. As *John Hus* was vindicating himself by this Narrative, one *Naso* interrupted him to tell him that those Clergymen did not abandon their Ministry, in order to be excus'd from obeying the King, but because they had been turn'd out of their Benefices. Upon which the Cardinal of *Cambray* said, that being actually at *Rome* when this happen'd, the Prelates of *Bohemia* told him that all the Clergy of *Prague* were strip'd and expos'd to all Manner of ill Usage. *John Hus* did not deny this Fact, but persisted in declaring that it was none of his Fault. He protested likewise that neither was he to blame for the Dispersion of the University of *Prague*. The King, said he, having granted three Voices to the Bohemians, and but one to the Germans, according to the Foundation of his Father *Charles IV.* the Germans who had had three Voices all along till then, were so incens'd at this Alteration, that by Concert they quitted the University of *Prague*, with an Oath to return to it no more. *John Hus* did not disown his Approbation of an Order so advantageous to his Countrymen, and at the same Time call'd upon one *Albert Warentrop*, who was present at this Examination, and was at that Time a Dean of the Faculty of Philosophy, to bear his Testimony to the Truth of what he had now advanc'd. But as *Albert* was going to speak, he was interrupted to hear what *Naso* had farther to say, who added, that being then at Court he knew all that pass'd in this Affair; and that he saw the Doctors of the German Nation, viz. *Saxony, Bavaria, and Silesia*, to whom the Poles joyn'd also, soliciting the King for the Continuation of their Privilege of three Voices, which the King had actually promis'd them, but that *John Hus, Jerom* of *Prague* and others made him change his Mind, tho' at first he was so little a Friend to them, that he threatn'd to cause them to be burnt, if they continued to make a Disturbance in *Bohemia*. To this Narrative *Naso* added some Complaint how ill he had been us'd in *Bohemia* by *John Hus*, and those of his Party.

AFTER *Naso* had done speaking, *Paletz* stepp'd forth, and said that *John Hus* and his Adherents had not only oblig'd Foreigners to quit *Bohemia*, but even the Natives of the Country, of whom many had

(1) *St. Wenceslaus* a Prince of *Bohemia*, who was kill'd by his Brother *Rostlaus* in 938. His Corpse was translated three Years after to *St. Vitus's* Church at *Prague*. *Balbin. Epit. Rer. Bobem. L. I. Cap. X. and XII.*

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been banish'd into *Moravia*. *John Hus* answer'd that this could not be, because he was not at *Prague* when those People went away. Here ended the Session, and *John Hus* was remanded into the Custody of the Archbishop of *Riga*, who also kept *Jerom* of *Prague* Prisoner, in Quality of Keeper of the Seals of the Church.

The Emperor and the Cardinal of *Cambray* argue with *John Hus* to submit.

VI. BUT before they carry'd him away, the Cardinal of *Cambray* reproach'd him in the Emperor's Presence, for having said that (1) *If he had not been inclin'd to come to the Council, neither the King of Bohemia, nor the Emperor himself cou'd have compell'd him to it.* He answer'd that all he said was *That there were so many Nobles in Bohemia, who honour'd him with their Protection, that if he had not been inclin'd to come to the Council of his own Accord, they cou'd have put him into a Place so secure, that neither the Emperor nor the King of Bohemia wou'd ever have had the Power to send him to it.* The Cardinal of *Cambray* exclaiming against the Man's Impudence, there was a great Murmuring in the Assembly against *John Hus*. But *John de Cblum* courageously supported him on this as well as upon all other Occasions. *John Hus*, says he, *has asserted nothing but what is true; for tho' I am one of the meanest Lords in Bohemia, I wou'd undertake to defend him for a Twelvemonth against all the Forces of the Emperor and the King; and much more could the other Nobles, who are more potent and have stronger Places than I have.* Be that as it will, said the Cardinal of *Cambray* to *John Hus*, *I advise you for your own Safety and Honour to submit your self to the Sentence of the Council, as you promis'd when you was in the Prison.* Then the Emperor, who was present while the Cardinal of *Cambray* was talking to him, spoke himself to *John Hus* in these Terms. 'Tho' there are People who say that you did not receive my Safe-Conduct till a Fortnight after your Imprisonment, by Means of your Friends and Patrons, yet we can prove by the Testimony of several Princes and other Persons of Distinction, that you receiv'd this Safe-Conduct before your Departure from *Prague*, by *Wenceslaus de Duba* and *John de Cblum*, under whose Protection we plac'd you, to the end that no Injury might be done to you, and that you might speak with Freedom, and give an Account of your Faith in full Council (:). In which Thing you perceive that the Cardinals, the Bishops, &c. have so well answer'd our Intentions, that we cannot enough thank them, tho' there are those who affirm that we cou'd not answer to take into our

(1) The Cardinal gave such a turn to his Accusation, as put an Air of Mutiny and Rebellion upon what *John Hus* said.

(2) Idque, ut vides, Reverendissimi Domini Cardinales, Episcopi, &c. ita.

praestiterunt, ut magna eis à nobis gratia habeatur, etiamsi nonnulli dicant, nos de jure non posse ei patrocinari, qui aut hereticus aut de hæresi aliqua suspectus sit.

Protection.

Protection a Heretic, or one suspected of Heresy. We therefore, as well as the Cardinal, advise you to maintain nothing obstinately, and to submit your self with all Obedience to the Authority of the Council, in all the Articles which have been exhibited and solidly prov'd against you. Which if you do, we will take Care that for the Sake of the King and Kingdom of *Bohemia*, you shall retire with the Good-Will of the Council, after you have made tolerable Penance and Satisfaction; but if not, the Council will know how to deal with you. For our Part, we shall be so far from supporting you in your Errors and Obstinacy, that we will with our own Hands kindle the Fire to burn you, rather than tolerate you longer. You will do well therefore to stand to the Judgment of the Council'. When the Emperor had finish'd his Discourse, *John Hus* began to answer him in these Terms (1). *In the first Place SIR, I give your Highness immortal Thanks for the Safe-Conduct you granted me. But John de Cblum* interrupting him to admonish him, that he ought to defend himself against the Crime of Obstinacy, with which the Emperor had tax'd him, he protested that he never had a Design to maintain any Thing with Obstinacy, and that he was come of his own Accord to the Council, with an Intention to retract, when he should be inform'd of any Thing better than what he had taught. After having said this, he was carry'd away by the Officers of Justice.

THERE are some Remarks to be made on the Emperor's Speech, 1. He is evidently mistaken, when he says that *John Hus* had receiv'd his Safe-Conduct before he set out from *Prague*. (2). For *John Hus* having been twenty Days upon the Road, and arriving at *Constance* on the 3d of *November*, he certainly must have left *Prague* before the Dispatch of the Safe-Conduct, for this was not till the 18th of *October*; and in short he did not receive it till he was on the Road at *Nuremberg*, where he arriv'd the 22d of that Month *. But when the Emperor dispatch'd his Safe-Conduct, he believ'd, no doubt, that *John Hus* was still at *Prague*, and he might be still of the same Opinion, when he talk'd thus at *Constance*, and did not exactly know the Time when *John Hus* set out. Be it as it will, it appears from thence that the Bishop, who, to excuse the Violation of the Safe-Conduct, return'd Answer *May 16*, on the Part of the Council, that they had heard by credible Witnesses that *John Hus* did not receive this Safe-Conduct till a Fortnight after his Imprisonment,

(1) *Rex Serenissime*, I follow the Relation verbatim, but 'tis probable there is something omitted in this Account, and that when *J. bn. Hu.* finish'd his Speech, *J. bn. de Cblum* admonish'd him that he had forgot the Article of Obstinacy.

(2) Die vigesima, postquam ex Urbe Praga discesserat, hoc est, tertia die mensis Novembris Constantiam venit. *Op. Hus. T. I. Fol. IV. 2.2.*

made

1415. made the Council tell a very gross Lie. The second Remark I have to make on this Speech of the Emperor, is that 'tis unaccountable how he could thank the Cardinals and Bishops for their kind Treatment of *John Hus*, after they had caus'd him to be arrested contrary to his Promise, and dragg'd like a common Rogue from one Prison to another, besides terrifying him in the manner they did, at his public Hearing, by the great Number of Archers with which he was surrounded. If it was not about a very serious Affair, wou'd not one think that the Emperor jested with the Cardinals, and at the same Time insulted the Misery of *John Hus*? My third Remark is that here is neither Satyr nor Insult. The Emperor thought in good earnest, that the Fathers of the Council were very gracious to *John Hus*, to give him a public Hearing, and that it was carrying the Observation of his Safe-Conduct farther than it could go in Strictness, where they had to do with a Heretic.

The third public Hearing of *John Hus*. June 8. Op. Hus. Fol. 15. V. d. Hardt. T. IV. p. 314. The b. Chap. XVIII.

VII. *John Hus* was call'd again next Day the third Time, to the same Place, and before the same Persons. At first they read to him the twenty six Articles, which were pretended to have been extracted from his Book of the Church (1). They were very near the same that had been read to him in his Prison, and to which he had made Answer *vivâ voce*, and by Writing in these Terms, *I John Hus, being, I trust, a Minister of Jesus Christ, tho' unworthy, Master of Arts and Bachelor of Divinity, do confess that I wrote a Treatise Of the Church, a Copy of which was put into my Hands in Presence of Notaries by the Patriarch of Constantinople, the Bishop of Castel and that of Lebus. Which Commissioners at the same Time deliver'd some Articles to me, saying that they are in this Treatise, and that they have extracted them from thence as follows.* This Declaration of *John Hus* was read in this Session, with all the Articles upon which he had been heard in Prison, only the Order in which they were ranged was somewhat different, and there were some Additions and Omissions in it, of which *John Hus* complains in one of his Letters. Before I set down these Articles I will just mention the two Accusations laid against him in Prison, and to which he answer'd, tho' they were not repeated at this public Hearing. I have taken them from an old Author who wrote his Life, and whom I have already quoted elsewhere. He was charg'd therefore in the first Place with having said and preach'd that when he came to Constance, if he was obliged to recant with his Lips he did not intend to retract in his heart, because what he had preached was the pure Doctrine of Jesus Christ. He affirms, that this Article is a Lie from the Beginning to the End; but that in Truth he wrote to those of Prague, to exhort them to pray to God for him, to

Op. Hus. T. I. Fol. 22, 23.

(1) This Treatise of the Church was read publicly at Prague in 1413. See the Extract of it in the History of the Council of Pisa, Part II. p. 237. &c.

remain

remain stedfast in the Doctrine of *Jesus Christ*, because they could not be ignorant that he had never taught them any of the Errors which were imputed to him by his Enemies, and not to be troubled if he shou'd happen to sink under the false Witness of his Adversaries. He was accus'd in the second Place of having writ to *Bobemia*, that the Pope and the Emperor had receiv'd him honourably, and sent two Bishops to him to engage him in their Interests (1), 'Tis a notorious Falshood, says John Hus, for how cou'd I write into *Bohemia*, that I had been well receiv'd by the Pope and the Emperor, because as soon as I came to *Constance*, I wrote Word that it was not then known where the Emperor was, and I had been in Prison three Weeks when he arriv'd there? Had not I great Reason to write from the Prison to the People of *Bohemia*, that I was very much honour'd at *Constance*? But probably this is a Banter of my Enemies, who thbought also that they did me too much Honour by committing me to Prison.

AT this public Hearing *John Hus* behav'd as he had done in Prison. He own'd the Articles that were his, clear'd up others, and disown'd those that were laid to his Charge by his Enemies, but especially by *Stephen Paletz*. This will appear from the exact Report which I am now going to make of those Articles, and of the Answers which he had already made and written in Prison, as well as of those which he made thereunto by Word of Mouth, when he was at Liberty so to do.

ARTICLE I. *There is but one Holy Catholic or Universal Church which contains all the Predestinate within its Pale.* ANSWER, ' I own that this Proposition is mine, and 'tis evident from *St. Augustin* upon ' *St. John*.'

ART. II. *St. Paul never was a Member of the Devil, altho' he committed certain Acts like unto those of the Church Malignants. Nor was St. Peter, who by God's Permission fell into horrid Perjury, to the end that he might rise again with more Force.* ANSWER, ' This Proposition is very well prov'd in the Book itself. For 'tis expedient, as *St. Austin* says, that the Predestinate shou'd fall into such Sins. From whence it appears that a Person may be out of the Pale of the Church two Ways. A Man may be separated from it for ever, as are all the Reprobate *, or for a Time only, as are some Heretics, who are separated from the Church by some transient Sin, but by God's Grace, may enter into the Fold of *Jesus Christ*. These are they of whom it is said *I have other Sheep*, &c. *St. Austin* has prov'd the same Thing in his Tract upon *St. John* and in his Book of *Penance*.

This Proposition is so express'd in the Treatise of the Church, p. 200. fin.
* *Separatio deperdibilis & indeperdibilis. Præciti.*

(1) Ut me illis confederarent. Op. Hus. T. I. Fol. 22, 23.

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Excidit.

ART. III. *No Part of the Church ever falls away from the Body, because the Grace of Predestination which binds it can never fall.* ANSWER, ' This Proposition is in the Book (of the Church), in these Terms (1), ' The Off scourings of the Church, such as are the Reprobate, proceed ' from the Church, but they were not a Part of her, because no Part ' falleth away finally, it being not possible for the Grace of Predestina- ' tion which bindeth it, ever to fall away. This is prov'd by the ' thirteenth Chapter of the first Epistle to the *Corinthians*, and by the ' eighth of the *Epistle to the Romans*, as is to be seen more at large in ' the Book itself'.

ART. IV. *A Predestinated Person who is not actually in a State of Grace, by present Righteousness, is always a Member of the Holy Catholic Church.* ANSWER, ' 'Tis a Mistake, if it be understood of ' every Predestinate Person. 'Tis thus in the Vth Chapter of the ' Book of *the Church*, where divers Manners of being in the Church ' are specify'd, and where 'tis said (2) that some are in the Church ac- ' cording to a mishapen Faith only, as the Reprobate, to whom ' Jesus Christ saith, *Why call ye me Lord?* some according to Predes- ' tination, as the Predestinated Christians, who are engag'd in Sin,

(1) Sicut enim superfluitas procedit ex cibo & membris solidis, dum tamen non sit ex eis; sic purgamenta Ecclesie, scilicet præsciti, procedunt ex ea, non tamen erant ex ea ut partes, cum nulla pars ejus ab ea finaliter excidat, eo quod prædestinationis charitas quæ ipsam ligat, non excidit. De *Ecclef.* p. 199. 2.

(2) Aliqui dicuntur esse in Ecclesia solum secundum fidem informem, ut Christiani præsciti criminibus involuti, quibus dicit Dominus Lucæ 6. *Quid vocatis me Domine, Domine, & non facitis quæ ego præcipio vobis?* Et Matt. 17. Aliqui verò sunt in Ecclesia solum secundum fidem & gratiam præsentem, ut justî præsciti; qui non sunt in Ecclesia secundum prædestinationem ad vitam æternam. Aliqui sunt in Ecclesia secundum prædestinationem ad vitam æternam. Aliqui sunt in Ecclesia secundum prædestinationem tantum, ut parvuli Christianorum non baptizati, & Pagani vel Judæi futuri Christiani. Aliqui secundum fidem informem & secundum Prædestinationem, ut Christiani præscinati nunc in criminibus, sed ad gratiam reverfuri. Aliqui secundum prædestinationem & præsentem gratiam, ut omnes Christiani electi, Christum in

moribus imitantes, qui adhuc possunt in hac vitâ fluente gratiâ excidere. Aliqui verò sunt in Ecclesia jam triumphante in gratiâ confirmati. Omnes autem in præscitos & prædestinatos sunt divisi, quorum primi sunt membra finaliter Diaboli, & reliqui sunt membra corporis mystici quod est sancta Ecclesia. Here he says some are in the Church according to Faith and present Grace only, as the Righteous. Reprobate who are not in the Church according to Predestination to Eternal Life. Some are in the Church according to Predestination only, as the little Children of Christians not baptiz'd, and Pagans or Jews, who afterwards become Christians. Some according to Predestination and present Grace, as all the Elect Christians, imitating Christ in his Manners, who as yet may fall from Grace in this transitory World. And some are already in the Church triumphant, confirm'd in Grace. But all are divided into the Elect and the Reprobate, of whom the latter in short are Members of the Devil, and the former Members of the mystical Body, which is the Holy Church. *Op. Hæc.* p. 205.

but

but shall return again into Grace. The very Words of the Book of the Church may be seen at the bottom of the Page.

ART. V. *There is no Place of Dignity, nor any Human Election, nor any outward Mark, that makes any Man a Member of the Holy Catholic Church.* ANSWER, 'This Proposition is worded in the Book thus, Such Subtleties are understood by considering what it is to be in the Church, and what it is to be a Member or Part of the Church, and by observing that what makes a Member of the Holy Catholic Church is Predestination, which is a Preparation to Grace now, and to Glory hereafter, and not any Degree of Dignity, nor any Election of Man, nor any sensible Sign, because the Devil *Iscariot*, notwithstanding the Election of Jesus Christ, and the Temporal Graces which he had receiv'd from the Apostleship, was not a true Disciple of Jesus Christ, tho' he was reputed such, but a Wolf in Sheeps Cloathing, as St. *Augustin* says.' Those are the very Words of the Treatise of the Church, and what he calls Subtleties, *argutie*, are certain Consequences which he had rejected. But 'tis easy to imagine why this Article did not please the Cardinals, Bishops, and all the Clergy.

ART. VI. *A Reprobate never is a Member of Holy Mosber Church.* ANSWER, 'This Article is in the Book of the Church, and is there prov'd at large from *Psalms XXXVI. Ephesians V.* and from St. *Bernard*, who says that the Church of Jesus Christ is his own Body more evidently than the Body which he deliver'd for us unto Death. Also in the Vth Chapter of my Book I said, Nevertheless 'tis agreed that the Holy Church is the Barn-floor of the Lord; in the which, according to the Faith, are both the Good and the Bad, the Predestinate and the Reprobate, the former being as Wheat, and the latter as Chaff, whereunto is added the Exposition of St. *Augustin*.

ART. VII. *Judas never was a true Disciple of Jesus Christ.* *John Hus* owns this Article, and says, 'That 'tis evident from the Vth Article and from St. *Augustin*'. There are two Passages in St. *Augustin* which I will not mention, for fear of being tedious. I shall only observe that the Book of Penance, quoted by *John Hus*, as the Book of St. *Austin*, is not his.

Vid. *Augustin*
T. VI. Append. p. 711
Ed. Antw. 1701.

ART. VIII. *The Assembly of the Predestinate, whether they are in a State of Grace or not, as to present Righteousness, is the Holy Church, which has neither Spot nor Wrinkle, but is holy and undefiled, the which Jesus Christ calleth his own.* He acknowledgeth this Article, and confirms it by the very Words of his Book.

ART. IX. *St. Peter never was, nor is the Head of the Holy Catholic Church.* He says this Proposition is taken from these Words of his Book, 'Tis allow'd indeed, that St. *Peter* receiv'd Humility, Poverty, Stedfastness in the Faith, and by Consequence Blessedness

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Hus de Eccle.
 Cap. IX. p.
 211. 1. Fin.

‘ from the Rock of the Church, which is Christ. But to conclude
 ‘ from those Words, *Upon this Rock will I build my Church*, that it
 ‘ was the Intention of Jesus Christ to found every militant Church
 ‘ upon the Person of St. Peter, is to contradict the Gospel, St. Au-
 ‘ stin, and right Reason. For Jesus Christ was to build his Church
 ‘ upon the Rock, which is Christ himself, from whence St. Peter re-
 ‘ ceiv’d his Sedfastness in the Faith, for Jesus Christ is the Head and
 ‘ Foundation of the Church, and not St. Peter’.

Hus de Ec-
cles. 212. 2.

ART. X. *If he who is call'd the Vicar of Jesus Christ, doth imitate
 the Life of Jesus Christ, he is his Vicar; but if he walk in a Way that
 is contrary, then is he the Messenger of Antichrist, and the Adversary of
 St. Peter and of Jesus Christ, and the Vicar of Judas Iscariot.* He
 quotes for Answer, the very Words of his own Book, ‘ If he that is
 ‘ call’d the Vicar of Jesus Christ, walk in the Ways of Virtue afore-
 ‘ said, we believe that he is truly the Vicar of Jesus Christ and the
 ‘ High-Priest of the Church which he governeth. But if he behave
 ‘ in a contrary manner, then is he the Messenger of Antichrist, con-
 ‘ trary both to St. Peter and to Jesus Christ. And therefore St. Ber-
 ‘ nard writing to Pope Eugene saith (1), While thou walkest thus
 ‘ sumptuously attired and attended, what Profit do the Flock of Jesus
 ‘ Christ receive by it? If I may use the Expression, ’tis the Pasture
 ‘ of Devils rather than of Sheep. St. Peter and St. Paul were not
 ‘ so childish; and in this Respect thou hast succeeded Constantine and
 ‘ not St. Peter.’ To this *John Hus* adds these other Words of his
 Book, ‘ If the Pope live after another Manner than St. Peter did,
 ‘ if he is covetous, he is a Vicar of Judas Iscariot who courted the
 ‘ Wages of Iniquity, by selling Jesus Christ’. While this Answer of
John Hus was reading, the Fathers of the Council star’d at one ano-
 ther, and shook their Heads with a Sneer.

Hus de Ec-
cles. p. 218. 1.

ART. XI. *All that practise Simony, and all Priests that live together
 in Sin, being unbelieving Children, cannot help prophaning the seven Sa-
 craments, Censures, Discipline, Ceremonies, and all that is sacred in the
 Church, the Veneration of Relics, Indulgences and Orders.* He quotes
 the Words of his own Book, wherein, after having mention’d the A-
 bus of Ecclesiastical Power, he expresses himself thus, ‘ They like-
 ‘ wise abuse this Power who sell or buy Holy Orders, who acquire
 ‘ or confer by Simoniackal Practices Bishopricks, Prebends, and
 ‘ Cures (2), who sell the Sacraments, who trample under Foot the
 ‘ Dignity of the Priesthood, by living in Avarice, Voluptuousness,
 ‘ Luxury, or in any other criminal Manner whatsoever. For tho’
 ‘ such Persons make a Profession that they know God, they deny

(1) This was Eugene III. who was
 chose in 1145.

(2) Qui de Sacramentis importunè exi-
 gunt.

‘ him

him by their Actions, as St. Paul says to Titus. Consequently they do not believe in God, and being in a State of Infidelity, they must have the same Sentiments as Unbelievers, concerning the seven Sacraments of the Church, the Keys, Ecclesiastical Offices, Censures, Rites and Ceremonies of the Church, the Veneration of Relics, Indulgences and Orders.' Which he proves from the first Chapter of Malachi.

ART. XII. *The Papal Dignity owes its Original to the Roman Emperors.* He answers, ' That he has said in his Book, that the Preheminence and Institution of the Pope proceedeth from the Authority of the Emperor, as to outward Ornament, and the Temporalities given to the Church, and that he has prov'd this from the 9th Distinction of the Canon Law (1), where it appears that the Emperor *Constantine* and his Successors conferr'd the Privilege on the *Roman Pontiff*, of being over all other Bishops, as the Emperor is over all other Kings; but that notwithstanding this, the Papal Dignity hath its Original immediately from Jesus Christ, as to the Spiritual Administration and the Office of governing the Church Spiritually.' Thereupon the Cardinal of *Cambray* ask'd *John Hus* (2) why he did not attribute the Origin of the Papal Dignity to General Councils, rather than to the Emperors, because the Council of *Nice* gave the first Rank to the *Roman Pontiff*, and that it was only attributed to *Constantine* to do him Honour. *John Hus* answer'd that he had only ascrib'd the great Advancement of the Pontiffs of *Rome* to *Constantine*, with respect to that Emperor's Donation (3).

ART. XIII. *Without a Revelation no Man can well be sure that either himself or any other is the Head of any particular Holy Church.* He owns this Article to be his, but he adds that a Man who leads a good Life, may hope he is a Member of the Holy Catholic Church, which is the Spouse of Jesus Christ; upon which he quotes this Passage in *Ecclesiasticus*, *No Man knoweth whether he hath deser-*

(1) In the Body of the Canon Law this Decree of *Constantine* is mark'd with the Title of *Pala* (Trash), which was usually plac'd at the Head of spurious Pieces.

(2) Tamen tempore *Constantini* habitum est Concilium Generale Nicenum in quo cum summus locus in Ecclesia Romano Pontifici datus sit, honoris causa ipsi *Constantino* adscribitur. Cur ergo tu *Johannes Hus* non dicis a Concilio potius quam a potestate Cæsaris Dignitatem Romani Pontificis ortam esse. *V. d. Hardt* T. IV. p. 315. The Cardinal's Objection is not very clear.

(3) See the pretended Donation of *Constantine*, recited by Jesus Christ himself, who inspir'd him for that Purpose, in the Treatise of *Theod. Vrie*, ap. *V. d. Hardt* T. IV. p. 108, 109, 110. Tho' I question whether *John Hus* was fully persuaded of the Truth of this Donation; for in the XVth Chapter of his Book *Of the Church*, he seems to assent to it, only because he was loth to deny it, *Quod non possumus pro verecundia negare.* Fol. 224. 2.

1415. ved Love or Hatred, and that in the seventeenth Chapter of the Gospel according to St. Luke, *When ye have done all that is commanded, &c.*

ART. XIV. (1) *It is not to be admitted that he that is Pope of Rome, whosoever he be, is therefore the Head of any holy particular Church, if God has not predestinated him.* ‘ I own this Article to be mine, says ‘ *John Hus*, and I prove it, because it might then happen that a ‘ Christian wou’d believe and say a Lie; by saying that such a one is ‘ Head of such a Church, the Church having been deceiv’d in the ‘ Person of *Agnes*. The same Thing appear’d also by *St. Austin*. Neither the Article nor the Answer are very clear. To understand both, ’tis necessary to have Recourse to the Treatise of *John Hus concerning the Church*. He did not deny, that according to the Decretals, the Church of *Rome* was the Holy Catholic Church; but he said that the Canons thereby meant not such a particular Pope and Cardinals only, but all Believers over the Face of the whole Earth reconcil’d to the Church of *Rome*, as to the Centre of Unity. The Reason of his Opinion is, that the Catholic Church, against which Jesus Christ has promis’d the Gates of Hell shall not prevail, must be without Spot and Wrinkle, Holy and Infallible, and alike exempt from Sin and Heresy: Which cannot be said of all the Popes and all the Cardinals, because there are some who have err’d and have been depos’d for enormous Crimes, as he proves from the Decretals themselves, and several Instances, particularly Pope *Joan*, whom some Authors have call’d *Agnes* (2). ’Tis not our Business here to examine whether this be a Fiction or not; but however it may be observ’d that if it had not been look’d upon at that Time as undeniable Fact, the Fathers of the Council wou’d not have fail’d either to correct *John Hus* with some Displeasure, and to have laugh’d and shook their Heads, as they did before, and as we shall find they did presently for a less Cause. *John Hus* not only quotes this Instance in his Answers, but advances the same Fact several Times in his Treatise of the Church, and yet so scandalous an Article was not objected to him as a Crime.

ART. XV. *The Power of the Pope as Vicar of Jesus Christ is void, if he be not conformable both to Jesus Christ and St. Peter, in his Con-*

(1) Non oportet credere, quod iste, quicumque est Romanus Pontifex, sit caput Ecclesie cujuscunque particularis sancte, nisi Deus eum prædestinaverit.

(2) Hic non potest intelligi quilibet Papa cum suo Collegio Cardinalium. Illi enim sæpius sunt maculati deceptione præcæ & peccato, ut tempore Joannis Pa-

pæ, Anglicæ mulieris qui Hagna dicebatur. Quomodo illa Romana Ecclesia, illa *Agnes* Joannes Papa cum Collegio semper immaculata permansit qui peperit? Et par est ratio de alijs Papis, qui fuerunt hæretici, & propter multiplices enormitates depositi. *Hus de Eccles.* Fol. 207 & 220.

duca.

duct. and Manners. In the written Answer *John Hus* did not disown the Article, and even confirm'd it by the Words of his Book. But he clear'd it up by Word of Mouth, in saying that the *Power of such a Pope is void and frustrated, as to Merit and Reward, but not as to Office.* Whereupon one of the Council demanded of him whether he cou'd produce such a Gloss or Distinction in his Book; he answer'd that it was to be found in his Treatise against *Paletz.* This Answer made the Doctors laugh again. Indeed it seem'd very ridiculous that *John Hus* in his Defence shou'd quote a Piece wherein the Pope is much worse treated than in this Article, and wherein *John Hus* particularly confutes this very Distinction, when made use of by *Paletz.* But as Matters then stood with *John Hus*, no wonder that his Memory fail'd him, and that there was an Appearance of some Confusion in what he said, for in this Respect there is a Contradiction likewise in his Book.

*Hus Respons.
ad Paletz,
Fol. 258. 1, 2.*

ART. XVI. *The Pope is not most Holy (sanctissimus), because he supplies the Place of St. Peter, but because he possesseth great Riches.* *John Hus* complains that his Words are curtail'd and corrupted, for saith he, what I said is this, *The Pope is not most Holy, because he boldeth the Place of St. Peter, and hath great Riches; but if he imitates Jesus Christ in his Gentleness, Patience, Labour and Charity, then is he Holy.*

ART. XVII. *The Cardinals are not the manifest and true Successors of the College of the other Apostles of Jesus Christ, if they do not live as the Apostles did in Observance of the Commands and (1) Counsels of Jesus Christ.* *John Hus* owns that this Article is expressly the same in his Book (a), and that it is there prov'd. Upon this the Cardinal of ^{(a) *Hus de Eccles. 223.*} *Cambray* took Notice to the Assembly that there were Things much stronger in the Book it self, than in the Articles that had been extracted from it, as the Cardinal of *Florence* had before said to *John Hus* himself. Really those Cardinals spoke Truth: For one cannot read the Book *Of the Church* and many other of that Author's Treatises, without being surpriz'd at the Boldness and Severity of his Expressions against the Pope, the Cardinals, and all the Clergy; so that he well deserv'd the Censure which the Cardinal pass'd upon him in these Words. *Certainly you have not observed any Decorum in your Writings and Sermons. Shou'd not you have accommodated your Discourses to the Characters and Capacity of your Hearers? Where was the Necessity of preaching against the Cardinals, before a People who had no Cardinal among them? It had been much better to have said these Things in their Presence, than to have utter'd them before the Laity, to the great Offence of the whole World.* *John Hus* answer'd with Respect, that

(1) As to Counsels, see *Hus Of. the Church. 232, 2.*

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he did so because there were Priests and other learned Men present at his Sermons, who might be the better for it. *You do ill*, reply'd the Cardinal, *to go to disturb the Church by such Talk.*

ART. XVIII. *No Heretick besides (or after) the Censure of the Church, ought to be left to the secular Arm to be punish'd corporally* (1).

John Hus's Answer to this Article was as follows. *My Words are,*
' They ought to be ashamed of so cruel an Imitation (2), especially,
' forasmuch as Jesus Christ, who is the High-Priest both of the Old
' and New Testament, wou'd not try any Person by Civil Judgment,
' nor condemn the guilty to corporal Death, as appears from *Luke*
' xii. *John* viii. and *Matt.* xviii.' After which he adds, ' A Here-

(a) *Pulchrè
Piè, Humili-
ter.*

' tick, supposing him such in reality, ought to be first of all instruc-
' ted (a) with Candor, Charity, and Humility, by the Holy Scrip-
' tures, and Arguments justly founded thereupon, which was the Me-
' thod us'd by St. *Austin* and others, disputing against the Hereticks;
' but if he will not renounce his Errors after Instruction, he ought to
' be punish'd corporally.' 'Tis proper to observe here, that in the

(b) *Op Hus.
Fol. 23. 2.*

Articles which were condemn'd at *Constance* by some Doctors of the University of *Paris* in particular, *John Hus* is made to speak other-

wise than he does here on the Subject of Hereticks. According to the *Doctrine of Jesus Christ*, saith he (b), in the Article condemn'd by the Doctors of *Paris*, *Hereticks must not be punish'd with Death, even though they should be incorrigible, nor should so much as Excommunication be fulminated against them* (c). Which shews either, that the Ex-

(c) *Interdic-
tum.*

tracts were taken from his Books with very great Variation, or that he was not exempt from Variation himself. By the Way, the Doctors of *Paris* pronounce, that this Article is rash and scandalous, that it was the Error of the *Donatists*, and that according to St. *Austin*, 'tis contrary to the Laws of Ecclesiastical Discipline.

WHILE *John Hus* was speaking, one of the Judges pitch'd upon a Passage in his Book of the Church, where he compares those who deliver a Heretick before Conviction to the secular Arm, to the High-Priests and Pharisees, who deliver'd Jesus Christ to *Pilate*. This Passage was read aloud, and rais'd a great Murmuring among the Cardinals and Bishops. *Who are the Men*, said they to *John Hus*, *that resemble the Pharisees? They are such*, said he, *as deliver up an innocent Man to the Secular Arm, as the Pharisees delivered up Jesus*

(1) *Nullus Hæreticus præter censuram Ecclesiasticam est relinquendus iudicio seculari, morte corporis puniendus.* Which is as much as to say, that the Church ought to content it self with censuring a Heretic, without delivering him over to the secular Arm, to be punish'd with Death.

(2) In the Treatise *Of the Church*, it is *de sua simili & crudeli similitudine.* *John Hus* means that the Pope and Clergy are Apes of the Chief Priests, the Scribes and Pharisees, who deliver'd up Jesus Christ to *Pilate.* *De Eccles.* Fol. 229. 1. 2.

Christ.

Christ. No, no, they reply'd to him, you mean the Doctors. Really, said the Cardinal of Cambray, according to his usual manner, They who have drawn up the Articles have done it with a great deal of Lenity, for there are things much more heinous in his Writings.

ART. XIX. *The great Men of the World ought to oblige the Priests to observe the Law of Jesus Christ.* John Hus answers, 'That he has writ in his Book, that the Church ought to consist of three Bodies, viz. The Priests, who should observe the Law of Jesus Christ, the Nobility who should cause this Law to be observ'd, and the common People, who in a Christian Manner should be serviceable to the two other Bodies.'

ART. XX. *Ecclesiastical Obedience is an Obedience invented by the Priests, without the express Authority of Scripture.* John Hus makes Answer by quoting these very Words out of his Book, 'There are, says he, three Sorts of Obedience. A Spiritual Obedience, the same that is due to the Law of God; a Secular Obedience, which is due to the Civil Laws; and an Ecclesiastical Obedience, which is an Invention of the Priests, without the express Authority of Scripture. The first Sort of Obedience is never susceptible of any Evil on the Part of him who commandeth, or of him who obeyeth.'

ART. XXI. *When a Man is excommunicated by the Pope, if without having regard to the Judgment of a Pope and a General Council, he appeals to Jesus Christ, such Appeal prevents the Excommunication from being prejudicial to him.* He does not own this Article, but he says, that he complain'd in his Book of several Wrongs done to him and his Friends at the Pope's Court, and of his having been deny'd a Hearing at that Court. 'That after he had appeal'd in vain from a Pope to his Successor, finding the Method of Councils to be tedious and the Success uncertain, he appeal'd in the last Instance to Jesus Christ, who is the Head of the Church, and who doth not refuse Justice to any Person, &c.' Thereupon the Cardinal of Cambray ask'd of him, if he pretended to be above St. Paul, who appeal'd to the Emperor, and not to Jesus Christ. John Hus answer'd, 'that tho' he were the first Man that ever appeal'd to Jesus Christ, it would not follow from thence, that he was a Heretick, and that as to St. Paul's appealing to the Emperor, it was by Order of Jesus Christ himself, who said to him, Be of good Courage, for thou must go to Rome.' As he went to explain himself more at large upon his Appeal to Jesus Christ, they all fell a laughing (a).

See Hus de Eccles. p. 235. 2.

ART. XXII. *A vicious Man acts viciously, and a virtuous Man virtuously.* ANSWER. My Words are these, 'It must be observ'd, that all human Actions are divisible into two Classes, viz. virtuous Actions and vicious Actions; which appears from hence, that if a Man be virtuous, whatsoever he doth, he doth it virtuously, where-
(a) V. d. Har. T. IV. p. 318.
' as.

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 V. Hus de
 Eccles. p.
 238. 2.

as if he be vicious, whatever he doth, he doth it viciously. For as Vice, which they call Crime, that is to say deadly Sin, infects all the Actions of its Subject; so Virtue enlivens all the Actions of a virtuous Man, because being in a State of Grace he is suppos'd to pray and to merit sleeping, and in whatever he is doing, as St. *Austin*, St. *Gregory*, and others say. This appears from the 6th Chapter of St. *Luke*, *If thine Eye*, that is to say, *thy Intention be simple*, and not depraved by the Blindness of Sin, *all thy Body shall be illuminated*, that is to say, all thy Actions shall be bright and agreeable to God. St. *Paul* says also, 2 *Cor. x. Do all things to the Glory of God*. And in the last Chapter of his Epistle to the *Corinthians*, *Do all things with Charity*. From whence it appears, that Life is virtuous with Charity, and vicious without it. The same thing is prov'd from that Passage in *Deuteronomy*, where God saith to his People, *If ye keep these Commandments, ye shall be blessed in your Houses and Fields, when ye come in, and when ye go out, sleeping and waking, but on the contrary, &c.* from St. *Austin*, on the cxlvi *Psal.* where he proves, that the good Man praiseth God whatever he doth, and from St. *Gregory*, who saith, that the very Sleep of holy Men is meritorious, &c. When this Article had been read with its Answer, the Cardinal of *Cambray* objected to *John Hus*, that as the Scripture says, *We are all Sinners, and that if any one saith, he hath no Sin he deceiveth himself*, it would follow from thence, that our Actions would always be vicious. *John Hus* answer'd, that in those Passages the Scripture speaks of Venial Sins, which are not incompatible with a Habit of Virtue. An *English* Doctor having push'd this Objection, *John Hus* got off of it by the Authority of St. *Austin*, but his Answer was unanimously rejected as foreign to his Subject. It must be own'd however, that the Passage was very much to the Purpose, as any one may be convinced, that will take the Pains to read that Passage of St. *Austin*.

Aug. in *Psal.*
 146. T. IV.
 p. 1222.

ART. XXIII. *A Priest who lives according to the Law of Jesus Christ, who understands the Scripture, and who has a Zeal for the Edification of the People, ought to preach, notwithstanding a pretended Excommunication; and if the Pope or any other Prelate forbids a Priest of such Character to preach, the Priest ought not to obey.* He owns the Article, and says, that he has prov'd it in his Book from Scripture, from the Example of the Apostles, who declared, *that it was better to obey God than Man*, and from the holy Doctors. But he declared by Word of Mouth, that the Excommunication which he meant in this Article, was an Excommunication unjust, irregular, contrary to Discipline and the Commands of God. He was afterwards reproach'd with having said, that such an Excommunication was a Blessing, and this he did not deny. Upon this the Cardinal of *Florence* said, The Law

See Treatise
 of the Church
 Fol. 142. 1. 2.

Law (1) is that an Excommunication tho' unjust ought to be submitted to. *John Hus* answer'd, that he very well remember'd there were eight Causes for which Excommunication ought to be fear'd. *Are there no more?* said the Cardinal, *It may be,* said *John Hus,* that there are more.

ART. XXIV. This does not differ from the preceding one.

ART. XXV. Ecclesiastical Censures are Antichristian, invented by the Clergy, to aggrandise themselves, and to enslave the Laity; and 'tis one Proof that those Censures which they call fulminatory proceed from Antichrist, because the Clergy chiefly dart them against those who discover the Malice of Antichrist. He deny'd the Article as to the Form and Stile of it, but he owns it as to the Substance, and refers to his XXIII^d Chapter Of the Church, where he explains himself upon it more at large. Some of the Doctors who had his Book of the Church in their Hands, read some Propositions out of it that were bolder, and more likely to exasperate than this Article; which made the Cardinal of Cambray repeat his former Observation.

ART. XXVI. No Interdict ought to be laid upon the People because Jesus Christ, who is the High-Priest, did not lay any Interdict upon Preaching, neither on Account of the Imprisonment of John the Baptist, nor for the Persecutions that were carry'd on against himself. He answers by the Quotation of an entire Passage out of his Book of the Church, where this Article is prov'd more at large, and by several Passages out of Scripture (2). But instead of having any Regard to it, they adher'd only to what was most capable of exasperating his Judges against him.

FROM these XXVI Articles taken out of his Book Of the Church, they proceeded to seven Articles extracted from his Answer to Paletz, of which this was the first.

VIII. ART. I. If a Pope, a Bishop, or a Prelate be in deadly Sin, he is neither Pope, nor Bishop, nor Prelate. ANSWER, ' I own this Article, and refer you to St. Austin, St. Jerom, St. Chrysoptom, St. Gregory, St. Cyprian, and St. Bernard, who have declar'd that a Man in a deadly Sin, is so far from being a true Pope, or a

Articles taken from *John Hus's* Book against Paletz.

(1) Among Gerson's Works there's a Dissertation, wherein 'tis examin'd whether the Excommunication of a Prelate ought to be fear'd, when it is unjust. If we may be Judge of it by Gerson's Decisions, and by the Procedure of the Court of Rome, with Regard to *John Hus*, the latter had no Reason to be much terrify'd at the Pope's Excommunication. See Gerson Tom. II. p. 426.

(2) See in his Book Of the Church, Cap. 23. Fol. 253. the Interdict fulminated against all Places which should harbour *John Hus*, after his Excommunication. *Onnem locum, Civitatem, Oppidum seu*

Burgum, exemptum seu non exemptum, ad quemcunque vel quæ, idem J. Hus declinaverit, & quamdiu ibidem fuerit & moram traxerit, & post ejus ab inde recessum per tres dies naturales continuè duraturos subjeimus interdicto, & volumus in iisdem cessari a Divinis. Which imported that every City, Town, or Burgh, Exempt or not Exempt, to which *John Hus* shou'd repair, was to be subject to the Interdict, and to a Suspension of Divine Service therein, not only during the Time that *John Hus* shou'd sojourn or stay there, but for three entire natural Days after his Departure.

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ART. II. *The Grace of Predestination is the Bond by which the Body of the Church, and each of its Members is inseparably joyn'd to the Head.* *John Hus* own'd this Article, and supported it by some Passages out of the Holy Scripture.

ART. III. *If the Pope is wicked and reprobate (d), then like Judas he is a Devil, a Thief, the Son of Perdition, and so far from being the*

(1) Cum correctione.
(2) Nemo sine crimine vivit.

(3) Ipsi Domini de Concilio nuper consenserunt quod fuerit verus Papa.

Head

(a) See the Book against Paletz, p. 256.

(a) 1 Sam. xv. 23.

(b) V. d. Har. T. IV. p. 321.

(c) Nomen meriti.

(d) Præscitus.

Head of the holy Militant Church, that he is not so much as a Member of it. This Article was acknowledg'd.

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ART. IV. This Article is very near the same as the preceding, and *John Hus* acknowledg'd it in like manner, but he added that he meant these Articles with a Limitation, as he had already explain'd himself, viz. that such Popes or Priests were nevertheless Popes and Priests, as to their Office and the Opinion of Men, tho' they were not worthy of being such, and really were not such in the Sight of God. A Fryar who sat behind *John Hus* stood up to admonish the Fathers not to be deceiv'd by this Gloss of *John Hus*. For, said he, as I was disputing with him some Days ago, I made use of this Distinction against him, and now he employs it to bring himself off of an Absurdity, but it is not in his Book: *John Hus* turning to the Fryar said to him, Are not you a Witness that this Limitation was read in my Book? See above and also the Answer to Paletz. Fol. 256. 1. But continu'd he, it was very easy to know whether *John XXIII.* was a true Pope, or whether he was a Thief and a Robber. Upon this the Prelates affirm'd that he was a true Pope, and laugh'd *John Hus* to scorn. 'Tis certain that *John Hus*, both in his Book, and in his Answers, does not seem to be very clear, nor very firm upon this Article.

ART. V. The Pope is not, nor ought to be call'd most Holy, with respect to his Office. Otherwise the King might as well be call'd most Holy, and Hangmen Cryers, and Devils might be term'd Sacred (1). I will relate the Answer of *John Hus* verbatim, ' Thus, said he, 'tis written in my Book. The Forger (2) ought to know that whoever is a most Holy Father, keepeth his Father-hood most holily, and that a very wicked Father exerciseth his Father-hood very wickedly. Consequently, a very holy Bishop must be a very good Bishop. As to what the Impostor says, that the Title of Pope is a Title of Office; it follows from thence that a wicked and reprobate Pope is most Holy, and by consequence very good as to his Office. But as no Person can be very good with respect to his Office, without exercising that Office very well, it must from thence be inferr'd, that a wicked and reprobate Pope exercises his Office very well; which he cannot do nevertheless, without being morally good, according to that Saying of Jesus Christ, *How can ye, being evil, speak good Things?* Now for a wicked and reprobate Pope to be morally good is a Contradiction (3). It follows lower down. If the Pope is call'd most Holy because of his Office, why shou'd not the King of the Romans be also call'd most Holy, for the same Reason, for according to *St. Austin*, the King repre-

Mat. xii. 34.

(1) Tortores, præcones, diaboli deberent dici Sancti.

(3) *Moraliter bonus*. I fancy he means good Manners.

(2) *Filow*. Thus he calls *Paletz*. Op. *Hus* T. I. Fol. 258. 2.

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‘ senteth the God-head of Jesus Christ, and the Priest his Manhood?
 ‘ And why shou’d not the very Hangmen be call’d sacred, since according to their Offices they ought to serve the Church of Jesus Christ, as is more largely discours’d in my Book’. It must be confess’d *John Hus* comes off here but scurvily, for he confutes a Distinction, which he himself made use of for his Defence, and from his Adversaries Principles draws Conclusions that are absurd and shocking.

ART. VI. *If a Pope live in a manner contrary to Jesus Christ, even tho’ he has been chose legally and canonically, according to human Election, nevertheless he would climb another way than by Jesus Christ. John Hus makes Answer, by quoting these Words of his Book, ‘ If the Pope live contrary to Jesus Christ, in Pride, Avarice, &c. he enters into the Lord’s Sheep-fold by another Door than that of Jesus Christ. And suppose even as you say, that he enter’d it by lawful Election, which I understand by an Election merely human, according to the common Way; yet for all that he would climb another Way, if he is covetous and ambitious. For Judas Iscariot was chose very lawfully to the Episcopacy by Jesus Christ himself, and yet he came in another Way, for he was a Thief, a Devil, and the Son of Perdition.’ Behold now, said Paletz, see the Extravagance and Frenzy of this Man, to say that Judas was elected by Jesus Christ, and yet he enter’d the Sheep-fold by another Way, and not by Jesus Christ. Both the one and the other are true, reply’d John Hus. He was chose by Jesus Christ and he enter’d another Way, because he was a Thief, a Devil, and a Son of Perdition. But, reply’d Paletz, may not a Man be chose Pope or Bishop very legally, and live afterwards in a manner contrary to Jesus Christ, without climbing by any other Way? For my own Part, said John Hus, I affirm that whoever enters into a Bishoprick by Simony, and not with an Intention to serve the Church of God, but to live in Effeminacy, Voluptuousness, Luxury and Pomp, I do affirm, I say, that such a Man climbeth by another Way, and that according to the Gospel, he is a Thief and a Robber.*

ART. VII. *The Sentence which the Doctors have pass’d upon Wickliff’s 45 Articles, is unreasonable and unjust, and the Reason they alledge for that Sentence, viz. That not one of those Articles is Catholic, and that they are all Heretical, Erroneous or Scandalous, is entirely false. This Article is own’d. Upon this Confession, the Cardinal of Cambray reproach’d him with having said that he wou’d not defend one Article of Wickliff, tho’ he had publickly defended them in his Books. Reverend Father, said John Hus to the Cardinal, I say the same Thing again that I have said already, viz. That my Intention is not to defend either the Errors of Wickliff or those of any other Man. But, as I thought that my Conscience did not permit me to condemn all the Articles of his Doctrine, purely and simply, unless I was referr’d to some Authority in Scripture,*

Scripture, to prove the Falshood of it, I cou'd not consent to the said ^{1415.} Condemnation.

IX. To these seven Articles were added six others taken out of ^{Articles tak-} John Hus's Book against Stanislaus de Znoima Divinity Professor at ^{ken out of} Prague, who had been his Tutor, as John Hus owns in the Beginning ^{a Book a-} of this Book; from which Book it appears also that this Stanislaus ^{gainst Stani-} Znoima had been one of Wickliff's Admirers, and a great Man ^{V. d. Hardt,} with John Hus and his Party; but being terrify'd by the Thunder of ^{T. IV. p.} the Vatican, he chang'd Sides and run down those with his Invectives, ^{323.} whom before he had cry'd up to the Skies.

ARTICLE I. *The unanimous Consent of those who have elected a Pope, or the major Part of them, is not what makes him a Pope and Successor of Jesus Christ, or Vicar of St. Peter; but he receives from God a more abundant Power, in Proportion to the Zeal and Success with which he labours for the Edification and Advantage of the Church.* He agrees to this Article, and explains it more at large by a Passage of his Book, where he says amongst other Things, that it may chance, without any Fault ^{Op. Hus. T.} in the Electors, that they may place a Woman in the Papal See, as ^{I. p. 267.} actually happen'd in the Person of Agnes, call'd Joan, who enjoy'd the ^{and 288.} Papacy for above two Years.

ART. II. *A reprobate Pope is not the Head of the Holy Church.* See the Tract ^{against Znoi-} This Article is own'd and explain'd more at large. ^{ma, p. 271.}

ART. III. *There is no Spark of Appearance that the Militant Church ought to have one sole Head to govern it in Spirituals, and always to converse with it.* He not only acknowledges this Article, which is express'd ^{Op. Hus. T.} in so many Words, in his Book against Znoima, but he shews what ob- ^{I. p. 277.} lig'd him to advance it. His Adversary had said that John Hus and his Adherents cou'd not but own, that the Pope, tho' a Reprobate, is the Head of the Church, because they were oblig'd to acknowledge the King of Bohemia to be the Head of that Kingdom, without knowing whether he is predestinate or not (1). He denys the Consequence, because the Church has always in Jesus Christ a Head, who governs it spiritually, and is more essential to it, than the Emperor is to the Empire, unless some Heretic, says he, should offer to say that the Militant Church has a permanent City here below, without any Concern about that which is to come.

(1) Nam quæ est consequentia? Rex Bohemæ est caput Regni Bohemæ, ergo Papa est caput totius Ecclesiæ militantis. Christus enim est caput in spiritualibus, regens militantem Ecclesiam multo magis necessarîo quàm oportet Cæsarem in temporalibus regere. Hus ubi supr. & V. A. Hardt T. IV. p. 324. i. e. For what is

the Consequence? The King of Bohemia is Head of the Kingdom of Bohemia, therefore the Pope is Head of the whole militant Church. For Christ is the Head in Spirituals ruling the militant Church by much greater Necessity than Cæsar ought to rule in Temporals.

ART. IV.

I. 115.

ART. IV. *Jesus Christ wou'd govern his Church better by his true Disciples, who are dispers'd throughtout the World, than by such monstrous Heads.* *John Hus* shews that this Proposition is separated from the rest of his Discourse on Purpose to render it odious. What he says he had advanced in his Book is as follows, ' Tho' the ' Doctor (*Znoima*) says that the Militant Church is sometimes without a Head, nevertheless we truly believe that *Jesus Christ* is the ' Head of the whole Church, and that he governs it indefeasibly ' (*indefectibiliter*), by animating and supporting it with his Spirit till the Day of Judgment; and the Doctor can give no Reason ' why the Church, which subsisted well enough without a Head, and ' liv'd at least, as to many of its Members, in the Favour of *Jesus Christ*, in the Time of *Agnes*, for two Years and five Months, ' cou'd not do as well without a Head for a greater Number of ' Years, since *Jesus Christ* would govern his Church better by his true ' Disciples, who are dispers'd throughout the whole World, than by ' such monstrous Heads'. After this Answer of *John Hus* had been read, some thought fit to say that he prophesy'd (a). But *John Hus* without being concern'd at their Banter, reply'd, *Yea, I affirm*, says he, that the Church was govern'd infinitely better in the Time of the Apostles than it is now. And what can hinder *Jesus Christ* from governing it by his true Disciples without those monstrous Heads? But tho' I say the Church has no Head at present, yet *Jesus Christ* ceaseth not to govern it.

(a) *Ecce jam prophetat.*

ART. V. *St. Peter was not the Universal Pastor of the Sheep of Jesus Christ, much less the Roman Pontiff.* *John Hus* denies that he explain'd himself after that Manner in his Book, but he agrees that he said what follows, ' That *Jesus Christ* did not give all the World to ' *St. Peter* for his Jurisdiction, nor did he limit him to one Province ' only, any more than he did the other Apostles. That some travell'd ' thro' many Countries preaching the Gospel, and others thro' fewer. ' That *St. Paul*, who labour'd more than all the rest, converted a great ' Number of Provinces personally. That finally it was lawful for every ' Apostle or his Vicar to convert or confirm in the Faith, as many ' Countries and People as they cou'd, so that the Jurisdiction of each ' was only limited, because they cou'd not be every where.'

(a) *Op. Hus. T. I. p. 21. V. d. Hardt, IV. p. 325.*

ART. VI. *The Apostles and the faithful Ministers of Jesus Christ govern'd the Church very well, in Things necessary to Salvation, before the Office of Pope was introduced; and 'tis very possible that they wou'd do so to the Day of Judgment, were there no Pope.* Then they reproach'd him again with setting up for a Prophet, but instead of retracting this Article, he made the same (a) Answer as he had done just before, and repeated the very Words exactly. Upon this, an *Englishman* reproach'd him, that this was the express Doctrine of *Wickliff*, and that he

he glory'd in it, as much as if it was his own. What was the Answer to this Reproach does not appear, but it must be observ'd that the old Author of his Life says, that he had not always the Liberty to answer every Thing, and that many of the Answers abovemention'd were actually found in his Prison, written with his own Hand.

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X. AFTER this Examination, the Council wanted *John Hus* to retract, and the Cardinal of *Cambray* was the Man that address'd him first, in these Terms, ' You see how many heinous Crimes you have been accus'd of. You are now to consider well, what you have to do. The Council has but two Things to propose to you, of which you will act wisely to embrace the first, which is to submit your self humbly to their Sentence and Decree, and to undergo, without repining, whatever they shall please to inflict on you, in which Case, you will be treated with all the Gentleness and Humanity possible, in Respect to the Emperour, who is here present, and the King of *Bobemia* his Brother, as well as for your own Sake. If on the contrary you chuse the other Way, which is to defend any of those Articles laid to your Charge, and to demand another Hearing for that Purpose, you shall not indeed be refus'd a Hearing; but consider well that here are a great many Persons of Weight and Knowledge, who have produc'd such strong Arguments against your Articles, that I much fear, while you persist in your Defence, your Obstinacy will expose you to some fatal Consequence. This I say, not as your Judge, but as your Monitor.' The other Prelates added their Exhortations and Intreaties to those of the Cardinal. But *John Hus*, with a lowly Countenance, humbly made answer, ' Reverend Fathers, I have already said more than once, that I came hither of my own Free-will, not to maintain any Thing with Obstinacy, but to receive Instruction, if it shou'd appear that I had been mistaken. I intreat you therefore that I may be allow'd to explain my Sentiments more at large, and if I do not support them by certain and solid Arguments, then I will readily conform to your Instructions, as you desire (1).' Upon this one cry'd out, see the Man's Craft, he talks indeed of the Instruction of the Council, but not of their Censure and Determination: *With all my Heart*, said *Hus*, call it *Instruction, Censure or Determination, which you please. for I take God to Witness that I speak as I think.* Upon this the Cardinal of *Cambray* said to him, ' That since he was willing to submit to the Council, he ought to know that it had been resolv'd by about 60 Doctors, of whom some were already withdrawn, and afterwards unanimously approv'd by the whole Council.

Endeavours us'd with *John Hus* to make him retract.

Op. Hus ub. supr. Fol. XXIV, &c.

(8) Libenter ad vestram informationem ut vultis concedam. *Von der Hardt, T. IV. p. 325.*

‘ 1. THAT

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1. THAT he should confess to have err'd in holding those Articles which had been alledg'd against him, and ask Pardon. 2. That he should promise upon Oath never to teach or hold them any more. 3. That he should retract them all in Public'. The Cardinal had no sooner pronounc'd this kind of Sentence, but there arose a great Noise in the Assembly, after which *John Hus* made this Answer, I say it once again, I am ready to receive the Instruction of the Council, but I intreat and conjure you in the Name of God, who is our common Father, not to force me to do any Thing against my Conscience, and to the Hazard of my eternal Salvation, which I should risque by abjuring all the Articles that have been propos'd to me. *To abjure is to renounce an Error that hath been held.* But as there are many of those Articles, in which Errors are laid to my Charge, that never once enter'd into my Head; how can I renounce them by Oath? As to those, which I own to be my Articles, if any one will teach me any Thing better than what I have therein advanc'd, I am ready with all my Heart to do what you require of me. *But, said the Emperor, where's the Danger and Difficulty of your renouncing, even those Articles, which as you say, were falsly alledg'd against you? For my own Part, continued he, I am ready this very Minute to abjure all Errors of any kind. Does it follow from thence that I held them before?* Then *John Hus* represented to the Emperor with Respect, that the Word was equivocal, and that there was a great Difference between abjuring all Manner of Errors in general, and the renouncing of Errors in particular charg'd upon a Man, which he never held. The Cardinal of *Florence*, in Hopes to stagger *John Hus*, gave him Hopes he shou'd have a Form of Abjuration so equitable and gentle, as perhaps he wou'd like. The Emperor and several Fathers of the Council made the same Proposal to him, and the same Intreaties. But as he still persisted to say that he wou'd neither approve nor abjure any Thing contrary to his Conscience, and to desire to be heard once more, *especially, said he, as to Ecclesiastical Offices and Dignities,* the Emperor spoke to him at last in these Terms, You are of Age, and after what I have now repeated to you, 'tis at your Option to chuse the Alternative. We cannot but give Credit to those Winesses, so worthy of it, that have been heard. For if in the Mouth of two or three Winesses every Truth shall be establish'd, how much more ought we to rely upon the Testimony of so many Persons of Worth? Therefore if you are wise, you will submit with a contrite Heart to the Penance that shall be impos'd on you by the Council; you will renounce your Errors, because they are manifest, and you will swear to teach and hold them no longer, but on the contrary, to oppose them as long as you live; otherwise there are Laws according to which the Council will judge

‘ you.’ A *Polish* Bishop thinking no doubt to explain those last Words of the Emperor, which however were not very obſcure, ſaid thereupon, that there were very expreſs Laws againſt Hereticks. But *John Hus* answering as before, that he did not think himſelf guilty, ſome declar’d aloud, that *he was an obſtinate Heretic*; and among others there was a certain Prelate, who thinking that the Emperor did him too great a Favour to admit him to retract, charg’d him as he had been before, with having writ to his Friends, *That tho’ he recanted with his Lips he would never retract with his Heart* (1). *John Hus* answer’d, that this was meer Calumny, and, as he ſtill proteſted, that he did not think himſelf guilty of any Error, *Paletz* reproach’d him, that he contradicted himſelf, becauſe he had publickly defended the Doctrin of *Wickliff*. To prove this *Paletz* then read nine of *Wickliff’s* Articles, and aſſerted that *John Hus* had publickly defended them at *Prague*, in Preſence of Duke *Erneſt* of *Austria*, and in the Books (2) which he had publiſh’d, and which ſhou’d be produc’d if *John Hus* refus’d to do it himſelf. Probably thoſe Books of *John Hus* in Favour of *Wickliff* were not common at that Time. For Printing not having been yet invented, it was not eaſy to have very many Copies of one and the ſame Book. Beſides, the Friends of *John Hus* conceal’d his Tracts as much as they cou’d, with which he was well pleas’d, as appears from his 37th Letter, wherein he expreſſes his Joy, that one of his Books was conceal’d (3); but he was nevertheleſs ready to defend them, whenever they were ready to produce them. Of this he gave publick Proof upon this Occaſion, *I agree with all my Heart*, ſaid he to *Paletz*, *that not only the Books in Queſtion, but all that I ever wrote, may be produc’d*. Theſe were not all the Attacks that were made upon him. He was accus’d of *having ſlanderouſly interpreted a certain Sentence*, or ſome Diſcourſe of the Pope (4). He poſitively deny’d the Fact, proteſting that he never heard of it, but in the Priſon where the Commiſſioners accus’d him of it. And when he was prefs’d to declare who was the Author of that Slanderous Interpretation, he declar’d that he knew nothing of it, but that he had heard ſay it was *Dr. Jeſſenitz* (5). But, ſaid they, *What think you of this Interpretation? How can I give my Opinion of it*, ſaid he, *when I have never ſeen it, and know nothing of*

(1) Si etiam lingua juret, mentem injuratum retinere vellet. *V. d. Hardt* T. IV. p. 526.

(2) Theſe Articles are not expreſs’d in the Relation. See thoſe Books. *Op. Hus*. T. I. Fol 105, 108, 111.

(3) Valde gratus ſum, quod occultus eſt, & ſic de alijs.

(4) Quandam Sententiam Papæ. *V. d. Hardt*, T. IV. p. 327.

(5) He was a Doctor of *Prague*, a Friend to *John Hus*, and one that he often ſpeaks of in his Letters. See the XXXVIIth.

1415, *it more than what you tell me?* The Relation says he was so weary'd out with these ensnaring Quibbles, that he began to want Spirits, which is the leis surprizing, because he had had no rest all Night, for the Tooth-Ach (a), and for some Days before had been afflicted with the Gravel, and had vomited a great Quantity of Blood.

(a) Epist. 37.

New Articles
against John
Hus.

XI. NEVERTHELESS they charg'd him with another Article, viz. *That three Men having been beheaded at Prague, who at his Instigation had spoke injuriously of John XXIII's Crusado, he had caus'd them to be interr'd with Pomp, and rank'd them in one of his Sermons among the Number of Saints.* To this Naso added, that he was present when the King of Bohemia condemn'd those Blasphemers to die. John Hus made Answer in the first Place, That he was not at Prague when those three Men were beheaded, and consequently did not cause them to be interr'd either with Pomp or otherwise.

(b) *Æn. Syl.*
Hist. Bobem.
Cap. 35. fin.
(c) *Dubrav.*
Hist. B. b. em.
Lib. 23. p.
619, 620.

According to *Æneas Sylvius* (b), this Tragical Adventure did not happen till John Hus was retir'd to the Place of his Nativity, and he does not say that he had any Hand in it. 'Tis true that *Dubravius* (c) says that John Hus was not only present in the Action, but was the Promoter of it, that he pleaded the Cause of those three Men in full Senate, and that he caus'd them to be interr'd with Ceremony; tho' *Dubravius* declares he did not preach upon this Occasion. But every Body will easily judge that the Testimony of John Hus added to that of *Æneas Sylvius*, who was Cotemporary with him, and a Person not to be suspected, ought to be prefer'd to that of so modern an Author as *Dubravius*, and to that of the Enemies of John Hus. Secondly, That it was not true that those Men were punish'd by order of *Wenceslaus*, and that consequently an Injury was done both to Him and the King at the same Time. This may be confirm'd from the Testimony of *Æneas Sylvius* just now mention'd. For in this same Place he expressly accuses the King of Neglect, and according to Him as well as *Dubravius*, the Senate only had to do in this Affair, which throws great Suspicion on the Testimony of *Paletz*, who, to support what *Naso* had said, added that the King having by an Ediſt prohibited all Opposition to the Pope's Bull, had indirectly condemn'd those three Men, because they had rebell'd against that Bull, and at the same Time against the King's Orders. But continu'd *Paletz*, to shew you what John Hus thinks of this Matter, one need only consider these Words of his *Book Of the Church*. Whereupon *Paletz* fell to reading of that Passage where John Hus had extoll'd the three Men above-mention'd. They had no doubt read the Prophet *Daniel*. — Just so these Laymen, for not only disbelieving, but opposing the Dreams of Antichrist, forfeited their Heads, and there were many who joynd them, while others abandon'd them, being frighten'd by the Menaces of Antichrist. The whole Assembly was so surpriz'd at what *Paletz* had now read, that they were

Hus de Eccle-
ſia. Fol. 245.
Daniel xi. 33.
34. 35.

were struck for a while with a profound Silence. But *Naso* and *Paletz* taking Advantage of the Disorder which they observ'd in their Countenances, added to what they had already said, ' That *John Hus* in one of his Sermons had so exasperated the People against their Magistrates, that a great many Burghers publickly oppos'd the *Crusado*, declaring that they were ready to suffer Death as well as the three others, which caus'd a Disturbance that the King had much ado to pacify'. *John Hus* did not pretend to say that he had not extoll'd those three Men, or that he had not preach'd against the *Crusadoes*, nor indeed cou'd he clear himself from those Charges, after he had done both in so publick a Manner. But *Paletz* should have been one of the last Men to have attack'd him in the Article of the *Crusado*, because he himself disapprov'd of it at first, as *John Hus* affirms in his *Treatise of the Church*. After this Accusation, some *Englishmen* produc'd the Copy of a Letter from the University of *Oxford*, which they pretended was fictitious, and which *John Hus* had read in the Pulpit, to recommend *Wickliff* to the People. *John Hus* being examin'd upon this Article, own'd that he had publickly read this Letter, and added that it was brought to *Prague* with the Seal of the University of *Oxford*, by two Students who came from *England*. Being ask'd who those two Students were, My good Friend there said *John Hus*, pointing to *Paletz*, knows one of them as well as I: As for the other, I know not who he was, but I heard say that he dy'd, returning to his own Country. As to the former, *Paletz* said that he was a *Bohemian*; and that he brought a little Piece of *Wickliff's* Tomb-stone from *England*, which the Followers of *John Hus* reverenc'd as a Relic. From hence he infer'd that *John Hus* was the Author of this Intrigue.

THOSE very *Englishmen* read another Letter afterwards, which had the Seal of the University of *Oxford*, but was the very Reverse to the above-mention'd; for it import'd, ' That the Senate of the University of *Oxford* was sorry to hear that *Wickliff's* Errors were spread throughout *England*, that to remedy this Evil, the said Senate had appointed twelve able Doctors to censure the Books of the said *Wickliff*, and that they had therein mark'd two hundred Articles, which the whole University had judg'd worthy to be burnt. But that in respect to the Council they had sent them to *Constance*, there to be condemn'd with Sovereign Authority.' There being some Silence after the reading of this Letter, *Paletz* rose up and protested before God and the Council, that in the whole of this Accusation, he had said nothing out of a Principle of Hatred or Enmity against *John Hus*, and that whatever he had done relating to him, was only to fulfill the Oath which he had taken when he was admitted a Doctor, to oppose Heresy to the utmost of his Power. *Michael*

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Michael de Causis having likewise made the same Protestation, *John Hus* protested for his own Part, that he recommended his Cause to the just and sovereign Judge of the World. Then the Cardinal of *Cambray* again extoll'd the Gentleness and Humanity of *Paletz*, because while he was making Extracts out of the Books of *John Hus*, he had omitted a great many things of a much more crying Nature than what were contain'd in the Articles which he had deliver'd to the Council. After this long Examination, *John Hus* was again put into the Hands of the Archbishop of *Riga* to be carry'd to Prison, whither *John de Chlum* follow'd him to comfort him, for it appears by the Relation, and by the Letters of *John Hus*, that so tedious and painful a Hearing had extremely weaken'd him both in Body and Mind. *Oh! what a Comfort was it to me, says he, to see that the Lord John de Chlum did not disdain to stretch out his Arm (a) to a miserable Heretick in Irons, whom all the World had in a Manner forsaken.* In this same Letter he conjures his Friend to pray to God for him, because says he, *the Spirit is willing, but the Flesh is weak.*

Ep. XXXII
(a) Porrigere manum.

The Emperor's Opinion concerning *John Hus*.

XII. WHEN *John Hus* was withdrawn, the Emperor deliver'd his Opinion to the Council in these Terms, " You have heard the Articles laid to the Charge of *John Hus*. They are grievous, numerous, and prov'd not only by credible Witneses, but by his own Confession. In my Opinion, there's not a single one among them which does not call for the Punishment of Fire. If therefore he do not retract all, I am for having him burnt. And even tho' he should obey the Council, I am of Opinion, that he should be forbid to preach and teach, or ever to set foot again in the Kingdom of *Bohemia*. For if he be suffer'd to preach, and especially in *Bohemia* where he has a strong Party, he will not fail to return to his natural Bent, and even to sow new Errors worse than the former. Moreover I am of Opinion, that the Condemnation of his Errors in *Bohemia*, ought to be sent to my Brother the King of *Bohemia*, to *Poland* and other Countries where this Doctrine prevails, with Orders to cause all those who shall continue to believe and teach it, to be punish'd by the Ecclesiastical Authority and by the secular Arm joyntly. There is no Remedy for this Evil, but by thus cutting the Branches as well as pulling up the Root. Moreover 'tis absolutely necessary that the Bishops and other Prelates who have labour'd here for the Extirpation of this Heresy, be recommended by the Suffrages of the whole Council to their Sovereigns. Lastly, says the Emperor, if there are any of *John Hus's* Friends here at *Constance*, they ought to be restrained with
" all

“ all due Severity, but especially his Disciple *Jerom* (1) ”. Whereupon some said that *Jerom* of *Prague* might be brought to Reason by the Punishment of his Master.

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XIII. NEXT Day *John Hus* had a Form brought to him of the Recantation which the Cardinal of *Florence* had spoke of the Day before. It ran as follows. ‘ I *John Hus*, &c. Besides the Protections which I have already made, and to which I adhere, I do again protest, that though a great many things are laid to my Charge which I never thought of, I humbly submit myself to the merciful Ordinance, Determination, and Correction of the sacred Council, concerning all matters which are to me imputed or objected, and which are taken out of my Books, or in a Word, proved by the Deposition of Witnesses, in order to abjure, revoke, and retract them, and to undergo the merciful Penance of the Council, and to do in general whatever they shall think necessary in their Goodness for my Salvation, recommending myself to their Mercy with an entire Submission (*devoitissime*) ’. If we may judge by the Title which this Form bears in the Works of *John Hus*, it was sent to him by the Cardinal *John de Brogni*, Bishop of *Ostia*, and President of the Council. For the Title of the Form was thus. *The Council of the Father*, that is to say, of the Cardinal of *Ostia*, whom *John Hus* so calls for fear of exposing him to some Danger, for this Prelate was not reckon’d his Enemy. *John Hus* having read this Form, thank’d the Father by a Letter for his paternal Favour and Goodness (2) but he declar’d at the same time, ‘ That he did not dare to submit to the Council on the Foot of this Form; first, because he would then be

John Hus has a Form of Recantation delivered to him. June 9. Op. Hus T. 1. Fol. 70. 1. V. d. Hardt, T. IV. p. 329.

Pag. 15. Epist. XXXVII.

(1) Multa eaque gravissima in *Joannem Hus* crimina audivistis, non solum firmis testimoniis probata, verum etiam ab ipso confessâ, ex quibus singula, meo iudicio, mortis supplicio digna essent. Nisi igitur recantet illa omnia, ego censeo, ut ipsis supplicio afficiatur. Sin (si) fecerit imperata, tamen ego consulo, ut ei prædicandi, & docendi officio, & ipso etiam regno *Bohemie* interdicatur. Nequam enim committet (omittet) si iterum admittetur ad docendum, maximè vero in regno *Bohemie*, quin illorum, quos ibi habet, gratia & favore fretus, ad ingenium redeat. Et præter hos, errores novos etiam in vulgus spargat. Ita novissimus error priore pejor futurus esset. Deinde censeo Articulos ipsius condemnatos fratri meo Regi *Bohemie*, deinde in *Poloniam*, & alias Provincias, in quibus animi hominum ejus Doctrina sunt imbu-

ti, mittendos esse, cum ejusmodi mandato, ut quicumque ita sentire prærexerint, utriusque potestatis communi auxilio puniantur. Ita demum huic malo subveniri poterit, si rami una cum ipsa radice funditus evellantur. Episcopi vero, & alii Prælati, qui de extirpanda hac Hæresi hic laborarunt, ipsis Regibus & Principibus, in quorum ditionibus sunt, totius Concilii suffragiis commendentur. Postremo, si qui hic *Constantie* reperiantur *Joannis Hus* familiares, illi quoque ea, qua debent severitate coerceantur, imprimis vero Discipulus ejus *Hieronymus*.

(2) The Letter had these Words on the Superscription: May the Almighty, All-wise and merciful Father, vouchsafe to grant everlasting Life to my Father, who for the sake of *Jesus Christ* is favourable to me.

‘ under

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under a Necessity of condemning several Propositions that are termed scandalous, which he holds nevertheless for so many Truths; secondly, because he could not abjure without being guilty of Lying and Perjury, because this would amount to a Confession that he has taught Errors, which he could not make without giving Offence to the People of God, who have heard him teach the contrary in his Sermons. If therefore, *continues he*, Elcazar who was a Man under the Old Law, refus'd to say falsely, that he had eaten of the Flesh forbidden by the Law, for Fear of offending God and leaving a bad Example to Posterity, should I, who tho' unworthy am a Priest of the New Law, presume for Fear of transitory Punishment to transgress the Law of God by so great a Sin as it would be to Lye, to perjure myself, and to give Offence to my Neighbours? Verily I had rather suffer Death than to fall into the Hands of God, and perhaps afterwards into everlasting Fire and Disgrace, by avoiding a Punishment which is only temporary. As I have appeal'd to Jesus Christ the Almighty and All-righteous Judge, I shall abide by his Sentence, being very sure that he will not judge, neither according to false Witnesses, nor according to fallible Councils, but according to the Truth, and to the Desert of every Mortal. In the Title of this Answer 'tis also said, John Hus *answereth to the Father, that is to say to the Cardinal*; but according to the Letter itself one would not suppose but that the Person to whom John Hus wrote was a Prelate or a Friar, for he calls him *Reverend Father*. Which soever it was, this Father endeavoured to remove the Scruples of John Hus, whom he calls his *most dear Father* (1). *Make no Scruple*, says he to him, *to condemn Truths. It is not you that will condemn them, but they who are your Superiors* (2), *and mine too at this time* (3). *Remember what I now say to you: Do not rely upon your own Wisdom. There are in the Council many learned and conscientious Men; My Son give Ear to the Law of thy Mother. So much for the first Point. As to the second which relates to Perjury, if there be any Perjury in it, 'twill not fall upon your Head, but upon those who have requir'd it of you. Besides, they are not Heresies with regard to you, provided your Conduct be not obstinate* (4). *St. Augustin, Origen, the Master of Sentences, &c. erred, and retracted with Joy. I have several times thought I had a right Notion of some Things, in which I was mistaken; but as soon as I was convinced of my Error, I receded from it*

(1) Amantissime & dilectissime Frater.

(2) Majores vestri, & etiam nostri, de presenti.

(3) At this Time. These Words make it probable, that he who speaks is a

Monk, because the Monks pretend to be exempt from the Jurisdiction of the Bishops, and to depend only upon the Pope.

(4) Non sunt Hereses quoad vos, cessante pertinacia.

cheerfully. I write in few Words, because I write to a Person of Understanding. You will not depart from the Truth, but advance nearer to it. You will not perjure yourself (1), but will become better. You will not give Offence, but edify. 'Tis true, that Eleazar acquir'd a great deal of Glory, and Judah and her Seven Sons still more. Nevertheless St. Paul permitted himself to be let down in a Basket, that he might live to do good in his Generation. May Jesus Christ, who is the Judge of your Appeal, vouchsafe to give you Apostles, and they are those (2). You must expect more Conflicts for the Faith of Jesus Christ. Those Words, May Jesus Christ grant you Apostles, and there they are, are extremely obscure. 'Tis visible enough that they have a Relation to what John Hus had said, that he appealed to Jesus Christ. *Apostoles* is a Term of Law for the *Dimissory Letters* which the Appellant ought to have from the Judge from whom he has appeal'd, because if he does not obtain them by a certain Term, he is deem'd to have renounced his Appeal, and oblig'd to submit to the former Judgment. Therefore as far as I can guess, the Father insinuates to John Hus, that he ought to look upon the Letter he writes to him, as a sort of *Dimissory Letter* and *Apostole*, and that the Hints which he gives him, are the only Means he has left to avoid the Condemnation of the Council. As to the last Words, where the Father tells John Hus that he must expect other Conflicts for Jesus Christ, it must be own'd, that they are extremely ambiguous, and that the Sense which they bear *prima facie*, would have been very obnoxious to the Council, if they had but known of it. For the Father thereby plainly acknowledg'd that John Hus had already stood Shocks for Jesus Christ, which favours strongly of Hussitism. 'Tis therefore of Importance to know whether the Writer who used these Expressions was really the President of the Council, as is pretended in the Title, or some other Person of less Consequence. I am very much inclin'd to think the latter, and my Reasons for it are these.

XIV. 1. THE Titles of the Letters of John Hus, being not of his own drawing up, but probably of Luther's, who caus'd those Letters to be printed with a Preface in 1537. the said Titles are not sufficient to prove that the Father who wrote to John Hus, and whom John Hus answer'd, was the Cardinal de Viviers, because Luther could only say so by Conjecture, or according to some Tradition, no Author having mention'd it before him. 2. The Style of those Letters is not the Style of a Cardinal and of a Bishop who writes to a Priest, nor that of a Priest who writes to a Cardinal or a Bishop; for John Hus

Whether the Cardinal de Viviers was favourable to John Hus.

(1) Non pejerabitur, sed meliorabitur. There is a Pun in those Words, which cannot be shewn in the Translation.

(2) Ad procurandum meliora. Jesus Christus Judex appellationis vestræ det vobis Apostolos, & ii sunt.

only.

1415.
 V. d. Hardt,
 T. IV. p.
 325.

Op. Hus. T.
 I. Fol. 61-2,
 & 62-2.

(a) Op. Hus.
 T. II. Fol.
 364.

only calls this Father *Reverend*; whereas if he had been a Cardinal, and especially Dean of the Cardinals, and President of the Council, he would not have fail'd to have stil'd him *Most Reverend*, as he did the Cardinals of *Cambray* and *Florence*. Nor would a Cardinal, on the other hand, have stil'd a meer Priest, his Brother, but rather his Son; especially considering that *John Hus* gave him the Title of Father. 5. I don't find this great Favour for *John Hus* in the Character of the Cardinal *de Viviers*, as may be prov'd from the 15th Letter of *John Hus* himself, where in his Account of his first public Examination, it does not at all appear that the President of the Council was any more favourable to him than the other Judges. *John Hus* complaining of the Confusion that happen'd at that Hearing, the President of the Council said to him, *Do you talk at this rate? You were more modest at Gotleben.* *John Hus* making Answer that if he appear'd to be more calm in Prison, 'twas because no Body exclaim'd against him at that Time, as they did all at once in this Session; the President of the Council ask'd him if he would stand to the Information of the Council. Yes, reply'd *John Hus*, upon the Foot of my Protestations; *Very well*, said the President, *Know therefore, that the Council doth insist that you abjure all the Articles which have been extracted from your Books, because the Doctors have judged them to be erroneous, and because they have been proved by Witnesses.* This was also the Language of the Cardinals of *Cambray*, *Florence*, and all the others. Two things might have deceiv'd the Author of the Title of the Letters of *John Hus*; One the Declaration that *John Hus* makes in his 30th Letter, that he had no Friends among all the Clergy, but the Father and a Polish Doctor (1). The other, the Mention which *John Hus* makes in his 54th Letter of one *John Cardinal*, as of a Man entirely in his Interests. And indeed among the Works of *John Hus* (a), we find an Act drawn up in 1417. by Master *John Cardinal* in favour of the Communion in both kinds. As the Bishop of *Ostia* was a Cardinal and his Name *John*, he was taken for the kind Father that *John Hus* speaks of in his XXXVith Letter. But one need only read *John Hus's* own Words to discover that the Person here intended was neither the Cardinal *de Viviers*, nor any other Cardinal, but some Person called *John Cardinal*, who was a Hussite. *I beg Master John Cardinal, says John Hus, to be very circumspect, because they whom he took for his Friends, were so many Devils. I heard my Examiners say, This John Cardinal alone confounds the Pope and Cardinals together, by saying that they are all Simonists. Let Master Cardinal keep as close as he can to the Emperor's Court, for fear they*

(1) Non consideravi quod haberem in tota multitudine Cleri amicum, præter Patrem & unum Doctorem Polonum. Epist. XXXVI.

arrest

1415.

arrest him as well as me. In another Letter he says, that he has heard nothing concerning one of his Domesticks who was a *Polander*, nor touching Master Cardinal. 'Tis needless to make any Remark upon those Words, to shew that the Person intended here was some *Hussite*, and not the Cardinal *de Viviers*, who never was suspected of *Heresy*, and who after having presided at the Council of *Constance*, had the Administration of the Bishoprick of *Geneva*, and dy'd quietly at *Rome* in 1426, with a great Reputation for Piety. 'Tis highly probable therefore, that the Father who was a Friend to *John Hus*, was some Monk, who for that Reason is not nam'd.

XV. BE this as it will, *John Hus* persisted in his former Resolution, adding, that he had rather be cast in the Sea with a Millstone about his Neck, than give his Neighbour Offence; and that as he had preach'd up Patience and Constancy to others, he was willing to shew an Example thereof, and hop'd by the Grace of God to be able. It appears from several of his Letters, that he was most earnestly sollicitated to retract by several Persons of different Characters, but that he would never consent so much as to the least Equivocation. He there gives an Account that among others, *Paletz* put himself in the List of those Sollicitors that endeavour'd to shake his Constancy, by advising him to relent. *Put yourselves in my Place*, said *Hus* to them, *what would you do if you were required to retract certain Errors which you were very sure you never held?* *own*, said *Paletz* with Tears in his Eyes, *'tis a very hard Case.* *John Hus* in his XXXIIId Letter, mentions a pleasant Argument used by a certain Doctor whom he does not name, who would fain have persuaded him to submit blindly to the Council. *If the Council*, said the Doctor to him, *should even tell you that you have but one Eye, tho' you have two, you would be oblig'd to agree with the Council.* But said *John Hus*, *as long as God keeps me in my Senses, I would not say such a thing, even tho' the whole World should require it, because I could not say it without wounding my Conscience.* The Doctor blush'd for having made choice of so ridiculous an Instance. We find several Letters of *John Hus* that were writ much about this time; and it even appears by one of those Letters, dated the 19th of *January*, 1415. (a) that they were publickly read at *Prague* in the Chapel of *Bethlehem*. There is one of the 8th of *June*, which may be considered as a Farewel Sermon to his Flock. Every Body is therein remember'd, High and Low, Poor and Rich, Clergy and Laity, Masters and Servants, Præceptors and Pupils; every Body is therein exhorted to discharge their Duty according to their Character and Vocation. He conjures them all to adhere solely to God's Word and Law, and though he thinks in his own Conscience that he has never departed from it in his Doctrine, he exhorts them at the same time

The Constancy of John Hus. Op. Hus ub. sup. Epist. 41.

Ep. XXX. XXXI. XXXII.

(a) Ep. XI.

Ep. XXXVI.

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not to follow him in what they may have observed in his Sermons, Conversation or Writing, which is not agreeable thereunto, as well as to pardon him, where any Levity has escap'd from him in his Discourses and Behaviour, and in those respects not to imitate him. Then he recommends it to them to be grateful to the Lords who accompany'd him, particularly *Wenceslaus de Duba* and *John de Cblum*, exhorting them to give entire Credit to whatever they shall report to them, as having been Witnesses of that open Confession which he made of his Faith before his Judges. He puts up his Prayers for the King and Queen, says that he hears no News of *Jerom of Prague*, except that he is under heavy Bands, waiting as well as himself for Sentence of Death; and he concludes with recommending the Gospel to be always preach'd to them in his Dear Chapel of *Bethlehem*, as long as God shall continue it to them.

John Hus never retract-
ed.

XVI. As resolute as *John Hus* was not to retract, his Constancy had nothing in it that was stiff or Stoical. We find him sometimes attack'd with the Fear of Death: But he immediately recover'd himself, with the Hopes of the Assistance of God, which he implor'd as well as the Intercession of the Saints, and the Prayers of his Friends. This appears from those Words of his 29th Letter, *I am far from saying rashly with St. Peter, Though all Men shall be offended because of thee, yet will I never be offended. The Strength and Zeal of that Apostle was incomparably greater than mine is. Jesus Christ has not given me his Talents; besides I have more violent Conflicts, and a greater Number of Shocks to sustain. I say therefore that placing all my Confidence in Jesus Christ, I am resolved when I hear my Sentence to continue steadfast in the Truth, even to Death, as the Saints and you shall help me.* This humble modest Language does very great Honour to *John Hus*, and raises the Value of his Constancy and Resolution. But because he sometimes found himself attack'd, it ought not therefore to be inferr'd that he ever retract'd, or even that he had taken

Reichenbal

p. 205. *Cochl.*

Hist. Hus. p.

108. *Maimb.*

Hist. du

grand Schif-

me d'Occid.

Part II. p.

226.

one Step that could give any Reason to hope or fear it. Therefore *Reichenbal*, and they who have copy'd him are mistaken, when they advanc'd that *John Hus* and *Jerom of Prague* retract'd, or that they had so much as promis'd to do it; and that the Hopes thereof gave such Joy to the whole City, that the Bells of all the Churches were immediately rung, to return Thanks to God for their Conversion. What makes me very much suspect *Reichenbal's* Relation as to this Matter, is that it jumbles Things together, as falling out at one and the same Time, which could not but happen at a great Distance from one another; for *Jerom* did not retract till the 14th of September, 1415. as we shall find hereafter, whereas *John Hus* was burnt on the 6th of July preceding. Therefore the Bells could not have been rung for the Recantation of *John Hus* and *Jerom of Prague* at the same

same Time. Besides *Reichenthal* only relates this Fact according to (a) *Hearsay*, and I make no manner of Doubt but he has confounded *John Hus* with *Jerom of Prague*, with regard to the Recantation, as he did with regard to the Escape. 'Tis highly probable however, that upon some Misunderstanding or Misrepresentation, of which I shall take Notice presently, some People had conceiv'd Hopes of *John Hus's* Recantation, because the Council had before-hand settled after what manner he should be treated, in case that he retracted, and the very Title of that Sentence imports that he had promis'd to do it. The entire Sentence runs thus, *If John Hus had revok'd his Errors, as he promis'd, this Sentence wou'd have been pass'd upon him.* This was the Title, according to a MS. of *Leipsic*, where we find the Sentence it self, in these Terms, ' As it may be conjectured by some external Signs, that *John Hus* repents of his past Errors, and whereas from better Advice, as he affirms, he is willing to return sincerely into the Faith of the Church, the Council admits him with Joy to abjure all Manner of Errors and Heresies, and particularly those of *Wickliff*, and takes off the Excommunication which he has incur'd, provided he humbly desires his Absolution. But because a great Number of Scandals and Seditions have happen'd among the People, on Account of his bad Doctrine; and because he has himself committed many Sins against God and against the Church, expos'd the Catholic Faith to manifest Danger, and the Keys of the Church to public Contempt; the Council decrees that the said *Hus*, as a pernicious, scandalous and seditious Person be depos'd and degraded from the Priest-hood and the other Orders. We commission the Archbishop of *Milan* and the Bishops of *Feltri*, *Asti* and *Alexandria* (1), to execute the said Degradation in Presence of the Council, and afterwards to cause *John Hus* to be for ever shut up betwixt four Walls, as a very dangerous Man, with Respect to the Christian Faith'. The MS. adds that according to the Canonists the Degradation was to have been made only by Word of Mouth (2), because *John Hus*, in case of a Retraction, wou'd not have been deliver'd over to the Secular Arm. As to this Sentence, which is so conditional and provisional, tis so far from proving that *John Hus* retracted, that it would rather imply the contrary, because it did not take place, and was not read in the Council. As to the Title of the Sentence, which plainly imports that *John Hus* had promis'd to retract, it must necessarily have been founded on some false Report or some Misunderstanding, which may easily be trac'd. No doubt they who examin'd

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(a) *Als men segt.*

V. d. Hardt;
T. IV. p. 432.

(1) *Episcopum Bacorensem.* I know not who that means.

(2) That is to say, that they wou'd not have stripp'd him of his Priest's Habit, as they did.

1415.

(a) Ep.
XXXVII.(b) Op. Hus.
Eol. 62.

John Hus did either sincerely or maliciously interpret the Declaration he had made several Times of his Disposition to submit to the Council, as a Promise of retracting. And indeed *Berthold de Wildungen* Auditor of the *Rota*, and one of his Commissioners, in his Report to the Council after what manner *John Hus* had answer'd his Examiners, says that he had promis'd twice to *submit to the Determination of the Council*. But there are two Things to remark as to this Promise, the one that this was the Phrase that *John Hus* made use of at all the private Examinations, because he wanted to give his final Answer before the whole Council, and at a public Hearing, and not to the Commissioners, as they would fain have oblig'd him to do. This appears from his 52d Letter, wherein he says that his Commissioners have press'd him several Days to refer his Cause to twelve or thirteen Doctors, but that he would never agree to it, and that he had declar'd to them that he wou'd appear in the Council, and that there he intended to give an Account of his Faith (1). He says the same Thing again upon another Occasion (a), *Come*, says he, *to the Council, There I am to appear and give an Account of my Doctrins*. The other Thing I have to observe, as to the Promise of *John Hus*, urg'd by *Berthold de Wildungen*, is that he never made any other than a conditional Promise to submit to the Determination of the Council, viz. if they could demonstrate to him that he had taught any Errors; which is very different from a Retraction. This may be prov'd from several of his Letters, and especially from the fifteenth, wherein he expresses himself thus (b), *Since I desire to give no Offence after my Death, as if I had been an obstinate Heretic; I declare and take Jesus Christ to witness, that at several private Hearings, and afterwards at the public Hearings, I have protested that I was ready to submit to Instruction and Direction, to retract, and even to undergo what Punishment it shou'd please the Council to inflict upon me, in Case they shew'd me that I have written, taught and said any Thing in my Answers which was contrary to the Truth*. He complains in this same Letter that having several Times, both in public and private, reproach'd the fifty Doctors, who call'd themselves Deputies of the Council, with having made unfair Extracts of his Works, they had never vouchsaf'd to give him any Explanation, or to enter into any Conference with him upon that Head; *You ought, they told me, to adhere to the Decision of the Council. Mean Time this Council made public Scorn of me, when I quoted the Scripture and the Holy Doctors to them, pretending that I*

(1) Voluerint illi Commissarij instantes per plures dies, ut factum meum committeretur 12 vel 13 Magistris. Ego nolui ne submittere, sed postquam manum scriptis responsiones ad Articulos Wic-

lef 45, & ad illos qui mihi obijciuntur, statim coram Notarijs & Commissarijs illis scripsi Protestationem, quod volo stare coram toto Concilio, & rationem de fide quam tenco reddere. Ep. 52. fol. 74
misunder-

misunderstood them, and that I quoted them improperly. He declares the same Thing in his twentieth Letter, and thus he explain'd himself on this Head very clearly to the Emperor and the Cardinal of *Cambray*, as has been observ'd. When all's done, tis but reasonable to be determin'd by the Declaration that *John Hus* made in his eighteenth Letter, which he wrote in Prison to the University of *Prague* the Night before his Death, " Know ye, *said he*, that I have not re-
" vok'd nor abjur'd any Article. The Council would fain have ob-
" lig'd me to declare every one of the Articles extracted out of my
" Books erroneous; but I refus'd it, unless they could prove the Er-
" rors thereof to me from the Scriptures. And I now declare that I
" detest every Sense that shall be found erroneous in those Articles,
" and submit my self, in this respect, to the Correction of our Lord
" Jesus Christ, who knows the Sincerity of my Heart, and will not
" put sinister Interpretations upon my Words, or give them a Mean-
" ing contrary to my Intention. *I exhort you likewise to abhor every*
" *Sense which you may discover to be false in any of my Articles.*" Thus 'tis evident that *John Hus* did not retract, and that he never promis'd to do it but conditionally. For if he had given the least Hopes of it, is it to be suppos'd that the Council would not have taken Advantage of it, and that they would not have summon'd him to keep his Word, as they did *John XXIII.* who had promis'd to resign, and *Jerom of Prague*, when he repented of his having retracted ?

XVII. WHILE the Commissioners for the Prosecution of *John Hus* were preparing all Things for his Condemnation, and while he was fitting himself for Death, several Congregations were assembled every Day upon other Affairs that were to be propos'd in the approaching Session. It has been already observ'd that the Bishop of *Litomissel* complain'd in Council against *Jacobel*, who had reviv'd at *Prague* the ancient Practice of the Communion in both kinds. After that Time the Divines had several Assemblies to consult together upon this Point of Doctrine, which at last they determin'd by the six following Conclusions, which with their Proofs are taken from a M S. of the Library at *Helmstad*.

More of the
Affair con-
cerning with-
holding the
Cup in the
Communion.
V. d. Hardt,
T. IV. p.
331. 14 June.
V. d. Hardt,
T. III. p. 86.

1. *Jesus Christ* after the Supper instituted and administred the Sacrament of his most Holy Body, under the two Kinds of Bread and Wine. The Proof is taken from the Evangelists, and the first Epistle of *St. Paul* to the *Corinthians*.

2. Notwithstanding that Institution and that Administration, the Church, by a laudable and approved CUSTOM, has taken Care, and does observe, that this Sacrament be not made. (*confici*), nor receiv'd
by.

1415. *by Believers after Supper (1), unless it be in Case of Sickness or some other Danger of Death.* This Conclusion is founded, 1. Upon the Practice of the Catholick Church. 2. Upon the Respect due to the Sacrament of the Eucharist. 3. Upon *Januarius* touching the Customs of the Church; where that Doctor refers it to the Discretion of the Church, to have the Communion before or after Supper, because Jesus Christ did not mean to give any Order upon that Head.

3. *Although in the Primitive Church the Sacrament of the Eucharist was receiv'd by Believers in both Kinds, yet for the avoiding of some Dangers, there was the same and much more Reason for introducing a Practice which has been introduced accordingly, viz. that it should be taken in both Kinds by the Priests that officiate, and in the Species of Bread only by the Laity.* This third Conclusion, say the Doctors of the Council, is manifest as to the former Part of it. As to the second Part they found it upon this Argument, that as the Church had a Power to alter the Time and Order of celebrating the Eucharist, they might as well change the manner of it, by ordering it to be given to the Laity only in the Species of Bread, by Reason of certain Dangers and Inconveniencies which may happen in a great Multitude of People. Upon this they quote the Authority of *Alexander Hales* (2), a School-Divine of the 13th Century, who points out two of those Inconveniencies; one is the spilling of the Blood, the other is the Danger of Unbelief, because People might be apt to think that Jesus Christ was not so entire under the Species of Bread as he is. This the Doctors pretend to prove by a Miracle, for which the said *Alexander Hales* is their Voucher, and which they relate thus. Some Fryars having a Desire to receive the Communion in both Kinds, it happen'd that as the Priest was breaking Bread, the whole Patten or Cover of the Chalice was filled with Blood, to the great Astonishment of the People. But the Priest afterwards rejoining the broken Bits of the Wafer, the Blood also united in it again, and every thing was restored to its first State. This so quieted the Minds of those honest Fryars, that they were never more desirous of receiving the Communion in both Kinds. Those Divines also quote the Authority of some other Schoolmen, particularly *Richard Middleton* an English Doctor, cotemporary with *Alexander Hales*, *Peter* of the *Tarentaise* (3), and *Thomas Aquinas*; and they affirm, that no celebrated Doctor ever presum'd to condemn the Custom of giving the Communion to the Laity in one Kind only.

(1) That is to say probably after any Meal whatsoever. *August. ad Januar. Ep.* 54. n 8.

(2) He was an Englishman, and was called the irrefragable Doctor.

(3) *Peter de Tarentaise* was a Burgundian, and chose Pope by the Name of *Innocent V.* in 1276.

4. This Custom thus introduc'd by the Church, and observ'd for a long time afterwards, (diutissimè) for reasonable Causes ought to be deem'd as a Law, which no Person is at Liberty to disapprove or alter, after his own Will and Pleasure, and without the Authority of the Church. This Thesis is founded on that Maxim of the Canon Law, which says that Custom * is a Right founded upon Manners, and serves instead of a Law when the Law fails, whether that Custom be written or only founded upon Reason, provided it be agreeable to Religion and Discipline, and conducive to Salvation. To this the Doctors add, that as a private Man is not impower'd to give Laws to the Church, neither has he Authority to change a laudable Custom which ought to be deem'd a Law.

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Decret. Dist. I. Cap. V. * Consuetudo.

5. He who says that 'tis sacrilegious or unlawful to observe this Custom as a Law, must be supposed to be in an Error (a). This Conclusion, say the Doctors, is manifest from the preceding ones; for 'tis always an Error to call that Sacrilege which is allowable, laudable, and ought to pass for a Law. To this they add a Passage from St. Ausin, who makes Error to consist in the approving what is false to be true.

(a) Censeri debet erroneum.

6. They who obstinately maintain the contrary of those Conclusions, ought to be deem'd Hereticks, and as such restrain'd and punished. In the Reflection which the Doctors make upon this last Conclusion, they very plainly insinuate, that they have some particular Person in their Eye, though they name no body. The Inventor and Follower of such Innovations ought to be prosecuted as a Heretick, and the Prelates who are guilty of Dissimulation in this Respect, ought to be severely reprimanded.

JACOBEL did not fail to answer the Reasons upon which those six Conclusions were founded. As we have already seen his Answers to the Arguments of Broda, we shall here only set down what is most remarkable in this Reply. As to the first Conclusion which is founded upon the Institution of Jesus Christ, and the Authority of St. Paul, Jacobel taking Advantage of the Confession of the Fathers of the Council, quotes a great many Passages out of the Holy Scriptures, wherein it appears that we ought only to give Ear to Jesus Christ in matters of Faith and Practice. To this Divine Authority he adds a long Passage from Simeon de Cassia, an Italian School-Divine of the XIVth Century, whom he calls a famous modern Doctor. This Doctor maintains, ' That if we refuse to believe Jesus Christ in Matters of Faith and Manners, there is no room to hope that we should believe any other Doctor, because the Authority of Jesus Christ is of infinitely more Weight than the Authorities of all the Angels and of all the Dead, tho' they should rise again and shew the People here below Paradise and Hell (b)'. As to the second

(b) Ven der Hardt, ub. sup. p. 595.

1415.

cond Conclusion, where the Fathers of the Council prove from the Authority of St. *Austin*, that Jesus Christ prescribed nothing to his Disciples touching the Time of celebrating the Eucharist, that is to say, whether it ought to be before or after Meals; *Jacobel* reproaches those Doctors with having suppress'd in the Passage of St. *Austin* these material Words; viz. *That if Jesus Christ had order'd the Eucharist to be receiv'd after Meals, no Body would have presumed to alter this Custom.* In his Reply to the third Conclusion, *Jacobel* opposes the Authority of *Alexander Hales*, &c. with that of *Bartholomew of Brescia* in *Italy*, a famous Doctor in the XIIIth Century, who says that the Bread is only converted into the Flesh, and the Wine only into the Blood of Jesus Christ. Though he does not deny that wherever the Flesh of Jesus Christ is, there is his Blood, he maintains that it is by Communication, and not by Transubstantiation. *Jacobel* says, the Sentiment of *Bartholomew of Brescia* upon this Subject was held by *John Andreas*, another very famous *Italian* Doctor of the XIIIth Century. As to the pretended Miracle urg'd by *Hales*, to prove the Transubstantiation of the Bread to the Blood, as well as to the Body of Jesus Christ, *Jacobel* answers, that no Conclusion ought to be drawn from an uncertain Fact, contrary to a clear and certain Command of the Sovereign Teacher. Upon this he quotes these Words of Doctor *John Andreas*. *We have not Recourse, says this Doctor, to Fables or to far-fetch'd Suffrages, nor to positive Laws, which People may establish and repeal at their Pleasure: But we adhere to the Divine Law which is unchangeable* (a). As to the Assertion of the Fathers of the Council, that no celebrated Doctor had condemn'd the Custom of giving the Communion to the People only in the Species of Bread, *Jacobel* contents himself with opposing them by the Authorities of St. *Cyprian*, St. *Chrysostom*, St. *Austin*, St. *Paul*, and Jesus Christ himself, who have directly or indirectly condemn'd this Custom. In the 4th Conclusion 'tis said, that this Custom, having been introduc'd by the Church, ought to be regarded as a Law; to which *Jacobel* urges two things by way of Answer. 1. He quotes the Authority of three ancient Doctors who are unanimous for preferring the Truth to Custom. *The Truth, says St. Cyprian, ought to be absolutely preferr'd before all Customs how ancient and publick soever, and every Usage contrary to the Truth ought to be abolish'd.* St. *Austin's* Passage is every whit as exprefs. *When the Truth, says he, is manifest, Custom must yield to it; for St. Peter, who was for Circumcision, yielded to St. Paul who preach'd the Truth. Therefore as Jesus Christ is the Truth, the Truth must be follow'd rather than Custom.* The Words of Pope *Gregory* ought also to have had very great Weight with the Fathers of *Constance*. 'You will object Custom perhaps to me, says he, but it must be observ'd that our Lord has said, *I am the Way, the Truth,*

and

(a) Von der
Hardt, ub.
sup. p. 604.

‘ and the Life, and not I am, Custom (a) ’. 2. As to what the Doctors of the Council say, that ’tis the Church which has introduced this Custom, *Jacobel* makes several curious Remarks upon the Word *Church*. In the first Place he sets down the Description given of a Church by two of his chief Adversaries, *Stanislaus Znoima*, and *Stephen Paletz*. ‘ The Head of the Church of *Rome*, say they, is the Pope, who is the sovereign Father upon Earth, and even the Heart, the Source, the Canal, which contains the Fulness of Power to instruct, enlighten, direct, and to convince with full Certainty, (*certificandi*) all the Flock of Jesus Christ. As to the College of Cardinals, ’tis the mystical Body of the true and visible Successor of *St. Peter* the Prince of the Apostles, and of the College of the other Apostles, to judge and to determine in all Matters, Catholick and Ecclesiastic. This Body of Cardinals is divided into three Parts. The first and most considerable, is that of the Cardinal Bishops, the second the Cardinal Priests, and the third and last is that of the Cardinal Deacons. All these Cardinals, with the Pope, constitute the Holy Church, which ought to be recognised by all the other Churches in its Commands and Institutions ’. *Jacobel* does not deny that the modern Doctors understand the Church in general, by such a Church as that now defin’d; but he confronts it with a terrible Character which *Paul P Anglois*, a School-Doctor of those Times, has given of the Church of *Rome* in a Work intitled, *The Golden Mirrour of the Pope, his Court, the Prelates and others of the Clergy*. The Passage being long, I shall only take so much of it as is most to the Purpose. *The Truth is*, says that Author, *that the whole Court of Rome, from the Sole of the Foot to the Crown of the Head, is blinded with manifest and publick Error. It has made almost all the Parts of the World drunk with the Poison of its Errors, as if it thought to measure out the Divine Almighty Power after its own Fancy. Every Body murmurs at it, but no body complains of it. We refer for the rest of this Passage, which is very strong, to the Work it self, of which there are several Editions. The Author declares, that he wrote this Piece in the 15th Year of the Pontificate of Boniface IX. that is to say, at the time that Schism and Simony made the greatest Havock in Christendom. We shall no where find the Disorders of the Court of Rome, and especially the Sale of Benefices, represented in more lively Colours and with more Particulars, than in this Piece which is address’d to the Cardinals, to all the Heads of the Clergy, and to all the Ministers of the Court of Rome. “ ’Tis incredible, says the Author, how many Mischiefs the Sale of Offices has done to the Church. From thence have proceeded worthless, ignorant, scandalous, ambitious and violent Bishops. The other Benefices have been dispos’d of to all manner of Persons indiffe-*

(a) Von der Hardt, ub. sup. p. 608.

K k k

“ rently;

1415. "rently; to Pimps, Cooks, Grooms and Boys. Benefices are as publickly sold at Rome, as Goods in a Market. So much for the Pope's Signature: So much for a Dispensation, or Leave to hold Benefices that are incompatible: So much for an Indult: So much for taking off an Excommunication: So much for such and such Indulgencies".

FROM thence *Jacobel* passes to the fifth Conclusion of the Doctors of *Constance*, who think the Opinion of those a rash and presumptuous Error, that call the withholding of the Cup *Sacrilege*, and who are surpriz'd to find such an Error tolerated in a Kingdom and a City, where there's so famous an Univerfity. *Jacobel* answers this Conclusion out of the Mouths of St. *Austin* and three Popes, viz. *Urban II.* *Marcellin* and *Symmachus*, who maintain, that 'tis not lawful either for the Pope or Emperour to alter a Tittle of what is prescrib'd in the Law and in the Gospel. (1) From whence he infers, that the Charge of Presumption recurs upon those who have withheld the Cup from the Laity, contrary to the Institution of Jesus Christ, and the Practice of the ancient Church; and not upon those who are for re-establishing the Communion in both Kinds. As to what the Doctors say, that they are surpriz'd that such Innovations are suffered in a Univerfity so famous as that of *Prague*, *Jacobel* answers, that most of the Members of that Univerfity do all that is in their Power to bring things back to the Institution of Jesus Christ. In this Chapter there are some very satyrical Dashes upon the Clergy. "The Members of this Univerfity, says he, don't strut in Boots and party-colour'd Habits; nor are their loose Coats and riding Cloaks so wide, that the Horses or Mules which they ride on can scarce carry them. On the contrary, they are humble and plain in Imitation of the Forerunner of Jesus Christ, and those Doctors mention'd in the XIth Chapter (a) of the Epistle to the *Hebrews*. But as for those fat lubberly Doctors who wallow in Delights, they perfectly resemble those of whom St. *Jerom* thus speaks, *Is it not a Shame and a Reproach to preach Jesus Christ crucify'd with fat Paunches, and to exhort to Fasting with ruby Lips and a double Chin?* (b) These are the Persons that *Ezekiel* (c) the Prophet meant, according to the Explanation of *Nicholas de Lyra*. (d) The Prophet (says this Doctor) here points to the Days of *Antichrist*, when there shall be many Doctors, who for a Morsel of Bread and for fat Benefices, shall be as dumb Dogs. It seems we are arriv'd to the Time foretold by St. *Cyprian*, when he said, that the End of the World and the Coming of *Antichrist* being at hand, the Soldiers of Jesus Christ ought incessantly to consider, that they every Day drink the Blood of Jesus

(a) Vers. 37, 38.

(b) Distinct XXXV.

Can. IV.

(c) XXXVIII. 20.

(d) A Doctor of the 14th Century.

(1) These and several other Passages of the same Spirit and Sense are to be found in the Canon Law, *Cauf. XXV. Quest. I. V. Cap. VI, VIII.* and *Quest. II. Can. XI.*

" *Christ*

“ Christ in order to enable them to shed their Blood for Jesus Christ.
 “ (a) Who therefore can wonder that the true Clergy of Jesus
 “ Christ give the Communion to the Laity in the Species of Wine,
 “ to the End that they may be strong for War, and march to
 “ Battle with the Intrepidity of Elephants?

1415.

(a) Epist.
 LVIII. This
 Epistle is
 writ to the
 Laity.

THE sixth Conclusion of the Doctors imported, *that they who obstinately affirm the contrary of these Conclusions ought to be treated as Hereticks, and as such restrained and punished.* *Jacobel* does not seem alarm'd, either with the Charge of Heresy, or the Menaces level'd against the Hereticks? On the contrary, he rejoices in the Conformity of himself and his Followers to Jesus Christ, his Apostles and the primitive Church, who were reckon'd Hereticks and punish'd as such. He is not at a Loss for Passages both from the Scripture and the Fathers to support this Conformity. There is a very long one out of *St. Cyprian*, where that Father gives a full Account of the Persecutions which Jesus Christ suffer'd from the *Jews*, not only in his own Person but in his Prophets; and endeavours to prove, that the *Jews* hated all whom God lov'd, and that they lov'd all whom God hated. He quotes another Passage from a Work ascrib'd to *St. Chrysostom*, with the Title of an *imperfect Treatise on St. Matthew*, where the Author of that Piece compares the Doctors and Priests who crucify'd Jesus Christ, to the false Doctors among the Christians, who still crucify Jesus Christ by combating his Doctrine and persecuting those who profess it. After having produc'd these Authorities, he argues thus, “ Admit, says
 “ he, it were possible that Jesus Christ cou'd appear in the midst of the
 “ Council of *Constance* with his primitive Church, his apostolical Life,
 “ and his evangelical Practice; and admit that he shou'd say in
 “ full Assembly as he did at *Capernaum*, *Except ye eat the Flesh*
 “ *of the Son of Man and drink his Blood* &c. and that he shou'd
 “ go to celebrate the Sacrament as he himself instituted it; think ye
 “ that as things stand at present he wou'd obtain a Hearing, or find
 “ a Place in the Council? There wou'd really be Difficulty in it:
 “ And according to all Appearance, instead of retracting as the
 “ Auditors at *Capernaum* did, they wou'd declare Jesus Christ a
 “ Heretick, and condemn him by saying that's not the *Custom*.
 “ When the Author comes to give an Account of the Proceeding
 “ of the Council in the Condemnation of a Heretick, (whether
 “ real or pretended) he expresses himself in these Terms. In the first
 “ Place they defame him, then they cite him, after which they
 “ excommunicate him and finally seize him and degrade him, by
 “ cursing him in Body and Soul as far as in them lieth, and deli-
 “ ver him over to the secular Arm. And as the Priests of the
 “ *Jews* said, *If thou let this Man go, thou art not Cæsar's Friend,*

K k k 2

“ so

1415.

“ so say they, Mr. Magistrate, this Man is under your Jurisdiction
 “ and the Church can do nothing more with him.” Afterwards *Jacobel* returns Answer to the Authorities of the Fathers; quoted by the Doctors of *Constance*; but as he says nothing more than what he had already said in his Answer to *Broda*, we shall not insist upon it. The Work concludes with a long Invective against the Council of *Constance*, whom he not only accuses of *Sacrilege* in the preceding Chapters, upon Account of the withholding of the Cup; but reproaches with *Simony*, and applies a long Passage to them out of *St Bernard*, which represents the Clergy that hold a Plurality of Benefices as many headed Monsters:

The Affair of *John Petit*. XVIII. It was in this Month * that a very important Affair was brought upon the Carpet for the first Time, at least publickly; which the Ambassadors of *France* had very much at Heart, and in which all Sovereign Princes and even all Kingdoms and States were concern'd. This was the Doctrine of *John Petit* a Cordelier Friar, D. D. and Privy Counsellor to the Duke of *Burgundy*. This Fryer had asserted both by Word of Mouth and Writing, that 'tis lawful for any private Man to kill a Tyrant by lying in ambush for him, or any other Method whatsoever, without Order from any one whomsoever, without Form of Law, and notwithstanding all Manner of Promise or Confederacy. But that the Publick may be better inform'd of this whole Affair, 'tis necessary to go back to its Source. It was observ'd in the History of the Council of *Pisa*, (a) that during the long and fatal Sicknes of *Charles VI.* King of *France*, (b) that Kingdom was a Prey to the Ambition, Jealousies and Factions of the great Men, who all laid claim to the Government and usurp'd it in their Turns, according as their Parties prevail'd. (c) The two principal Competitors were *Lewis Duke of Orleans* Count de *Valois* and *Angouleme*, only Brother to the King; and *John* surnam'd *Fearless*, Duke of *Burgundy*, Earl of *Flanders* and *Artois*, Son to *Philip the Bold*, and Uncle to *Charles VI.* They were several Times reconcil'd, at least in Appearance, and had even receiv'd the Communion together on the 20th of *November*, 1407. after having made a thousand Protestations, and a thousand Vows of mutual Friendship. But these feign'd Reconciliations were of no longer Continuance than while they gave Time to the Duke of *Burgundy*, the better to conceal and execute the Design which he had long been forming to get rid of the Duke of *Orleans*, whatever it cost him; for (d) on the 23d of *November*, 1407. at Night, he caus'd the Duke to be most barbarously and basely murder'd by Ruffians, that he had hired on Purpose to strike that detestable Blow. The Duke of *Burgundy* confessing some Days after, that this Assassination was committed by his Order, was oblig'd:

The Affair of *John Petit*.
 * Towards the Middle of *June*.
 (a) Tom I. p. 231. and Tom. II. p. 209. and 219.
 (b) *John Juvenal des Ursins*, Life of *Charles VI.* p. 234, 235. *Enguerrand de Monstrelet*, Vol. I. Cap. 36. *Gersan* Op. T. V. Beginning.

(c) *Meyeray's Chronol.* Abr. T. III. p. 167, 168. *Juvenal des Ursins*, p. 260.

(d) *Juvenal*, p. 262.

lig'd to retire immediately to *Flanders*, till the first Resentment of 1415. People was cool'd, and that if necessary he might have Assistance: But having a strong Party in *France*, and being very dear to the *Parisians*, who had no Affection for the Duke of *Orleans*, they took more Pains to pacify than to prosecute him. (a) 'Twas with this View that *Lewis of Anjou*, King of *Sicily*, the Duke of *Berry* Uncle to the Duke of *Burgundy*, and several others of the Nobility gave him a Meeting at *Amiens*, to treat of an Accommodation: But this Interview came to nothing, because the Duke of *Burgundy* assisted by three Doctors of the *Sorbonne*, among whom was *John Petit* a *Norman* by Birth, a Professor of Divinity, a Man who, as the Monk of *St. Denys* (b) says, was more talkative than elegant, openly maintain'd, that he had committed a very good Action by causing the Duke of *Orleans* to be assassinated, and that instead of craving the King's Pardon for it, he intended upon the first Opportunity to go to *Paris*, and justify what he had done in publick. And indeed tho' the King had forbid him Entrance into his Kingdom, yet he return'd to *Paris* the beginning of the next Year with a good Guard. The *Parisians* receiv'd him with open Arms; hoping by his Means to be eas'd of those excessive Imposts, which they complain'd they had been oppress'd with by the Duke of *Orleans*.

XIX. THE Duke of *Burgundy* having some Days after his rival desir'd and obtain'd a Hearing of the King, the Cause was pleaded on the 8th of *March* at the Hotel of *St. Paul*, by *John Petit* in Presence of the Duke of *Guienne*, the Dauphin, the King of *Sicily*, the Cardinal of *Bar*, the Dukes of *Berry*, *Bretagne* and *Lorraine*, several Counts, Barons, Knights and Esquires of divers Countries: The Rector of the University of *Paris* was there also, with a great Number of the Doctors and a vast Company of the Citizens. This famous Plea of *John Petit*, intitul'd *The Justification of the Duke of Burgundy*, and often design'd by the general Term of *Proposition*, consisted of three Parts, the *Major*, the *Minor*, and the *Conclusion*. The *Major* consisted chiefly of eight Propositions, which *John Petit* call'd *Truths*, and which I shall report in his own Terms, in order to qualify the Reader to be a Judge of the whole of this important Affair. This Plea is transmitted to us entire, by *Guerrand de Monstrelet* (1).

1. Every Subject or Vassal who thro' Covetousness, Fraud, Witchcraft, and foul Dealing, is guilty of any Contrivance against the cor-

(1). See the Conclusion of the History of the Council of *Pisa*, where this Piece is inserted p. 303, &c. There may also be seen those very Proposi-

tions of *John Petit*, in the 5th Tome of *John Gerson's Works* p. 9. of the *Antwerp Edition* in 1706.

poral!

1415. *poral Welfare of his King and sovereign Lord, to take from him his most noble and most high Lordship, commits a Sin as grievous and a Crime as horrible as high Treason in the first Degree, and by Consequence deserves twofold Death, that is to say, the first and second Death.*

2. *Although in the Case above-mention'd every Subject or Vassal deserves twofold Death, and tho' he commits so horrid an Evil, that his Punishment cannot be too great; nevertheless a Knight is more punishable in this Case than a private Subject, a Baron than a meer Knight, an Earl than a Baron, and a Duke than an Earl, the King's Cousin than a Foreigner, the King's Brother than a Cousin, the King's Son than a Brother.*

(a) Whatsoever.

3. *In the Case above-mention'd, in the said first Truth 'tis lawful for any Subject without any (a) Command, according to the moral, natural and divine Laws, to kill or cause to be kill'd such disloyal Traitor and Tyrant, and not only lawful but honourable and meritorious, especially when he is a Person of such great Power, that Justice cannot be duly executed by the Sovereign.*

4. *In the Case above-mention'd, 'tis more meritorious, honourable and lawful, that such a Tyrant be kill'd by one of the King's Cousins than by a Foreigner who is not of the royal Blood, and by a Duke than by an Earl, and by a Baron than by a meer Knight, and by a meer Knight than by a private Man.*

5. *In Case of Alliances, Oaths and Promises, and Confederacies made betwixt one Knight and another in what Manner soever, it is or may be, if it happens, that to keep and observe them turns either to the Prejudice of his Prince, of his Children and the common Cause, the Observation of them is null, and consequently, to keep and observe them in such Case, wou'd be to act against the moral, natural and divine Laws.*

6. *In the case above-mention'd, if it happen that the said Alliances or Confederacies turn to the Prejudice of either of the Parties, so promising and granting, his Wife or his Children, he is in no wise bound to observe them.*

7. *In the Case above-mention'd, where 'tis lawful for any Subject, and honourable and meritorious to kill the Tyrant and Traytor aforesaid, who is disloyal to his King and sovereign Lord, by Ambuscade, Snares and Wiles; 'tis equally lawful for him to dissemble and conceal his Purpose for so doing.*

8. *Every Subject and Vassal, who imagines against the Health of their King and Sovereign Lord to put him to a lingering Death by coveting his Crown, and Sovereignty, and for that Purpose causes Swords, Daggers, Scymitars, (b) or Knives, or gold Rings to be consecrated, or rather exorcis'd and dedicated to the Name of Devils by Necromancy, of Sabres,*

irvo-

invoking of Characters, Spells, Charms, Superstitions, and mischievous Witchery, and grafting and fixing them on a Body worn away on Gibbets, and then putting them into the Mouths of the said Skeleton, and there leaving them for the Space of several Days, with great Abomination and Horror, to accomplish the said Witchcraft; and tying on a Linnen Rag or Piece of Cloth sew'd with false Hair, containing the Powder of any of the Bones of the said suspended Body. He or they who do it not only commit the Crime of High Treason in the first Degree, but are Traytors and disloyal to God their Creator, and to their King; and as Idolaters, Corrupters, and Falsifiers of the Catholic Faith, deserve a twofold Death, namely the first and second, especially when the said Sorceries, Superstitions and Witchcrafts have their Effect on the Person of the King, by Means and thro' the Dishonesty of the said Conspirators.

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AFTER these General Propositions, there are nine Corollaries of parallel Cases, such as corresponding with the Enemies of the King and Kingdom, keeping up a Misunderstanding betwixt the King, the Queen and their Families; soliciting the Pope to cause the King to be depos'd, as unworthy of Governing; fomenting a Schism for the Purpose, by supporting a Schismatical Pope at the Expence of the Peace of the Church and State; plundering the People; oppressing them with Taxes; filling the Kingdom with Robberies and Murders; seizing the Estates and Domains of the Crown; taking Possession of the strong Places of the State in the Name of the Crown, &c. From all this *John Petit* draws his Consequence, which is, 'That the Duke of Orleans having render'd himself guilty of all these Abominations, and all these Crimes, which he again repeats, with fuller and more horrid Particulars; the Duke of Burgundy was not only authoris'd, but also oblig'd to cause him to be assassinated in the Manner he did; and the King, instead of being offended with him, ought by all Means to reward him, as *Michael* was rewarded for having expell'd *Lucifer*, and *Phinehas* for the Murder of *Zamri* (a). To the most thinking Part of the Assembly, this Defence appear'd scandalous; yet such was the Weakness of the King, and the great Interest of the Duke of Burgundy, that it had its Effect. For the very next Day the King was reconcil'd to him, and granted him a full Pardon. When some Months were expir'd, this Duke returning to *Flanders* to make War upon the People of *Leige*, the Dutches Dowager of Orleans took the Opportunity of his Absence, to go to *Paris* to demand Justice of the King for the Murder of her Husband, and Satisfaction for the heinous Articles which *John Petit* had laid to his Charge, to justify the Assassination of his Person, and to stain his Memory. The Cause of the Duke of Orleans was pleaded publickly at the *Louvre* with so much Success by the Abbat of *St. Denis*, a Benedictine, and by *William Cousinat*, Advocate to the Parliament,

Javenal des Ursus p. 237.
239.

In August and September, 1408.

1415. Parliament, that the King revok'd the Pardon which he had granted to the Duke of *Burgundy*, and declar'd him an Enemy to the Government.

Juvenal 295.
Monstrel. 45,
47, 48.
Decemb. 4.
1408.
Juven.
244.

But this Disgrace was of no long Duration, for some Months after the Duke of *Burgundy* return'd in Triumph to *Paris*, and there was a Talk of an Accommodation, at which the Dowager of the Duke of *Orleans* was so chagrin'd, that she dy'd, as they say, with very Grief. Her Death contributed very much to the Reconciliation of the Duke of *Burgundy* with the King and the three young Dukes of *Orleans*, and the Agreement was solemnly concluded at *Chartres* in *Beaufse*, in *March* 1409. But as it was a Peace too hastily patch'd up, as it was then call'd, *France* became a Prey to the Factions of the Nobility and Commoners, for many Years; and all this thro' the Intrigues of the *Burgundian*. This oblig'd the Dukes of *Orleans* to present a Petition to the King to demand Justice again, for the Murder of the Duke their Father, and Reparation of his wounded Character, pretending that the Peace of *Chartres* was void, not only because it was ill made at first, but because the Duke of *Burgundy* was always breaking it. At the same Time they sent a Challenge to the Duke of *Burgundy*, who answer'd it by another very bitter one, in which the Duke of *Burgundy* continued to accuse the late Duke of *Orleans* of *Lesè Majestatis*, and High Treason, and branded his Children as *false disloyal Traytors, &c.* Matters were so exasperated betwixt these Princes, that they broke out into an open War, which put the whole Kingdom in a Flame. This War was concluded by the Peace in 1412. wherein the Treaty of *Chartres* was renew'd, but never duly observ'd by the Duke of *Burgundy* and his Adherents. Mean Time the Dukes of *Orleans* having generally the Advantage, and the Duke of *Burgundy* being oblig'd to retire, the Dukes of *Orleans* laid hold of the Opportunity to obtain Justice for the Murder of their Father, and for the *Proposition* or *Defence* made by *John Petit*, who dy'd in 1411. heartily repenting, as some gave out, that he had made that Apology. At the same Time the University of *Paris* deputed their Chancellor, Dr. *John Gerson*, to the King, to impeach the Doctrine of *John Petit*, and to demand a Condemnation of it. The University could not have pitch'd upon a more proper Deputy than this Doctor, for the due Discharge of that Commission. He had always strenuously supported the Party of the Dukes of *Orleans* against the Duke of *Burgundy*, even to the Hazard of his Life and Fortune. In consequence of this Deputation, the King order'd *Gerrard de Montaigu* (1), Bishop of *Paris*, to joyn with *John Polet* Inquisitor of the

Juven. 246,
259, 267.

In July 1411.

In 1413.

4 Sep. 1413.

(1) As to this Bishop, see the History of the Council of *Pisa*, Part I. p. 292. where he is call'd *Simon* instead of *Gerrard*.

Faith in *France*, and with such a number of the Doctors of the University, as they should think fit, to examine those Propositions, and to give their Opinion of them according to Law. This produced that famous Assembly, which in the Acts is always call'd by the Name of the *Council of the Faith*, and which was open'd at the Episcopal Palace on the 30th of *November*, 1413. As the Transactions of the Council of *Constance* in this Affair are founded on this Assembly at *Paris*, it would be necessary to give a History of it here, if it had not been already given in its due Place in the History of the Council of *Pisa* (a).

(a) Tom. II.
p. 208, 219.
The Judgment of the Assembly of *Paris* is not universally approved. *Novem.*
19. 1414.

XX. THO' the Condemnation pass'd by the Assembly at *Paris* was as authentic and juridical, as it was legal; yet it met with great Opposition in *France*, and even in the University of *Paris*, which had chiefly promoted it. This oblig'd the King to send express Orders to that University to prosecute the Opposers, and to depute no Persons to the Council of *Constance*, but such as were not suspected to be partial in the Affair. In pursuance of this Order, upon the 4th of *December*, 1413. *Ger-son* made a long and very eloquent Speech at *St. Paul's*, before the King, setting forth the pernicious Consequences of *John Petit's* Propositions, and demanding that the Condemnation thereof might be repeated. He declar'd in the Conclusion, that neither He nor those of his Body had a Design upon the Duke of *Burgundy's* Person or Honour; and that on the contrary, while they requir'd the Condemnation of such Doctrine, they acted for the Security of him, as well as of all the other Princes. Accordingly the King himself renew'd the Condemnation of it by an Edict of *Dec. 26.* which contains a rational Confutation of the whole Apology made by *John Petit*. The King therein represents that from this pernicious Writing, as from a poysonous Fountain, a thousand terrible Disorders, horrid Seditious, and Wars more than *Civil* have flow'd and spread over all the Kingdom, ' That since that ' Time the Image of Death has appear'd in all Places. Baptism, says ' he, has been refus'd to Infants, Prayers to the Sick (1), Confession ' to dying Persons, Alms to the Poor, and Burial to the Dead. No ' Age, no Sex is safe. No Regard has been had to the Ties of ' Blood, the most sacred and inviolable Places have been polluted, and ' all the Cry every where has been that horrible Exclamation of ' Discord,

Vos patriæ validas in viscera vertite vires.

i. e.

Exert all your Strength to rip up the Bowels of your Country.

(1) *Oratio Viatoribus.*

L 11

From

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From hence, *continues he*, every one may judge of the Reasons we had to root out this Doctrine in our Kingdom, and we condemn it in the Face of all the World, that it may be banish'd from the whole Earth. Now is the Time to do it, while the Judges are sitting and the General Council is assembled. The Duke of *Burgundy* is our Flesh and Blood. But were he still more nearly related to us, we will never favour him, nor even our own Children to the Prejudice of the Faith and the Salvation of Souls. *Achor* was ston'd, and the Wrath of God departed from the Children of *Israel*. *Absalom* was pierc'd thro', and Peace was restor'd to the Kingdom of *Judah*. *Solomon* put *Joab* to Death by Order of *David* his Father, &c.

The King of France orders his Ambassadors to suspend the Affair of *John Petit*.

XXI. THO' *Charles VI.* wish'd to have the Sentence of the Assembly of *Paris* confirm'd at *Constance*, yet he was for their proceeding with Caution upon Account of the Duke of *Burgundy*, who, tho' absent, was still very much fear'd in *France*. The Duke on his Part being apprehensive that the Affair wou'd not turn out to his Advantage in the Council, if it was carry'd on there with Heat, desir'd the King of *France*, by the Mediation of the Duke of *Brabant* and the Countess of *Holland*, to order his Ambassadors not to act in this Affair in his Name, and not to declare themselves Parties in it; while he promis'd on his own Part to observe the same Conduct, and to send the same Orders to his Ministers at *Constance*. The King consented to it, and accordingly they both sent their Instructions to their Ambassadors, who in a Conference they held thereupon at *Constance* about the end of *March* this Year, as far as I am able to guess from the Dates which are very much perplex'd in this Place, agreed to conform to their Masters said Orders. The Ministers on both Sides, who were at this Conference were *Gerard de Podio* or *Du Puy*, Bishop of *Carcassone*, with three Doctors, viz. *Jordan Morin*, *William de Beauneveu* and *Peter de Versailles*, on the Part of the King of *France*; and *Theobald de Rougemont* Archbishop of *Besancon* (1), the Archbishop of *Vienne* in *Dauphiny*, *Martin Porree* Bishop of *Arras* and *Peter Cauchon* a Doctor of Laws (2). By the way I shall here take Notice of two remarkable Particulars concerning the Archbishop of *Besancon* and the Bishop of *Arras*, which perhaps I should not have an Opportunity to bring in elsewhere. That which relates to the Archbishop of *Besancon* I have from *Sponde*, who took it from the M S. Acts in the Library of St. *Victor*. He says that when this Archbishop arriv'd at *Constance*, he

Spond. ad an.
1414. n.
XIII.

(1) First he was Bishop of *Macon*, then in 1390 Archbishop of *Vienne* in *Dauphiny*, and afterwards Archbishop of *Besancon*.

con. He dy'd in 1429. *Ecclesiastical History of Germany*. T. II. n. 139.

(2) Bishop of *Beauvais* and afterward of *Lisieux*. See *Morery*.

pretended

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pretended by Virtue of a Privilege granted to his Church, that in the first Visit he should make to the Pope, the latter was obliged to advance three Steps to meet him, but that the Pope refus'd it, and re-ferr'd the Examination of this Pretension to the Cardinals of *Aquila* and *Placentia*. The Author of the Ecclesiastical History of *Germany* tells us, that the Archbishops of *Besancon* formerly bore the Title of Sovereign Princes of the Empire. The Acts do not say what was the Issue of this Affair. As to the Remark concerning the Bishop of *Arras*, *M. Dupin* informs me, that he was of the Order of Fryars Predicant, that he had defended the Propositions of *John Petit* by a Treatise, which is to be seen in *MS. in the Library of the College of Navarre, together with the Answer*; and that the Duke of *Burgundy* rewarded him for this Treatise, by procuring him the Bishoprick of *Arras*. *Martin Porree* dy'd in 1426.

Dupin Bibl. des Ant. Eccl. Siecle xv. p. 85

XXII: NEVERTHELESS it was not long before the Affair of *The Duke of John Petit* was controverted, and that with much Warmth. The Duke of *Burgundy* himself gave the first Occasion for it by a Letter which he wrote some Months after to the Deputies of the *Gallican Church* at the Council, which was presented the 26th of *May* to the Assembly of that Nation, by the Bishop of *Arras* and *Peter Cauchon*, who were the Duke's Envoys to the Council. This was an Answer to two Letters which the Duke had received from the *Gallican Nation* by the Bishop of *St. Pons*, and by the Abbat of *St. John's Monastery*, his Privy Counsellor (a), to whom he desires the Deputies of the *French Nation* to give entire Credit. The Letter follows almost at large (1).

The Duke of Burgundy's Letter to the Deputies of the Gallican Church at Constance.

(a) Abbat in *Burgundy.*

‘ I have receiv'd, says the Duke, two of your Letters (*vestrarum circumspeditionum*) which begin with a Representation of the miserable Condition, to which the Ambition of the Competitors has reduc'd Holy Mother Church, and of your great Dissatisfaction with the Proceeding of our Lord the present Pope. You inform me how he withdrew from your sacred Council, and by what Shifts he delays the Performance of what he is bound, and has promised to do, for the Union of the Church. Finally, you intreat me with great Complaisance not to receive or harbour our Lord the Pope in my Dominions; and if he be already there at the Time of my receiving of your Letter, to keep him in such safe Custody, that he may be dispos'd of to the Advantage of the Catholick Church, or sent back forthwith to the Council. I was very sorry to hear this bad News, because I had entertain'd

(1) The Inscription was, *Reverendissimis in Christo Patribus, ac Venerabilibus & D. N. I. I. I. Viris Nationis Gallicane in Sacro Concilio Constantiensi existentibus amicis meis praebarissimis.* i. e. To the most

Reverend Fathers in Christ, and to the Reverend and most Learned Deputies of the *French Nation*, my most dear Friends at the sacred Council of *Constance*.

L I I 2

‘ great

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great Hopes of the Union by the Offer which our Lord had made to resign. However I still hope, that by the Divine Blessing on your Perseverance, you will obtain this so desirable Union; and that by adhering only to the Truth, you will not suffer yourselves to be shock'd by the false Reports that are spread against me, as if I was inclin'd to receive our said Lord, and to aid and abet him to the Prejudice of the Union of the Church, and of the Decrees of your sacred Assembly. In order to undeceive you, I will ingenuously tell you of all that has pass'd. As soon as our Lord withdrew from *Constance*, he sent me a solemn Embassy to acquaint me of his withdrawing, which I did not know before, and to tell me his Reasons for it: He signify'd to me, that he had only left *Constance* with a View to perform his Promises, by going in Person to *Nice*, there to renounce the Papacy. I leave you to judge, my Fathers, whether I was to blame for receiving with Humility and Respect, and giving a favourable Audience to the Nuncios of our Most Holy Father the Pope, who is look'd upon as such by the Church, who has not been condemn'd, and who promises to resign, and to do every thing that may contribute to the Union. You will easily imagine, that it would have been very odd to refuse Admission to a Pope, who was suppos'd to be inclin'd to every thing that was good, especially when I hop'd for an Opportunity to confirm him in such happy Dispositions. I therefore told them, that I would receive their Master with Joy, if he was so well inclin'd as they affirm'd, and that I would entertain him honourably, so long as he persever'd in his good Intentions. And if he is making any Preparations for his safe Return to his native Country, as it has been reported among you, I desire you to give Attention to what I have just now said (1). For when I was fully inform'd by your Letter, and by the Relation of your Deputies of the real Truth of the Facts, viz. That the manner of the Pope's withdrawing was clandestine and scandalous, and that no Body can receive him without doing a great Prejudice to the Union of the Church, which I desire and pursue to the utmost, I immediately chang'd my Mind, and resolv'd never to receive and support the said Pope against your Deliberations, to which I have resolv'd to submit with all the Catholick Princes, and to joyn my Efforts with yours for the Extermination of this detestable Schism, by such Ways and Means as you shall think most proper. And if ill-minded Persons spread Reports contrary to this Protestation, I intreat you to reject them as Lies; for from first to last, it was never my In-

(1) *M. Dupin* who has publish'd this Letter, says that this Passage is marr'd, but I think I have hit upon the true Meaning of it.

Attention.

‘ tention to think or act any thing which might turn to the Prejudice
‘ of the Union, and your Deliberations.

‘ I have heard moreover from good Hands, that there are at *Con-*
‘ *stance* some Persons of High Dignity, and others of a lower Claſs,
‘ but all my Enemies, who make it their Buſineſs to blaſt my Reputa-
‘ tion, eſpecially in the Point of Faith, on account of a certain Propo-
‘ ſition which was made not long ago in Preſence of the Duke of *Guien-*
‘ *ne*, Dauphin of *France*, ſeveral Princes of this Kingdom, and of all
‘ the States aſſembled in a great Number; in which ’tis pretended,
‘ that there are ſeveral Errors in the Faith, which as they falſly ſay
‘ I have approv’d, as well as the Proposition itſelf. I deſire you
‘ therefore to give no Credit to Men, whoſe Proceedings are ſo in-
‘ ſolent and furious. Of this you may be informed more at large,
‘ if you think fit, by my Ambaſſadors at *Conſtance*. I ought to be
‘ ſecure from ſuch Suſpicion, having the Honour to be of the Blood
‘ of *France*, which God has always preſerv’d from the Poyſon of
‘ Heresy; and being moreover the Son of a Father, who was not
‘ only very Catholick, but a zealous Defender of the Faith. ’Tis
‘ true that I am no Divine, nor vers’d in the Subtleties of the
‘ Schools; but as a Chriſtian Prince and a Soldier, I am ready to
‘ ſhed the laſt Drop of my Blood for the Defence of the Catholick
‘ Faith. As to the Proposition in Queſtion, wherein ’tis pretended that
‘ there are Errors which I have approv’d, ’tis ſo far from being true,
‘ that I had no Notion of them, thoſe Matters being above my
‘ Reach. But ’tis plain how paſſionate my Accuſers are, ſince under
‘ Pretence of being for the Faith, they have dar’d to ſay that there
‘ was no Peace to be made with me, by Reason of the Approbation
‘ I gave to this pretended Proposition. There are alſo many People
‘ who are of Opinion, that what was condemn’d at *Paris*, is not the
‘ Diſcourſe which was there pronounc’d by *John Petit*, by my Or-
‘ der, and for my Juſtification, but ſome Piece maliciously forg’d by
‘ my Enemies. Beſides, this Proposition, whether true or falſe, was
‘ inconfiderately condemn’d in an inſecure Place, and without my being
‘ call’d thither any more than *John Petit* (1), who was pretended
‘ to be the Author of it. And even ſuppoſing there had been ſome
‘ latent Error in this Piece, it ought not to have been charg’d
‘ upon a Layman, and one that was incapable of finding it out:
‘ But if I had thought it had contain’d any Error, inſtead of ap-
‘ proving it, I ſhould have ſtrenuouſly oppoſed all that favour’d it.
‘ After this Juſtification of himſelf he demands, that his Accuſers who
‘ have with ſo much Inſolence and Injuſtice tax’d him with Heresy,

(1) *John Petit* had been dead almoſt 3 Years when his Plea was condemn’d at
Paris.

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‘ may be severely punish’d by the Council, as Persons disaffected not
 ‘ only to him, but to the Kingdom of *France*, where they desire
 ‘ nothing better than to raise a new War’. For the rest he declares,
 that whatever he may have said or approv’d, if it be contrary to the
 Faith, he submits intirely to the Determination of the Council, and
 also intreats them in such Case to look upon what he may have said
 or approv’d as null and void. But at the same time he desires the
 Council not to suffer any Body to advance any thing in his Name, or
 in the Name of *John Petit*, without having duly considered it in
 Presence of his Ambassadors, and to beware of certain Hypocrites
 and Impostors, who give out that *France* is ruin’d, if *John Petit’s*
Proposition, whether true or false, is not condemn’d in the Council,
 tho’ tis certain, that the said Proposition had remain’d in Oblivion, if
 it had not been maliciously reviv’d from a Principle of Hatred or A-
 nimosity against him.

’TIS natural to suppose, that the Ambassadors of *France* and the
 Deputies of the University were not insensible of several stinging
 Expressions in this Letter. This oblig’d *John Gerson*, and his Col-
 league in the Deputation, *Peter of Versailles*, a Benedictine and Profes-
 sor of Divinity, to protest against it, tho’ in their own Names only,
 and to demand Justice upon it in the Council. On the other hand,
 the Bishop of *Arras*, and *Peter Cauchon*, declared that they also
 submitted to the Council, and that they sued for Justice in behalf of
 the Duke their Master. There was this Difference betwixt the Pro-
 testation of the *French* and that of the *Burgundians*, that the former,
 according to their Instructions, made the Protest in their own Name
 only; whereas it seems the others made theirs in the Name of the
 Duke of *Burgundy* contrary to their Instructions. And this no doubt
 was what gave Occasion to the Ambassadors of *France* to behave
 some Days after as Parties, tho’ still in their own Name only.

The Duke of
Burgundy’s
 Letters to
 the Emperor
 and Council.
Oper. Gers.
ub. sup.
 p. 347,
 348.

XXIII. SOME Days after, there came two more Letters to *Con-*
stance from the Duke of *Burgundy*, the one directed to the Emperor,
 the other to the Deputies of the *French* Nation. The Subject was to
 complain of *Lewis* of *Bavaria* of *Ingoldstad* Brother in Law to the
 King of *France*, and one of his Ambassadors at the Council. The
 Duke of *Burgundy* had been inform’d, that *Lewis* of *Bavaria* had
 publickly accus’d him of entring into a Combination with *Lewis* Duke
 of *Guienne*, the Dauphin of *France*, and with the Earl of *Savoy*, for
 taking away the Emperor’s Life on his Road to *Nice*, either in *Bur-*
gundy or *Savoy*. This was told to the Emperor by *Frederick* Duke of
Austria. The Duke of *Burgundy* makes a vigorous Defence of him-
 self in these Letters, wherein *Lewis* of *Bavaria* is treated as a Cow-
 ard, iwho, for want of Courage to attack his Enemies Sword in Hand,
 has Recourse to foul Language like Porters, as an ungrateful Man,
 who

who, after having receiv'd a thousand Favours from the Family of *France*, endeavours to defame it by flagrant Lyes; and as an *Incendiary*, who for a long time has made it his whole Business to embroil the Kingdom of *France* by his wicked Intrigues and false Reports. *Frederic of Austria*, who had told this News to the Emperor, is no better treated in the Letter than *Lewis of Bavaria*. No Credit is to be given, says the Duke of *Burgundy*, either to the Inventor of the Calumny, or to him who has carry'd it to your Majesty, because the one is my sworn Enemy, and the other rebell'd against you, till he was by Force reduc'd to his Duty. It was also publish'd against the Duke of *Burgundy*, that some Persons were by his Orders arrested either as they were going to or returning from the Council. He protested that he never had a Thought of any such Attempt; that he had even caused an Edict to be published, ordering strict Search to be made after the Contrivers of it, that they might be severely punish'd, and that he grants Safe-Conduits to all that pass thro' his Dominions, either to or from the Council, unless they are Persons notoriously suspected of having evil Intentions. The Duke of *Burgundy's* Letters were carry'd by the Emperor himself to an Assembly of the *French Nation*, in which were the Archbishop of *Rheims*, the Bishops of *St. Malo* and *Senlis*, and some other Prelates. *Lewis of Bavaria*, and *Frederic of Austria* were there also; and the former demanding to be heard in his Defence against the Accusations contain'd in the Duke of *Burgundy's* Letters, the Emperor reported, that the Duke of *Austria* had warn'd him, that if he went to *Nice*, he would be killed in *Burgundy* or in *Savoy*, or else at *Nice*; and that when he ask'd the Duke of *Austria* how he came to know of this Conspiracy, the Duke said, that *Lewis of Bavaria* could give him the best Account of it. Upon this, *Lewis of Bavaria* flatly deny'd that he ever knew a Tittle of any such Design, from any other Hand than from Duke *Frederic* who had told it to him, and that he should not have fail'd to acquaint the Emperor of it first, if he had had the least Notice of it from any other Quarter. The Bishop of *Dole*, the Rector, and another Doctor of the University of *Paris*, declared the same thing, and said that *Lewis of Bavaria* had only told what he had heard from *Frederic of Austria*. The latter being examin'd as to this Fact, did not say indeed that he had it from *Lewis of Bavaria*, but he only said that it was true that *John XXIII.* had enter'd into this Conspiracy, with the Duke of *Burgundy* and the Earl of *Savoy*, that he *Frederic* was to be one of the Party (1), and that the said Pope had sent a Gentleman of the Bedchamber to the Duke of *Guienne* to engage him in his Interests, because it was the Design of the Duke of *Burgundy* to have him

(1) *Præmissa tractari fecerat, & quod ipse Dux Austriæ debebat esse unus.*

conducted.

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conducted into *France*, and put under the Protection of the Dauphin. When *Frederic* had made an End of speaking, the Emperor added to what he said before, that when *Frederic* gave him that Intelligence, the Cardinal *de Viviers*, the Cardinal of *Cambray*, and the Archbishop of *Vienne* were present, and that they assured the Emperor that he should be as safe in any Part of *France* as in his own Dominions; and that the Cardinal *de Viviers* was so secure of the Integrity of the Earl of *Savoy*, that he made an Offer to be the Emperor's Prisoner till he return'd. Upon this the Archbishop of *Vienne* spoke, and answered likewise for the Duke of *Burgundy*, that he had never said or done any thing to the Dishonour and Prejudice of the Emperor, and that he never would hereafter. *Lewis* of *Bavaria* being fully justify'd, demanded an Entry to be made of this Examination, which no doubt did not turn to the Advantage of *Frederic* of *Austria*. How true or false soever this Intrigue was, 'tis not easy to imagine what this Duke design'd by revealing it, because it could not but tend to his Confusion. To make such Reports to the Emperor, was but a scurvy Compliment to him, and to go and confess to him that he had ever enter'd into such a Design, was not the way to gain his Confidence. But probably he meant to frighten him from going into *Spain*, to act for the Affair of the Union, in Hopes that the Council would be broke up before it was accomplish'd, and that by that means the Deposition of *John XXIII.* would be void, as well as this Duke's Proscription.

XXIV. UPON the 7th of *June*, the Cardinals of *Cambray* and *Florence*, and the other Commissioners appointed for Matters of Faith, being assembled in the Refectory of the Minor Fryars, with a great Number of Archbishops, Bishops, Abbats, Prelates and Doctors; the Cardinal of *Cambray*, who was the Head of that Commission, represented that it was the Emperor's Desire that all Matters of Faith should be examined, and even as far as possible decided before his Departure, to the End that he might be a Witness and Sharer of so great a Work as the Extirpation of Heresies. That therefore, if any Man had any thing to propose which related to the Faith, he was now at Liberty to do it, provided nevertheless that Persons were spar'd, and not so much as nam'd. Thereupon *John Gerson* proposed the Affair of *John Petit*, and after having made the same Protestations as in the last Assembly of the *French Nation*, he deliver'd a Paper containing the Nine Propositions condemn'd at *Paris*, which was read publicly by *Berthold de Wildulgen*, Doctor of Laws, and Auditor of the *Rota*. This done, the Bishop of *Arras* said, that what had been just read, seem'd to him and his Colleagues in the Embassy, to relate to a certain pretended Sentence pass'd at *Paris* by the Bishop of that City, and by the Inquisitor of the Faith in *France*, to the

Pre-

Assembly of
the Commis-
sioners of the
Faith concern-
ing the
Affair of
John Petit.

Prejudice of the Honour, Reputation and Estate of the Duke of *Burgundy*; but that the said Duke had appealed from that Sentence to the Apostolical See and Council. He afterwards requir'd the Commissioners to demand two things of *Gerson*. First, whether he spoke in the Name of the most Christian King, or of any other Person. Secondly, whether he really meant to speak of that pretended Sentence pass'd, as was said, against a Proposition which the late Doctor *John Petit* had advanc'd at *Paris* once only, and by Word of Mouth, according to the Order of the Duke of *Burgundy*. *Gerson* made Answer, that at present he only spoke as a Doctor and Professor of Divinity, and that in that Quality, he affirm'd, that the Sentence pass'd at *Paris*, upon the nine erroneous Articles just now read, was very canonical, and he demanded the Confirmation thereof in the Council. Then the Bishop of *Arras* repeated what he had said before, that the Duke of *Burgundy* had appeal'd to the Court of *Rome*, where the Cause had been refer'd to three Cardinals, and that the Parties had been summoned thither; but he added, that since the Council was assembled, *John XXIII.* in Conjunction with the Emperor and the Duke of *Burgundy* himself, having thought fit to suspend this Affair, for Fear it should retard that of the Union, the Duke's Attorneys had not prosecuted his Appeal, and did not behave as Parties, nor did they intend to act as such unless they were forc'd to it. That the Ambassadors of the King of *France* had also receiv'd the same Orders, but that *John Gerson* had already transgress'd them very much. Upon this the Bishop caus'd the Instructions to be read, which were sent by the King of *France* and the Duke of *Burgundy* to their Ambassadors, for suspending this Affair. Then the Bishop of *Arras* declar'd in his own Name, and that of his Collegues, that they still look'd upon the Affair as suspended, and that as they were resolv'd to adhere strictly to their Orders, if the Affair should happen to take a different Turn, not they but their Aggressors would be to blame. Lastly he desired a Copy of the *Paris* Sentence, of the Articles of *John Petit*, and of the whole Process, and the Parties demanded a Record of all that had pass'd in this Assenbly. We shall treat more of this Affair in the thirteenth Session, of which we are now going to report the Resolutions.

XXV. THE Affair of the with-holding the Cup, having been prepar'd by the Doctors as has been observ'd, nothing more was to be done but solemnly to confirm their Decision; which was the Business of this Session; where after the usual Ceremonies, the Archbishop of *Milan* by Order of the Council, and at the Request of their Proctors, read the following Decree *against the Communion in both Kinds after Supper.*

THIRTEENTH
 SESSION,
 in which
 the Commu-
 nion in both
 Kinds is con-
 demn'd.
 June 15.
 V. d. Hardt,
 T. IV. p. 332.

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WHERE-

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' WHEREAS in some Parts of the World, there are Persons so rash
 ' as to assert, that Christians ought to receive the Holy Sacrament
 ' of the Eucharist in the two Kinds of Bread and Wine, and who do
 ' publicly give the Communion to the Laity, not only under the
 ' Species of Bread but that of Wine also, obstinately affirming more-
 ' over, that it ought to be taken after Supper, and not Fasting, con-
 ' trary to the laudable Custom of the Church reasonably approv'd (1),
 ' which they presume to reject to their own Damnation, as it 'twas
 ' Sacrilege: THE SACRED COUNCIL being desirous to provide for
 ' the Salvation of Believers, after the mature Deliberation of several
 ' Doctors, declares, decrees and determines, That though Jesus Christ
 ' instituted and administer'd the venerable Sacrament to his Apostles
 ' after Supper in the two Kinds of Bread and Wine, yet the lauda-
 ' ble Authority of the sacred Canons, and the approved Custom of the
 ' Church hath observ'd and doth observe (2), that this Sacrament
 ' ought not to be celebrated after Supper, nor to be taken by Belie-
 ' vers otherwise than Fasting, except in Case of Sickness, and any o-
 ' ther Necessity granted or admitted according to Law, or by the
 ' Church. And as this Custom was reasonably introduc'd for avoi-
 ' ding certain Dangers and Scandals, there was the same and even
 ' greater Reason for introducing and observing this Rule; viz. That
 ' tho' in the Primitive Church this Sacrament was received by the
 ' Believers in both Kinds, yet afterwards (3) it was received in both
 ' Kinds by the officiating Priests only (4), and in the Species of Bread
 ' only by the Laity; because it ought to be believed firmly and un-
 ' doubtedly, that the whole Body and Blood of Jesus Christ is truly
 ' contain'd under the Species of Bread, as well as under the Species
 ' of Wine. For which Cause this Custom *reasonably* introduc'd by the
 ' Church, and by the *Holy Fathers*, and observ'd for a *very long time*
 ' *after* (5), ought to be regarded as a *Law*, which 'tis not allowable
 ' to reject or alter at Pleasure, without the Authority of the Church.
 ' From whence it follows, that to say 'tis sacrilegious or unlawful to
 ' observe this Custom or this Law, ought to be deem'd an Error.
 ' And they who obstinately maintain the contrary to what is esta-
 ' blish'd above, ought to be expell'd as Hereticks, and severely pu-
 ' nish'd by their *Diocesans*, and by the Inquisitors of the Faith in
 ' the Kingdoms or Provinces where they shall presume to infringe this
 ' Decree, according to the Canon Laws wholsomly establish'd in Fa-
 ' vour of the Catholick Faith against Hereticks and their Abettors.

(1) Contra laudabilem Ecclesie Con-
 suetudinem rationabiliter comprobata.

2) Servavit. & servat.

(3) Postea.

(4) Conscientibus.

(5) Diutissime.

XXVI. As the with-holding of the Cup from the Laity has had the Force of a Law in the Church of *Rome* ever since this Decree, I cannot help making a short Historical Digression upon this Subject.

1. I own that if I had been a Member of the Council, and had been never so much persuaded of the Necessity of with-holding the Cup, I would have done all I could to hinder the Publication of a Decree so ill drawn up, though it seem'd to have been well concerted; or I should have wish'd that it had been drawn up in a manner, that should have render'd it not so liable to a very just Criticism. For 2. 'tis not very apparent what Reason could engage the Council to forbid the receiving of the Communion after Supper, or any other Meal. This Prohibition evidently supposes, that there were People who did so at that Time. Nevertheless, no Sign of such Practice appears either in the Acts of the Council, or in the History of that Age. The Bishop of *Litomissel* said nothing of it in his Complaints to the Council against *Jacobel*. Moreover *Jacobel*, in his Answer to the six Conclusions of the Divines of the Council, says expressly, *that 'tis false to report there are any Persons who teach the Necessity of receiving the Communion after Supper or any other Meal, save only in Case of Necessity, which Case, says he, the Divines themselves have excepted* (1). Suspicious People might be apt to think, that the Doctors of the Council were glad to take Advantage of a certain Report which was then current, that there were People who receiv'd the Communion after Supper, in order to make a Parallel betwixt the Alteration that was introduc'd of receiving the Communion Fasting, and that of receiving it only in the Species of Bread, and to authorize the one by the other. For it appears by a MS. of *Breslaw* which was written at that Time, that the *Wickliffites* or *Hussites* were falsely accused of giving the Communion to the Laity in both Kinds, in the Evening after Supper, when they were drunk, and of carrying the Wine or Blood into Houses, and to the Altars at any Time whatsoever, at the Request of the People; of holding Assemblies or Conventicles in Cellars and other secret Places; and of committing many Abominations therein after the Communion (2). Such Suspicion would be the more

(1) Quod utique constat falsum, cum nullus repertus esse constat hujusmodi, qui sic dogmatizasset sive practicasset post Cœnam, necessitate exclusâ, quam per se excipiunt dicti Condemnatores. *V. d. Hardt*, T. III. p. 626.

(2) Diabolus — excitavit susurroneos & ipsius æmulos veritatis, qui mendacia coram Concilio Constantiæ querulosa præposuerunt, qualiter Wicklesitæ seu Hussitæ de Vespera post Cœnam inebriati Sacramento Sanguinis & Corporis Domi-

ni à suis communicarentur Sacerdotibus, & quod in ollis Sacramentum Christi sanguinis conficerent, & in flaskulis seu lagenis hinc inde per domos seu cellaria portarent, & quocunque tempore, etiam noctu, populus utriusque sexûs affectuaret Sacramentum, Sacerdotes ipsi ad eos communicandum mox essent parati, quodque Conventicula in cellariis & aliis locis occultis faciendo post Sacramenti communionem multas exercerent abominaciones. M S. de *Breslaw*.

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plausible,

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plausible, because the Decree first mentions the Custom of receiving the Communion Fasting, undoubtedly to lead to that of receiving it only in the Species of Bread. For it were much more natural first to condemn the Communion in both Kinds, which was the principal Article, than to begin with the Communion after Supper, which was only an Incident in this Affair. For the rest, I leave it to the Disputants (1), to shew the Disparity between the two Cases, or rather to *Jacobel* himself, who answer'd the Doctors of the Council according to *St. Austin*, *That if Jesus Christ had said, Do this in Remembrance of me after having eaten, no Body would have presum'd to alter this Custom.* 3. I don't know how the Council came to say that the Custom of receiving the Communion in one Kind only, had been introduc'd into the Church *for a very long Time.* Can a Custom which had prevail'd not even generally, nor without Contradiction, but for 200 Years at most, be called a *very long standing*, especially if that Term be compar'd to twelve whole Centuries, during which the Church had been in Possession of the Usage of receiving the Communion in both Kinds? If the Council had apply'd the Term of *very long Time*, to the Custom of receiving it Fasting, they would not have offended the Truth of History in the manner that they did; for in a Council held at *Carthage* in 412, an Order was made for receiving the Communion Fasting. 'Tis true, that as the Council of *Constance* mentions the with-holding of the Cup only as a *Custom*, the Space of 200 Years is long enough to say 'twas a very old one. Nothing would remain but to examine whether this Custom has the Quality which a Custom ought to have, according to the Canonists (2), before it can have the Force of a Law, or even of a *Constitution.* This I leave also to the Disputants. At least *Jacobel* did not think so, because he ironically call'd the Divines of the Council (a), *the Doctors of Custom.* I shall only make one Remark more, and then return to the Session; *viz.* That the Words, *a very long time*, were not mentioned by the Doctors, who had decided this Point in the six Propositions, but were added by those who form'd the Decree. After this Decree had been read and approv'd unanimously, another was read, ' which under Pain of Excommunication ' enjoyn'd all Patriarchs, Archbishops, Bishops, Prelates and their Vicars, in what Place soever, to punish those who should obstinately ' contravene this Decree, so far as to deliver them over to the Secu-

Jacobel apud d. Hardt, ubi sup. p. 596, 597.

(a) *Consuetudinarios.*

(1) See the Preservative against a Reconciliation with the See of Rome. T. IV. p. 142, &c.

(2) *Consuetudo, si neque bonis moribus, neque Decretis, neque Conciliis adverteretur, in rebus & juribus Ecclesiasticis*

scriptæ Constitutionis vigorem habet, i. e. Custom, if it be nor repugnant to good Manners, nor to Decrees, nor Councils, has the Force of a written Constitution in Laws and Affairs Ecclesiastical. Comp. Jur. Can. Cen. L. I. Tit. I. 24.

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lar Arm, if necessary, and to admit those to Penance who were for returning within the Pale of the Church?

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XXVII. AFTERWARDS the Proctors of the Council represented that since some new Heresy broke out every Day during this Schism, and old ones reviv'd, it was proper to appoint Commissioners to inquire into, and even judge of Matters of Faith, as far as a Definitive Sentence, exclusively; because it was impossible that the whole Council assembled in a Body could take Cognisance of so many Particulars. Upon this the Bishop of *Pofen* read a Decree of the Council, appointing four Cardinals, Commissioners in Matters relating to the Faith, and to the Reformation of the Church, viz. the Cardinals *de Ursins*, *Aquileja*, *Cambray* and *Florence*, with four other Commissioners of each Nation, as well Bishops as Doctors, to hear and examin those Causes, to proceed therein juridically, and to extirpate all Manner of Heresies and Errors in Faith and Manners, from what Quarter or Corner soever of the World they came, without any Respect of Persons, of what Dignity soever they be, whether Clergy or Laity, tho' it were a Pope; and to pronounce Judgment even to a definitive Sentence, exclusively, as the Proctors had demanded. The Decree added, that as to the Affair of *John Hus*, which was on the Point of being determin'd, the Commission which was nominated before, and which had taken Cognisance of it hitherto, should subsist. As for the *Italian* Nation, the Commissioners were the Bishops of *Concordia* and *Alexandria de la Paglia*; for the *French* Nation, the Bishop of *Geneva* (1), the Abbat of *Jumièges* in *Normandy*, the Abbat of *Clairvaux*, and Dr. *Ursin de Tail- lenande*; for the *English* Nation two Professors of Law; for the *German* Nation, *Andrew* Bishop Elect of *Pofen*, Doctor *Nicholas Dunkel- spiel*, *Tbierry de Munster*, Professors of Divinity, and *Berthuld de Wil- dungen* Auditor of the *Rota*. This Decree was approv'd by all, except the Bishop of *Arras*, who protested against the Choice that had been made of the Cardinal of *Cambray* to be Commissioner in Matters of Faith. He said that he would give his Reason for such his Protest at a proper Time and Place, but especially that he excepted against this Cardinal in the Affair of the Duke of *Burgundy* with the *Parisians*. The Protest was admitted, and he demanded that it might be registered.

Commissioners appointed for Matters of Faith. V. d. Hardt, T. IV. p. 335.

THERE are some Remarks to be made upon this Decree, which seems at first view very needless, because on the first of *December* 1414. there were twelve Commissioners appointed for Matters of Faith, among whom were the Cardinal of *Cambray*, *Thomas Branca- cio* Cardinal of *St. Mark* (2), and the Cardinal of *Florence*; and they

V. d. Hardt, T. IV. p. 23.

(1) According to the new Ecclesiastical State of *Germany*. Tom. II. p. 238. this was *J-bn Bertrandi* who was afterwards Bishop of the *Larentaise* in *Savoy*, and dy'd in 1423.

(2) As to this Cardinal, see the History of the Council of *Pisa*. Part II. p. 58.

had

1415. had already examin'd several of those Matters, particularly the Doctrine of *John Hus* and *Jerom of Prague*, as well as that of *Jacobel*. Therefore there must needs have been some particular Reasons for renewing or fortifying this Commission. Of this we may be satisfied by one of the *Vienna MSS.* written with the Hand of the Civilian *John Dorre*, who was present at the Council. There we find that this new Commission was appointed at the Request of the *French*, and that they propos'd to enter an Accusation of Heresy against the Duke of *Burgundy* (1). Indeed this Duke is not mentioned, neither in the Request of the Proctors nor in the Decree of the Council, as has been just now shewn, because they had resolv'd to spare Persons in the Examination of *John Petit's* Doctrine; but the Civilian just now mention'd, was not ignorant of the Motive of this Decree. 'Tis true that the Advocates of the Duke of *Burgundy*, in order to suspend the Sentence of the Bishop of *Paris*, and the Inquisitor, had affirm'd that the Cause of the Duke of *Burgundy*, and consequently that of *John Petit* being an Affair of State, did not appertain to the Tribunal of Faith: But the contrary appear'd very evident from the last Decree of *Charles VI.* That Monarch declares, ' That finding upon exact Inquiry that the Cause of *John Petit* appertain'd to the Faith, he had refer'd the Judgment of it to the Bishop of *Paris*, and to the Inquisitor of the Faith in his Kingdom'. The Duke of *Burgundy* must needs have been convinc'd afterwards that this Affair was within the Jurisdiction of the Church, because he appeal'd from the Sentence of the Assembly of *Paris* to the See of *Rome*. And in pursuance of this Principle the Council join'd to the Cardinals, who were before charg'd with the Cognizance of Matters of Faith, the Cardinals of *Ursins* and *Aquileja* to whom the Pope at first refer'd *John Petit's* Affair, to the End that afterwards this Affair might be consider'd as a Matter appertaining to Religion, and put in the same Rank as the Causes of *John Hus*, *Jerom of Prague*, *Jacobel* and other Persons suspected of Heresy. Another Reason may also be render'd for the Establishment of those new Commissioners. One of the chief Views of calling the Council was the Reformation of the Church in its Head and Members, as has been already often observ'd. While *John XXIII.* was at *Constance*, this Matter could only be treated very secretly and superficially, tho' he had promis'd to employ all his Authority for the procuring a good Reformation to the Church. After his Escape their chief Application was to reclaim him to his Duty, or to prosecute him. But when he was depos'd, they resum'd the Business of the Reformation of the Church, and it appears from the

Gerson ub. sup. p. 33.

(1) Cujus Commissionis impulsiva causa fuerunt Franci, intendentes inducere causam heresium contra Ducem Burgundiz. *V. d. Hardt T. IV. p. 333.*

Decree

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Decree of the Council, that those new Commissioners were charg'd with that Affair, as well as with the Extirpation of Heresy (1). They met several Times this Year to draw up Articles of Reformation, and this was the Assembly so often call'd the *Reforming Congregation* or *College*. What was the Success of this Commission we shall find hereafter.

XXVIII. AFTER this Decree was read, the Bishop of *Arras* declar'd that his Master having a Suspicion of the Cardinal of *Cambray* for Reasons, of which he referr'd the Mention to a proper Time and Place; he excepted against the said Cardinal at least in the Affair of *John Petit*, till he had receiv'd fresh Orders from the Duke of *Burgundy*. It appears also by the said Act of Challenge, that the Bishop of *Arras* had already excepted against him (2) on some other Occasion, tho' I have not met with any Indication of it elsewhere. The Cause of this Challenge would appear very solid, if it were true, as some (a) have conjectured, that the Cardinal of *Cambray* was one of the most zealous Sticklers for the Condemnation of *John Petit's* Plea in the Assembly of *Paris*. But as I don't find any where in the Acts of this Assembly that the Cardinal of *Cambray* was so much as present at it; there must be another Reason found for this Challenge (b). *Sponde*, and after him (c) *Maimbourg* alledge this for a Reason, viz. that *Peter d'Ailli* (3) was *John Gerson's* Master, and that he was reckon'd the principal Enemy of *John Petit* and also of the Duke of *Burgundy*. I know not whether this was a sufficient Motive to challenge the Cardinal of *Cambray*, because we find in *John Gerson's* Works, that tho' the latter was Scholar to the former, they were not always of the same Sentiment in Affairs of very great Importance. Put in a Memorial which the Bishop of *Arras* presented on the 25th of *June*, we find sufficient Cause for the Exception against the Cardinal of *Cambray*, viz. the great Intimacy there was betwixt *John Gerson* and him upon this Affair at the Council, and the Conferences which *John Gerson* held at his Apartment for the Condemnation of *John Petit's* Propositions. The Acts don't say whether this Challenge was admitted or not. Be it as it will, the Bishop of *Arras* demanded afterwards, That the Sentence of the Bishop of *Paris* and the Inquisitor of the Faith should be repeal'd and declar'd void by the Council, as well because they had not a right to pass Judgment in a Cause of which the Cognizance appertain'd to the Holy See, as because the condemn'd Propositions were probable, and maintain'd by a great Number of Doctors. That the

Affair. V. d. Hardt T. IV. Gerson p. 336. p. 358.

(a) V. d. Hardt T. IV. p. 337.

(b) Spond. ad. an. 1415. n.

(c) Maimbourg Hist. du Schisme d'Occid. Part 2. p. 238.

Gerson ubi. sup. p. 362.

(1) Pro celeriori extirpatione hæresium, & Ecclesiæ Reformatione sacrosanctæ. V. d. Hardt, T. IV. p. 335.

(2) Stamus in Protestationibus per nos aliàs factis, quoad Reverendissimum Pa-

trem Dominum Cardinalem Cameracensem, Gers. ubi. sup.

(3) This is the Cardinal of *Cambray*.

Council:

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Council shou'd leave the Propositions or *Truths* of *John Petit* in their Probability, as well as those which *John Gerson* pretended to have extracted from them, because there appear'd no Accuser nor Party (1), and that Silence should be impos'd upon the Bishop of *Paris*, *John Gerson* and the Proctor of the Council, because of the Irregularity of their Proceedings in this Affair. For the rest he left it to the Wisdom of the Judges, to punish *John Gerson* for his slanderous Information against the Duke of *Burgundy*, in what Manner they thought fit. Finally, with Regard to the general Proposition which imports ' that 'tis allowable and even laudable and meritorious for any Person of ' his own Authority to kill a Tyrant, and that all Means whatsoever ' even those of Treachery and Flattery may be practis'd to draw him ' into the Snares laid for him, notwithstanding all Oaths and all Al- ' liances that might be made with him'; the Bishop declar'd that he did not oppose the Condemnation that had been demanded thereof, provided it was explain'd and made clear by a Decree of the Council. The Procurator of the Abbey of *Clugni*, who was Colleague in the Embassy with the Bishop of *Arras*, presented a Memorial likewise upon this Occasion, which seem'd more equitable and moderate than the Bishop's. For he only demanded that the Sentence of the Bishop of *Paris* might be examin'd, in order to declare it to be null and void, as far as it was defective. That the eight Propositions which *John Petit* in his Plea had call'd *Truths*, together with the nine Assertions which *Gerson* pretended to have extracted from them, might likewise be examin'd, in order to make a Judgment whether *John Petit's* eight Propositions were justifiable or not, and whether *Gerson's* Assertions were extracted from them by fair Consequences. That *Gerson* and his Adherents might have the Liberty to deliver what Proposals they thought fit upon this Affair to the Council: That the said Commissioners shou'd consider of the means to give Satisfaction to the Duke of *Burgundy*, and do Justice to the Memory of *John Petit*, for the Affront which had been put upon them by that Accusation; and that upon this Condition Expedients should also be found out to salve the Honour of the Informers. Afterwards they read the Opinions of the Abbats *de Clairvaux* and *de Cîteaux*, who were likewise Envoys from the Duke of *Burgundy*. They both declar'd their Opinion for annulling the Sentence of the Bishop of *Paris*, without involving his Person; and for condemning the General Proposition above-mention'd, with this Temperament, that by such Condemnation they did not intend to prejudice either the Living or the Dead; that it should not be lawful to impute it to any Person whatsoever, unless he should by due Course of Law

(1) Cum super materia principali nullus apparuit accusator, nec denunciator, nec insinuatio clamosa. *Gerson* p. 358. *Bev. ad ann.* 1415. p. 416.

be convicted of having advanc'd it, nor to accuse those of Heresy who heretofore had defended *John Petii's* Propositions, which were to be left in their State of Probability; and finally they were for prohibiting the Teaching of such Propositions for the future, in order to avoid the Seditions and Scandals which might arise upon their Account. Except only the Challenge or Exception against the Cardinal of *Cambray*, which is also to be met with in the Manuscripts of *Germany*, I don't find the other Particulars just now mention'd there, nor in the Continuators of *Baronius*, nor in *Richer*, *Maimbourg* and *M. Dupin*, who have made no mention of 'em in their Histories or historical Tracts: But the last of those Historians has collected them with his usual Diligence and Fidelity from the Manuscripts which he found in the Libraries of *Paris*, and has inserted them in his beautiful Edition of *Gerfon's* Works, with many other very curious Particulars which till then the Publick never knew. These were all the Transactions of this Session.

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XXIX. THE same Day *Charles Malatesta* Lord of *Rimini*, Governor of *Romandiola*, Captain General of *Gregory XII.* and his Proctor for the Resignation of the Pontificate arriv'd with a fine Resistance at *Constance*, where he was receiv'd with very great Joy and Splendor. Next Day he deliver'd the Letters from *Gregory* to *Sigismond*, and declar'd to him, that he was sent to the Emperor and not to the Council, because *Gregory* did not yet own that Assembly. He also paid a Visit to the Colleges of the Nations as well as to the particular Assemblies, and gave them Notice that he had a full Power to renounce the Pontificate in the Name of *Gregory*; after which there were several Assemblies to settle every thing which related to that Resignation till the 4<sup>th</sup> of *July*, when it was put in Execution.

*Charles Malatesta arriv'd at Constance.*  
*V. d. Hardt.*  
T. IV. p. 341.  
June 16.

ABOUT the 20<sup>th</sup> of *June* a Letter came to the Council from *Nicholas Clemangis*, of which 'tis necessary to report the Substance. He excuses himself first of all, for the Freedom which he takes to write, and to give his Opinion to *his most reverend Fathers in Christ*, and to *Persons so enlighten'd as they are, and so penetrated with the celestial Unction as it ought piously to be believ'd they are.* He excuses himself I say, on Account of his Zeal for the Union, and on Account of the extreme Necessities and Dangers of the Church. Then he exhorts them constantly to pursue the Extirpation of the Schism, courageously to demolish all Difficulties that intervene, and not to be discourag'd by the Obstacles which had hitherto retarded the Accomplishment of that Design. You ought not, says he, to trust in your selves, but in the Assistance of the Divine Grace; you ought not to seek for Support either in human Counsels or in Cunning, or universal Learning, or subtle Reasoning, or in Eloquence, or in the Volubility of the Tongue, or in Disputes and Controversies

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of the Tongue or Pen; but in the Assistance of God, who will not forsake his Church nor forget her for ever. He afterwards exhorts them to judge of the present and future Times by the past, that they may be convinc'd how much need they have of Resolution and Perseverance not to relapse into the same Misfortunes, which the Church has so long been plung'd in by the Artifices of the Devil, and the various Stratagems of his Ministers; which wou'd be a Case the more deplorable, says he, because if an Assembly so famous, and call'd together for the Union of the Church shou'd not attain to it, there wou'd be no Reason to expect it hereafter. The Examples of *Mary* and *Martha*, of whom the one only gave Heed to the Words of Jesus Christ, the other only minded her temporal Affairs; these Examples, I say, are not forgot, in order to hint to the Fathers of the Council, that they ought to lay aside all their private Interests and to make a Sacrifice thereof to the Church of Jesus Christ.

“My dear Fathers, says he, you must imitate the Conduct of the wise Traveller, who when once he has resolv'd to go to any Place, if he cannot get at it by an easy Road, goes to it by Ways that are in a Manner inaccessible, climbs Mountains and Rocks, crosses the most rapid Rivers, and is not to be discourag'd by the most frightful and uninhabited Deserts.’ There seems to be a great deal of Prudence in the Advice he gives them afterwards, viz. That in knotty and difficult Affairs the same Plan or Counsels must not be so closely pursu'd as never to alter the Method, and take another Course according to the Variety of Cases and Conjunctures. 'Tis the same, says he, with civil Diseases, as those of the Body; different Remedies must be try'd according to the diversity of Symptoms and Circumstances. 'Twas this which made the Philosophers say, that for the due Government of a Republic it was necessary to observe a *Lacedemonian* not a *Lesbian* Rule, i. e. a Rule not of Iron but of Lead, which might be turn'd and bent either Way as the Case shall require. To this tends that Virtue which the *Grecians* call ἐπιεικεία, i. e. that Equity which tempers the Severity of Right and Justice according to the Circumstances of Places and Persons. After these general Hints he gives his Opinion concerning the Report that the Council had resolv'd to chuse neither of the Competitors to be Pope.

“I can't believe, says he, that you have taken any such Resolution; do you know my Fathers upon whom the Holy Ghost will cast the Lot? Will you offer to prescribe Laws to the Holy Ghost which generally assists at Elections after being piously invoc'd, and to direct the Judgment of the Electors? To attempt to make the Holy Spirit subservient to the Will of Man in an Election, is it not excluding it from the Choice? Know you not therefore what is written, *The Wind bloweth where it listeth; where the Spirit of the Lord is there is Liberty*, and

“those

‘ those other Words *you have been call’d to Liberty?* Take Care that  
 ‘ you don’t use your Liberty for an occasion to the Flesh, that is to say,  
 ‘ to carnal Affections. May not such a Case happen, and perhaps ’tis  
 ‘ already come, that you cannot attain to the Union but by the  
 ‘ Choice of one of the three Competitors? In which Case let any  
 ‘ one judge which wou’d be best, either to chuse one of them, or  
 ‘ to go home without having given Peace to the Church.’ The Let-  
 ter concludes with a Protestation that there’s no Respect of Persons  
 in the Hints which he has taken the Liberty to give them (a).

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 (a) *Op. Vom  
 der Hardt T.  
 I. Part II. p.  
 39, 43.  
 Conferences  
 on the Af-  
 fair of John  
 Petit.  
 June 25.*

XXX. MEAN while the Emperor retir’d for a Day or two to  
*Uberlingen*, which is a small Town a few Leagues from *Constance*,  
 either to unbend his Mind, or that he might be more at Liberty to  
 consider of the important Affairs which were still to be determin’d.  
 His Queen *Barba*, together with the Wife of *Frederick* Duke of  
*Austria* of the House of *Brunswick* were gone before. The Empe-  
 ror, before he went, took the Precaution to forbid all Persons to leave  
*Constance* till they had paid their Debts, and without a Certificate  
 and safe Conduet from the Magistrates. *Sigismond* after having stay’d  
 but three Days return’d to *Constance*. The Affairs of the Council were  
 nevertheless carry’d on in his Absence, at least in the private Con-  
 ferences. That of *John Petit* was still controverted with great Heat;  
 for on the one Hand the Ambassadors of the King of *France* left no  
 Stone unturn’d to have the Sentence of the Bishop of *Paris* con-  
 firm’d, and on the other Hand, the Ministers of the Duke of *Bur-*  
*gundy* were as wary to elude the Judgment of a Cause which cou’d  
 not but turn to their Master’s Hurt. The Bishop of *Arras* in all  
 Appearance took Advantage of the Emperor’s Absence, to present  
 a long Memorial against *Gerson* to the Commissioners (b), as if he had  
 been the declar’d Enemy of the Duke of *Burgundy*, and that under  
 Pretence of Zeal for the Faith he had no other View than to stain that  
 Prince’s Reputation. This Memorial tells us of two Particulars by  
 the Way which are not to be met with elsewhere; One, that the  
 Bishop of *Paris* and the Inquisitor of the Faith had been summon’d  
 to the Council for the 24<sup>th</sup> of *October* this Year, in order no Doubt  
 to render a Reason for their Sentence; the other was, that the  
 Conferences betwixt *Gerson* and that Prelate on the Ways and Means  
 for procuring the Condemnation of *John Petit*’s Propositions, were ge-  
 nerally held at the House of the Cardinal of *Cambray*, as has just  
 now been observ’d. Therefore the Bishop of *Arras* complain’d in  
 this Memorial, that *John Gerson*, who call’d himself *Ambassador of the*  
*King of France*, behav’d as an open Adversary against the Duke of  
*Burgundy*, and had even acted already in that Quality on many Oc-  
 casions, without waiting for the Expiration of the Term of the Sum-  
 mons sent to the Bishop of *Paris* and the Inquisitor of the Faith,

*V. d. Hardt.  
 T. IV. p.  
 343.  
 (b) Op. Gers.  
 T. V. p. 302.  
 June 25.*



1415. and even contrary to the exprefs Orders of the King of *France*. To prove this Fact, he mentions feveral Occafions in which *Gerson* behav'd as an Accufer of *John Petit's* Propofition; and produces feveral Memorials and Speeches thereupon made by the faid Chancellor of the University, and particularly a Sermon upon thefe Words, *Tbou shalt not kill*. The Bifhop of *Arras* accuses him likewise of having difcover'd fo much Paffion in this Affair, that one Day as he was reading a certain Memorial to the Cardinal, which he thought he did not duly attend to; he threw it in a Rage at his Feet. This Memorial of *Gerson*; as the Bifhop of *Arras* fays, imported, ' that *John Petit's* Proposition (a) had been juftly condemn'd, as containing feveral Errors againft the Faith, and againft good Manners. That it was abfolutely neceffary to take Care of the Extirpation of thofe Errors, and that all who oppos'd it, muft be look'd upon as Favourers of the Heresy'. The End which the Bifhop of *Arras* had in thefe Complaints, is vifible enough. As he had no Mind that this Affair fhould be judg'd in the Council, he could not bear that *Gerson* fhould prefs for it with fo much Earneftnefs. It feem'd alfo that he had fufficient Reason to complain, becaufe the Ambaffadors of *France* had Orders not to declare themfelves Parties, but to ftay either till they were attack'd, or till the Caufe was brought before the Council by fome other Canal. But 'tis impoffible to form a true Judgment of thefe Things, when we don't fee the fecret Orders which the Ambaffadors receive, and are ignorant of the particular Circumftances, by means of which every now and then one and the fame Affair receives different Lights. 'Tis certain, that *Gerson* might very well be fufpect-ed of fome Heat and Partiality in this Matter. He had had Quarrels with *John Petit*, and in a popular Tumult, which was rais'd at *Paris* by the Duke of *Burgundy's* Faction, *Gerson's* Houfe was not only plunder'd, but he himfelf had like to have loft his Life.

(a) 'Tis the whole Plea.

*Fruenal* p. 320. *Spind. ad. ann.* 1415. p. 752.

Endeavours to shake the Conftancy of *John Hus*.

Ep. 31. p. 67, & Ep. 32.

XXXI. THO' the Affair of *John Hus* was on the Point of being determined, it made the Emperor very uneasy. Notwithstanding all the Arguments of the Doctors, he had ftill fome Scruples of Mind concerning his Safe-Conduft. He would fain have engag'd *John Hus* to retract, rather than that Things fhould run to the laft Extremity, which without fome fuch Recantation was unavoidable; according to the Jurifprudence of the Council. For this End, *John Hus* was fitted feveral Times in the Emperor's Abfence, and after his Return, that is to fay, after the 28th of *June*. Every Body try'd in his own Way to shake his Conftancy, but all to as little Purpofe as before. The Council fent feveral Deputations to him, which he always answer'd with the fame Modesty and Refolution, being as far from an obftinate Attachment to any known Error, as from a cowardly Recantation of what he thought to be the Truth.

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ON the 21st of *June* he made Answer, that it was his final Intention neither to own the Extracts faithfully made from his Books to be erroneous, nor to abjure those which had been laid to his Charge by false Witnesses; because in such Case, Abjuration includes a sort of Confession. He was also tempted the same Day to an Abjuration by the Deputies, among whom were *Michael de Causis*, and *Stephen Paletz*. This appears from a Letter of his to one of his Friends. ' You are to know, *says he*, that *Paletz* would fain persuade me that ' I ought to make no Scruple of abjuring, considering the great Advantage that would redound to me from it. But I told him, that ' there was less Scandal in being condemn'd and burnt, than in abjuring. ' I'll leave it to your own Conscience, said I to him, if it ' was proposed to you to abjure Errors which you did not think ' such, would you do it? He told me 'twas a hard Case, and the ' Tears stood in his Eyes. *As to Causis*, *John Hus* says this of him. That ' poor Man *Michael de Causis* has been often with the Deputies, before the Prison. When I was in their Presence, I heard him say ' to the Guards, If it please God we shall shortly burn this Heretick, ' who hath cost me so many Florins (a)'. One may easily guess how far *John Hus* was dispos'd towards a Retraction, by a Letter which he wrote much about this Time to a certain Preacher of his Acquaintance concerning the Restoration of the Chalice. ' Dearest Brother ' in Jesus Christ, *says he*, don't oppose the Sacrament of the Chalice, ' which our Lord Jesus Christ has instituted by himself and his Apostle. ' There's nothing in the Scripture that is contrary to that Institution, nor is the contrary founded upon any thing but Custom, which ' undoubtedly through Neglect is grown old. Now 'tis not Custom ' that we ought to follow, but Jesus Christ and the Truth. The ' Council has lately condemn'd the Communion of the Chalice with ' regard to the Laity as an Error, and made an Order, that whoever ' offends in that Respect, shall be punish'd as a Heretick, if he doth ' not repent, though the Determination is only founded upon Custom. Behold the Malice of condemning an Institution of Jesus Christ ' as an Error. I beg you for God's Sake not to thwart Master *Jacobel*, lest a Schism should arise among the Faithful, to the great Joy ' of the Devil (b)'. (a) Op. Hus. T. I. Fol. LXVI. b.

ON the 24th of *June*, it was resolved to condemn his Books to the Fire; with a View no doubt to intimidate him by those Fore-runners of his Fate, in Hopes that a sort of Fatherly Tenderness for his Works would make him to relent. But it appears by the two Letters he wrote thereupon to his Friends, that this Sentence did not at all discourage him. In the one he told them, that they need not be alarm'd at the Condemnation of his Books to the Fire, that those of *Jeremiab* had the same Fate, but that nevertheless the *Jesus* suffer'd (b) Op. Hus. T. I. Fol. LXII. b.

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suffer'd the Calamities which the Prophet had therein foretold to them, and that in the Time of the *Maccabees* the Books of the Law were burnt, and those who had them in their Custody were put to Death. In this Letter there are some smart Turns which are very remarkable. ' I intreat you, Dear Brethren, *says he*, not to be discouraged. I trust in God, that this School of Antichrist shall one Day be afraid of you, and suffer you to be in Quiet, and that the Council of *Constance* will not extend to *Bobemia*. For I doubt not but many of those who are there will be dead, before they can get my Books out of your Hands. When all the Members of the Council shall be scatter'd in the World like Storks, they will know when Winter cometh, what they did in Summer. Consider, I pray you, that they have judg'd their Head the Pope worthy of Death, by reason of his horrible Crimes. Answer to this you Teachers, who preach that the Pope is a God upon Earth, that he may sell and waste in what manner he pleaseth, the Holy Things, as the Lawyers say; that he is the Head of the entire Holy Church, and governeth it well; that he is the Heart of the Church and quickeneth it spiritually; that he is the Well-spring from whence floweth all Virtue and Goodness; that he is the Sun of the Church, and a very safe Refuge, to which every Christian ought to fly. Yet behold now that Head cut off, (*gladio amputatum*) this God upon Earth is bound, his Sins are declared openly, this Well-spring is dried up, his Heart is plucked out. Among other Crimes, the Council have condemn'd him for selling Indulgencies, Bishopricks, and other such like. But with respect to this, they have condemn'd him for a Crime of which they are themselves Accomplices, because many buy those Things of the Pope, in order to sell them again to others. The Bishop of *Litomissel*, who is at the Council, went twice to buy the Archbishoprick of *Prague*, but others outbid him. But why should a Curse be pronounc'd upon the Seller, and the Buyers escape unpunish'd? They follow this Traffick even at *Constance*, where one sells and another buys a Benefice. I would that God had said in this Council, He that is without Sin amongst you, let him pass Sentence against the Pope. I doubt not but they would all have gone out one after another'. In the other Letter he reproaches the Council for having condemn'd several Books which they had not read, because they were written in the *Bobemian* Tongue, which very few at *Constance*, and perhaps none besides the Bishop of *Litomissel* understood. But I don't think this Complaint very well founded, because there were several Deputies from the Clergy of *Bobemia* at *Constance*, besides the Bishop of *Litomissel*, as *Paletz*, *Causis*, &c. The *Poles* probably understood the *Bobemian*, as being a Dialect of the *Sclavonic* Language. Besides, most of the German Doctors

Doctors, who were at the Council, had undoubtedly studied at *Prague*, for it was not above five or six Years before, that the *Germans* had quitted that University. 1415.

THEY had still Hopes, that a Confessor would have a greater Ascendant over *John Hus*. He had desir'd one, and actually wish'd that *Paletz* might be the Man, because he was the worst Enemy he had; to signify on the one hand, that he was dispos'd to forgive him, and on the other hand, to shew that he had nothing to confess, which he was unwilling that all the World should know. But as he had left it to his Judges, to chuse the Man, they sent a Fryar to him, of whom *John Hus* gives this Character. *He heard me with a great deal of Candour and Civility, he absolv'd me, he gave me the same Advice as others had done, but he prescrib'd nothing to me.* At length upon the first of *July*, he receiv'd another solemn Deputation, in which were two Cardinals and other Prelates, to engage him to recant. But they could get nothing out of him more than this Paper, which he left for them under his own Hand, and which was read in publick on the Day that he was condemn'd. ' Fearing to offend God, and to perjure myself, I am not willing to abjure any of the Articles that have been exhibited against me by false Evidences, and which I call God to Witness, were never preach'd nor defended by me, as they are laid to my Charge. As to the Articles extracted from my Books, I declare that if there is any one of them, which carries any Error in it, I abhor it, but am not willing to abjure one of them, for Fear of offending the Truth and the Sentiments of the Holy Doctors. And if it were possible that my Voice could reach to the uttermost Parts of the Earth, as clearly as every Lye, and as all my Sins shall be made manifest at the last Day, I would heartily revoke before the whole World every Falshood or Error which I may have said or conceiv'd. This is what I declare, and what I freely and voluntarily write '. Till the final Determination of the Fate of *John Hus*, we must see what pass'd in the Fourteenth Session.

Ep. XXXI.  
July 1.  
V. d. Hardt.  
T. IV. p. 345.

Op. Hus. T.  
I. Epist.  
XXVII. p.  
66.

XXXII. THIS Session is remarkable for three particular Circumstances. First the Emperor's presiding at the Beginning of the *A& Gregory XII.* who would not own the Authority of a Council assembled by his Rival *John XXIII.* was so squeamish that he refus'd to resign, either during the Presidency of that Pope in Case he had been still at the Council, nor by Consequence during the Presidency of any of the Cardinals who had been of his Party, because that would have been the recognizing of him and the Council at the same Time. But the Council having the Union of the Church at Heart, and being resolv'd for that End to remove all Obstacles which were not invincible, an Expedient was thought of for the Emperor's presiding in

FOUR-  
TEENTH  
SESSION;  
July 4.  
V. d. Hardt,  
T. IV. p.  
346.  
Br. v. Spond.  
Richer. Dupin.  
Maimbourg.

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See Richer.  
Maimbourg.  
Dupin.

Council for that Time only, without making it a Precedent for the future. The second Circumstance is, that the Council was summoned thither again by *Gregory XII.* (1) because as hath been just now observed, he did not own the Assembly, which had been held hitherto, for a General Council. This fresh Summons of the Council, is undeniably prov'd by the Acts, so that it was a vain Attempt of some Divines of the *Gallican Church* to make it pass for no more than a bare Confirmation of the Council. Such as had the Good of Peace in View, did not think it proper by any means to refuse to gratify the Vanity of *Gregory* in an Instance, which at first did not seem of any Importance with regard to the Authority of the Council, tho' it was attended with very great Consequences in Process of Time. The third Circumstance is, that the Beginning of this Act ought not to be deem'd as the Beginning of the Fourteenth Session. This Affair had been concerted with a great deal of Prudence on both Sides. On the one Hand, those in the Obedience of *Gregory* did not insist to have every thing which pass'd to the new Summons inclusively, reckon'd as a Deliberation of the Council, and on the other Hand, the Cardinals of the Two Obediences were not willing it should ever be said, that the Emperor had presid'd at any Session of a General Council. For this Reason there was no Mass, nor were the rest of the Divine Offices celebrated at the Beginning of it as usual. They only sang some Hymns, and the Mass was not celebrated till the Cardinal of *Ragusa* had summon'd the Council in the Name of *Gregory*. There was an absolute Necessity for mentioning all these Particulars for the better understanding of the Acts of this Session.

The Emperor  
presides  
at the Beginning  
of this  
Session.

XXXIII. THE Emperor therefore having quitted his usual Place, went and seated himself as President, in a Chair that was prepared for him before the Altar, opposite to the Assembly, having on his Right Hand *Charles de Malatesta*, *Gregory's* Proctor, and on the Left the Cardinal of *Ragusa*, one of his Legates (2). After the singing of some Hymns, two Bulls were read from *Gregory XII.* The first was directed to the Cardinal of *Ragusa*, the Patriarch of *Constantinople*, the Archbishop of *Treves*, the Elector Palatine, and *Charles de Malatesta*, and gives a Power to such of them as shall be at *Constance*, to own their Assembly for a General Council, after having actually convok'd it again upon that Footing, on Condition that *John XXIII.* shall not preside at it, nor be there present. The other Bull was directed to *Malatesta*, and gave him a more ample full Power than the former, to do and conclude whatever he should think most proper for

(1) His Bull for this Purpose is dated *March 13, 1415.* viz. before the Escape of *John XXIII.*

(2) The other was *John* the Patriarch of *Constantinople*, who did not appear at this Act.

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his Interests, and those of the Church, notwithstanding any other secret Instruction which he might have receiv'd before. These two Bulls being read, the Cardinal of *Ragusa*, by *Malatesta's* Order, publicly read the Act whereby *Gregory XII.* renounc'd the Papacy, after having made a short Speech concerning the Union of the Church. The said Act of Renunciation runs thus.

' OUR most Holy Father Pope *Gregory XII.* being fully inform'd of the Cause of the famous Assembly now at *Constance*, has in order to form a General Council there, and from an impatient Desire for the Union and Reformation of the Church, and for the Extirpation of Heresies, nominated the Commissioners and Proctors here present for this Purpose, as appears by the Acts just now read. Therefore in pursuance of this Order, I *John* the Cardinal of *Ragusa*, by the Authority of my said Lord the Pope, as far as to him appertains (1), do SUMMON this Sacred General Council, and authorise and confirm every Thing that they shall do for the Union and Reformation of the Church, and for the Extirpation of Heresy'. After this Act of Summons was read, the Archbishop of *Milan* approv'd it in the Name of the Council in these Terms, which are worthy Remark. As the chief Part of every Thing is its Principle and Motive, the Sacred General Council of *Constance* lawfully assembled in the Name of the Holy Ghost, and representing the Catholick Church, having a Desire from Principle to do every thing that is possible for the Union of the Church, to the End that the two Obediences, viz. that which own'd that *John XXIII.* was Pope, and that which owns *Gregory XII.* to be so now, may be united together under Jesus Christ their Head, the Council entirely admitting of the Summons, and Confirmation now made thereof in the Name of Him, who in his Obedience is called *Gregory XII.* as far as the Affair may appertain to him (2), declares and ordains that those two Obediences, if they may be so called, be united to one another, and to the Council at the same Time'. The Divines of *Italy*, who have asserted that the Council of *Constance* was not General till after this new Summons of *Gregory*, have not duly reflected on the Decree lately read, and concerted with *Gregory's* Legates. For although for the Sake of the Union the Council suffer'd this new Summons, they did not mean to be thereby divested of the Quality of a General Council. On the contrary, they assum'd that Character by confirming *Gregory's* Summons; and there are other Expressions in this Decree of Confirmation, which plainly shew what was the Council's Intention; for Instance, those Words, *as far as to him appertaineth*, fully import that the Council

(1) *Quantum ad eum spectat, istud Sacrum Generale Concilium convoc.*

(2) *Quantum ad eum spectat. Aliquo modo his supra dictis Obedientibus.*

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only bore with this Summons to humour the particular Views of *Gregory*, and that it did no Prejudice to the Summons of the Council, which was issued in the Year 1414. This Decree was follow'd by another, which declar'd void all Proceedings in the two Obediences on account of the Schism, together with the reciprocal Excommunications of *Gregory XII.* and *John XXIII.* or against the Cardinals of either Obedience. This same Decree enjoin'd the Notaries to make no mention of the Pope or the Apostolical See in the Dates of the Acts of that Session, but only to put down the Year of the Emperor's Reign. After the Decree was read, all the Cardinals of *John XXIII.* gave the Kiss of Peace to the Cardinal of *Ragusa*, and he was solemnly united to the Council.

The Beginning of the Session.

(a) *Theodoricus de Monasterio.*

(b) *John viii.*  
12.

XXXIV. THIS done, the Cardinal of *Pisa* celebrated Mass, and after all the Ceremonies usually perform'd at every Session, a certain Doctor (a) preach'd a Sermon (1) upon these Words of St. *John's* Gospel (b), *He that followeth me shall not walk in Darknes.* The Doctor put the Words of *Jesus Christ* into the Mouth of the Council, and fo represented them as speaking to *Gregory XII.* and his Obedience in general, but in particular to the Elector Palatine, and *Charles de Malatesta*, who were there present, to follow *Jesus Christ*, by uniting to the Council. He gave a very magnificent Character of those two Noblemen, in a Style that was very singular. As one of the principal Views of the Council was to reform the Church in its Head and Members, the Doctors did not fail to touch upon this Article in their Sermons, whatever their Text was. This Preacher maintain'd, that without such a Reformation 'tis impossible to suppress the Schism and to extirpate Heresy, because both are owing to the horrible Corruption of the Clergy. When the Sermon was ended, the Emperor resum'd his Place, and the Cardinal *de Viviers* took the President's Seat, when a new Bull was read from *Gregory XII.* which gave *Malatesta* Full Power to resign the Papal Dignity in that Pope's Name. As *Gregory* gave a Power to his Proctor to resign at such Time and Place as he should think most proper for procuring the Union of the Church; *Malatesta* demanded, after it was read, whether it would not be more conducive to this Union, to wait the Success of the Conference with *Benedict XIII.* at *Nice*, before he made this Resignation. But the Archbishop of *Milan* returning for Answer, in the Name of the Council, that it was absolutely necessary for extinguishing the Schism that *Gregory* should resign at *Constance*, and even without Delay, *Malatesta* did not insist any farther upon it, and they proceeded to the reading

(1) This Sermon was communicated to me in M S. by *M. V. d. Hardt*, who took it with several others from the Library of *Erfordt*.

of

of some Decrees, which they had agreed should precede the Ab-  
dication.

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By the first of those Decrees all Persons whatsoever were forbid to proceed to the Election of a new Pope, without the Deliberation and Consent of the Council; and all Customs, Prerogatives and Privileges, even tho' they had been authoris'd by General Councils, were for this Time suspended. It was drawn up almost in these Terms, ' The Council for obtaining a perfect Union of the Church, with the more Ease, Freedom and Advantage, forbids the proceeding to the Election of a new Pope in any Manner whatsoever, under pretext of any Resignation whatsoever, and of the Vacancy of the See, without the Deliberation and Consent of the Council as long as it shall hold. That if the contrary be attempted, such Attempt is declar'd null and void (*ipso facto*), by the Authority of the Council; and all Persons whatsoever are forbid to own such a Pope, on pain of incurring everlasting Damnation and the Guilt of Schism, and as well the Elect'd as the Electors and their Adherents shall be punish'd according to the Order of the Sacred Council. The same Council, for the Sake of the Union of the Church, suspends all positive Laws order'd in General Councils, with their Statutes, Regulations, Customs and Privileges to whomsoever granted, and the Penalties decreed against all Persons whatsoever, as far as all this may prove of the least Hindrance in the World to the Effect of the present Decree (1). The second imported that the Council should absolutely settle the Election of the new Pope, as well with regard to the Manner and Place of it, as with regard to the Electors, and every Thing in general which related to the Affair. The said Decree also imported that the Council should not be dissolv'd till a Pope was elect'd, and the Emperor was therein desired in Quality of Advocate of the Church and Protector of the Council, to employ himself efficaciously both for the Choice of a Pope and the Support of the Council till that Time. The Emperor having promis'd to do it, and to issue Letters to that end in due Form, the Bishop of *Five Churches* his Vice-Chancellor read an Edict, whereby that Prince promis'd not only to submit in all Things to the Deliberations of the Council, but to defend and maintain it with all his Power, till the Reformation of the Church could be compleated by the Election of a good Pope, and its perfect Union. But here 'tis proper to give the very Words of the Emperor's Promise, ' We *Si-* *v. d. Hardt,*  
' *gismond* King of the *Romans*, &c. in quality of Advocate of the T. IV. p.  
' Church of *Rome*, and Protector of the Council, to whose Orders and 376.  
' Decrees we are resolv'd in all Things to submit, as in Duty bound,

(1) The same Decree had already been *v. d. Hardt* T. IV. p. 282, 375. and made in the XIIIth Session at the Time p. 309. of this History. of the deposing of *John XXIII.* See



1415. (1) do promise and engage upon our Royal Word, to use all our Authority to maintain and protect this Council, till that, by the Election of a Pope and the entire Union of the Church, we can accomplish the Work of its Reformation? To this Act we must join an Ediēt (a), which the Emperor publish'd at the same Time, where- by he enjoins all the Princes, Vassals and Subjects of the Empire, and particularly the Inhabitants and Magistrates of *Constance*, in quality of natural Lord of that City, to take Care of the Security of the Council, and of the Freedom of the Pope's Election, and forbids all Persons of whatsoever *Dignity, Rank, Degree, Prebeminence, or Condition* they be, to disturb and thwart the Council directly or indirectly, on pain of being actually put under the Ban of the Empire, declar'd infamous for ever, and depriv'd of all Fiefs and Estates which they shall possess in the Empire, notwithstanding any Privilege whatsoever. The City of *Constance* in particular is threaten'd in Case of Infraētion, to be put under the Ban of the Empire, and depriv'd of all Imperial or Royal Privileges, Favours, and Liberties.

(a) *V. d. Har.*  
T. IV. p.  
379.

WHEN these were read, several other Decrees were also publish'd in favour of *Gregory XII.* and his Officers. 1. They ratify'd every thing that he had done *canonically* in his *real* Obedience. that is to say, in the Places where he was actually recognis'd; for like the two other Popes he pretended that it was due to him every where. 2. They declar'd that the Decree of the *XIIth* Session, importing that *Gregory* should not be chose again after his Resignation, was not made by Reason of any Incapacity or *Disability* on his Part for the Papal Dignity, but for the Sake of Peace, and in order that no Person might take Umbrage. 3. The Council declares that when there happen to be Cardinals or other Prelates of the several Obediences, which bear the same Title, such equitable Provision shall be made in that Case, that no Body shall complain. 4. A Decree was also read whereby *Gregory* was own'd a Cardinal, and the six Cardinals of his Obedience confirm'd in their Dignities, leaving it to the Council to take such Measures as they should think necessary for accommodating the Cardinals of the several Obediences which should be vested with the same Titles. Those Cardinals were *Anthony* Bishop of *Porto*, *John Dominic* Cardinal of *St. Sixtus*, *Gabriel de St. Clement*, *Angelo de St. Peter*, and *Marcellin*, *Bandello de St. Sabine*, and *Peter de St. Mary Cosmedim*.

*Luke* ii. 13. AFTER the reading of these Decrees *Charles Malatesta* stood up and preach'd a kind of Sermon (2) upon these Words, *And suddenly*

(1) Statutis & Ordinatori colla nostra submissimus, eisdemque in omnibus parere & intendere volumus, ut debemus.  
*V. d. Hardt. ub. sup. p. 377.*

(2) Collationem pulchram & compendiosam.

*there.*

there was with the Angel a Multitude of the Heavenly Host; alluding no doubt to the Name of *Angelo*, which was that of *Gregory XII.* When he had harangued the Assembly, he sat down in a Place prepar'd on Purpose for him, which would have been the Seat of *Gregory* himself, if he had been there in Person. Then he read the Act of Resignation aloud, which ran thus, ' I *Charles de Malatesta, &c.* (1), Procurator General of the Church of *Rome*, and of *Gregory XII.* being authoris'd thereunto by the Full Power which has just now been read, and not compell'd by any Violence, nor sway'd by any Possession, but only animated with an ardent Desire to procure the Peace and Union of the Church, do in the Name of the Father, the Son and the Holy Ghost, effectually and really renounce for Pope *Gregory XII.* my Master, all Right, Title and Possession of the Papacy, which he legally enjoys; and do actually resign it in Presence of Jesus Christ and this General Council, which represents the Church of *Rome* and the Catholick Church.' *Platina* reports that after he had made this Renunciation, *Charles Malatesta* left his Seat and went to another, to shew that he resign'd in reality as he had done verbally. Nay some Authors have pretended that *Charles Malatesta* was dress'd in the Pontifical Ornaments when he read the Act of Abdication, and that after he had so done he quitted them. But *Sponde* has judg'd right, if I am not deceiv'd, that they have confounded *Malatesta* with *Gregory* himself. For *Theodoric de Niem* tells us, that as soon as this Pope had Advice that his Proctor had resign'd the Pontificate in his Name at the Council, he assembled his Cardinals, Officers and Clergy, and abdicated *in propria personâ*, in a Full Consistory, quitting his Mitre and the other Pontificalia, and protesting that he wou'd never aspire to the Papal Dignity. He also wrote to the Council his Approbation of every Thing that his Proctors had done in his stead. He was made Cardinal Bishop of *Porto*, and dy'd two Years after, being 90 Years of Age, at *Recanati* in the Marquisat of *Ancona*; of which he was Legate, as shall be shewn in its Place.

XXXV. IN the Anecdotes of *Martene* we find the very Letter of Submission, which *Gregory XII.* wrote to the Council, and which deserves to be insert'd here. It was supercrib'd, *To the Holy and Sacred* Letter from *Gregory XII.* to the Council.

(1) *Arimini & nonnullarum aliarum terrarum in temporalibus Vicarius, necnon Provinciæ Romandiolæ Rector, pro Sanctissimo in Christo Patre Domino Gregori divina providentia Papa XII. & Sanctæ Ecclesiæ Romanæ Generalis, atque ejusdem Sanctissimi nostri Domini Procurator. i. e. Vicar in Temporals of Ari-*

*mini* and some other Lands, also Governor of the Province of *Romandiola*, for the most Holy Father in Christ the Lord *Gregory XII.* by the Divine Providence Pope, and General of the Holy Roman Church, and Procurator of our said most Holy Lord.

*cred.*

1415. *cred General Council of Constance, this is devoted, submitted and humbly recommended,* ‘ Since the Fall of our first Father, the Condition  
 ‘ of Man is become frail, and even his best Performances want some-  
 ‘ thing of being perfect, besides the frequent Obstructions to which  
 ‘ his good Intentions are liable. As there are two contending Princi-  
 ‘ ples in Man, he is scarce ever consistent with himself. Happy is  
 ‘ He to whom Heaven has given the Talent of regulating his  
 ‘ Appetite by his Will, and his Will by Right Reason. As it is  
 ‘ very difficult to attain to Happiness, the Ways which lead to it are  
 ‘ so various, that he cannot easily make his Choice which to take.  
 ‘ If this is true of Mankind in general, ’tis much more so of Hu-  
 ‘ man Societies. As they are conducted by the Direction of Men,  
 ‘ they cannot avoid being disturb’d by Suspicions, deceiv’d by Ca-  
 ‘ lumnies, divided by opposite Parties and different Opinions, cor-  
 ‘ rupted by Passions, and sometimes so disunited that there is nothing  
 ‘ more difficult than to unite them. Therefore of two Evils, we  
 ‘ must generally chuse the least, and happy is he that can do it  
 ‘ without Sin. ’Tis for this Reason that out of a Desire to bear a  
 ‘ Part as far as we are able with the Congregation, which the King  
 ‘ (of the *Romans*) has assembled at *Constance*, tho’ we undoubtedly be-  
 ‘ liev’d ourselves vested with the Power which the Lord Jesus Christ  
 ‘ our Head gave to *St. Peter* and his Successors; we nevertheless sent  
 ‘ our most dear Son *Charles de Malatesta*, as representing our Per-  
 ‘ son, to co-operate for the Extirpation of the Schism, for the general  
 ‘ Peace of the Church, and for the Election of a true Pope, whom  
 ‘ I may lawfully and affectionately adore. In pursuance of this Full  
 ‘ Power granted to our Proctor, and to which you have given Cre-  
 ‘ dit, we obey’d the Abdication, which he has made on our Part, as  
 ‘ soon as we had Advice of it. O sacred Synod, to which I submit,  
 ‘ I desire with earnestness, that there may be no Defect in the Use  
 ‘ which you have made of the most sacred Power of the blessed *St.*  
 ‘ *Peter*, of which you have been made Partaker. The Goodness with  
 ‘ which you have made Provision for my State, in regard to the Ho-  
 ‘ nour of the Papacy, is a powerful Motive to me to submit, and to  
 ‘ unite to the Sacred Council. Finally I humbly intreat that they  
 ‘ may employ themselves sincerely and effectually for the Re-establish-  
 ‘ ment of Peace and the Extirpation of the Schism. The Reason of  
 ‘ my delaying to write was my staying for the four Ambassadors,  
 ‘ whom ’twas said, the Council was to send to me, and who are not  
 ‘ yet arriv’d. Given at *Recanati*, Oct. 7. 1415. *Your humble and de-*  
 ‘ *voted ANGELO, Cardinal Bishop of the Holy Roman Church (a).’*  
 (a) *Marten Anecd. T. p. 1646.* The said Letter was read on the 7th of December, in a Congregation of the Deputies of the Nations.

AFTER

1415.  


AFTER these Decrees which related in particular to *Gregory XII.* some others were read that concern'd the Council in general. That which forbade all the Members of the Council to withdraw from thence without Leave, deserves to be inserted at full Length. ' For ' Fear that before the Election of a Pope, and the Dispatch of o- ' ther Affairs, the Council should be dissolv'd or disturb'd, and that ' something should be contriv'd to thwart the Success of it, or that its ' Decrees should be infring'd, the sacred Council decrees, ordains and de- ' termines that every Member of the Council, of what Rank, Dignity, ' Degree, Order or Preheminence soever he be, who shall withdraw ' from the Council without their Leave, or the Permission of their ' Commissioners deputed for such Purpose; and whosoever, whe- ' ther a Member of the Council, or other Person shall disturb ' the Council in any Manner whatsoever, or hinder the Success of ' it by Intrigues and Broils, or shall violate the Decrees thereof, and ' particularly those of this Session, shall be deem'd a Disturber of the ' Union, an Author and Abettor of the Schism, suspected of ' Heresy, Guilty of High Treason, and as such shall be for ever infam- ' ous, and depriv'd of all Manner of Dignity, Honour, Estate, Office ' and Benefice ecclesiastic and secular, without Hopes of recovering the ' same; whether he be an Emperor, a King, a Cardinal, or Pope.' (1). Afterwards a Decree was read, whereby the Emperor was exhorted to grant Letters Patent sign'd with his Seal, to all the Princes, Vassals and Subjects of the Empire, and particularly to the Citizens of *Constance*, to order them upon all Occasions to maintain and defend the Liberty of the Council till the Election of a Pope, and as long as the Council shall last; and when they shall proceed to that Election, to use all their Endeavours to render it safe, free, and quiet. To this especially, the Council desires that the Magistrates and Consuls of *Constance* may be sworn; to which they add, that if any Person disturbs the Freedom and Security of the Council, and useth Fraud and Neglect in that Duty, be he of what Dignity, Preheminence, Rank and Condition soever, all his Privileges being laid aside, he shall be put under the Ban of the Empire, made for ever infamous, and incapable of being ever admitted to any Dignity or Office, and shall immediately be depriv'd of all Fiefs or other Estates which he holds of the Empire. And as to the City of *Constance* and all its Territory, it shall likewise be put under the Ban of the Empire, and depriv'd of all imperial or royal Privileges, Favours and Liberties. To this Article the Deputies of the Nations, the Cardinal Bishop of *Osiza* for the College of Cardinals, and the King of the *Romans* answer'd Yes. The latter accordingly promis'd to grant Letters under

(1.) *Pontificalis* in this Place, I believe, have been put next to the Cardinals. means Episcopal, because no Pope was *V. d. Hard. ub. sup. p. 378.* yet elected, and the Pope would not his

1411. his Seal, and they were read that very Instant by his Vice-Chancellor, and exactly conformable to the Decree abovemention'd. (a) When these were read, the Bishop of Milan read an A& by which the Council unanimously accepts, approves and applauds the Abdication of him, who in his Obedience was call'd Gregory XII. as to the Office, Title and Possession which he had or claim'd. This A& being finish'd, Te Deum was sung in Honour of Almighty God, the glorious Virgin his Mother, and the whole triumphant Court. John XXIII. having been depos'd, and Gregory XII. having resign'd, nothing seem'd to remain as an Obstruction to the Union but the Obstinacy of *Benedict XIII.* therefore before this Session was ended, the Council made a Decree to require *Benedict XIII.* to resign the Papal Dignity.

THE Substance of this Decree was, that as *Peter de Luna* still refus'd to resign, tho' he had a long Time promis'd, and several Times sworn to do it; the Council declare the Resolution they have taken to require the said *Peter de Luna* to keep his Promise, and totally and absolutely to renounce the Title, Possession and Prerogative which he pretends to have in the Papal Dignity, within the Space of ten Days: That if he does not do it, the Council declares him, from this Time as well as from that, a Schismatic, a Favourer of this long Schism, obstinate and incorrigible, gone astray from the catholick Faith, a Breaker of his Promises, Vows and Oaths, notoriously scandalous, and by Consequence unworthy of all Honour and Dignity, especially of the Pontificate, of which he ought to be depriv'd. The Council therefore forbids him to behave for the future as Pope of Rome, and prohibits all Christians, Emperors, Kings, Cardinals, Bishops, and all Persons in general, who are vested with any ecclesiastick or secular Dignity whatsoever, to obey him, or his Successors, to give him any Assistance, Advice or Encouragement; and on the contrary, orders him to be avoided and prosecuted heartily, really and effectually as a Schismatic, a Disturber of the Peace of the Church, 'enjoyning all Persons to assist the Council and ' the Pope whom they shall chuse in the Prosecution of the said ' Anti-Pope. The Emperor is thereto requir'd in particular.' Thus ended the fourteenth Session.

The Emperor sends Deputies to John Hus.

July 5. *V. d. Hardt.*  
T. IV. p. 386. *Op. Hus.*  
T. I. Fol. XXV. and  
T. II. Fol. 343.

XXXVI. ON the 5th of July, the Emperor having a Desire to make one Tryal more upon *John Hus*, sent four Bishops to him with *Wenceslaus de Duba* and *John de Chlum*, to demand of him whether he would abjure the Articles which he own'd for his, and as to those which he did not own, tho' they were prov'd, whether he would swear that he did not hold them, and that he had no other Sentiments than those of the Church: But he answer'd, that he would stand to the Declaration which he had made upon the first of July. The old Historian of his Life says, that upon that Day as they were taking him

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him out of Prison to carry him before his Commissioners, *John de Chlum* spoke to him (and it was according to the best of my Conjecture the last Time he ever open'd his Lips to him) in these Terms,  
 ' My dear Master *John Hus*, I am but a Man of no Learning, and  
 ' consequently not able to give Advice to so learned a Man as  
 ' you are; nevertheless, if you think your self guilty of any of  
 ' the Errors of which you have been publickly accus'd, I beg  
 ' you not to be asham'd to retract them; but if, on the other Hand,  
 ' you are satisfy'd of your Innocence, so far am I from advising you  
 ' to say any thing against your Conscience, that on the contrary, I  
 ' exhort you to endure all Manner of Punishment rather than to re-  
 ' nounce any one Truth which you know to be so.' *John Hus*  
 answer'd with Tears, *That he call'd God to witness, that as he*  
*had always been, he was still ready to retract with all his Heart and*  
*upon Oath, as soon as he shou'd be convinc'd of an Error by the Evi-*  
*dence of the Holy Scripture.* One of the Prelates having thereupon  
 said to him, that for his Part he wou'd not be so presumptuous to  
 prefer his own private Opinion to that of the whole Council: *So far*  
*from it,* reply'd *John Hus*, *that if the meanest Member of the Council*  
*can convince me of an Error, I am wholly dispos'd to do whatsoever*  
*they shall order me; upon which said some of the Bishops, see how*  
*obstinate he is in his Errors.* After this he was remanded to Prison  
 till the next Day, which was the Day of his Condemnation, and  
 the last of his Life.

XXXVII. ON the same Day *Paul Voladimir*, of whom we have  
 already made mention, one of the Ambassadors of the King of Po-  
 land, presented a Tract in his Master's Name to the Germanic Na-  
 tion, in order to be communicated to the other Nations; which was  
 intitul'd *Demonstration*: Wherein he undertook to prove against the  
 Knights of the Teutonic Order, *That 'tis not lawful for Christians to*  
*make use of Arms to convert Infidels, nor to seize their Estates under*  
*such Presence.* There were some Canonists who maintain'd, (a)  
*That after Jesus Christ came into the World, all Jurisdiction, Princi-*  
*pality, Honour, Domain, pass'd from the Hands of the Infidels to the*  
*Christians, and that the latter may go to War when they will with the*  
*Infidels who do not own the Roman Empire* (1). We have observ'd, that  
 according to this Principle, the Popes and the Emperors had appro-  
 priated to the Knights of the Teutonic Order every thing that they  
 cou'd conquer from the Infidels, under Pretence of converting them  
 to the catholick Faith. The Knights on their part did not fail to  
 make the most of those Bulls and Grants to enrich themselves at  
 others Cost, and to extend their Dominion every Way. *Paul Vola-*

Dispute of  
 the Poles  
 with the Teu-  
 tonic Order  
 July 5.  
 Look back to  
 p. 247.  
 (a) V. d.  
 Hard. T. III.  
 P. 9, 10, &c.

(1.) *Imperium Romanum*, i. e. the Church of Rome. This relates to the Pa-  
 gans and the Christians of the Greek Ritual.

P p p

*dimir*

1415. *dimir* says in this Treatise, that they had even made it a Law and an Article of Religion, to go and fall twice a Year (1) upon the Lands of the Infidels with great Armies, which destroy'd with Fire and Sword without Distinction of Age or Sex. Here therefore this Doctor undertakes to demonstrate two things especially; 1. That this Doctrine and Conduct are equally contrary to natural Equity and the Divine Law. 2. That they can't be authoris'd either by Grants from the Emperors or Bulls from the Popes. Let us see how he proves either.

*Paul Voladimir's Treatise against the Knights of the Teutonic Order.* XXXVIII. HE supposes in the first Place, that tho' the Infidels are not within the Pale of the Church, yet they are of the Sheepfold of Jesus Christ, and that consequently his Successor is oblig'd not only to feed them, but to defend and protect them (when they live like good Citizens) instead of abusing or suffering them to be abus'd. He does not deny but the Pope has Authority to oblige the Infidels to receive Preachers, but he maintains at the same Time, that 'tis not lawful to compel them by Force to embrace the Gospel, and that they ought to be left to their free Will, because Conversion is the Work of God; and according to the Canon Law, 'tis a very strange Way of Preaching, to exact Faith by Blows. 'Tis, says he, a Method which was condemn'd by the fourth Council of Toledo, which order'd the Jews to be won by good Usage, and not by Severities. (2) This *Voladimir* extends to all Infidels in general. But as the War which the *Spaniards* made upon the *Moors* might be objected to him, he numbers it among the just Wars, because Religion was not the Pretext of it, and the *Spaniards* only retook what the *Moors* had usurp'd from 'em.

AFTER this, *Voladimir* shews that tho' all things were common at the beginning of the World, yet after Estates were divided for the Advantage of human Society, the Christian Princes cou'd not dispossess the Owners of them, whether they were *Jews* or *Pagans*, without violating natural Equity, the Law of Nations, and the Divine Law. That 'tis consequently a notorious Impiety and Extravagance to say, that the Infidels are incapable of all Jurisdiction and Possession since the Coming of Jesus Christ; and that a Maxim which authorises Christians to kill and rob with Impunity, ought not to be tolerated; upon which he quotes this Passage out of *Thomas d'Aquinas*: 'Tho' Infidels ought not to be constituted Lords or Prelates over Believers, because the Faith would be in Danger, &c. yet the Lordship which they held before over the Faithful ought not to be

(1.) On the Days of the Virgin *Mary's* Assumption and Purification, and they call'd this Expedition *Reise*, which in the *German* signifies Journey or Voyage.

(2.) Nova verò atque inaudita est Prædicatio quæ Verberibus exigit Fidem. Decret. Dist. 45. ex *Gregor.* 1.

“ taken.

' taken from them. For Infidelity is not repugnant to Empire or  
 ' Dominion, because Dominion is founded upon the Law of Nations, 1415.  
 ' and by Consequence upon human Right; whereas the Distinction  
 ' among Believers is of Divine Right: Now the Divine Right which  
 ' proceeds from Grace does not destroy the human Right which is  
 ' founded on natural Reason.' (a) As the Conquest of the holy Land (a) *Secunda*  
 might likewise be objected to *Voladimir*, he pretends that the Em- *Secundæ*  
 peror having conquer'd it in a just War, the Pope or any other Per- *Quest. X.*  
 son thereto authoris'd, may reconquer it in the Name of the Church  
 of *Rome* to which it appertains, because it were unsufferable that  
*Mahomet* shou'd be serv'd in a Place where *Jesus Christ* has been  
 worshipp'd; but that any other Conquest made under Pretence of  
 propagating the Faith and without any lawful Cause is unjust, and  
 that 'tis Heresy to hold the contrary. From whence he infers,  
 that the Letters granted under this Pretence by Popes and Emperors  
 are void, because they contain a Heresy: As the Knights upon this  
 were us'd to produce a Bull of Pope *Clement* (b) in their Favour, (b) I know  
*Voladimir* shews several Nullities in those Letters exclusive of the Ar- not which  
 guments which he draws from the Law of Nations and the Di- *Clement* this  
 vine Law. was.

As to temporal Princes he says, that their Dominion has three  
 Foundations, viz. the reveal'd Will of God, the Consent of the  
 People, and Violence or Tyranny. That the Emperor's Jurisdiction  
 over the Infidels who are not his Subjects wanting the two first *Foundations*,  
 it ought to be look'd upon as null and void; and that by  
 Consequence he has not a Right to permit any Body to seize their  
 Lands without legal Reasons, by the Rule that no Body can give  
 what he hath not. From thence he infers, that the Knights are ab-  
 solutely oblig'd to restore all that they have taken under Colour of  
 Bulls from the Popes, or Grants from the Emperors. He taxes the  
 Knights with Superstition, Impiety, Hypocrisy, and a manifest Prophan-  
 ation of the Sabbath, for chusing the Festivals of the Virgin to go  
 out upon their Robberies and Massacres: That's the Sum and Sub-  
 stance of *Paul Voladimir's* Treatise, which by the Way deserves a  
 Place among the ecclesiastical Authors. It was read in this Assem-  
 bly of the Nations, wherein the Matter was discuss'd but not decided, *V. d. Haræ*  
 nor was it so much as propos'd in the following Session. *T. IV. p.*  
388.

As the Emperor and the *French* vigorously press'd the Condem-  
 nation of *John Petit's* Propositions, the Nations met that same Day  
 to consider of it, and it was resolv'd that in the following Session  
 which was to be held next Day, the first of those Propositions, which  
 is the most general, and the Result of *John Petit's* Plea, shou'd be  
 condemn'd without naming any Person. See Article  
XIX. in this  
Book.



1415.  
Op. Hus. T.  
I. Ep. 2, 11,  
29, 32, 37.

THOUGH *John Hus* had expected Death ever since the Time that he set out from *Prague*, as he signifies in many of his Letters; yet till this Day he did not fully despair of escaping it. This appears from his 2<sup>d</sup> Letter, where he answers *Peter* the Notary who had exhorted him to Constancy. His Expression is this. *If I should happen to return to Prague, I will do myself the Pleasure to communicate what I have to you like a Brother; and Thanks to the Lord, I don't see that my Return is impossible, tho' I only desire it as far as it shall please God.* In this Letter he makes a Sort of Settlement of his Estate, and leaves his Friend the Choice of those Books of *Wickliff*, that he likes best. Nor in his 3<sup>d</sup> Letter does he seem to have lost all Expectation of returning to *Prague*. He founded these Hopes upon Advice that he had receiv'd of the approaching Arrival of *Nicholas Lord de Husinetz*, a zealous *Hussite*, of whom more hereafter. But in his greatest Conflicts, he always discover'd an Heroic Courage, and a Resignation entirely Christian. And so far was he from fearing Death, that sometimes he seem'd to expect it with Impatience, and only comforted himself for the Delay of it, by having Recourse to Religion and Devotion. 'God, says he, in his Wisdom has Reasons 'to prolong my Life, and that of my Dearest Brother Master *Jerom*, 'who, as I hope, will die religiously, and without rendring himself 'guilty before God. For I know that at present, he struggles with 'more Courage than me a miserable Sinner. God is willing to give 'us Time to bewail our Sins, and to comfort us in this long Tryal, 'with the Hopes of their being forgiven. He grants us this Respite, to 'the End that by our meditating on the Sufferings of Jesus Christ; 'we may be the better enabled to bear our own; and to convince us 'that the Joys of the next Life are not tasted immediately after the 'Joys of this Life, but that the Saints enter into the King- 'dom of Heaven thro' many Tribulations'. He concludes this Letter with expressing his Gladness, that his Enemies have been forced to read his Books, because there they find their Wickedness painted to the Life. *I know, says he, that they have read them more critically than the Gospel, in Order to spy Faults in them.*

Ep. 14.

FIFTEENTH  
SESSION,  
in which *J. Hus*  
is condemn'd.

July 6.  
*V. d. Hardt*,  
T. IV. p. 389.  
*Op. Hus. T.*  
I. Fol. 25,  
26.  
*Nicem ap. V.*  
*d. Hardt, T.*  
II. p. 408.

XXXIX. THESE were his Sentiments, when the Archbishop of *Riga* came to the Prison to carry him before the Council. The Cardinal *de Viviers* presided as usual at this Session; the Emperor was present with all the Princes of the Empire, and an incredible Course of People came to be Spectators of this melancholy Scene. As they were celebrating Mass just as *John* arriv'd, they made him stay at the Church Door till it was finish'd, lest the Mysteries should be profan'd by the Presence of a Man whom they reckon'd a Heretick, and even a Leader of Hereticks. A high Table was erected in the middle of the Church, upon which were the Priests Habits, in order

er to put them upon *John Hus*, and then to strip him. They plac'd him on a high Stool before the Table, that all the People might see him. As soon as he was upon it he made a long Prayer, undoubtedly with a low Voice, because the Bishop of *Lodi* began his Sermon at the same Time, from those Words of *St. Paul*, *That the Body of Sin might be destroy'd.*

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*Gob. Perf. Cosmat. VI. Cap. 95.*

*Naucler. Gener. 48. Fol. 431.*

*En. Sylv. Hist. Bob. Cap. 36.*

*John Op. Hus. T. II. p. 344. 2*

*Rom. VI. 6.*

*the Bishop of Lodi, upon the Punishment of John Hus.*

*V. d. Hardt, T. III. p. 1.*

*A Decree which enjoins Silence.*

*V. d. Hardt, T. IV. p. 400.*

**XL.** IN this Sermon (1), the Prelate treats the Schism as the Source of the Heresies, Murders, Sacrileges, Robberies and Wars, which had for so long a Time ravag'd the Church; and he makes such a horrible Picture of the Schism, that one would think at first he was exhorting the Emperor to burn the Anti-Popes, and not *John Hus*. Yet his Discourse was only design'd to declare the Punishment of *John Hus*; and therewith the Bishop concludes in these Terms address'd to *Sigismond*. Destroy Heresies and Errors, but chiefly (pointing to *John Hus*); that **OBSTINATE HERETICK**. After the Sermon, four Bishops Deputies of the Nations, and an Auditor of the Rota, brought *John Hus* out in publick, to be condemned.

**XLI.** BUT before his Process and Sentence were read, the Bishop of *Concordia* read a Decree of the Council, enjoyning all manner of Persons of what Dignity soever, Emperors, Kings, Cardinals, Bishops, &c. to keep Silence during this Act, on Pain of Excommunication, and Two Months Imprisonment. All Persons were forbid to contradict, dispute, interrupt, clap Hands, make a Noise with the Feet, in a Word, to do any thing which might tend to the Disturbance of the Session, or so much as to speak without the express Order of the Council. This Decree which enjoyns Silence on Pain of Imprisonment, without excepting the Emperor and Kings, has given very great Offence to the modern Author of the *Grand WESTERN SCHISM*; for he pretends that all Sovereign Princes, and the Emperor in particular, were affected by it, and that the Council thereby assum'd to themselves an Authority over the Temporalities of Kings and Princes. But he did not consider that the Emperor being present at all the Consultations before the Sessions, there was nothing concluded without his Consent; and that for Instance, he chose undoubtedly to subject himself to the same Punishment, as all who disobey'd the Council in this Respect. Besides, *Maimbourg* ought not to have censur'd one or two Decrees, any more than all the rest, wherein the Council threatens to interdict all Princes, Kings and Emperors, that

(1) He gives this Stile to the Members of the Council in general. *Serenissime Princeps, Christianissimeque Auguste, Praesentissimi quique Patres & Domini, Reverendi Praesules & Praelati, egregii Doctores & Magistri, illustrissimi etiam Duces, excelsi Comites, Magnifici Proceres & Barones, ceterique Viri merito memorandi.*

*rendi Praesules & Praelati, egregii Doctores & Magistri, illustrissimi etiam Duces, excelsi Comites, Magnifici Proceres & Barones, ceterique Viri merito memorandi.*

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disobey their Orders. When all is said and done, the Menace of Imprisonment could not affect the Emperor, because if he had been inclin'd to have oppos'd the Sentence which was pass'd upon *John Hus*, he would not have delay'd it till this Session. But the detaining of *John Hus* in Spite of the Emperor's Safe-Conduct, was indeed another Infringement of his Authority, and there the Council not only in-croach'd upon the Temporality of Kings, but also upon the Law of Nations.

*Wickliff's*  
Articles a-  
gain condem-  
ned.  
*V. d. Hardt.*  
*ub. sup. p.*  
408.

**XLII.** AFTER this Decree was read, upon a Motion of *Henry de Piro* or *Poiriers*, Proctor of the Council, they began with the reading of a certain Number of *Wickliff's* Articles, different from the 45 that had already been condemned; which new List consisted of about sixty Articles, that had been selected out of 260, which were pretended to have been extracted from *Wickliff's* Books, and of which I have already spoke elsewhere. These were some of them.

1. As Jesus Christ is at the same Time God and Man, 'so the consecrated Host is at the same Time the Body of Christ, and True Bread, because the Body of Christ is there at least in Figure, and True Bread is there in Nature; or which is the same thing, 'tis Bread naturally, and the Body of Christ figuratively.

2. As the Falshood touching the consecrated Host is the Chief of all Heresies, to the End that they may be rooted out of the Church, I boldly declare in the Face of the modern Hereticks, that they can neither explain nor understand the Meaning of an Accident without a Subject. From whence it follows, that those Heretical Sects are condemn'd by Jesus Christ in the IVth Chapter of *John*, *Ye worship ye know not what.*

3. I dare prognosticate to all those Sects and their Accomplices, that if they study till Doomsday, they will never be able to prove, that the Accident is without the Subject in the Eucharist.

4. As *John Baptist* was *Elias* in Figure, just so the Body of Christ is in Figure upon the Altar; and to avoid Ambiguity in Speech, *This is my Body*, is a figurative Expression, in the same manner as this Expression, *John is Elias.*

5. THE extravagant Fiction of an Accident without a Subject, can only tend to the blaspheming of God, offending the Saints, and imposing on the Church, by Lies concerning the Accident.

6. THEY who say that the Children of Believers which dye without Baptism are not sav'd, are foolish and presumptuous.

7. THE superficial and short Confirmation of Bishops with certain Solemnities or Ceremonies, was introduc'd by the Inspiration of the Devil, to deceive the People in the Faith, and to give the more Authority to the Bishops, and to render them more necessary. As

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to the Oyl with which the Bishops anoint the Children, and the Surplice (*peplum*) of Linnen which they put upon their Head; this appears to be a trifling Ceremony, and to have no Foundation in Scripture, and this Ceremony, without Apostolical Foundation, seems to be Blasphemy against God.

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8. ORAL Confession, or such as is made by the Mouth to the Priest, which was introduc'd by *Innocent IV* is not so necessary as he determines it; because if any one offend his Brother in Thought, Word, or Deed, 'tis sufficient if he repent of it in Thought, Word, or in Deed. 'Tis a rude intolerable Thing for a Priest to hear the Confession of the People, in the manner as 'tis practis'd in the *Latin* Church. In those Words of Jesus Christ, *Ye are clean, but not all*, the Devil has found a Snare (*Pedicam*) to catch Christians by the Heel; for private Confession was introduc'd under this Pretence, without any other Foundation. And when this Confession is once made to the Priest, he makes it a Law to himself, not to reveal it to the People (1).

9. *This Article is not so clear as it should be; however I take this to be the Meaning of it.* It may probably be conjectur'd, that such a Deacon or such a Priest who leads a good Life is a true Deacon, and a true Priest, because from such his holy Life there's Reason to think that God hath establish'd him in that Office (2). We ought to judge of a Priest or a Deacon, not by the Testimony of him who gives the Ordination, but by the Life of the Person who receives it; because without such Testimony, whether Good or Bad, God may establish any one in that Function. There is no better Proof than that which is taken from the Life; therefore when the Life is holy, and the Doctrine Catholick, this may suffice for the Church. The ill Conduct of a Prelate hinders him from giving Orders and the other Sacraments to his Inferiors, who however may receive them from him in Case of Necessity, after earnest Supplication to God, that he would supply the Deficiency of the Prelate by the Ministry of his Deacons (3).

(1) In his verbis, *vos mundi estis sed non omnes*, posuit Diabolus *pedicam* infidelium qua pedem caperet Christiani. Introduxit enim Confessionem privatam, & infundabilem. Et postquam illa Confessori nota fuit, ut Legem statuit, quod non prodatur populo malitia sic confessi. *Von der Hardt*, T. IV. p. 401, 402.

(2) Conjectura probabilis est quod talis, qui ritè vivit, est Diaconus, vel Sacerdos. Sicut enim conjicio quod iste est *Johannes*, sic probabili conjectura cognosco,

quod iste sanctè vivendo constitutus est à Deo, in tali officio, sive statu. *Von der Hardt*, *ub. sup.*

(3) This Article is extremely faulty. It runs in *Latin* thus. *Conversatio mala Prælati subtrahit acceptationem Ordinum, & aliorum Sacramentorum à subditis. Qui tamen necessitate urgente possent hoc ab eis (eo) capere supplicando piè, quod Deus suppleat per ministros suos diabolos (scilicet Diaconos) opus vel finem officii, ad quod jurant.* *Von der Hardt*, *ub. sup.*

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10. SUCH as court each other either for the Sake of Interest; or to be a Help to one another, or to avoid Fornication, ought to marry tho' they expect no Issue. In a matrimonial Contract, 'tis better to employ the Words in the future Tense, *I will take thee for Wife*, than in the present Tense, *I do take thee for Wife*. And when a Man has contracted with a Woman in the future Tense, and afterwards with another in the present Tense, the latter Contract ought not to dissolve the former (1).

11. THE Pope who calls himself the Servant of the Servants of God, has no Degree in the Work of the Gospel, except it be a Worldly Degree; and if he is of any Order, 'tis that of the Devils, who are the most criminal Servants of God (2).

12. THE Pope cannot grant a Dispensation either for Simony or for any rash Vow, because he himself is the Head of the *Simonists*, and has rashly made a Vow to protect an Establishment in the highest Degree damnable. *At the End of the Article we find these Words*, Error at last.

13. To pretend that the Pope is the Sovereign Pontiff is ridiculous, that being a Dignity which Jesus Christ approv'd neither in *St. Peter*, nor in any other.

14. THE Pope is manifest Antichrist; not only this or that Pope, but the Multitude of Popes, since the Donation made to the Church of Cardinals, Bishops, and their other Accomplices. Of this monstrous Medley is the Person of Antichrist composed. 'Tis possible however, that *Gregory* and the other Popes, who wrought Abundance of Good Works in their Life time, did at last repent (3). *St. Peter* and *St. Clement* with their Coadjutors in the Faith, were not Popes, but Coadjutors of God for the Edification of the Christian Church. Antichrist has twelve Proctors or Disciples; *viz.* the Pope, Cardinals, Patriarchs, Archbishops, Bishops, Archdeacons, Officials, Deans, Monks, the Forked Canons, (*Bifurcati*) the counterfeit Fryars, (they are the Fryars Mendicant) who are of the last Institution, and Beg-

(1) This Article is contrary to the Canon Law, which says, that if any Man has contracted with 2 Women successively by the Words in the Present Tense, he ought to keep his first Engagement; but that if he made a Contract the first time by the Words in the Future Tense, and the second time by the Words in the Present Tense, he ought to adhere to the second Engagement. *Decret. Greg. Lib. IV. Tit. IV. Cap. I.*

(2) Papa qui se falsò nominat servum servorum Dei, sub nullo gradu est in o-

pere Evangelii, sed mundano; Et si sit in ordine aliquo, est in ordine Dæmonum, Deo plus culpabiliter servientium. *Ub. sup. p. 402.*

(3) Papa est patulus Antichristus. Non solum illa persona simplex, sed multitudo Papparum à tempore donationis Ecclesiæ, Cardinalium, Episcoporum, & suorum Complicum aliorum, est Antichristi persona composita, monstruosa. Non tamen repugnat, quin Gregorius & alii Pappæ, qui in vita sua fecerunt multa bona de genere fructuoso, finaliter pœnitebant. *ub. sup. p. 403.*

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**F**ars, whom some call Pardoners. To say that the Papal Preheminence is founded in the Faith of the Gospel, is as if one should say, that all Errors proceeded from the chief Truth.

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15. 'Tis more evident than the Day, that he who is most humble and most affectionate to the Church, who loves Jesus Christ most with regard to his Church, is the greatest in the militant Church, and ought to be reckon'd the most immediate Vicar of Jesus Christ.

16. **W**HOSOEVER unjustly taketh Possession of any of God's Creatures whatsoever, seizeth the Goods of another, by Rapine, Theft, and Robbery; neither the Deposition of Witnesses, nor the Sentence of a Judge, nor actual Possession, nor Inheritance, nor Succession, nor Exchange, confers any Domain or Right on any Person whatsoever without Grace (1).

17. **W**ITHOUT Internal Charity, Papers and Bulls give no Right to any Person whatsoever. We ought not to lend or give any thing to a Sinner, while he is known to be such, because that would be favouring a Man who is a Traytor to God. As a Prince and a Temporal Lord who is in deadly Sin is only a Lord and a Prince nominally and equivocally; so it is with a Pope, a Bishop, and a Priest, if he is in mortal Sin. Every Habit in mortal Sin takes away the right and lawful Use of every Domain. 'Tis clear from the Principles of Faith, that whatsoever a Man doth, who is in mortal Sin, he sinneth mortally.

18. **T**HE modern Fryars lay themselves under a Necessity of being Hypocrites. For what does their Profession import? To fast in such a manner, to put on such and such a Habit, and to do all things differently from others. There is Imperfection and Sin in all particular Societies of Religion, because they indispose a Man to serve God freely, and in all particular Orders there's a Presumption and blasphemous Arrogance against God, because those Fryars with their Hypocrisy, pretend to set themselves up above the Apostles.

19. I am clear in my Notion as to the Faith and Works of these four Sects; viz. the upper Clergy (*Clerus Cæsareus*), the Monk, the Party-coloured Canon (*varius*), and the Begging Fryars. I infer from them, that not one of them is a Member of Jesus Christ, or ought to be number'd in the Catalogue of Saints, unless before his Death, he abandons the Sect which he had foolishly embrac'd. So all the Monks ought without Hesitation to quit their Cloysters, to break their Bands, and to unloose themselves from their Vows and Oaths, to follow Jesus Christ.

(1) These Words were read at the End of the Article. *Error, si intelligatur de gratia gratum faciente.* ub. sup.

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20. 'TIS sufficient for the Laity sometimes to give the Tenth of their Revenues, and by so doing they give to the Church, tho' they don't give to the upper Clergy (*Clero Casareo*) according to the Appointment of the Pope and his Agents (1).

21. THE Power which is ascrib'd to the Pope and to the four new Sects is a meer Fiction, which only tends to seduce Inferiors diabolically, as for Instance, Excommunication, Citation, Imprisonment, and the Sale of the Church Revenues, which the Prelates lay claim to. There are a great many honest Priests who have more Spiritual Power than the Prelates, and it seems that this sort of Power gains more Souls to Jesus Christ, than the Power of a Prelate chose by the Cardinals and other like Apostates.

22. THE Laity ought, as they are oblig'd by the Law of God, to take away the Tenths, Oblations, and other particular Charities from those unworthy Ministers of Antichrist. And they ought not to be afraid of doing it, but on the contrary to receive the Curse and Censures of Antichrist with Joy. The Pope, Bishops, Fryars and meer Clergymen (*puri Clerici*), who are endow'd with the Title of Perpetual Possession, ought to deliver over those Estates to the Secular Arm, and if they refuse, the secular Lords are oblig'd, on pain of Everlasting Damnation, to compel them to it. There is no greater Heretick or Antichrist, than a Clergyman, who teacheth that it is lawful to give Temporalities (*dotari in possessionibus temporalibus*), to Priests and Levites, under the Law of Grace. *There are some other Articles on this Subject, which I do not set down, because they amount very near to the same Thing. Others there are which are very Metaphysical, which I shall translate Word for Word, for fear of losing my self in those Subtilties.*

23. EVERY Essence has a Substitute, according to which another Substitute is produc'd like to the former, and that's the most perfect inherent Action in Nature possible.

24. EVERY Essence, whether corporeal or incorporeal, is common to three Substitutes, and there are three Things which are common to them all, *viz.* Proprieties, Accidents, and Operations.

25. GOD cannot annihilate any Thing. He can neither make the World bigger nor less: He can create Souls to a certain Number, but not more.

26. 'TIS impossible that two corporeal Substances can have a continu'd Coextension, the one in a State of Rest, at the same Time and Place, (*unam continue quiescentem localiter*), and the other penetrating the Body of Jesus Christ in Rest, after a continued Manner. *This*

(1) The Article is not clear, if it be not also faulty, *sufficit Laicis quod quando que dant servis dei decimas proventuum suorum. Et sum istis paribus semper dant Ecclesie,* *licet non semper Clero Casareo, a Papa vel suis subditis assignato, ub. supr. p. 404, 405.*

*Article, which is very obscure, is founded upon a Truth that seems undeniable. 'Tis the Impenetrability of Matter or Bodies. Therefore he means that it cannot have Penetration of Dimensions, and that 'tis impossible for two Bodies to be in one and the same Place at the very same Instant.*

27. A continued Mathematical Line is compos'd of two, three, or four immediate Points, or only of Points simply terminated; or rather the Time present, past, and future consists of immediate Moments or Instants. Also 'tis not possible that Time and the Line, if they exist, should be compos'd after this Manner. As this Article is very obscure, I shall put it in *Latin* at the Bottom to exercise the Curious (1).

28. GOD is every Man.

GOD is every Creature: All Beings are every where, because God is All Beings.

29. EVERY Thing that happens, happeneth from absolute Necessity.

30. 'TIS absolutely necessary that an Infant reprobated, should live long after Baptism, and shou'd sin against the Holy Ghost, in order to deserve everlasting Damnation. And consequently no Fire can burn it during this Time or Instant, (*Et ita nullus ignis potest ipsum comburere pro hoc tempore vel instanti.*) A Reprobate can have no true Repentance, that is to say, he cannot efface the Sin of Impenitence by Contrition.

AMONG these Propositions there are some, undoubtedly, which are very strange and rash; some too that have an Air of Blasphemy and Impiety, and which taken asunder are perfectly scandalous; as for Example, those which relate to the Divinity, *God cannot annihilate any Thing*. It must be observ'd however, that *Wickliff* did not deny that God cou'd annihilate the Creatures, *if he pleas'd*, and that he only maintain'd the Impossibility of Annihilation, because he had no certainty of the Will of God in that respect, *God cannot make the World bigger or less: He has created a certain number of Souls, beyond which he cannot go. Wickliff* however did not thereby mean to set bounds to God's Omnipotence, because he asserted that God has created all that 'tis possible to create; and that all that he has done he has done as well as it cou'd be; which is a Consequence of the absolute and unavoidable Necessity he admits in all Things. *God is every Creature, or every*

(1) *Linea aliqua Mathematica continua componitur ex duobus, tribus, vel quatuor punctis immediatis, aut solum ex punctis simpliciter finitis: Vel Tempus est, fuit, vel erit compositum ex instantibus immediatis. Item non est possibile, quod tempus & linea, si sint taliter,*

*componantur. At the end of the Article 'tis added, the first Part is an Error in Philosophy, and the second derogates from the Power of God. Prima pars est Error in Phil sophia, sed ultima errat circa divinam potentiam.*



**141<sup>c</sup>**  *Creature is God.* This Proposition, which seems at first View impious and blasphemous, and which is manifestly scandalous, after what Manner soever it be explain'd, is founded upon these Principles maintain'd by *Wickliff*, That in *God all is God*, that *the Ideas of all Things are in God from all Eternity*; and that consequently all Things which were made in Time are Eternal, and are God himself, with Respect to their Intelligible Being. Therefore *Wickliff*, who asserted, that in one Sense every Creature may be said to be God, deny'd at the same Time that God cou'd be said to be a Creature. *William de Wideword* and *Thomas de Walden* (a), who have disputed very well against *Wickliff* on this Subject, have ascrib'd the same Metaphysical Subtleties to the *Manichees*, to *Father Abelard* and the *Lollards*. Among the 260 Articles there are some on other Subjects, which are as singular as the former.

(a) Fasciculus rerum expectandarum & fugiendarum. Fol. 96.

WHEN these Articles were read, the Bishop of *Concordia* read the Sentence pass'd upon them, which was almost in these Terms, 'The sacred Council of *Constance*, &c. having carefully heard and examin'd the Books and Opinions of *John Wickliff* of damnable Memory, by the Doctors and Masters of Arts of the University of *Oxford*, who have out of them collected 260 Articles fit to be condemn'd, and by the Cardinals, Bishops, Abbats, Masters of Arts, Doctors of the civil and canon Law, and by a great many other eminent Persons of divers Universities; and after such Examination the Council finding that among those Articles there are some which are notoriously heretical, and were condemn'd long ago by the holy Fathers, others which are offensive to pious Ears, and others which are rash and seditious; For these Causes the Council, in the Name of our Lord Jesus Christ, reproves and condemns all and every one of those Articles by this perpetual Decree, forbidding all Catholics on Pain of the Anathema, to teach, preach, and hold any of those Articles, and commanding all the Ordinaries of Places, and the Inquisitors of the Crime of Heresy, to keep a watchful Eye, and to punish the Contraveners according to the Canons.

FROM these they proceeded to the Articles of *John Hus* himself, but only thirty of them were read, the Council deeming the others to have been read, as indeed they had already been more than

(b) Look back once in public (b).

to Pages 321.

334 Art-

cles of *John*

*Hus*.

T. I. Fol.

27. V. d.

*Hardt*. T.

IV. p. 391

(c) *Quantam*

*substantiam*

**XLIII.** THE first Article that was read was the Article of the Church. *John Hus* maintain'd it in the same Manner as he did at his first Hearing; but as he was going to answer every Article separately, the Cardinal of *Cambray* impos'd Silence on him, and told him that he might answer all at the same Time. *John Hus* remonstrated, that it wou'd be impossible for him to remember so great a Heap of (c) Accusations, and as he was preparing to answer them in particular, the

the Cardinal of Florence bid him be silent, and order'd the Officers of the Council to hinder him from Speaking. Then *John Hus* lifting up his Hands to Heaven, begg'd the Prelates in God's Name to let him have the Freedom of Speech, to the End that he might justify himself before all the People that surrounded him; *after which* said he, *you may dispose of me as you shall think fit*: But the Prelates persisting in their Refusal, he fell on his Knees, and lifting up his Eyes and Hands again towards Heaven, he recommended his Cause to the sovereign Judge of the whole Earth, by a Prayer which he pronounc'd with a loud Voice. After they had read some of the Articles extracted from his Books, they proceeded to the Accusations which had been prov'd by Witnesses. The old Historian of his Life observes here, that the Witnesses were only represented by loose Characters common to many Persons, as for Example, by the Titles of *Curate* or *Doctor*, and never by their proper Names. However I dont think that was affected as the said Author pretends, because they observ'd the same Precaution with regard to the Witnesses against *John XXIII.* *John Hus* having been accus'd in the Article of the Eucharist, of having maintain'd that the material Bread remaineth in the Sacrament after Consecration, he said aloud in Spite of their Teeth, *I absolutely deny my having ever believ'd and taught that the material Bread remaineth in the Sacrament of the Eucharist after the Consecration*: As to Baptism and the Supper administer'd by a Priest in mortal Sin, he declar'd that such Administration was scandalous and disagreeable to God, because in this State a Priest is an unworthy Minister of sacred Things. When he was charg'd upon the Evidence of a certain Doctor with having said, that (a) *he* should become the fourth Person in the Trinity, he demanded the Name of that Doctor, and protested against this Accusation as against a flagrant Calumny, making at the same Time a very Orthodox Confession of his Faith on the Subject of the Trinity. Nevertheless, the Bishop who had read the Accusation flatly, refus'd to tell him the Doctor's Name. He was again upbraided with his Appeal to Jesus Christ, but he maintain'd it and renew'd it as a very just and lawful Appeal, founded upon the Example of Jesus Christ himself who had referr'd his Cause to the Judgment of God. See (said he, with his Hands lifted up to Heaven) *O my sweet Jesus, how thy Council condemns as an Error what thou hast prescrib'd and practis'd, when being oppress'd by thine Enemies thou referrest thy Cause to God thy Father, the most righteous Judge, leaving us this Example to the End that we also may have Recourse to the Judgment of God when we are oppress'd. Yes* (continued he, turning towards the Assembly) *I have maintain'd and do still maintain, that there can be no surer Appeal made than to Jesus Christ, because he can neither be corrupted by,*  
Presents.

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V. d. Hardi.  
T. IV. P.

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Pernego.

Op. Hus.  
T. I. Fol.  
27. a.

1415. *Presents, nor deceiv'd by false Witnesses, nor over-reach'd by any Artifice (a).* And when he was accus'd of having slighted the Pope's Excommunication, and of having preach'd and said Mass after such Excommunication, 'I have not, *says he*, despis'd it, but I have appeal'd against it in my Sermons, and as I did not think it lawful, 'I continued the Functions of my Priesthood. Not being able to appear before the Pope for Reasons which I have mention'd elsewhere, I sent my Proctors to *Rome*, where they were committed to Prison, turn'd out of the City, and in several Respects abus'd. 'Twas this that induc'd me to come of my own Accord to the Council, under the public Faith of the Emperor here present.' When he pronounc'd these Words he look'd earnestly at *Sigismond*, who could not help blushing, according to the Report of the old Author of the Life of *John Hus*. They tell a very good Jest of *Charles V.* upon Occasion of the Blush which appear'd on *Sigismond's* Face (b); viz. That when *Charles V.* was sollicit'd by *Eccius* and others at the Dyet of *Worms* to cause *Luther* to be arrested, (notwithstanding the safe Conduct he had granted him) the Emperor answer'd, *I don't care to blush with my Predecessor* *Sigismond*. When all these Articles of Accusation were read, an Auditor of the *Rota* represented that *John Hus* had been several Times interrogated touching those Articles, viz. whether he would maintain or disown them; that in the Prison at *Gotleben* he had promis'd to submit to the Determination of the Council, which he had confirm'd a second Time to the Commissioners, and that the third Time he had given a Declaration to that Effect in Writing under his own Hand (1). The same Auditor read it, and we shall be excus'd from repeating it, because we have already seen it elsewhere. He added, that on the 5th of *July*, *John Hus* being again examin'd by the ten Prelates deputed from the Council to know if he was willing to abjure the Articles which he own'd, and to promise not to hold and teach those which he did not confess; he still kept to the abovemention'd Declaration, so that all the Persuasion in the World had no Effect on him.

XLIV. WHEN all this Proceeding was over, the Bishop of *Concordia* (2) at the Request of the Proctor, read two Sentences, of which the one condemn'd all the Books of *John Hus* to the Fire, and the other *John Hus* himself to be degraded; they are as follow, 'The sacred general Council of *Constance*, &c. Whereas according

(1.) As he was absolutely desirous to be heard in the Council which he own'd for his Judge, he always refer'd the Deputies thither, contenting himself with such general Answers. See his Declaration in p. 398. of this 2d Book.

(2.) The old Author of the Life of *John Hus* says, that this was a very ancient Man, remarkable for his bald Head. *Pontificius Judex mex surrexit; erat autem Senex quidam calvitie insignis.* Op. Hus. T. II. p. 346.

1415.  
(a) *Oper Hus*  
T. I. Fol.  
XXVII.  
*Vonder H.*  
*ub. sup. p.*  
393.

*Op. Hus. T.*  
II. Fol. 346.

(b) *Differt.*  
*Hist. de Hus*  
*Jene* 1711.  
p. 99.  
*V. d. Hardt.*  
T. IV. p.  
392.

Sentence  
pass'd upon  
the Books of  
*John Hus.*

\* to the Testimony of the Truth it self, a corrupt Tree cannot but  
 \* bring forth bad Fruit, *John Wickliff* of damnable Memory, thro' his  
 \* poysonous and virulent Doctrine, has begotten pestilent Children,  
 \* whom he hath left behind as Heirs of his pernicious Doctrines;  
 \* therefore the sacred Synod is oblig'd to rise up against the Ba-  
 \* stards and illegitimate Children, and with diligent Care and by the  
 \* sharp Knife of their Authority to cut up those Brambles of the  
 \* Lord's Field, lest they shou'd spread like a Cancer. It was decreed  
 \* not long ago in the holy general Council at *Rome* (a), that *Wick-*  
 \* *liff's* Doctrine shou'd be condemn'd, and the Books containing it  
 \* burnt, and accordingly the said Doctrine was condemn'd and the  
 \* said Books burnt. Nevertheless, one *John Hus* here present in this  
 \* Council, a Disciple not of Jesus Christ but of the Arch-heretic  
 \* *John Wickliff*, contravening the said Sentence and Decree, has au-  
 \* daciously presum'd to preach, teach and maintain several of those  
 \* Errors and Heresies, condemn'd not only by the Church of God, but  
 \* by the other Reverend Fathers in Christ the Lords Archbi-  
 \* shops and Bishops of several Kingdoms, and by the Doctors of Di-  
 \* vinity in several Universities: Especially he with his Accomplices  
 \* has publickly oppos'd in his Lectures and Sermons the Condemna-  
 \* tion of the said *Wickliff's* Articles, which was several Times scho-  
 \* lastically pronounc'd in the University of *Prague*. Moreover, he  
 \* has declar'd in Presence of a great Number of the Clergy and  
 \* Laity, that *John Wickliff* was a Catholick Man and an Evangelical  
 \* Doctor, and publickly maintain'd as catholick certain Articles above  
 \* specify'd, and several others very justly censurable, which are mani-  
 \* festly contain'd in his Books and Papers. For these Causes, after  
 \* full Information first had, and after diligent Deliberation of the  
 \* most Reverend Fathers in Christ the Lords, the Cardinals of the  
 \* most holy *Roman* Church, the Patriarchs, Archbishops, Bishops,  
 \* other Prelates and Doctors of Divinity and Law in a great Num-  
 \* ber assembled, the sacred Council of *Constance* declareth and deter-  
 \* mineth, that the said Articles which are in the Books of *John*  
 \* *Hus*, collated by several Masters of Arts, which are written with  
 \* his own Hand, and which he has own'd to be his before a full As-  
 \* sembly, the Council declares that those Articles are not catholic,  
 \* and ought not to be taught as such, and they strictly forbid them  
 \* to be preach'd, maintain'd and approv'd; several of them being er-  
 \* roneous, others scandalous, offensive to pious Ears, several rash and  
 \* seditious, some notoriously heretical, and long since condemn'd by  
 \* the Holy Fathers and General Councils. But as these Articles are  
 \* expressly contain'd in his Books and Treatises, viz. in his Book *Of*  
 \* *the Church*, and in his other little Pieces; the sacred Council re-  
 \* proves and condemns the said Books and their Doctrine, with all  
 \* the

(a) As in  
 this Council.  
 See the Hi-  
 story of that  
 of Pisa.

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Sentence up-  
on *John Hus*  
himself.

the other Tracts or little Pieces which he ever compos'd, either in the *Latin* or *Bobemian*, or which have been translated into any Language whatsoever; and orders that they be burnt publickly and with Solemnity, in Presence of the Clergy and Laity, as well at *Constance* as elsewhere; enjoying the Ordinaries and Inquisitors of Heresy to see that it be done.

XLV. Having moreover seen the Acts and Proceedings of the Inquisition of Heresy, concerning the said *John Hus*, and heard the exact and faithful Report of the Commissioners in the said Cause, and of other Doctors of Divinity and Law, and the Depositions of a great many credible Witnesses, which were publickly read to *John Hus* in Presence of the Fathers and Prelates, and it being thereby fully known to us, that *John Hus* has for several Years publickly taught and preach'd several wicked, scandalous, seditious and dangerous Heresies; the sacred Council of *Constance* after having call'd upon the Name of Jesus Christ, and having the Fear of God before their Eyes, do pronounce, decree and declare by this definitive Sentence, that the said *John Hus* was and is a real and notorious Heretic, who has publickly taught and preach'd Errors and Heresies condemn'd long ago by the Church of God, that he has advanc'd several Things scandalous, offensive to pious Ears, rash and seditious, to the great Reproach of the divine Majesty, to the Offence of the whole Church, and to the Detriment of the Catholic Faith: That he has trampled the Keys of the Church and Ecclesiastical Censures under Foot; and that he has resolutely persisted to scandalise Christians, by his Obstinacy in appealing to Jesus Christ, as to a Sovereign Judge, without employing Ecclesiastical Ways and Means; and inserting in the said Appeal several Things false, injurious and scandalous, in Contempt of the Apostolic See, the Censures and the Keys of the Church. Therefore this sacred Synod, for the Reasons abovemention'd and many others, decrees that *John Hus* ought to be judg'd and condemn'd as a Heretic, and do actually judge and condemn him by these Presents, and reprove his Appeal as injurious, scandalous, and made in Derision of the Spiritual Jurisdiction. But as 'tis apparent from all that the Synod has seen, heard, and known, that *John Hus* is stubborn and incorrigible, and that he will not return into the Pale of the Holy Mother Church, by abjuring the Errors and Heresies which he has publickly maintain'd and preach'd; the sacred Synod of *Constance* declares and decrees that the said *John Hus* ought to be depos'd and degraded from the Order of the Priesthood, and the other Orders with which he shall happen to be vested, giving it in express Charge to the Reverend Fathers in Christ, the Archbishop of *Milan*, the Bishops

‘ Bishops of Feltri, Aß, Alexandria, Bangor (1) and Lavaur to per-  
 ‘ form the said Degradation in Presence of the Synod, according to  
 ‘ Law (a).’

1415.  
 (a) V. d. Har.  
 ub. supr. p.  
 436, 439.

WHILE they were reading this Sentence, which he receiv'd upon his Knees, he took Notice of the Falshood of several Articles from Time to Time, tho' they did what they cou'd to hinder him from speaking. For Instance, when they accus'd him of Obstinacy he flatly deny'd it. *This, says he, I absolutely deny. I always did, and do still desire to be better inform'd from the Scriptures (firmiore Scriptura), and I declare that I am so zealous for the Truth, that if with only one Word I cou'd subvert the Errors of all the Hereticks, there's no Danger which I wou'd not encounter with that View.* As to the Condemnation of his Books, he declar'd it was unjust for two Reasons. In the first Place, because he had always shewn a Readiness to correct any Errors that shou'd be discover'd to him; but that as hitherto they had not found any, they cou'd not answer to condemn them. In the second Place, because most of his Books being written in the *Bobemian*, or translated into some other Foreign Language, the Council (2) cou'd neither read nor understand them, nor by Consequence lawfully condemn them. He had already said the same Thing in one of his Letters, and I have observ'd elsewhere (b), that this last Objection made by *John Hus*, was not solid. Moreover this Answer is scarce consistent with what he says in another of his Letters, *that he was glad his Enemies had read his Books, and that he did not doubt but that they had perus'd them more critically than the Holy Scriptures.*

(b) Art.  
 XXXI. of  
 this third  
 Book.

AFTER this Sentence was read, he took God to Witness of his Innocence, and pray'd him to forgive his Judges and Accusers. But if we may believe the Author of his Life, this Prayer of his only subjected him to the Rage and Raillery of the Fathers, who pretended that they had done him Justice (3). As nothing remain'd but to proceed to his Degradation, the Bishops (4), who were appointed for that Office, order'd him to put on the Priest's Garments, and to take the Chalice in his Hand, as if he was going to celebrate Mass. When he put on the *Albe*, he said, *They put a White Garment on our Lord Jesus Christ to mock him, when Herod deliver'd him to Pilate;* and he made Reflections of the same kind upon each of the Sacerdotal Ornaments. When he was thus apparell'd, the Prelates exhorted him once more to retract for his own Safety and Honour; but turn-

(1) The M S. of *Leipfic* says the Commission was given to the Suffragans of the Bishops of *Constance* and *Bangor*.

(2) Some of them perhaps had been translated into *English*.

(3) His dictis plerique Sacerdotum seniores ac præsertim Episcopi torvo vultu inspicientes cum irridebant. *Op. Hus. T. II. p. 346.*

(4) Some accounts make the Number of them to be seven.

1415.

ing towards the People he publicly declar'd that he was far from any Thought of scandalising and seducing the Faithful, by an Abjuration so hypocritical and impious; and he publicly protested his Innocence. Then the Bishops causing him to come down from the Stool upon which he stood, first took the Chalice from him, and pronounc'd these Words, *O cursed Judas, who having forsaken the Counsel of Peace, art enter'd into that of the Jews, we take this Chalice from thee, in which is the Blood of Jesus Christ* (1), &c. Whereupon *John Hus* said aloud that he trusted in the Mercy of God, that he shou'd drink thereof on that very Day in his Kingdom. Then they stripp'd him of all his Vestments one after another, with some Curse at the taking off of every one, as is usual in the like Case. But when they came to take off the Marks of the Tonsure, there was a great Dispute among the Prelates, whether they shou'd make use of a Razor or Scissars (2). Whereupon *John Hus*, turning towards the Emperor, *See*, said he, *they cannot agree among themselves how to insult me.* *Reichenthal* says that they wash'd him in order to take off the Marks of his Tonsure, but that he laugh'd at all these Ceremonies. At last the Majority having carry'd it for the Scissars, they cut his Hair cross-wise, that there might appear no Mark of the Crown. We learn from the Canon Law that (a) such Degradation sets the Priest in the Rank of the Laity, and that tho' it does not take away the Character from him, which is *indelible*; yet it renders him for ever incapable of exercising the Functions of the Priesthood. After having thus degraded him, they put a Paper Coronet or Mitre upon his Head, in Form of a Pyramid, and the Height of a Cubit, on which they had painted three Devils of a horrible Shape, with this Inscription *Herefarcba, i. e. Arch-Heretic*; and in this Condition the Prelates commended his Soul to all the Devils (3). Mean time the Monk who had confess'd him a few Days before, gave him Absolution, as he says in one of his Letters. Be this as it will, *John Hus* not mov'd at the Imprecation, recommended his Soul to God, and said aloud, that he was glad to wear this Crown of Ignominy, for the Love of Him who had one of Thorns. From that Moment the Church shook him off, he was declar'd a Layman, and as such deliver'd over to the Secular Arm in order to be carry'd to Execution, by this Sentence of the Council, *The Sacred Synod of Constance declares that John Hus ought to be deliver'd over to the Secular Arm, and does actually deliver him over to it, considering that the Church of God has nothing more to do with him* (b). As

(a) *Corvin. de Jure. Canon IV. Tit. 47.*  
p. 10.

(b) *V. d. Hard. T. IV.*  
p. 440.

(1) This was the usual Form of degrading a Priest.

(2) Sed de hac re magnum inter eos dissidium ortum est, quibusdam novaculam eum tondere volentibus, contra nonnullis

fatis esse consentibus, si fornice dumtaxat rasura turbaretur. *Op. Hus. T. II. Fol. 346. 2.*

(3) Animam tuam devovimus Diaboli infernis.

1

he

he was not carry'd to Execution till the Session was ended, we will go on with the Account of the other Affairs therein dispatch'd. 1415.

XLVI. AFTER the Affair of *John Hus* was determin'd in the Manner that has just now been said, that of *John Petit* came upon the Carpet. In an Assembly which was held immediately before this Session, it was agreed to condemn the General Proposition, *which gives Authority to every private Man to put a Tyrant to Death, by any Means, and notwithstanding any Oath whatsoever*, provided that no Mention shou'd be made of the Author of that Proposition, nor of any Person anywise concern'd therein: In this Session the same was executed by the following Sentence.

*John Petit's*  
General Propo-  
sition con-  
demn'd.  
*V. d. Hardt,*  
T. IV. P.  
442.  
See Article  
XXVIII. of  
this III<sup>d</sup>  
Book.

‘ THE Council being inform'd that some erroneous Propositions have been publish'd in Faith and Manners, scandalous in several Respects, and tending to overturn States, and this in particular, viz. *It is lawful and even meritorious for any Vassal and Subject to kill a Tyrant by Ambush, and by Flattery or Adulation, notwithstanding any Promise or Confederacy to or with him upon Oath, and without staying for the Sentence and Order of any Judge.* The Council therefore, to extirpate this Error, declares and defines after mature Deliberation, that the said Doctrine is Heretical, Scandalous, Seditious, and can only tend to authorise Cheats, Lies, Treacheries and Perjuries. Moreover, the Council declares all those to be Heretics who obstinately maintain such Doctrine, and expects that they be prosecuted and punish'd as such, according to the Laws of the Church’.

XLVII. IN so prodigious a Multitude of Persons of different Characters and separate Interests, there cou'd not but be Disorders and Acts of Violence sometimes, either within or without the Council. All the Measures possible were taken for the publick Security; but there never were any so infallible as to be Proof against the Passions and Ill-nature of Mankind. We shall hereafter find some Instances of Robbery and Murder committed within *Constance* it self, as well as without. Something like it must have already happen'd, tho' nothing appears of it in the Acts, because at the End of this Session the Council fulminated a very severe Bull against all Persons whether Pope, Emperors, Kings or Princes, Spiritual or Temporal, that should presume to make any Attempt upon the Life or Estate of such as came to or return'd from *Constance*, or who shou'd be employ'd in the Affairs of the Council, and against such as pretended to favour those Insults and to shelter the Authors of 'em.

Decree a-  
gainst those  
who shall in-  
sult the Mem-  
bers or Offi-  
cers of the  
Council.  
*V. d. Hardt,*  
T. IV. p.  
440.

XLVIII. AFTER *John Hus* was degraded, the Emperor having his Person committed to his Possession, as Advocate and Protector of the Church, commanded the Elektor Palatine Vicar of the Empire to officiate for him as Advocate of the Church or Council, and in that Quality to deliver *John Hus* into the Hands of Justice. This Prince

*John Hus is*  
offed to Exe-  
cution July 6.



1415. therefore surrender'd him to the Magistrates of *Constance*, who forthwith deliver'd him to the City Serjeants, and the Executioner of Justice, who was order'd to burn him with his Cloaths and every Thing in general that he had about him, even his Girdle, Knife and Purse, and every Penny of Money in it. A certain Historian of Credit (a) reports that when the Elector Palatine *Otho Henry*, surnam'd the *Magreus* Hist. of *Palat. p.* 214, 215. *unanimous*, who was the last of the Electors Palatine of that Branch, and the first Promoter of the Reformation in the Palatinate, found himself with one Foot in the Grave, and no Issue to survive him, he us'd to say that God punish'd the Crime of his Great Great Grandfather in conducting *John Hus* to Execution, and so zealously performing the Order he receiv'd from the Emperor, to the fourth Generation. Another Historian (b) says that in 1521. *Lewis* Elector Palatine declar'd at the Dyet of *Worms*, that as an honest *German* he desir'd they would give entire Credit to his Promises and Letters under his Seal, because they who had not kept their Words with *John Hus* never prosper'd afterwards.

(a) *Dan. Pa-*  
*reus* Hist. of  
the *Palat. p.*  
214, 215.

(b) *Theobald*  
*Bell. Haddit.*  
Part II. Cap.  
II.

*Reichenbal.*

*JOHN Hus* walk'd to the Place of Execution between two of the Elector Palatine's Officers, without being chain'd, having two of the City Serjeants before him and two behind. The Princes follow'd with a Retinue of 800 Men armed (1), not to mention the vast Multitude of People, insomuch that they were fain to make a stand till *John Hus* and his Guard had pass'd a certain Bridge one by one, for fear it shou'd break under them. When *John Hus* came to the Episcopal Palace, whither he was carry'd on Purpose to see the Burning of his Books, he cou'd not forbear smiling at the Execution, because he thought it equally unjust and irregular, as he had several Times declared. As he walk'd along he declar'd to the People that he had not been guilty of any Heresy, that his Enemies had unjustly condemn'd him, and that they had not been able to convict him of any Error, tho' he had so often and so earnestly defy'd them. When he came near the Place of Punishment, he fell on his Knees and rehears'd some of the Penitential Psalms, often repeating these Words, *Lord Jesus have Mercy on me. Into thy Hands, O God, I commend my Spirit.* The old Historian of his Life informs us that some of the People, when they heard him pray with such Zeal, said aloud, *What this Man hath done before, we know not, but now we hear him put up excellent Prayers to God.* *Reichenbal* says that they then ask'd him whether he would have a Confessor, in Hopes, no doubt, to engage him to a Recantation, rather than undergo the last Punishment. The old Author of his Life says that there was a Priest on Horseback in a Green Jacket lined with

(1) Various are the Accounts concerning the Number of these armed Men, or Gendarms; but 'tis not very material.

Red,

Red, who said that he ought not to have a Confessor, because he was a Heretic (1). *John Hus* having said that he had a Mind to be confess'd, *Reichenthal*, as he tells us himself, call'd one *Ulric Schorand* a Priest of Reputation for Learning and Probity, and very well esteem'd by the Bishop and Council. When this Priest came he said to *John Hus* that if he was inclin'd to renounce the Errors for which he had been condemn'd to suffer the Punishment that he saw prepar'd for him, he was ready to confess him, but that if he refus'd to make such Abjuration, he knew himself, that according to the Canon Law, a Heretic can neither administer nor receive the Sacraments. When *John Hus* heard this Condition, he answer'd, that he had no need to be confess'd, because he did not know that he had been guilty of any deadly Sin. And when he was going to take that Opportunity to speak to the People in the *German* Tongue, the Elector Palatine hinder'd him, and at the same Time order'd him to be burnt. Then *John Hus* pray'd aloud in these Terms, *Lord Jesus, I humbly suffer this cruel Death for thy Sake; and I pray thee to forgive all my Enemies.* While his Eyes were lifted up towards Heaven his Crown or Mitre of Paper fell off of his Head, at which he smil'd, but the Soldiers put it on again, saying that it must be burnt with the Devils whom he had serv'd. The Account which *Reichenthal* gives of this Particular is not so probable. For he says that when the Body of *John Hus* was consum'd, the Crown remain'd entire, notwithstanding the Flames, but that the Soldiers thrusting it into the Fire, it was there burnt. *John Hus* having obtain'd Leave to speak to his Guards, he thank'd them in the *German* Tongue, for the favourable Treatment he had receiv'd at their Hands, and declar'd that he hop'd to reign with Jesus Christ, because he suffer'd for his Gospel. Then they bound him to a Stake or Post set up for the Purpose, but his Face happening to be turn'd towards the East, some thought it wrong, because he was a Heretic; and therefore they turn'd him towards the West. The old Author of his Life observes that his Neck was fasten'd to 'the Stake with a black nasty Chain, which had serv'd for a Pot hanger. *John Hus* smil'd again, and upon this Occasion made some pious Reflections on the ignominious Sufferings of Jesus Christ. Being thus fasten'd they pil'd the Wood about him to burn him, but before it was set on Fire, the Elector Palatine accompany'd by the Count *d'Oppenheim* Marshal of the Empire, advanc'd to exhort him once more to retract in order to save his Life, as some Writers say, and as another says, to save his Soul. But *John Hus* declar'd that as what he had writ and taught was only to

1415.  
Reichenthal  
P. 206.

Op. Hus T.  
II. P. 348.

(1) Quidam sacerdos equo insidens viridis coloris tunica indutus quæ intus rubra ac tenuissima tela subducta erat, re-

spondit, indignus est ut audiatur, nec ei adhibendus est Confessor; est enim hæreticus.

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rescue Souls from the Power of the Devil, and to deliver them from the Tyranny of Sin, he was glad to seal it with his Blood. Then the Elector withdrawing, the Wood was kindled, and *John Hus* was soon suffocated, after having call'd on God's Mercy to the last. The Executioners cut and hack'd what remain'd of his Body into a thousand Pieces that it might be the sooner consum'd, and when they found his Heart they beat it, fasten'd it on a sharp Stick, and roasted it at a Fire apart. They secur'd his Cloaths contrary to Order, but the Elector made them cast them into the Fire, and promised to indemnify them for the Loss. His Ashes were carefully gather'd up and thrown into the *Rhine*, for Fear that his Disciples or Followers should carry them into *Bobemia* for Relicks; but if we may believe *Aeneas Sylvius*, this Precaution was to no purpose, for the *Hussites* scrap'd up the very Earth of the Place where *John Hus* was burnt, and carry'd it as a very choice Cargo to *Prague*, where he says that *John Hus* and *Jerom* of *Prague* were held in as great Veneration as *St. Peter* and *St. Paul*. 'Tis worth while to hear what this Historian says concerning (a) the Constancy with which *John Hus* and *Jerom* of *Prague* suffer'd Death. ' They went, says he, to the Stake as to a Banquet. Not a Word fell from them which discover'd the least Faint-heartedness. In the midst of the Flames they sung Hymns to the last Gasp without ceasing. Never did any Philosopher suffer Death with so much Constancy as they endur'd the Fire'.

(a) *Æn. Sylv. Hist. Bob. Cap. 36. P. 73.*

(b) *Reich. P. 206. vers.* *Reichenthal* (b) says, that a Cardinal whom he calls *Pancratius*, which probably should be *Bancras*, caus'd an old Mule of his that dy'd, to be bury'd in the very Place where *John Hus* was burnt, and that there came out a very infectious Stench. A Protestant Author (c) says, that the Cardinal did this with a View to make the People believe that the Stench proceeded from the Heretick. But I should not chuse to stake my Credit upon such a Comment.

(c) *Walpenbourg in Hussō redivivo. P. 549.*

I have taken most of the Particulars concerning the Condemnation and Punishment of *John Hus*, from three cotemporary Authors, one of whom declares that he was upon the Spot at the Time, and that he has been exact in his Relation of all that pass'd in the Affair (1). Indeed two of those Historians were *John Hus*'s Disciples, but as their Evidence has not been disprov'd, at least as I know, by any Historian of that Time, and as they have been quoted in Cases where it could not be for the Advantage of this *Bobemian* Doctor, 'tis {but just that they should be admitted as Vouchers in his Favour. Besides, tho' there are some Particulars in their Relations which we don't meet with elsewhere, there is nothing in the

(1) Neque enim ab aliis accepi, sed ipse his omnibus interfui, atq; ita ut potui literis mandavi. *Op. Hus. T. I. Fcl. 29.*

main but what agrees with the Acts, and the other Writers of that Age. This cannot be said altogether of *Reichenbal*, tho' he was also present at the Execution. He is mistaken, for Example, in the Date of this fifteenth Session in which *John Hus* was condemn'd, by placing it on the 8th of July, tho' 'tis manifest that it was held on the 6th, about Eleven o' Clock in the Forenoon. He says also that *John Charlier*, that is to say *John Gerson*, made an Oration to the Council immediately before the Condemnation of *John Hus*. But 'tis certain that the Man who performed that Function, was the Bishop of *Lodi*. He says that there were two Cardinals commissioned with the other Prelates, for the Degradation of *John Hus*, tho' it appears by all the Acts, that none were appointed for this Ceremony but Bishops; and indeed according to the Canon Law, 'tis a Function appropriated solely to the Bishops. By these Hints we may judge, that *Reichenbal* has been pretty careless in his History, and that his Testimony is not to be depended on rashly.

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XLIX. 'Tis now no hard matter to judge what was the true Cause of the Punishment of *John Hus*, and to give his Character. The Sentence of the Council is express, that *John Hus* is a notorious, scandalous, obstinate, and incorrigible Heretick. As to his Obstinacy, we have seen how he all along defended himself against that Charge from the Beginning to the End, protesting that he was ready to correct himself, as soon as he should be convicted of any Error from the Holy Scriptures, or Arguments justly founded thereupon. He had made the same Protestations (1) at the Head of most of his Works, as may be seen in his *Defence of Wickliff*, and his Treatise of Indulgences. Before he could be condemned of Obstinacy, they should have proved to him from the Holy Scriptures and from good Arguments, that the Articles which he own'd for his were erroneous, and as to those which he affirm'd he never taught, they should have confronted him with Witnesses to confute him. But it appears by his Examination, that they did neither. The Witnesses are represented under general Titles common to several Persons, and not by their own Names; and even when he desir'd to know the Name of a certain Doctor, who accus'd him of having advanc'd a certain Proposition, they refus'd it, as has been elsewhere observ'd. 'Tis true that in the Informations against *John XXIII*. the Witnesses are represented in the same blind manner. But it must be observ'd that all those Witnesses had been sworn one after the other, and called over by their proper Names, as appears by the

The Doctrine and Character of *John Hus*.

(1) Intendo & protestor quod nihil volo asserere, nec ex intentione quod esset Scripturæ Legis Christi, vel suæ voluntati contrarium, & quod docto per

quodcunque Membrum Ecclesie, vel per aliam Creaturam quod erraverim in dicendis, volo aperte & humiliter revocare. *Op. Hus. T. I. p. 174, 111, &c.*

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Report of the Curfitors, and the Acts of the Apostolical Notaries. Besides, as *John XXIII.* subscrib'd to his Condemnation, and did not offer to defend himself, the confronting of Witnesses was not so necessary in his Case, as in that of *John Hus*, who all along declar'd that he was condemn'd upon false Evidence. As to his Instruction, he expressly complains that it was always refus'd him both in publick and private, and that when he offer'd any Passage from the Scripture or the Fathers in his Defence, they would not hear him but jeer'd him, said he did not understand the Scriptures, and impertinently quoted the Doctors (1). But to shew that *John Hus* could not be condemn'd as an obstinate Man, we need only see what is the Composition of Obstinacy according to the Doctors. Let us hear *John de Courtecuiffe* (a), a very famous Doctor of the Sorbonne in the 15th Century, who was first Bishop of Paris, and then Bishop of Geneva, not long after the Council. He says, *that in whatsoever Error a Man may fall, he ought not to be censur'd either as a Heretick or Obstinate, when he is ready to retract after lawful Information.* This same Doctor proceeding afterwards to explain the Nature of the Instruction which ought to be given to a Man that is in an Error, says, *'Tis no lawful and sufficient Instruction, unless his Error be shew'd to him so clearly, that in the Judgment of intelligent Persons he cannot deny that his Sentiment is in effect contrary to the Catholick Faith.* We shall find the same Doctrine inculcated several Times in the Works of *John Gerson* (2). Now according to this Definition of Obstinacy, 'tis certain that *John Hus* could not be condemn'd as an obstinate Person.

(a) *Johan-  
Brevis Coxa  
ap. Gerson T.  
I. p. 839.*

*John Hus*  
was of the  
same Opini-  
on as the  
Church of  
Rome con-  
cerning the  
Eucharist.

L. As to his Heresies, 'tis not very easy to know exactly what they were. His Doctrine of the Communion in both Kinds could not be the Motive of his Condemnation, as has been elsewhere undeniably prov'd, and it appears plain from his publick Examination, that this Article was never laid to his Charge. 'Tis as evident that he believ'd *Transubstantiation* and the *Real Presence*. He declar'd it several Times in express Terms in full Council, and after many subtle Sophisms and Chicaneries, they were oblig'd to own that he was orthodox in the Article of the Eucharist. Besides in a Treatise which he compos'd in Prison touching the Sacrament of *the Body and*

(1) Quia Doctores quinquaginta, ut ipsi dicebant, deputati à Concilio, sæpius à me reprohenfi fuerunt, de falsa articulorum extractione, etiam in publica Concilii audientia, noluerunt ullam privatam dare informationem, imo nec mecum conferre volebant, dicentes, Tu debes stare decisioni Concilii. Quod Concilium, dum in publica audientia adducebam, Scripturam Christi vel Sanctorum

Doctorum, vel deridebat vel me male intelligere dicebat, & Doctores me impertinenter allegare. Ep. XV. Fol. 62.

(2) Dicitur pertinaciter quis tenere aliquid, quando non est paratus corrigi, vel non quæritum sollicitudine veritatem. i. e. A Man is said to be obstinate when he is not willing to be corrected, nor careful to find out the Truth. *Op. Gers. T. II. p. 264. B.*

*Blood*

*Blood of Jesus Christ*, he says expressly that he had always held the Doctrine of Transubstantiation before he was a Priest, and that after his Entrance into Priests Orders, he had taught it publickly in the Church and University. For this he refers to his Treatise, *Of the Body of Christ*, which he wrote, as he himself says, in 1401. which was the first Year of his Preaching. What *John Hus* taught in particular on this Head, is reducible therefore to these three Things. 1. A certain Preacher of *Bobemia* had advanc'd, that a Priest before his first Mass was but a Child of God, but that, after he had once officiated, he was the Father of God, and the Creator of God's Body. *John Hus* wrote a Treatise (a) to confute so strange a Proposition, tho' it was not a new one, and declar'd that Jesus T. I. Fol. Christ is the Author of the *Transubstantiation*, and that the Priest is but the Minister of it, by virtue of the Sacramental Words (1). 2. We find in the Answers made by *John Hus*, that the Archbishop of *Prague* would fain have oblig'd him not to say that Jesus Christ was Bread after the Consecration. He could not obey this Order, and shew'd (b) from the Words of Jesus Christ, from those of St. Paul, from the Canon of the Mass, and from several Authorities of the Fathers, that before and after Consecration Jesus Christ is always Bread, but a celestial, spiritual, and *super substantial Bread*, as he says upon the Authority of an Article in the Lord's Prayer, according to the vulgar Version. 3. As some Persons had affirm'd that the Body of Jesus Christ was (2) seen by bodily Eyes in the Eucharist, that it was the Object of Touch like other Bodies, that it was chew'd by the Teeth, and enter'd into the Stomach and came out again like all other Nutriment, he affirm'd and prov'd from the Authority of the Doctors, that the Body of Jesus Christ is incorruptible, and that only the Species of Bread and Wine are subject to the Touch and chew'd in the Mouth; and when *Berenger's* Recantation was objected to him, *Ego Berengarius* (c), which says that according to the Faith of the Church, the true Body of Jesus Christ is seen, touch'd, and eat corporally, and not figuratively in the Eu-

141c.

(a) Op. Husi

(b) Op. Hus. ub. sup. Fol. 163.

(c) Decret. 2. Pars dist. II. de consecratione 42.

(1) Credendum est, quod tam bonus quam malus Sacerdos, habens fidem recitam circa Sacramentum venerabile, & habens intentionem sic facere, ut precepit Christus, & dicens verba in Missa, secundum institutionem Ecclesie, conficit, id est, virtute verborum sacramentaliter, facit ministerialiter esse sub specie panis verum Corpus Christi. Similiter sub specie vini fiat ministerialiter esse verum sanguinem Christi. Et dico, facit ministerialiter, quia tanquam Minister Christi,

qui potestate & verbis Christi facit, quod facit Christus, potestate propria & verbis propriis transubstantians panem in corpus suum, & vinum in sanguinem suum. Op. Hus. T. I. Fol. 39. See also his 32d Letter upon it.

(2) Sunt quidam volentes negare Christum esse panem & dicentes corpus Christi frangi, dentibus contereri, dilaniari, in partes dividi, corporaliter masticari. ub. sup.

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charist, he reports the Gloss upon that Recantation (1), which says that if the Words of it are not 'olidly explained and refer'd to the Species, we shall fall into a greater Error than *Berenger* himself. Here 'tis proper to observe by the way, that *John Hus* complains at the close of his 37th Letter, that the Notary had (2) maliciously alter'd this Passage of the Commentary which he had quoted at his public Hearing. Supposing what has now been said shou'd not make it evident that *John Hus* was fully persuaded of the *Sacrifice of the Mass*, there wou'd need no other Proof of it, than his Perseverance to celebrate it, notwithstanding his Excommunication, even in the City of *Constance*, and as we may say in the very Face of the Council. For if he had not been well convinc'd of the Necessity of this Duty, or if he had but the least Scruple of Conscience concerning it, his Excommunication was a very natural Opportunity to have excus'd him from it. 'Tis true that whatsoever Dignity he annex'd to the Priesthood, he could not bear to see the Priests value themselves too much upon that Score, and therefore he gave no Quarter to a certain Preacher, who had advanced that the most wicked Priest was better than the best Layman.

His Agreement with the Church of Rome, touching the Intercession of the Saints and Purgatory. Ep. XXII, XXX. (a) Epist. XXXV. (b) Fol. 147, 148.

Fol. 51. 2.

LI. IT appears from several of his Letters that he ascribed very great Efficacy to the *Intercession of the Saints* (3). In his XXII<sup>d</sup> Letter he prays to *St. Peter* and *St. Paul* to intercede for him, to the end, that like them, he may suffer Death with Constancy, if he is call'd to it; and in his XXX<sup>th</sup> Letter he begs the same Favour of *St. John the Baptist*. If he had any Hopes of escaping out of the Hands of his Enemies, he declares (a), that 'tis thro' the Merits of the Saints. And in a Tract before quoted, he says expressly (b), *that 'tis impossible for any Sinner to be saved without the Intercession of the Holy Virgin*. Here I observe by the way, he has put a Poem into the Mouth of *Ovid*, upon the Incarnation of *Jesus Christ*, and the Assumption of the *Virgin Mary*, in such paltry Verses, that they as ill become *Ovid*, as the Part which he is made to perform of a Christian. In another Tract he prays to God to forgive those who have reported that he deny'd the Doctrine of the Intercession of the Saints, as well with Regard to the Living, as to those who are dead in Grace. Neither cou'd he be reproach'd with not being orthodox in the Article of *Purgatory*, of which he speaks so often in his Writ-

(1) Sed istud solvit glossa dicens: Nisi sanè intelligas verba *Berengarii*, & omnia referas ad species ipsas, in majorem incidet hæresin quam ipse habuit, nam de corpore Christi partes non facimus. Hæc glossa ubi sup. p. 164. See Epist. XXXVII. fin.

(2) Notarius iniquè mutavit testimonium meum de glossa Bullæ, sicut audivistis, quod hoc dixi publicè in Cencilio. Fol. 69. 2. fin.

(3) Ipsi ergo gloriosi Martyres dignentur pro nobis intercedere.

ings,

ings, that it seems to have been his favourite Doctrine. In the *Explanation of his Faith*, which is a kind of Sermon that he had prepared to preach at *Constance*, he calls the *Sleeping Church* (1), 'the Number of the Predestinate, who are in *Purgatory*, and who, by the Intercession of the Saints in Heaven, and by the Fasting, Almsgiving and other good Works of the Faithful upon Earth, may be deliver'd out of it. He teaches the same Doctrine more than once in his *Treatise of Indulgences* (2), written in 1412. He also makes use of the Doctrine of *Purgatory* to attack the Abuse of Indulgences. 'Suppose, *Op. Hus Fol.*  
' says he, two Men, of whom One is very well read in God's Law, 183. 2.  
' but an Adulterer, a Thief, Murderer, Simonist, and debauch'd  
' from his Youth; the other knows very little of God's Law, but  
' exactly observes it all his Life time, being guilty only of a few venial Sins, for which he has not yet made Atonement: These two  
' Men are on a Death-Bed; the Pope had granted Indulgences to  
' the former to absolve him both from the Crime and Punishment, but  
' had granted none to the latter (3). This Absurdity wou'd be the  
' Consequence of it, that the former by virtue of the Pope's Bull wou'd  
' go directly to Paradise, while the other wou'd enter into the Pains of  
' *Purgatory.*'

LII. As to the *Worship of Images*, tho' *John Hus* wrote a *Treatise* <sup>And the</sup> against it, yet he declar'd in it, that the Knee may be bent, Prayers <sup>worshipping</sup> address'd, Offerings made, and Wax Tapers lighted up to the Image of <sup>of Images.</sup> Jesus Christ, and those of any Saint whatsoever, provided it be not done for the Sake of the Image it self, but for him whose Image it is (1). This was loose Doctrine in *Luther's* Opinion, who has prefix'd these Words before the said Tract of *John Hus*. *A Treatise of John Hus against Image-worshipping, tho' he expresses himself upon it too slackly.* But this loose Sentiment, both with Regard to the Protestants and with regard to the rigid Image-worshippers, was the Sentiment of the soundest Part of the Church at that Time, and by Consequence cou'd not be deem'd a Heresy in *John Hus*. Upon this it will be proper to hear *John Gerson*, who certainly was one of the most approv'd Doctors of the Fifteenth Century. In his Explanation (a) of the Decalogue, he (a) *Gers. T.* says, *We do not worship Images, but God or the Saints who are thereby* l. p. 245

(1) *Ecclesia sancta dormiens, est numerus Prædestinatorum in Purgatorio patiens. Op. Hus. ub. sup. Fol. 53.*

(2) *Nam prius purgandus est igne purgationis, qui in aliud sæculum distulit fructum conversionis. Fol. 182.*

(3) One meets with the same Reflexion exactly in *Ibcd. Vrie, ap. Von der Hardt, T. I. p. 106.* Which shews that *John Hus* advanc'd nothing new upon it.

(4) *Quamvis coram imagine Christi, vel alia cujuscunque Sancti, licitè possint homines genua flectere, orare, offerre, candelas ponere, & sic faciant, non tamen in nomine imaginis, sed in nomine illius cujus imago est, illa debent facere, sicut & imago non propter imaginem, sed propter imaginatum, est coram hominibus sculpta, posita vel depicta. Op. Hus T. II. p. 343.*



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 (a) T. III. p. 947. ' if we kneel before a Crucifix, we do not worship the Wood of which  
 ' the Cross is made, but God, who is there represented: And so as  
 ' to the Images of Saints, we do not adore the Image, *says he*, but  
 ' we honour the Saints of both Sexes. As to those Simpletons who  
 ' worship the Images themselves, they can only be excus'd on account  
 ' of their invincible Ignorance, or from an Intention to do what the  
 ' Church does in honouring Images.

HE was very well persuaded also of the *Necessity of Confession*, be-  
 cause he had a Mind to be confess'd, and was actually confess'd before his  
 Death; if he refus'd it at the very Hour of his Punishment, 'twas  
 because Confession was only offer'd him upon a Condition, which he  
 cou'd not accept with a safe Conscience. In a Letter which he wrote  
 to a Priest of his Acquaintance, he exhorts him (1) to be sober and  
 discreet in confessing Women, for fear of being provok'd to Wanton-  
 ness by too familiar Conversation. In his Treatise of Repentance, he  
 (b) *Op. Hus* says, (b) that it consists of three Things, *viz.* Contrition, Confession  
 T. I. fol. 37. and Satisfaction: That the Confession ought to be clear, to the end  
 that the Priest may understand it, and so entire that the Penitent may  
 omit none of his Faults.

And the Me- LIII. TO read but his Commentary on the Epistle of St. *James*, is  
 rit of Works. sufficient to let one see that he had no other Sentiments touching the Me-  
 rit of Works than those which were commonly received at that Time.  
 In the Sermon before quoted, wherein he gave an Account of his  
 Faith, he says, *That no Body is rewarded in the other Life, farther*  
 (b) *Op. Hus* *than he has deserv'd in this, and that the State of a Traveller is the on-*  
 II. fol. 141. *ly State wherein there can be Merit.*

And the Sa- LIV. HE likewise own'd the seven Sacraments of the Church of  
 craments. *Rome*, as appears from one of the Articles objected to him, where  
 he says that the seven Sacraments are ill-administer'd by a wicked  
 Priest. The Objection made to him upon that Article was not ground-  
 ed upon the Number of the Sacraments, but his saying that to render  
 them efficacious, the good Life of the Priest was more necessary than  
 his Dignity. And he also clear'd up this last Article, as has been ob-  
 serv'd, by saying that vicious Ministers are in the Sight of God altogether  
 (b) *Op. Hus* T. I. unworthy to administer the Sacraments. In the Treatise which he  
 P. 33. wrote in Prison concerning *Marriage*, he own'd it for a Sacrament, and  
*Ephej.* v. 32. pretended likewise to prove it from the Words of St. *Paul*, who, ac-  
 cording to the Vulgar Translation, says that Marriage is a *great* Sacra-  
 ment. He speaks in the same manner of *Orders*, *Confirmation* and *Ex-*  
 T. II. 149. *treme Unction*, in his Commentary upon St. *James's* Epistle.

(1) Caveas confabulationem mulierum, Confessionum, ne laqueo luxuriz capiaris.  
 & specialiter cautus esto in auditione Ep. 28.

LV. NEITHER do I observe that his Sentiments concerning Tradition were different from those of the most learned Doctors. For in all his Works he endeavours, as well as they, to prove what he advances from Scripture and Tradition, that is to say, by the Authority of the Fathers and Councils. And in the Account of his Faith he declares, that he admits *all the Sentiments of the Holy Doctors as far as they explain the Law of Jesus Christ, that he has a Veneration for all General and Particular Councils, Decrees and Decretals, all Laws, Canons and Constitutions, as far as they agree with the Law of God explicitly or implicitly.* This came pretty near to the General Opinion of the Doctors. For they did not pretend that there was any Thing in Tradition that was contrary to Revelation. 'Tis true that *John Hus* wrote a Treatise against Human Tradition, but he did not mean by it what is commonly call'd *Tradition* in the Church of Rome. Let us hear *John Gerson* upon it. *The Second Degree of the Truths of Faith, says he, consists in the Truths which the Church has determin'd, and which she receiv'd from the Apostles by a continual Succession and an undoubted Tradition.* *John Hus* never contested either Law or Fact in this respect. By *Human Traditions* therefore, he meant nothing but some superstitious Ceremonies, which were only authoris'd by Custom, that great Number of Monastic Orders, which made a sort of Patchwork in Religion, inconsistent with its primitive Simplicity, the exorbitant Wealth and Authority of the Popes and Clergy; in a Word, all the Abuses which proceed only from Avarice, Ambition and Concupiscence, or which only serve to cherish those Vices. But all the Doctors of that Time, who desir'd the Reformation of the Church, spoke as clearly against those *Human Inventions.* *Henry of Hesse* complains publickly of *so many Paintings and Images with which the Churches are patch'd, and which have a Tendency to allure the Weak to Idolatry; of the great number of Religious Houses and Orders; of the multiplication of Saints-days and Festivals; and of the Introduction of certain Apocryphal Books, to the Prejudice of the Faith.* 'Tis certain, that *John Hus* never talk'd more strenuously against Human Traditions, and against the Decretals of the Popes, than *John Gerson* has done in several Tracts. If to all this we add the Testimonies of the Orthodoxy of *John Hus* given by the Archbishop of Prague and the Inquisitor of the Faith in *Bobemia*, as well as by the University of *Prague*, I don't think that hereafter there can be the least Reason to doubt that *John Hus* entertain'd almost all the Opinions which were then receiv'd in the Church of *Rome*, except some Articles which related more to Manners and Discipline than the Faith. And some Authors of the *Romish* Communion, as *Florimond de Raymond* (1) and

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And Traditions.

Op. Hus T. I. Fol. 48. 2.

See also the Works of Hus. fol. 328.

Op. Hus Fol. 412.

Henry de Hesse ap.

V. d. Hardt, T. II. p. 56, 57.

Op. Gers. T. III. p. 43.

(1) *Florimond de Raymond* of the Birth of Heresy. L IV. Chap. 3. p. 409.

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*Rosweide* (a) a Jesuit have own'd, that he did not deviate from the Sentiments of the Church of *Rome* in any material Article.

(a) *Rosweide de fid. Hæret. servand. Cap. 18. p. 156.* LVI. HE had so good an Opinion of his Cause, even with regard to his Judges, that in one of his Letters he says that he did not think they cou'd take hold of him for any Articles but the following. The *first*, for having oppos'd the Crusado of *John XXIII.* The *second*, for having officiated during the whole Time of his Excommunication. The *third*, for having appeal'd from the Judgment of the Pope. The *fourth*, for having wrote a certain Letter (1), which had been read in the Chappel of *Bethlehem.* He adds in his 54<sup>th</sup> Letter, that it was also charg'd upon him as a Crime and a Heresy, *that he had said that Temporal Princes might seize the Estates of the Clergy.* As to the first Article, which relates to the Books and Sermons of *John Hus* against the Crusado, publish'd by *John XXIII.* 'tis certain that *Hus* had some Accomplices in this Crime, no less than all the Creatures of *Ladislaus* and *Gregory XII.* who, to be sure, did not approve of that Crusado any more than he did, tho' it was from other Principles. *John Hus* was not of the Party of *Gregory XII.* and *Ladislaus*, as he himself declares in his Treatise of Indulgences (2). But he did not think the latter a declar'd Heretic, and therefore he thought the Bull which *John XXIII.* had fulminated against him to be unjust and inhuman. Besides, he did not think that the Popes were in the right thus to kindle the Torch of Discord in the World, and to make a Field of Battle of all *Christendom*, under Pretext of Religion, but really to gratify their Ambition and Avarice. Consequently *John Hus* was not so much against Indulgences in themselves, as the Abuse of them by the Popes and their Ministers (3), or the Motives and

*Op. Gers. T. III p. 408, and 515.*

Manner of distributing them. And if we take the Pains to compare his Book concerning Indulgences, with what *Gerson* has said of it in some of his Works, we shall find very little Difference betwixt their Sentiments on this Subject. Besides, the Council of *Constance* itself did not approve of the Abuse of Indulgences, for they thought fit to put a very great Restraint upon the use of them, and even to make all those void which were granted during the Schism. Another Crime of *John Hus* was his having said *Mals* and preach'd during the whole Time of his Excommunication. 'Tis true that in this respect

(1) 'Tis the second Letter, of which Mention has been made elsewhere. *Quar-tò quod reliqui post me literam qua lecta est in Bethlehem, quam valde inimici mei transfulerunt, & interpretati sunt, in qua posui quod ex: sine Salvo Conductu. Op. Hus T. I. Fol. 73.*

(2) *Protestor quod non est intentionis meæ, part: m Regis Ladislai ac Gregorij cum eorum sequacibus approbare, sed magis reprehendere. Op. Hus T. I. p. 175.*

(3) *Nec etiam est intentionis meæ protestati datæ à Deo Romano Pontifici resistere, sed deordinationi contraire. Ubi supra.*

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he had much ado to clear himself of Disobedience towards his Superiors, and especially Superiors, whose Authority he also own'd; because he had appeal'd from the Judgment of his Archbishop to Alexander V. and afterwards to John XXIII. Let us however hear Gerson's Opinion on the Subject of Excommunication. He says that *Sentence of Excommunication ought only to be pass'd for manifest Contumacy, when any one notoriously refuses to hear the Church. From whence 'tis apparent, continues he, that the Impossibility of obeying the Commands of the Church is a Cause that a Man is not excommunicate before God, and that every such Excommunication is unjust.* This is also the Opinion of Zabarella Cardinal of Florence, one of the most able Canonists of his Time. Peter d'Ailli, Cardinal of Cambray, is altogether as express on this Subject, for he says, *That in Matters of Faith Sentence of Excommunication ought only to be pass'd upon the Man who, after being well inform'd of the Truth, refuses to submit to it.* 'Tis true indeed, they are of Opinion that tho' Excommunication may be unjust before God, we are nevertheless oblig'd to submit to it, for Order Sake, and in respect to the Church. But they add at the same Time that a Prelate, and even a Pope may so far abuse his Power, *that 'tis honourable and meritorious not to obey him, because then the Scandal of Disobedience reverts upon him who hath unjustly excommunicated, and not upon him who resisteth the Excommunication* (1). And if it be apprehended, says Gerson, *that the silly People, who look upon the Pope as God, will be offended at it, Endeavours should be us'd to recover them from that Mistake; after which, if they refuse to acquiesce, the Offence ought to be suppos'd as taken, and not as given.* Finally he concludes, *that all the most proper Measures ought to be taken with Humility, to engage the Pope to recede from an unjust Excommunication; but that if such Submission has not that Effect, we should arm ourselves with Constancy and Liberty, and take a generous Resolution.* Now this was exactly the Case of John Hus. He could not go to Rome without running a manifest Hazard of his Life, by reason of the mortal Enemies he had in Germany, as he himself declares in a Letter which he wrote to the Pope, and afterwards to the Cardinals, to be excus'd from appearing. The old Author of the Life of John Hus insinuates also very plainly, that he was excus'd from it by the Pope, but that the Cardinal Colonna who was nam'd at first by the Pope to judge of the Affair, not caring to have the Summons which he had decreed contradicted, suppress'd the Dispensation which John Hus had obtain'd of the

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Op. Hus T. I. Fol. 89. Gers. T. III. p. 48 and 101.

V. d. Hardt, T. I. p. 530. Peter d'Ailli ap. Gers. T. I. p. 659. Gers. T. II. p. 6. and 422, 423.

Op. Hus T. I. Fol. 9, 10. and 93.

(1) Sic observetur informatio seu cautela debita, ne sequatur scandalum pusillorum qui æstimant Papam esse unum Deum, verum expellenda talium stultitia per informationes idoneas, qui si nolint

acquiescere, ipsi jam sunt judicandi de scandalo non dato sed accepto. Gers. ubi sup. p. 424. Sed si nihil proficit humilissimè sedulitas, accipienda est virtus & animosa libertas. Ibid.

Pope.

1415. Pope (1). This oblig'd the King of *Bohemia* and the University of *Prague*, to send to the Court of *Rome* to desire that *John Hus* might be excus'd from his Appearance there, and to set forth the Impossibility of it. Nevertheless, in order to testify his Obedience to the Church, he did appear by his Proctors, and we have seen how they were treated there. In a Word, we need only read the Defence made for *John Hus* in 1412. by *John de Jessenitz*, a Doctor of the Canon Law, to be convinc'd that the Excommunication of *John Hus* was neither just nor according to Law, and that by the Canon Law he was not oblig'd to obey it. This leads us to the third Crime of *John Hus*, which was his appealing from the Judgment of the Pope either to Jesus Christ or the Council. But the whole Conduct of the Council of *Constance* towards the three Popes, fully vindicates *John Hus* in this respect. Besides, if according to the constant Doctrine of that Council, the Pope is not infallible, if he may be try'd, and even punish'd, 'tis very clear that it was allowable to appeal from his Judgment, as in effect the *Poles* did. And even when *Martin V.* pretended, after his Election, that it was not lawful to appeal from the Pope's Judgment in Matters of Faith, *John Gerson* wrote a Treatise on purpose to prove the contrary. Therefore there was nothing extraordinary nor irregular in the Appeal of *John Hus*. As to the Letter which he had written in the *Bohemian* Tongue to those of *Prague*, before his Departure for the Council, and which was publickly read in *Bethlehem* Chapel, and afterwards even at *Constance*; as he often complains that it was falsify'd by his Enemies, a Man cannot judge of it without knowing what Alterations were therein made. 'Tis the second of those which he wrote after the calling of the Council; and if we may judge of it by what was printed in 1537. and 1558. it was in Substance as follows. He therein exhorts those of *Prague* to persevere in the Profession of the Truth, and tells them how sorry he is that he has not Opportunity to preach the Word of God to them at *Prague*, and to confute the false Witnesses born against him. He tells them that he is setting out for *Constance* with a Safe-Conduct from the King, but does not say whether the King of *Bohemia*, or the King of the *Romans*, tho' in all Probability it was the latter. He protests that if he is condemn'd at *Constance*, it will be unjustly, because he had not held or taught any false Doctrine. He says that he knows he shall find at *Constance*, among the Bishops, Doctors, Secular Princes and Pharisees, (by whom he probably meant the Monks) greater Enemies, both in Number and Malice, than Jesus Christ had; but that according to his Example, and by his Assistance,

Op. Hus T.I.  
334, &c.

See Letters  
X, & XLIX.

Op. Hus. Fol.  
57.

(1) Dicitus Dominus Cardinalis relaxationem dictæ citationis personalis sibi per Dominum Papam factam supprimens, ip-

sum Magistrum *Johannem Hus* ad Curiam Romanam personaliter citavit. Op. Hus. ub. sup. 86. 2.

he

he is resolv'd to suffer all Things patiently for his Glory, and that whether he dye at *Constance* or return to *Prague*, he entirely submits to the Decrees of Providence. That if he return, he hopes to return thither innocent, that is to say, without having impugned the Truth of the Gospel, and that he should be in a better Condition to extirpate the *Doctrine of Antichrist*. This Letter is very strong; according to the Principles of the Council, it might even be reckon'd seditious, and no Wonder that they deem'd it riminal. But as we don't know whether it is printed just as *John Hus* wrote it, or as it was produc'd at *Constance*, we cannot pass any Judgment upon it. Finally, the last Complaint which he thought the Council had to make against him, is his having said that 'tis lawful for Temporal Princes to seize the Estates of the Clergy. 'Tis true that he wrote a Treatise on this Subject on Account of this Proposition of *Wickliff*, viz. *That the Temporal Lords may, at their Pleasure, take away the Temporalities of Ecclesiasticks, who live in a Habit of Sin*. But it must be observ'd, that in the beginning of this Treatise he declares he does not mean that the Secular Princes should seize the Revenues of the Church, just when and how they please, nor put them to what use they think fit. After this Protestation we find nothing in the whole Treatise which has not been advanc'd by the *Gallican Church*, &c. to support the Rights of the Regale. In his fifty fourth Letter he makes use of an Argument which the Emperor cou'd not but think unanswerable, to prove that Princes may take Temporalities from the Clergy. *Tell the Emperor*, says he, *that if it be Heretical to maintain this Thesis, then the Emperor himself, and Charles IV. his Father were great Hereticks, because they several Times made Seizure of the Revenues of the Church*. Since in these five Articles we don't find Motives sufficient for the burning of *John Hus*, therefore we must seek them elsewhere. If all his Books had come to the Knowledge of the Council, there would not have been so much Cause to wonder at so severe a Condemnation. But 'tis certain that the Council had seen but the least Part of 'em; for example, the Treatise of the Church, the Confutation of *Paletz* and *Znoima*, as appears from his 36th Letter. He desir'd his Friends to conceal as many of 'em as they cou'd, and he rejoices in his 37th Letter that his Reply to an *Adversary in the Dark* was conceal'd. Therefore undoubtedly they had not seen his *Anatomy of Antichrist*, wherein the Pope and Church of *Rome* are painted in every Page, in the most hideous Colours, and where he raves with a Fury, and gives such hard Names as no one can approve of. 'Tis true, that as it was written during a Schism, the Bitterness and Coarseness of his Language could not give so much Offence, as if it had been writ at another Time; because the most Catholic Doctors made no Scruple to give the Name of Antichrist to the Anti-Popes, and to compare the Church of *Rome*,

Op. Hus. T. I.  
p. 1186

Epi. 36, 37.  
Epi. V. fol.  
94.  
Op. Hus. T. I.  
p. 336, 337.

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See Letters  
XXII. and  
XXIII.

the various Works of *Peter d' Ailli, Francis Zabarella, Theodoric de Niem, Nicholas de Clemangis, Henry of Hesse, John Gerson, Paul Anglois, Theodoric de Vrie, &c.* to meet with Invectives upon this Subject, as strong as all that *John Hus* has said. And without going out of his own Country to seek for Accomplices of his pretended Crimes; the Speeches which *Stephen Palecz, Maurice of Prague* and some other Doctors of *Bobemia*, made in full Council against the Avarice, Ambition, Ignorance, Lewdness, Simony and all the other Disorders of the Clergy, would be so many Apologies for *John Hus* in this respect. What then were the Heresies of this *Bobemian Doctor*? One of the greatest, in my Opinion, was his having taught *That the Church of Rome is not the Mother, and Head of the Catholic Church, that the Pope and Cardinals are not essential to the Church, and that the Church can do without them.* But this was no new Doctrine at that Time; and I don't believe that it appear'd very strange to a great Part of *Christendom*, especially after the grand Western Schism. *Theodoric de Vrie* in his History of the Council of *Constance*, which was written at the same Time, or soon after, advances a Proposition which takes in all the Doctrine of *John Hus* concerning the Church. These are the Words which this Author puts into the Mouth of *Jesus Christ* speaking to his Spouse. *I should be thy Bridegroom if there was but one righteous Man upon Earth, and all the rest of the World were Hereticks:* And he says a little farther, *That all the Just and Faithful who are in the World, and live devoutly, are the true Spouse of Jesus Christ, even tho' he had no Vicar upon Earth.* I don't believe that *John Hus* ever said a severer Thing concerning the Church of *Rome*, the Pope and the Cardinals, than what *John Gerson* said at that Time in the *Treatise* where he proves that *the Pope may be taken away from the Church,* and in another which he compos'd not long before the Council, concerning the *Reformation of the Church.* In the latter he says among other Things, ' That the *Catholic Church* consists of several Members, ' which make up but one Body, *Greeks, Latins, Barbarians, Men,* ' Women, Peasants, Nobles, Poor or Rich, provided they believe in ' *Jesus Christ.* That *Jesus Christ* is the only Head of that Church, ' and that the others, as the Pope, Cardinals, Prelates, Clergy, ' Kings, Princes and People are the Members, tho' in an unequal Order. That it neither can nor ought to be said that the Pope is the ' Head of this Church, but that he is only the Vicar of *Jesus Christ* ' officiating for him upon Earth (1), provided he be not in an Error, ' or in Schism. That every Man may be sav'd in this Church and ' its Faith, even tho' there were no Pope in the World, and that it

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*De asseribilitate Papae ab Ecclesia. Gers. T. II. p. 205. Gers. ub. sup. p. 161. Gers. V. d. Hard. T. I. p. 68.*

(1) *Dum clavis non errat,* This perhaps means provided that the Keys are not wandering, as they were during the Schism.

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would be impossible to find one, because 'tis on this Catholic Church that the Faith of Jesus Christ is founded, and to it was committed the Power of Binding and Loosing, which Power would exist among all the Believers in the World, even tho' there were no Pope. That to this Church appertains Infallibility and *Indefeasibility* (1). But that there is another particular and private Church, call'd Apostolical, which is included in the Catholick Church, and consists of the Pope, Cardinals, Prelates, and Clergy'. *It has been the Custom, says he, to call it the Church of Rome, and 'tis suppos'd that the Pope is the Head of it, and that the other Clergy are Members. This Church may err, may deceive it self and others, be heretical and Schismatical, and even entirely fall away, and has no Authority, more than what it has from the Catholick Church, of which it is the Instrument and Minister.* As to the Popes, what he says of 'em in the same Treatise is as follows, 'That it must be suppos'd that all Constitutions and Laws made in favour of the Pope, Cardinals, Prelates, &c. will not turn either directly or indirectly, either in whole or in part, to the Prejudice or Disunion of the Church. That if for the Good of a Kingdom an Hereditary King be depos'd, with much more Reason may we depose a Pope chose by the Cardinals, whose Father and Grandfather had scarce Bread to eat. That 'tis very hard to see the Son of a *Venetian* Fisherman enjoy the Pontificate, to the great Prejudice of the whole Church (2), so many Kings, Princes and Prelates, and that he should be the Cause of so much Discord and Scandal. That the *Decretals*, the *Clementines*, &c. were nothing but the Inventions of Fraud, Avarice, and Ambition, to support the Papal Dignity; that Jesus Christ never bestow'd but upon such as lov'd God truly and heartily, &c.' These Hints are enough to shew that *John Hus* did not differ much in Opinion from the most able Doctors of that Age, concerning the Church of *Rome* and the Pope.

True Motives of condemning *John Hus*.

LVII. THEREFORE after due Consideration of the whole Matter, I find but two plausible Motives for condemning *John Hus*. The first is that he always refus'd to subscribe to the Condemnation of *John Wickliff's* Articles, and had spoke of him upon many Occasions, as of a Holy Man. But he had declar'd to the Council that he did not pretend to support the Errors of any Body; and that as to *Wickliff*, he was always ready to subscribe to the Condemnation of his Arti-

(1) That is to say, *That it can never fail.*

(2) *Gregory XII.* was a *Venetian*, but *Platina* makes him of the *Patrician* Fa-

mily; and I don't find any where that he was the Son of a Fisherman, but probably this was a Phrase founded on *Venice's* being a Maritime City.

cles.

cles, provided that the Falshood of them could be prov'd to him from the Holy Scriptures. Besides, as it appears from his Examination that he was not of *Wickliff's* Opinion concerning the Eucharist, and that he only maintain'd those Articles of the *English* Doctor which related to the Pope, the Church of *Rome*, the Tenth, the Indulgences, Ecclesiastical Penalties, &c. we may be sure that all the People at that Time, who earnestly desir'd the Reformation of the Church, and who cry'd out vehemently against the Tyranny of the Popes, and the horrid Irregularities of the Clergy, were all no better than so many *Wickliffites* and *Hussites*, and that the soundest Part of the Council were so too. The other Motive is; that *John Hus* by his Sermons, his Writings and violent and outrageous Conduct had extremely contributed to the Troubles which then disturb'd *Bohemia*. This cannot be deny'd. But if all that had been the Occasion, and even the Authors of those Disturbances, were to be so severely punish'd, they should have gone higher than *John Hus*, and render'd the Sentence more general. All the Authors and Orators of that Time, not one excepted, have made no Scruple to ascribe the Birth of Heresies, and of that of *John Hus* in particular to the scandalous Conduct of the Popes, to the Schism, to the Subversion of Discipline, and to the entire Corruption of the whole Ecclesiastical State. So that if, as those Authors say, Heresy was the Occasion of the Troubles of *Bohemia*, the Conduct of the Popes and the Irregularities of the Clergy of *Rome* having been the Occasion of the Heresy, they were under a Necessity of employing either a general Indulgence or a general Severity. In all that I have now said concerning the Doctrine and Conduct of *John Hus*, I have not pretended either to be his Accuser, as some might judge, or as others, his Advocate. I have only chose to clear up some Facts, which hitherto could not be discern'd thro' the Mists of Prejudice and Passion. We find by the Narrative I have now given; that *John Hus* was also very far from holding the Doctrine which *Luther* preach'd about 100 Years after in *Germany*, and which from thence spread into the greatest Part of *Europe*. Nor did he go so far as *Wickliff*, tho' properly speaking, he was his Martyr, because 'twas from him he took all the Principles which involv'd him under Condemnation, and which undoubtedly he would have avoided, if he had subscribed to the Sentence pass'd on this *English* Doctor. 'Tis hardly to be doubted indeed, that if *John Hus* had liv'd longer, and had not been so harras'd, his Principles would have carry'd him much farther than he could go thro' so many Obstructions. This the Emperor foresaw very clearly, when he was of Opinion, that in case he retracted, he should not be allow'd the Liberty of returning to *Bohemia*, or even of preaching any where, because he guess'd from his Temper and Character that he would not stop half way. The good Father Confessor who so tenderly exhorted him

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to retract, thought he could not make use of a sharper Incentive, than to tell him that *he must expect to wrestle yet more for the Truth.* *John Hus* himself makes it very plainly understood in some of his Letters, that he was not yet content with the Progress he pretended to have already made in the Knowledge of the pure Truth of the Gospel. In the Second, of which Mention has been made more than once, he hopes that if he return to *Prague*, God will do him the Favour to increase and improve his Knowledge of the Gospel Truths, in order to extirpate the Doctrine of Antichrist. In his eleventh Letter he also says, that God will preserve *Bethlehem* Chapel, and that his Word will bring forth more Truths there, by the Ministry of others than it has done by his. He seems by his Letters to have been very full of these Hopes. In the twelfth he says, 'That they who have condemn'd his Doctrine shall fly about like Butterflies, and that their Decrees shall last no longer than Spiders Webs.' *The Council of Constance will not extend as far as Bohemia*, says he in his XIIIth Letter. *I reckon that several of this Council will be dead before they can take my Works from you. And when they are all dispers'd like Storks, they will perceive at the Entrance of Winter what they have done in Summer* (1). As these Notions perpetually ran in his Head, no Wonder that they appear'd to his Imagination in Dreams, which tho' he did not think Divine, as he expressly declares, yet he gave great Heed to them (a). He dream'd one Night that he had painted Jesus Christ upon the Walls of *Bethlehem* Chapel, and that at the same Time his Workmanship was defac'd, but that next Day several Painters more able than he having made Figures of Jesus Christ much better than his, those Painters bid publick Defiance, with the Applause of the People, to all the Bishops and Priests, ever to deface those Figures (2). The Friends of *John Hus* did not fail to explain this Dream in a manner favourable to his Hopes. The Picture of Jesus Christ was his Gospel, which *John Hus* had preach'd at *Bethlehem*, and which after a little Interruption should be preach'd with more Splendor and Purity than ever. When he was oblig'd to retire from *Prague* by Reason of his Interdict, he had wrote something very like it to his

Ep. XLIV.

(1) He was condemn'd and burnt in the Month of July. *Ista scribo, non quod me astimem Propbetam aut me extollam, sed ad dicendum vobis, quod habui tentationes in corpore & in mente. i. e.* I write these Things not to be thought a Prophet, or to be cry'd up, but only to tell you that I have had Temptations both in Body and Mind. Ep. XXXIII.

(2) *Ille vita Christi per plures Predicatores meliores me, melius depingetur, gaudente populo qui diligit vitam Christi, de quo ego gaudebo, evigilando, i. e. resurgendo a mortuis, i. e.* That Life of Christ shall be better painted by many Preachers more able than I am, to the Joy of the People who love the Life of Christ, in whom I shall rejoice at the Resurrection from the Dead. Ep. XLVI.

Friends,

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Friends, tho' under other Images. Alluding to his Name, which signifies a Goose, he says (1), *That the Goose is a domestic Animal which does not wander far from Home, nor fly very high; but that other Birds would come whose Wings shou'd mount them above the Snares of the Enemy.*

LVIII. IT was on these Words, probably, that a certain Tradition is founded, which says that *John Hus* predicted *Luther's* Reformation in these Terms, which it was said, he made use of before his Judges. *This Day ye roast a Goose, but a hundred Years hence a white Swan will come, which ye will never be able to put to Death.* But this pretended Prophecy, as well as many others started upon the like Occasions, seems to me, to have been made after the Event, in order at the same Time to give *John Hus* the Reputation of being a Prophet, and *Luther* the Glory of having a Divine Mission. For the two Narratives of the Life and Death of *John Hus*, written by his own Disciples and his constant Hearers, don't say one Word of it. Besides in the Words of *John Hus*, which I have just now mention'd, he does not speak of a Swan but of Birds in general, nor is there any Specification of Time. And if we also attend to the Words that follow, we shall perceive that *John Hus* speaks rather of the Time present than of the future. *Instead of a weak and timorous Bird, God, says he, has sent Falcons, and Eagles to Prague, whose Sight is more piercing than that of other Birds, and which carry them all away to present them to Jesus Christ.* This he had already said elsewhere, in Terms not so figurative. *I hope, says he, that after me, there will come, (and some there are already) better Workmen, who will make a fuller Discovery of the Malice of Antichrist, and lay down their Lives for the Truth of the Gospel.* There is nothing in all this but what is very natural, and might easily be entertain'd by a Man so dispos'd as *John Hus* was, considering the then State of Religion in *Bobemia*, and some other Parts of the World. We must form the same Judgment of another Prophecy, which 'tis pretended he also made to his Judges, and which appears likewise on certain Medals, which as some Antiquaries guess were struck about that Time. *A hundred Years hence ye shall give an Account to God and Me* (2). I find nothing like this, neither in his Tryal nor in the Relations abovemention'd, nor in his Letters. 'Tis true indeed, that in the

Whether *John Hus* prophesy'd. *Korholt's Hist. Eccles. p. 636. Theobald of the War of the Hussites, cap. 25.*

(1) Sed quia anser animal cictur, avis domestica, suprema volatu suo non perstringens eorum laqueos rupit, nihilominus alix aves, quæ verbo Dei & vita volatu suo alta petunt, eorum invidias conterent. Ep. VI. Fol. 96. 2.

(2) Centum annis revolutis Deo reddetis rationem & mihi. These Words are upon a Medal in the K. of Prussia's fine Cabinet. The learned Mr. Scot who has the keeping of this Cabinet, supposes it to have been struck in the 15th Century. 46th.

1415.

46th he declares that he said expressly to his Judges (1), *That he took Jesus Christ for his Advocate, who would judge them all in a short Time.* But 'tis plain that these Words ought to be understood in the same Manner as what he says to his Friends, that he hopes they will all enjoy Coelestial Glory before 30 Years are at an End; which is a Conjecture a Man may safely make, without being a Prophet, concerning many People that have attain'd to 40 or 50 Years of Age. This makes me suspect that this Medal might be of the same Date as the other Prophecy. I submit however to such as are better Judges of these Things than I pretend to be. But as an Historian I think myself oblig'd in this Place to give an Account of the several Medals that were struck at different Times concerning *John Hus*, together with the Opinions of the Learned thereupon, as well as the Prophecy inscrib'd on them. The first we find, which is in the King of *Prussia's* Cabinet of Medals, represents *John Hus* on one Side (*JOAHUS*) with his Priest's Bonnet and a very long Beard, and these Words round the Rim, *I believe in one Holy Catholic Church.* (*C R E D O unam esse Ecclesiam Sanctam, Catholicam.*) On the reverse of the Medal *John Hus* appears fasten'd to a Stake, with a flaming Pile of Wood under his Feet, and on his Head a Mitre of Paper with the Pictures of Devils; on this Side of the Medal we find this Inscription round the inner Margent, *John Hus was condemned in the Year of our Lord 1415.* (*JOHANNES HUS anno à Christo nato 1415. condemnatur.*) And round the Rim are these words (*CENTUM revolutis annis Deo respondebitis, & mihi*) *i. e.* An 100 Years hence ye shall be accountable to God and Me. This same Medal is to be found likewise in *Luther's Life* by *Christian Juncker*, printed at *Leipsic* in 1699. No wonder that many Protestant Authors thought that this Medal was struck by the *Bobemians*, immediately after the Execution of *John Hus*. There is more Stress to be laid upon some very Catholic Authors, who have held the same Opinion. I shall only mention two. The first is *Peter Matthew* in his History of *Henry IV.* ' Heresy, ' says this Historian, is an Obstinacy of the Soul, which is not to be conquer'd by such Torments as put the Body to Death, because Executions promulgate the Sect, rather than suppress it, and the Punishment which is only inflicted to divert the Affection and Progress of the Sect, falls upon Persons of such constant and resolute Souls, that it draws more Profelytes to the Sect in one Hour, than they could have gained themselves in ten Years Time. The Constancy of those who were burnt at the Council of *Constance*, and the last Words they said, astonish'd the Standers-by, and are even to this

(1) Expressé dicens: Dominus Jesus meus advocatus sit & procurator, qui vos omnes brevi judicabit. Ep. XLVI.

Day

Day collected like the Prophecies of the Sibyls. The Historian places *John Hus* and *Jerom of Prague* in the inner Margent; and in the outward Margent says he, *The Bohemians lamenting the Death of John Hus at the Council of Constance, caus'd several Coins to be struck with this Inscription, taken from the last Words he said, A hundred Years hence ye shall be accountable to God and Me. At the end of this Term appear'd Martin Luther (a).* The second Catholick Author who stands up for the Antiquity of this Medal is the Abbe *Bizot*, in his Preface to the first Vol. of the *Medallic History of Holland*, 'As for modern Medals, says he, they were coin'd in the Christian Part of Europe, after the Dominion of the *Gotbs* was extint, and after the Revival of Architecture, Sculpture, Painting and Graving. The first that was struck is that of *John Hus* in 1415. and if we find any that are of a more ancient Date they are either counterfeit or recoin'd (b).

1415.

(a) Peter Matthew's Hist. of Holland, IV. Lib. II. p. 204, 205.

(b) Apud Junct. vii. Luth. p. 39, 40.

*M. Juncker* in his *Medallic History of Luther*, abovemention'd, says that two Medals are still preserv'd at *Magdeburg*, which have on one Side the Image of *John Hus* with his Beard and Mitre, holding a Book in his right Hand, which *Luther* looks upon with Pleasure in a Priest's Habit bare headed, and clasping the Bible with both Hands. Round the Rim are these Words (*Centum annis revoluitis Deo & mihi respondebitis. Vaticinium Johannis Husfi anno 1415. combusti*). i. e. A hundred Years hence ye shall answer before God and Me. The Prophecy of *John Hus*, burnt in 1415. In the inner Rim are these Words (*His Lap. (Lapsis) D. M. Luther ad Rep. (Repurgandam vel Reparandam) Doct. Cæ. (Cælitus, vel Cælestem) a Deo excit. anno 1517.*) Which as *M. Juncker* guesses, signifies that these Years being expir'd, God raised up *Dr. Martin Luther* in 1517. to reform or repair his Doctrine. In the same Work *M. Juncker* exhibits another Medal concerning *John Hus* and *Luther*, which is in the Cabinet of the Count *de Schwartzbourg & Arnstad* (c). It represents *John Hus* on one Side with these Words *Sola. Deo. acceptos. nos. facit. esse. fides.* (Faith alone renders us acceptable to God), and on the other side *Luther* with these Words, *Pestis. eram. vivus. moriens. ero. mors. tua. Papa.* (I was a Plague to thee, O Pope, whilst living, and will be thy Death when I die). What I have now said plainly shews, that tho' *John Hus* did not proceed farther, it was not because he thought there was nothing more to be done. So that tho' the Protestants cannot justly suppose him to have dy'd a Martyr for the very same Truths that they profess to believe, yet they may reasonably look upon him to be an excellent Fore-runner of the Reformation. But as Men ought not to be burnt for the Dictates of their Heart, and for Thoughts which may run in their Head, all the Schemes which *John Hus* was capable of contriving to advance the Reformation of the Church of *Ant.*, cou'd not warrant the Council to treat him in a manner so

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cruel

1415.

cruel and inhuman. 'Tis no doubt to justify the Behaviour of this Council, that an Historian, enrag'd to the utmost degree of Fury, has thought fit to give Posterity so horrid a Picture of *John Hus* that the Devil himself could not have made a worse Figure. *The Pagans, says he, Turks, Tartars, Jews, Incestuous Persons, Parricides, Cain, Thyeestes, Herod, Cannibals, Sodomites, will not be so severely treated at the Day of Judgment, as this Heretick.* Every Body will think this a very harsh Prognostication, and no doubt there are Persons of a milder Temper who will form a more candid Judgment of a Man, that by the Confession of his very Enemies, equall'd, if he did not excel, the greatest Men of his Time in Learning, in his various Talents, and in the Regularity of his Manners. There is not a Papist nor Protestant, I will venture to say, not a Turk nor Pagan, who notwithstanding the hasty Expressions, dropp'd now and then in his Letters, does not admire them for the Dignity and Piety of his Sentiments, the Tenderness of his Conscience, his Charity towards his Enemies, his Affection and Fidelity to his Friends, his Gratitude to his Benefactors, and above all his Constancy of Mind, accompany'd with the most extraordinary Modesty and Humility. If those Letters had been written with a Design to be made publick, he might have been suspected of Hypocrisy and Dissimulation to impose upon the Public, as it was said he wrote some pious Treatises in Prison with this View. But they were written and sent with very great Precaution to intimate Friends, who were far from divulging them, nor cou'd do it without exposing his Life and their own too, because he discours'd in those Letters about the Popes, the Church of *Rome* and the Council it self, with a Liberty becoming a *Socrates* and a *Cato*. To conclude, as a modern Author has made no Scruple to vindicate *John XXIII* who was accus'd and partly convicted of the most abominable Enormities of every kind, the candid Reader will no doubt be of Opinion that I could not do less than say what I have done for the Vindication of *John Hus*.

ON the other Hand his Execution has been far from meeting with a general Approbation in the Church of *Rome*. *Luther* in the Preface which he prefix'd to the Works of *John Hus*, reports that the Emperor *Maximilian* us'd to say *He be fecerunt bono illi viro injuriam. Alas! they have done Injustice to that great Man.* He adds that *Erasmus* in the first Books that he ever compos'd, and which *Luther* had in his Possession, said that *John Hus* was burnt, but that he was not convicted. Upon this Occasion he mentions a Particular that he had from Dr. *Staupitz*, General of the Order of *Augustin* Fryars. 'I will here relate to you, says he, what Dr. *Staupitz* told me of a Conversation he had with his Predecessor *Andrew Proles*, who was a Gentleman of Distinction, concerning the *Rose* of Dr. *John Zachary*; for this *Zachary* was commonly painted in the Monasteries with a  
Rose

' Rose in his Hat, as well to honour him as to dishonour *John Hus*.  
 ' When *Proles* look'd upon this Picture he said, I should not have car-  
 ' ed for the honour of that Rose. *Staupitz* asking him why, he  
 ' made this Answer, When *John Hus* was told in the Council of *Con-*  
 ' *stance* that the Pope neither ought nor can be reproved by any Per-  
 ' son. Dr. *Zachary* to prove it, quoted this Passage of *Ezechiel*, ac-  
 ' cording to the vulgar Translation, *Ecce ego super Pastores*, which he  
 ' explain'd as if it had been, *I am above the Shepherds*, and then add-  
 ' ed of his own Accord *Et non Populus*, and not the People (1). *John*  
 ' *Hus* having asserted that there were no such Words as, *and not the*  
 ' *People*, in the Passage; *Zachary* referr'd to the Testimony of the  
 ' Bible, which *John Hus* himself had brought out of *Bobemia*, where-  
 ' in *Zachary* in the Conferences which he and a great many others  
 ' had with him to persuade him, happen'd to stumble upon this Pas-  
 ' sage. The Bible therefore was brought, where, in short, the Passage  
 ' appear'd as *Zachary* had quoted it; and tho' *John Hus* asserted that this  
 ' Bible was faulty, and that the Words *and not the People* were not in  
 ' any of the other Bibles, he was oblig'd to yield by the Clamour of his  
 ' Adversaries. It was in Memory of this pretended Victory that the  
 ' Council gave *Zachary* the *Rose*. Now continued *Proles*, 'tis certain  
 ' that these Words are not in any correct Bible, whether M S. or  
 ' printed.' This *Luther* takes Notice of to shew that *John Hus* was  
 an honest Man and *Zachary* a Liar.

AFTER this Session the Nations assembled to consider of the Let-  
 ters to be sent to *Bobemia* to notify the Execution of *John Hus*. These  
 Letters were not sent till the 26th of this Month. The very next Day  
 after his Execution, solemn Processions were begun for the Welfare of  
 the Church, which lasted a Fortnight. I have read in a *German M S.*  
 that about this Time a Letter written to the Council in the Name of  
 the Holy Ghost, was found at the Gates of the Churches of *Constance*  
 in these Words, *The Holy Spirit to the Council of Constance, Greet-*  
*ing. Take Care of your own Affairs as well as you can; for our Part*  
*we cannot be with you, because we are busy about other Affairs. Farewel.*  
 Till we know what Impression the Execution of *John Hus* made in  
*Bobemia*; let us see what pass'd in the 16th Session, with which we  
 will begin the IVth Book of this History.

(1) *Ezek. xxxiv. 10.* that is to say according to the Version of *Mons*, I come my self to those Shepherds, I will go seek my Flock.

The End of the Third B O O K.

U u u 2

T H E





THE  
HISTORY  
OF THE  
COUNCIL of CONSTANCE.

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BOOK IV.

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T H E





The HISTORY of the  
**COUNCIL of CONSTANCE.**

**BOOK IV.**

**I**  **NOTHING** of Moment happen'd in this Session. 1415.  
 The Cardinal *de Viviers* was President, and *Nicholas*  
 of *Lubigh* or *Lubeck* Bishop of *Mersburg* celebrated The SIX-  
 Mass. The Emperor being on his Departure for TEENTH SES-  
*Nice*, the Council nominated to accompany him and to SION.  
 assist him with their Advices fourteen or fifteen De- 13 July.  
 puties, *viz.* four Bishops and ten or eleven Doctors V. d. Hardt,  
T. IV. p.  
 chose out of the several Nations. The Bishops were *James Gela* Arch- 455. Rev.  
 bishop of *Tours*, *Peter* Bishop of *Ripen* in *Denmark*, *James* Bishop of Spind.  
*Adria*, *John Bertrandi* Bishop of *Geneva*. They had a full Power to  
 do in concert with the Emperor whatever they shou'd think necessary  
 to oblige *Benedict XIII.* to renounce the Pontificate, or to give Peace  
 to the Church by some Means or other. On the 28th of *May* the  
 Cardinals

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1415.  
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Cardinals had propos'd four Members of their College to go along with the Emperor, and had actually prepar'd their Protefts beforehand, in Case that he refus'd to take any Cardinal with him. 'Tis highly probable that the Council did not think their Presence wou'd be of much Service at those Conferences, because there was not one in the List of this Deputation. And really one wou'd think the Cardinals of the different Obediences wou'd have been more likely to have created a Division, than to have advanc'd the Union of the Church.

As several Prelates and Officers of the Court of *Rome* had absented themselves clandestinely and without Leave, the Council appointed four Bishops, viz. the Bishop of *Salisbury*, the Bishop of *Ploczko*, the Bishop of *Lavaur* and the Bishop of *Pistoya*, to oblige them to return on pain of being depriv'd of their Offices. These very Prelates were also appointed to hear Causes. At the same Time the four Presidents of the Nations were authoris'd, to examine into the Reasons of such as desir'd Leave to be absent, and if their Request was reasonable, to grant it them. It was also order'd that the Letters of Justice, which us'd to be dispatch'd to the Court of *Rome*, shou'd hereafter be sign'd by the Cardinal *de Viviers* Bishop of *Ostia*, in the Name of the Council, and seal'd with his Seal, and that such poor Prelates as were at *Constance*, shou'd be assist'd out of the Revenues of the Apostolical Chamber. Finally, it was resolv'd to furnish the Emperor with Copies of *Gregory XIIth's* Resignation, *John the XXIII's* Deposition, and of the Consent this Pope had given to it, that the Emperor might go furnish'd with those Pieces to *Nice*, to oblige *Benedict XIII.* to follow *Gregory's* Example, and to improve by that of *John XXIII.*

AFTER all these Regulations were publish'd, *Henry de Piro* Proctor of the Council mov'd an Affair, which deserves more particular Mention than the foregoing. In the fifteenth Session the Council had publish'd a thundring Bull against all Persons who in any wise maltreated the Members and Officers of the Council, either at *Constance* or elsewhere. There was no Body nam'd in this Bull, because probably they were not yet fully inform'd of the Circumstances of an Assassination that was committed in *Lorraine*, and of which *Henry de Piro* Proctor of the Council complain'd in this sixteenth Session. The Fact was thus. The Council and the Emperor had lately sent into *France* the Bishops of *Carcassonne* and *Evreux*, with three Doctors, viz. *William de Merle* Dean of *Senlis*, *Benedict Gentian*, D. D. and *Jacob de Spars*, M. D. to notify the deposing of *John XXIII.* as has been already observ'd. But they had Intelligence at *Constance* that those Deputies were attack'd in the *Barrois* by two Gentlemen, viz. *Charles de*

1415.

de Duail Lord of Remonville and Henry de la Tour (1), who after having robb'd them, and even wounded and kill'd some of their Attendants, had ignominiously confin'd them to their Castle, from which they were only releas'd by means of the Dukes of Lorraine and Bar. The King's Interest, says the Monk of St. Denys, and the particular Hatred which this Duke bore to the Duke of Burgundy, engaging him to send immediately to this Robber and his Companions to release those Ambassadors, on pain of being answerable for them with their Heads; he was resolv'd to put his Menaces in Execution, and next Day he hasten'd to this Place with all the Troops he cou'd muster. But finding that those Traitors were fled away for Fear, he set the Prisoners at Liberty, and after having regal'd them several Days with all manner of good Cheer, he sent them back with what Money they had Occasion for, and new Equipage (a). Henry de Piro having complain'd of it, according to his Commission, Berthold de Wildungen read a Bull of the Council, directed to the Bishops of Paris, Metz, Toul, and St. Paul de Leon, with Orders to execute speedy Justice for this Insult, by employing the Secular Arm, if necessary, and particularly the Assistance of the Dukes of Bar and Lorraine, who are commended and thank'd for the Respect they shew'd on this Occasion to the Council, in the Persons of their Ambassadors. This was all that was concluded in this Session, after which nothing was transacted that we know of till the seventeenth Session, into which we are now entring.

(a) Hist. of Charles VI. T. II. p. 1402.

II. THIS Session was almost wholly taken up in Preparations for the Emperor's Journey. The Cardinal de Viviers presided in it as usual, and Utric Count d'Albeck Bishop of Verden celebrated Mass (2). Another Bishop preach'd a Sermon upon these Words *Corpus nostræ humilitatis*. After the usual Ceremonies, the Emperor having put off his Imperial Mantle, fell on his Knees bare-headed before the Altar to receive the Benediction of the Council, being supported by the Cardinals of Lodi and Ursins. The Cardinal de Viviers thrice repeated a very short Prayer to God, that he wou'd conduct, protect, and defend the Church in general, and the Emperor in particular, during the Journey which he undertook in Quality of Advocate and Defender of the Church, for completing the Reconciliation of it under One and the same Head. The Response at each Time was *Te rogamus, audi nos, i. e.* Hear us, O Lord. This Prayer being ended the whole Choir sang a Litany, after which the Cardinal who officiated, turning

THE SEVENTEENTH SESSION. The Emperor takes Leave of the Council, July 15. T. IV. p. 473.

(1) The Monk of St. Denys says he was an Officer in the Duke of Burgundy's Army.

(2) Henry the Count of Hoya was chosen by the Chapter, while Pope Gregory

XII. had nominated Utric Count d'Albeck; the latter was oblig'd to give up his Claim, and was made Bishop of Segovia in the Year 1417. Henry resign'd Anno 1426.

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1415. towards the Emperor gave him his Benediction, by singing these Words, *Lord, save the King*. When the whole Service was over the King resum'd his Place, and the Decrees of the Council were read.

Decree of  
the Council  
in favour of  
Gregory XII.  
Gregory XII.

III. IN the first, which was read by the Bishop of *Concordia*, *Gregory XII.* is declar'd Dean of the Cardinals, and perpetual Legate a *Latere* in the Marquisate of *Ancona*, with all the Prerogatives annexed to that Dignity, the Council reserving a Power to themselves at the same Time, to accommodate *Benedict XIII.* in Case he should also be willing to resign. This Decree was of exceeding Advantage to *Gregory*, and might well encourage *Benedict* to follow his Example. For herein the Council gives *Gregory* an entire Discharge and plenary Absolution for every Thing that had pass'd irregularly during his Pontificate, and for every Defect that he might have been guilty of in his real or pretended Obedience; excuses him from being accountable for it to any one whatsoever, and forbids all Persons of what Sex and Condition soever they be, Popes, Emperors, or Kings, to molest him on this Head, notwithstanding all Canons and all Constitutions of General Councils, which might authorise the demanding an Account of his past Conduct. Moreover, the Council beforehand orders the Pope who shall be chosen, to ratify this Decree; and declares that no Person shall be advanc'd to the Pontificate till he has sworn to cause it to be observ'd. This appears from the Bull of the Council concerning *Gregory XII.* which imports among other Things, ' That *Sigismund* having presented certain Articles to the Council that related to the Security of *Gregory XII.*'s Person, the Peace of his Conscience, the Honour and Decorum of his Rank and Life; the Council being mov'd by the Prayers of so great a Defender of the Church, and being desirous to shew by this Instance how well she is dispos'd to such of her Children as promote her welfare, doth Statute, Ordain and Decree that *Angelo de Corario* is and shall be Cardinal Bishop, with all the usual Honours and Emoluments, and that he shall be the Second in Rank and Dignity after the *Roman Pontiff* (a). Which was approv'd of unanimously.

(a) *V. d. Har.*  
T. IV. p.

475.  
The Council's  
Decree  
for the Security  
of the  
Emperor.

*Maimbourg*  
Hist. of the  
great Schism  
in the West.  
P. II. p. 247.

IV. THEN the Patriarch of *Antioch* read another Decree, threatening Excommunication and Deprivation *ipso facto*, from all their Dignities as well Secular as Ecclesiastical, against all in general who should in any wise molest the Emperor and his Retinue during his Journey, whether they be Cardinals, Bishops, and even Kings or Princes. As this Decree struck at the Temporal Power of Kings, *Maimbourg* was as much offended with it, as he was with that for enjoying Silence. To speak the Truth frankly, This Decree offended all Sovereigns, and especially the King of France, thro' whose Dominions the Emperor was oblig'd to pass in his way to *Perpignan*. Therefore this was a Step of the Council

Council of Constance, altogether intolerable. Should I undertake to decide whether a General Council has any Power over the Temporality of Kings, I should ramble from my Sphere as an Historian. Therefore I shall only make two Remarks on it, which are purely Historical. The one is that the Council did not take this Precaution in favour of *Sigismund* in vain, because there was more than one Conspiracy against him, during his several Voyages. He had like to have been poison'd at *Venice* in 1413. as has been observ'd elsewhere (a). The Duke of *Burgundy* was accus'd in that very Council of having conspir'd with *John XXIII.* the Dauphin of *France*, the Duke of *Austria*, and the Count of *Savoy*, to cause the Emperor to be arrested or even assassinated as he pass'd thro' *Burgundy* or *Savoy*. *Windek* tells us that the Duke of *Austria* had hir'd People to put him to Death during his Stay at *Perpignan*, and that it would have been executed if he had not been timely warn'd of it by the Elector Palatine; and that the said Duke intended to have put the same Design in Execution as the Emperor return'd to *Constance*. The same Author also informs us that this Prince ran the risque of his Life in *England*, because the *English* were provok'd at the Miscarriage of his Negotiation. We shall come to the Particulars of each of these Facts in their due Place. The other Remark is, that it appears from hence that the said Decree did not only affect the Kings of *Arragon*, *Castile*, *Navarre*, *Portugal*; and the Counts *de Foix* and *Armagnac*; as *M. Dupin* thought, but several other Princes who were in *John XXIII's* Obedience, and who did not love the Emperor, for other Reasons. Nor am I of the Opinion of this celebrated Author, that the Council by this Decree did not design to meddle with the Temporality of Kings. For what can be plainer than these Words, *That he shall be actually depriv'd of every Honour, Dignity and Benefice, Spiritual and Temporal?* As to *M. Dupin's* Observation that the Thing in question was Estates which depended on the Church, 'tis a Comment of his own Fancy; nor did *Maimbourg* take it in that Sense. Tho' upon the whole, whether the Council had such Prerogative, is what I don't determine, but that they claim'd it, is, in my Opinion, plain Matter of Fact.

1415.  
 (a) Hist. of  
 of Pisa, T.  
 II. p. 184.  
 Gerson T. V.  
 p. 347, 348.  
 Windek's Hist.  
 of Sigismund,  
 cap. 58, 59.

*Dupin de An-*  
*tiq. Eccl. Dif-*  
*cipl. Dissert.*  
 VII. p. 578.

FINALLY, the last Decree that was read order'd a Mass and solemn Procession every *Sunday*, during the Emperor's Absence, for the happy Success of his Journey. The Council granted Indulgences for a hundred Days to such as shou'd be present at those Acts of Devotion, as well as to the Priests who should officiate, and for forty Days to such as shou'd daily repeat a *Pater* and an *Ave Mary* with the same View. Thus ended Session XVII. *Gerson* is said to have crack'd a Pun upon account of this Journey. Applying to *Peter de Luna* the first Verse of the 72d *Psalms*, according to the vulgar Translation, he us'd

1415. us'd to say in the Council that there was no Peace to be expected for the Church *as long as the Moon endureth*. That was indeed the chief Business of *Sigismond's* Journey. He had promis'd on the fourth of *March*, 1415. at the Request of the Ambassadors of *Ferdinand* King of *Arragon*, and at the earnest Prayers of the Council, to set out in the Month of *June* following for *Nice* in *Provence*, in order to concert Measures with the King of *Arragon* for reclaiming *Benedict XIII.* as was observ'd in the second Book of this History (a). But the Escape of *John XXIII.* hinder'd him from performing it so soon as he intended. This oblig'd him to desire a Month's Time longer from the King of *Arragon*, who accordingly consented to it, as appear'd by the Declaration of the 28th of *April*. We have elsewhere taken Notice of the Regulations that were agreed upon beforehand for this Journey.

Another Examination of *Jerom* of *Prague*. July 19. V. THE 23d of *May* *Jerom* of *Prague* was brought back to *Constance*. That was the first Examination he underwent, which tho' a very rigorous one, he sustain'd with a great deal of Intrepidity. We left him in a noisome Prison, where he fell dangerously ill. He was again examin'd the 19th of *July*, in Hopes that the Execution of *John Hus* would have render'd him more tractable than he had appear'd in the first Audience. As to this second Interrogatory, we know nothing particular, only that in a M S. at *Leipfic* it appears that *Jerom* of *Prague* being examin'd as to the Articles laid to his Charge, answer'd, with Respect to that of the Eucharist, *That in the Sacrament of the Altar the singular Substance of the Piece of Bread, which is there, is transubstantiated into the Body of Christ, but that the universal Substance of Bread remains*. He believ'd, as well as *John Hus*, Universality *a parte rei*.

Gerson's Sermon upon the Emperor's Journey, and the Reformation of the Church. VI. THE Historians of that Time are not agreed what Day the Emperor set out from *Constance* to *Nice*. *Theodoric de Niem* says 'twas the 18th of *July*; *Reichenthal* and *Ducher* make it the 19th, but *John Dorre*, who was also at the Council, places it at the 21st; and to this latter Opinion *M. Von der Hardt* inclines, because it agrees better with the Discourse which *Gerson* made that Day, on account of the Emperor's Journey. Nevertheless 'tis possible that it was not preach'd till two or three Days after the Emperor was gone, that is to say upon *Sunday*, when by Order of the Council the first solemn Mass was celebrated, and the first Procession made after the Emperor was gone. Be this as it will, the Emperor having receiv'd the Blessing of the Cardinals, then about fifteen in Number, and the other Prelates, set out with a Guard of 4000 Horse, accompany'd with sixteen Prelates or Doctors, according to *Dorre's* M S. tho' others say the Number was not so great. A Fortnight after he was gone, News came of his Arrival at *Narbonne*, whither the King of *Arragon* repair'd, not

not many Days after, and affirm'd that *Peter de Luna* wou'd shortly follow him by Sea. The two Kings agreed together that if *Peter de Luna* did not resign, as he had promis'd, he should be committed to Prison under the Guard of *Sigismond*. 1415.

*G E R S O N*'s Sermon is worth abridging, because it was the Plan as it were for the Behaviour of the Council in the Emperor's Absence. *Gerson*'s chief View was to confirm the Vth Session, which had establish'd the Superiority of the General Councils, and the Submission which is due to them from the Popes. This Precaution was very *a propos*, not only for the Sake of the Reconciliation of *Gregory XII.* and his Obedience, which was a sort of renewing of the Council, but in order to authorise every Thing which the Emperor shou'd do in *Aragon*, to oblige *Benedict XIII.* to resign, as well as to give a Sanction to the Proceedings of the Council against that Pope, in Case he shou'd obstinately refuse to submit; and finally, to hinder the Cardinals from doing any Thing to prejudice the Authority of the Council in the Emperor's Absence.

*G E R S O N* had chose for his Text the 20th Verse of the lxxviii Psalm, according to the vulgar Translation, *The God of our Salvation shall make our Way perfect.* In a mystical Explanation of the Word *Way*, of which the Psalmist speaks, he says, that before the Council, there had been three great Scandals or Stumbling-blocks in the Road of Salvation, viz. the Schism, Heresies and Vices, but especially the horrible Monster of Pride and Ambition. This engag'd him to establish twelve Maxims or Rules, which he calls *Directions* or *Adresses*, and which he pretended had been already follow'd *implicitly* or *explicitly* by the Council, and ought to be observ'd constantly for the future, as well for compleating the Work of the Union of the Church, as for extirpating all Heresies, and for reforming Manners and Discipline. He has laid down four Maxims for attaining to each of these three Ends. The first Maxim for the Union of the Church, is, *That the General Council holds its Authority immediately from Jesus Christ, and that every Man of what Dignity soever, tho' it be the Pope, is oblig'd to obey such Council, in what relates to the Faith, the Extirpation of the Schism, and the Reformation of the Church in its Head and Members.* This Decision of the Council, says he, ought to be engrav'd in the most eminent Places, and in all the Churches of the World, as a fundamental Law, to crush the Monster of Ambition, and to stop the Mouths of all Flatterers, who, by Virtue of certain Glosses, say bluntly (a), and without any Regard to the eternal Law of the Gospel, that the Pope is not subject to a General Council, and cannot be judg'd by such. That a General Council derives all its Force and Authority immediately from the Pope, and can neither be call'd nor confirm'd without the Pope. That the Pope

*Gers. T. II. p. 273. & ap. V. d. Harit, T. II. p. 471.*

(a) *Grosse*

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‘ Pope may not be question’d why he does this or that, because he is above the Laws (1).’ The Second Rule is, *That the Council may not only engage by way of Advice, but also by Authority compel the Person whom they deem to be the true Pope, to renounce the Pontificate, even tho’ the said Pope should not be guilty, tho’ at the same Time the Council ought not to do it without important Reasons, of which many may be offer’d, as has been demonstrated in the Discourses that have been deliver’d before the Council.* The Reason upon which he grounds this Maxim is, that if a Pope may really abdicate and give a Bill of Divorce to the Church, as *Cælestin* (2) did, the Spouse of Jesus Christ may also give a Bill of Divorce, not to her Husband, who is Jesus Christ, but to the Vicar of her Husband, especially when he gives her Cause, or when she has some important Reason of her own. The third Rule is, *That the General Council is so far above the Pope, that they may repeal and make void his Bulls, Proceses, Ordinances, and Decrees, and binder the Court of Rome from removing from the Place where the Council is, and oblige the Pope to stay there.* Gerson said, this Rule had already been practis’d to hinder the Dispersing of the Council, and that it ought to be practis’d for the future. The fourth Rule is, *That a General Council is so far above all the positive Laws, made by the Popes, and even by the other General Councils, that it may interpret, alter, and abolish them when they have a Tendency to thwart the Union of the Church.* He says that the Council of *Constance* did so with regard to the Legates of *Benedict XIII.* and *Gregory XII.* who were admitted and receiv’d in the Council, altho’ those Popes had been depos’d by that of *Pisa*, and their Legates excommunicated. ’Tis, says he also, according to this Principle *that the Council vouchsaf’d to permit Gregory to call it again, and that it did many other Things of the like Nature, tho’ they were contrary to positive Law.* Those were the Canons that related to the Union. The Reader can’t but see that Gerson acted very properly in renewing those Maxims, before or immediately after the Emperor’s Departure, to the end that they might not take Advantage of his Absence to depart from them. We proceed now to the Maxims which relate to Doctrine.

THIS was an Affair which Gerson and the Ambassadors of *France* had very much at Heart, because of *John Petit’s* Doctrine, which in the fifteenth Session had only been condemn’d in General Terms. The first Rule, *The General Council may and ought in Cases of Heresy to judge all manner of Persons, of whatever Prebeminence and Rank they be, without Favour, Fear or Respect of Persons.* He says this Rule was put

(1) Gerson says in this Discourse that the Cardinal of *Cambray* had confuted this scandalous Error long before this Decision of the Council.

(2) This was *Cælestin V.* who was chose in 1294. and abdicated five Months after.

in Practice, with Regard to *John XXIII.* and also to *John Hus*, who, tho' of low Degree, had nevertheless powerful Protectors that had defended him with great Force and Zeal. This Article points indirectly at *John Petit* and the Duke of *Burgundy*. The second Rule: *The General Council may, and ought to examine, reject, and condemn all Propositions, heretical and erroneous in Faith and Manners, which have been advanc'd to the publick Scandal, without the Necessity of undertaking the Prosecution of those who have advanc'd them; ETIAM non facto prius, vel simul processu, adversus assertores.* He says that it has been so practis'd in the Council before, when it condemn'd the Doctrine of the Communion in both Kinds; the general Proposition that *Every one may kill a Tyrant, &c.* together with defamatory Libels, without prosecuting any Person. 'Tis easy to comprehend the View of this Rule. To hinder the Council from passing a particular Sentence upon the Propositions of *John Petit*, the Bishop of *Arras* and the other Friends of the Duke of *Burgundy*, had maintain'd the Necessity in the first Place of examining the Fact, *viz.* Whether those were the Propositions of *John Petit*, or whether they had not been forg'd by *Gerson* or some other Hand. The third Rule: *The Council may condemn several Propositions, with their Authors, tho' by the Rules of Grammar or Logick, and by Virtue of certain Glosses, those very Propositions are capable of some true Construction.* He says this was the Practice with Regard to *Wickliff* and *John Hus*, many of whose Articles were capable of a good Meaning, taken in the General, but that considering them in particular, and with Regard to the Application that had been made of them *pro materia subjecta*, they had been condemn'd justly. The View of this Article was to procure the Condemnation of *John Petit's* Propositions, as far as they had been advanc'd for defending and justifying the Assassination of the Duke of *Orleans*. The fourth Rule: *The Council may and ought to condemn several Propositions or Assertions, tho' they cannot clearly evince the Falshood thereof from any express Text of Holy Scripture, without the Expositions of the Doctors, and the Usage of the Church.* He says that this was the Practice with Regard to the Communion in both Kinds, which was condemn'd by the Council, tho' the Holy Scriptures favour that Practice; and that without this Precaution, the Hereticks will never retract but conditionally, that is to say, if they can be convinced of an Error by express Texts of Holy Scripture, because they look upon the Expositions of Doctors, and the Decretals as Apochryphal. I find that *John Gerson* was very much confounded, touching the Decretals and the Holy Scriptures. For on the one Hand, when the *Italians* quoted the Decretals to maintain the Superiority of the Pope over the Council, he quoted the Gospel, without giving himself much Trouble concerning the Decretals and the Expositions of the Doctors *Determinantes ex testibus, grosse non*

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V. d. Hardt,  
T. II. p. 475.

*ad regulam Evangelicam æternam acceptis.* But on the other Hand, when John Gerson produc'd these plain Texts against John Petit, *Thou shalt not kill, Thou shalt not swear falsely,* John Petit having advanc'd that it was to destroy the Soul to understand the Scripture Passage literally, Gerson condemn'd this Maxim of John Petit. However it be, those were the Maxims which relate to Doctrin, and these that follow relate to Manners, or the Reformation of the Church in its Head and Members.

John XII.  
was depos'd  
by a Council  
in 964.

THE first Rule: *The General Council is so far above the Pope, and every other Person in the Church, that they may depose the Pope for any Crime whatsoever, when he has notoriously scandalis'd the Church, and prov'd himself incorrigible.* He says that this was formerly the Practice, with Regard to John XII. and lately with Regard to John XXIII. in whose Condemnation it was not mention'd that he was a Heretic, and that he was departed from the Faith. Now, adds Gerson, *if the Cedars of Libanon were so treated, what must not the little Shrubs of the Wilderness expect? One of the chief Crimes for which John XXIII. was condemn'd, was, continues he, Simony, which destroys the Pretension of those who maintain that the Pope is incapable of Simony in the Collation to Benefices.* The second Rule: *Tho' the General Council cannot take away or diminish the Fullness of the Papal Power, which Jesus Christ gave to St. Peter and his Successors, but on the contrary ought to give Thanks for it to God, who gave it, and to receive it with respect, yet they may restrain the Use of it by certain Laws and Statutes for the Edification of the Church.* He says that this Maxim was put in practice by making certain Decrees for the Election of a future Pope, which derogate from the common Law in the Election of the Popes, and by granting certain Privileges to Gregory XII. in favour of his voluntary Relinquishment; and that it ought still to be practis'd and agreed upon before the Election of a new Pope, in order to obviate the Abuses which the Popes had all along made of their Full Power. He backs this Rule with more Arguments, and takes more Pains to support it, than he had done the preceding. But 'tis proper to hear him in his own

Dr. Gerson ubi  
sup. p. 279.

Words, 'The Popes, *says he,* were not willing either to assemble General Councils, or to leave to the ordinary Prelates their Jurisdiction. 'They assum'd to themselves the Authority of repealing and altering the Regulations of General Councils, and of interpreting them to their own Fancy. Which was the Source of thousands of Disorders. 'For if on the one Hand the Power of the Pope ought not to be so restrain'd as to be under the Necessity of having Recourse incessantly to General Councils, on the other Hand so large a Power ought not to be given to him, as to enervate the Authority of those same Councils, &c. Then in drawing a Parallel betwixt the Authority of the Popes, and that of the Councils, he says that Councils have

the Authority of a Dictator, and the Popes a Power of exercising that Authority which resides in the Council, and of executing its Orders; so that a Pope who resists a Council resisteth the Holy Spirit by which General Councils are directed. The Council is in the Church, the same Thing as the Understanding in Man; 'tis the Council which dictates and prescribes, and the Pope is the Will that ought to follow the Dictate of the Understanding'. The third Rule:

*The General Council may lawfully take Cognizance of the Wars and Divisions that arise between Christian Princes, to the great Prejudice of all Christendom, and to the Temporal and Spiritual Loss of Mankind, by hindering Acts of Violence, and by obliging them by Ecclesiastical Censures to have recourse to Justice and Law.* This, says Gerson, is what the Emperor propos'd, in that truly Christian Discourse which he made in Presence of the Deputies of the Council, before he departed. He also therein declared, continues this Doctor, the Design which he had to labour for the Accommodation of the Kings of France and England, after the Pacification of the Schism, and exhorted the Council to exert their Care and Authority for reconciling the Poles and the Russians, by engaging them to submit to the Council, as he himself had thereto submitted, for an Example to all the other Christian Princes. The fourth Rule: *The General Council may and ought to order that General Councils be assembled for the future oftner than they have been hitherto, and to oblige the Popes, by an inviolable Law, to call one every ten Years.* This Discourse of Gerson was not without its Effect. For

next Day a General Congregation was assembled to consider of Methods for practising the Maxims he had laid down. In this Congregation the Cardinal of Florence made a Speech, wherein, after having as it were recapitulated all that had hitherto been transacted in the Council, he propos'd several Expedients for successfully promoting the Reformation of the Church in its Head and Members. It was undoubtedly upon this Occasion that he publickly read a Treatise which he had compos'd at the beginning of the Council, with this Title, *Summary Heads of what ought to be done in the Council for the Reformation of the Church.* Dr. Von der Hardt found this Piece among the MSS. of Vienna. 'Tis true, that like most of the ancient MSS. it has not the Author's Name; but he shews by very good Tokens that it must be Zabarella's, of whom we shall have Occasion to speak in our second Volume.

v. d. Hardt, I. IV. p. 485. July 22.

VII. THE Council wrote to Bohemia some Days after, to give Notice of the Execution of John Hus, and to order Conrade the Archbishop of Prague to proceed against his Disciples. If we may believe Theodoric de Niem, the Archbishop of Litomissel was the Man to whom the Council gave the Letter in charge to see it executed. It was before printed among the Works of John Hus, and we find it in MS. in the curi-

v. d. Hardt, T. I. Part IX, Praef. The Council writes into B. b. mia. Niem ap. v. d. Hardt, T. II. p. 425. Op Hus T. I. fol. 80, 81.



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 T. IV. p.  
 485, 486.

ous Library of *Helmstadt*. In the printed one the Direction is to those of *Moravia*, and in the M S. to the Archbishop, the Chapter and Clergy. of *Prague*. Except in this, the M S. and the printed one agree very well. After the usual Preambles the Council gives a horrible Character of *John Wickliff's Doctrine* (1). From thence passing to *John Hus* and *Jerom* of *Prague*, whom they call most wicked, most dangerous, and most abominable Persons, they tell the Method they took in the Examination and Condemnation of the former, and their vain Efforts to reclaim him from his Errors. *This was an Undertaking*, says the Council, *not easy to execute, because such Arch-Hereticks under the Veil of the Catholic Faith, not only over-reach the Ignorant and Weak, but sometimes those of the greatest Knowledge.* The Council says afterwards, that after having carefully examin'd the Books of *John Hus*, and heard unexceptionable Witnesses against him, they saw that he subverted the Foundations of the Christian Faith, and that he had publickly us'd all his Efforts to engage the People in his damnable Doctrine. *If it had been as well known to you as to Us*, say the Council to the Bohemians, *we have this Opinion of your Zeal for the Catholick Faith, that you would have been beforehand with us in the Exemplary Punishment of such a Man.* Mean Time the Council protests, that tho' *John Hus* confess'd several Articles that are absurd and contrary to the Faith, they did not proceed against him with the utmost Rigour till the last Extremity, and after they had given him several private and publick Hearings, in Presence of the Emperor and the whole Council. *'Tis not possible to express all the charitable Efforts we have us'd as well in Publick as in Private to reclaim him, but as it only made him the more obstinate and resolute to support his Doctrine, we have been compell'd to condemn him as a notorious Heretick, to degrade him from the Priesthood, and lastly to deliver him over to the Secular Arm, for his final Punishment.* After this the Council exhorts the Bohemians to be animated with the same Zeal, for extirpating the Herefy, and to ex-

(1) Meminisse quidem oportet nefandæ & detestabilis Doctrinæ Johannis Wickles, cujus tam sordida, tam foeda sententiæ extitit, ut non solum illam repetere, quotque ex ea errores defluerint, memorare grave sit, sed & ipsius reminisci horrendum videatur. Nam fidem Catholicam non tantum improbe interpretari, sed à fundamentis evertere conatus est. Nemo tam unquam sub velamine Christianæ Religionis instituta Fidei oppugnavit, nemo tam perverse & scandalose contradixit Ecclesiæ. *V. d. Hardt, T. IV. p. 485.*

*i. e.* But we must not forget the wicked and abominable Doctrine of *John Wickliff*, who held so sordid, so filthy an Opinion, that 'tis not only unpleasant to repeat it, and to mention how many Errors have flow'd from it, but it seems horrible to remember it. For he has endeavour'd not only to put a wicked Construction upon the Catholick Faith, but to overturn the Foundations of it. No Body under the Cloak of the Christian Religion did ever so impugn the Institutes of the Faith; no Body has so perversely and scandalously contradicted the Church.

cite

cite the King of *Bohemia* to it. *We doubt not but in this Matter he will second our pious Efforts, because we have heard from the Bishop of Litomissel, and other Doctors of Bohemia, how earnestly he desires the Extirpation of so dangerous a Pestilence.* Lastly, after these Exhortations, the Council absolutely enjoyns the Clergy of *Bohemia* to use all their Diligence in this Matter, on pain of Excommunication, Deprivation of their Benefices and Degradation.

VIII. 'TWAS much about this Time that the Ambassadors of *Swe-* Canonization den again demanded of the Council the Canonization of some pretend- on of some ed Saints of that Kingdom. After the Canonization of *St. Brigit* the, Saints refus'd King and Queen of *Sweden* had writ to *John XXIII.* to obtain the, *V. d. Hardt,* Canonization of three other Saints, viz. *Nicholas* Bishop of *Lincopin,* T. IV. p. who dy'd with the Reputation of a Saint in 1391. *Brynolphus* Bi- Hardt T. IV. shop of *Scarren,* who dy'd with the same Character in 1317. and one <sup>p. 707.</sup> *Nigris* a Monk of the Order of *St. Austin.* But as *John XXIII.* be- <sup>Vast. v. Vit. Aquil. p. 78,</sup> gan to totter when the Letter arriv'd, it was not given to him, and 139. after his Escape the Affair was carried to the Council. This gave Occasion to a Commission to inquire into the Saints, their Life and Miracles, and to see if in general it were not more proper to lessen the Number of Saints than to increase it. The Commissioners were chose out of the College of Cardinals, and the Body of Bishops and Doctors. The only Cardinals were those of *Cambray* and *Colonna,* and the only Bishop was the Bishop of *Lodi.* For this Purpose *Gerson,* who was one of the Commissioners, compos'd his Treatise of the <sup>3 Aug.</sup> *Try- De Probatione al of Spirits,* which the Duke of *Wolfembutte* not many Years ago <sup>Spirituum Op.</sup> caus'd to be translated into the *German* Tongue, and of which per- <sup>Gerf. T. I. p.</sup> haps it may not be amiss to give an Extract, especially in an Age so <sup>37 and 43.</sup> <sup>V. d. Hardt,</sup> addicted to Visions as ours is. T. III. Part

IX. IN the first Place *Gerson* lays down three Rules to know the Spi- III. p. 28. rits, and to distinguish true Visions from those that are false. The first <sup>Gerf. T. I. p.</sup> is a right Understanding of the Holy Scriptures; the second is Expe- <sup>Tryal of Spi-</sup> rience, and a discerning Faculty, which he calls *The Hidden Manna,* <sup>vits.</sup> *and the white Flint on which a new Name is written that no Body knows, but he who hath receiv'd it.* The third are the Revelations, or Discernment of the Spirits, which is a Gift annex'd to the Apostles, and, as he says, to the Hierarchical Order. But it appears plain that *Gerson* lays no great Stress upon the two latter, viz. *The Discernment,* and the *Revelations,* with which People are apt to flatter themselves. Therefore he has recourse to the Holy Scriptures. Here he mentions several Reflections proper to be made upon the Person who has Visions, upon the Nature of the Visions themselves, upon the Foundation and Reason of them, upon the Person to whom they are imparted, on their manner of appearing, and upon the Source from whence they

1415. come (1). As to the Person who pretends to have Visions, *Gerson* wou'd have it well examin'd whether it be a Person of good Sense, and whether such Person be not troubled with Frenzy or some melancholy Disposition, or possess'd with some violent Passion, as Choler, Jealousy, Love or even Zeal, for some new sort of Devotion. He thinks also that it should be strictly inquir'd after what Manner such Persons were instructed and educated, what Company they kept, what are their favourite Pleasures, and in fine, whether they are Poor or Rich. ' For ' *says he*, if the Person be Rich, there's great Cause to apprehend that ' Pride, which with *St. Bernard*, he calls a *very subtil Evil*, is at the ' bottom, the rather because it often breeds in the very Bosom of Hu- ' mility, and engenders under a Hair Cloth and in Penance, tho' it seems ' the very Reverse of Pride. But if, on the contrary, the Person be ' Poor, as Necessity is a bad Counsellor, it too often happens that Re- ' course is had to Lies and Fraud, to get out of it.' As to Visions in themselves, *Gerson* says many Things which are very solid. ' In the ' first Place, *says he*, it must be carefully examin'd if the whole be ' strictly true. 'Tis a common Artifice with Impostors to make use ' of several Truths for a Screen to cover a single Lie; and for this ' Reason *Jesus Christ* forbid those that were possess'd, and *St. Paul* like- ' wise prohibited the Sorcerers to bear Witness to the Truth. *Be-* ' *sides, continues he*, we must see if we can find in those Visions the ' Characters of that Wisdom from above, of which *St. James* has gi- ' ven us a Character, (Chap. iii. 17.) Finally, Attention must be had ' to the Matter of those Visions. Either they contain nothing but ' what is already taught us in Scripture, and by the Light of com- ' mon Sense, or they contain something different. If the latter, they ' must therefore be suspected, because 'tis absolutely necessary to stick ' to the Law and the Prophets; if the former, that is to say, if the ' Visions contain nothing more than what is already dictated to us by ' Scripture and right Reason, such Visions and Revelations are of no ' Use, because we have already a Revelation, to which we are oblig'd ' to adhere. Otherwise it would be at the Liberty of every fanci- ' ful Person to heap Visions upon Visions, which would be as neces- ' sary to be believ'd, as if they came from God; and consequently ' the Christian Religion, which according to *St. Austin* consists but ' of few Articles, would without Comparison become more burthen- ' some than the *Mosaic Law* it self.

Op. Gers. ub.  
sup. p. 40.

*G E R S O N* proceeds in the next Place to those whom such Visionsaries Trust with the Secret of their pretended Revelations; and upon this Head he gives very good Advice; as to consider well what might be the Motive which engag'd those Pretenders to Inspiration,

(1) Tu quis, quid, quare, cui, qualiter, unde, require. *V. d. Harat, ib. p. 31.*

to discover their Visions; not to applaud them as the Custom is, but on the contrary, to represent to them seriously, that they ought not to pretend to be wiser than other Men, who conduct themselves in Things appertaining to Salvation, by the Light of good Sense and the Holy Scriptures; and *Gerson* brings Instances of a great many pious Men, who resisted several of such pretended Visions, as so many Temptations of the Evil Spirit. He strenuously represents the Abuses which Fanaticism has introduced into the Christian Church. 'Tis not to be conceiv'd, says he, how many People have been misled and diverted from the true Religion, by this Curiosity for Visions and Miracles. From thence so many popular Superstitions which infect the Christian Religion. People run after Miracles as the Jews did after Signs, the Worship due to God is pay'd to Images, and more Credit is given to Saints, who are not so much as canonis'd, and to Writings of no Authority, than to true Saints, and to the Gospel. Then *Gerson* says that it ought to be duly examin'd with what View the Visionaries pretend to have had Visions. We must not only look narrowly, says he, into their nearest and most apparent Views, but as far as possible into the more remote and more secret Views, because it often happens that Actions, which at first Glance seem'd to have an edifying pious View, are attended with a wicked and scandalous Consequence, either because the End does not answer the Beginning, or because wicked Designs are conceal'd under the Appearances of Piety'. In order to support this last Reflection, he brings the Example of two Doctors, viz. *John de Varennes* and *John Hus* (1). The latter is sufficiently known. *John de Varennes* was a celebrated Doctor and Preacher in the XIVth Century, Auditor of the Sacred Palace, Chaplain to the Pope, and Curate of St. *Let* in the Diocese of *Rheims*. As I don't know that either *John de Varennes* or *John Hus* ever boasted of their having had Visions, *Gerson's* Application must be suppos'd to have an Eye to their Sermons, and that he meant to say that those Sermons had a great Appearance of Piety, but that the Event of 'em was scandalous. It seems, however, that according to the distinction which *Gerson* himself makes use of elsewhere, the pretended Scandal of the Sermons of both is more of the Nature of an Offence given than taken. Enough has already been said of the Sermons of *John Hus*. As for *John de Varennes*, *M. Dupin* says (a) that in the main he might be in the Right, and he only taxes him with Imprudence, for having preach'd with too much Acrimony against the Archbishop of *Rheims* (2), his

(a) *Dupin*  
Præfat. ad  
Append. Tom.  
prim. Op.

(1) *Dominorum Johannis de Varennis & Johannis Hus. Gers. ub. sup. p. 41.*

(2) This was *Guy de Roye*, who was unhappily kill'd by a Javelin in *Italy*, as he

was upon the Road to the Council of *Pisa*, with *D'Ailly* and *Gerson*. See the History of the Council of *Pisa*. Part I. 1395. n. X. p. 236.

declared.

1415. declared Enemy and Persecutor, and moreover a great Stickler for *Benedict XIII.* whom *John de Varennes* exhorted to resign the Pontificate. This appear'd also from the Apology (a) which *John de Varennes* wrote in the Prison to which he was committed by the Archbishop of *Rheims*, tho' he was of his Party. *Gerson* therefore might well run a very happy Parallel betwixt those two Doctors, but he made a bad Choice of Precedents, when he brought them to prove what he had just now advanc'd.

(a) *Joan de Varennes Responsiones ap Gers. T. I. pp. p. 905.*

To return to *Gerson*; as he goes on to speak of the Views which may serve as a Cloak to Visionaries, he says, that if a good End be propos'd, with respect to Manners or Doctrine, 'tis tempting God rather than honouring him, to have recourse to Visions, as if he had not made due Provision for whatever was necessary in both Respects, by the Holy Scripture, and the ordinary Ways of his Providence (1). I here pass over a great many pertinent Reflections upon the Character and Sex of Visionaries, and their Confidants, with their manner of Life and Acting, to come to his Conclusion, which is, 'That we ought to be extremely diffident both of our own Visions and those which others boast of; and that he knows by his own Experience, how much Delusion and Imposture there is Reason to fear upon that Head'. *Persuasum habentes vivere hominem cujus nomen fit in libro vite cui pluries, & in pluribus personis hujus temporis datum est experiri, & praticare omnia que dicta sunt.* This Discourse of *Gerson* had its Effect (a). The Canonization was put off to another

(a) *V. d. Ha-fon* had its Effect (a). The Canonization was put off to another T. III. p. 38. Time by a Bull of the Council, and three *Swedish* Bishops had *V. d. Hardt*, orders to make a more exact Report of it to the future Pope. We T. IV. p. 708, 709. may see the Council's Bull to those three Prelates, in the XIIth Tome (b) p. 1586, of Father *Labbe's* Councils (b). Proceed we now to the eighteenth Session.

SESSION X. 'Tis the first that was held after the Departure of *Sigismund*. the EIGH- The Cardinal *de Viviers* presided at it. The Bishop of *Oleron* said T. BENTH- Mass, and the Elector Palatine took the Emperor's Place in it, as *Pro- Aug. 17. tector of the Council*, for which Function the Emperor had appointed him *V. d. Hardt*, some Months before. But the Cardinals of *John XXIII's* Faction T. IV. p. 401. oppos'd it, because this Prince was still in the Obedience of *Gregory XII.* and by Consequence, in their Opinion, a Schismatick: But this Difficulty being removed by *Gregory's* Resignation, and by the Union of his Obedience to the Council, this Prince was accepted *Nemine Contradicente.*

THERE was no very important Transaction in this Session. The Council therein confirm'd their former Nomination of four Bishops, viz.

(1) If the Reader has a Curiosity to know more of this Matter, he need only read another of *Gerson's* Tracts Of True and False Visions. *Gers. Op. T. I. p. 43.* And one of *Peter d'Ailli's* Tracts touching false Prophets, *ib. p. 490.*

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the Bishops of *Pistoia, Lavour, Piacenza, and Salisbury*, in conjunction with four Deputies of the Nations, to hear the Complaints of the Parties, and the Causes that should be brought before the Council, and to judge of them, exclusive of a definitive Sentence; and in order to facilitate the Dispatch of Affairs, the Council orders that four, three, or two, in the Absence of the rest, may expedite them summarily, and without Formalities of Law, *summariter & simpliciter ac de plano sine strepitu & figura Justitiæ*. However, the Causes of Cathedral Churches, and the major Causes, were excepted.

MOREOVER, the Council orders that the same Submission, and the same Credit, which generally is, and ought to be paid for the Bulls of the Apostolick See, be paid every where to the Bulls sealed with their Seal; as well those already dispatch'd, as those that should be for the future; and that all those who should undertake to counterfeit or falsify the Bulls, or to make an ill use of them in any manner whatsoever, shall be punish'd according to the Laws. That all the Dispatches sign'd by *John XXIII.* from his Accession to the Pontificate, till his Suspension, shall be sealed with the Seal of the Council, by the Cardinal of *Ostia*, Vice-Chancellor of the Church of *Rome*, and by his Assessors, selected out of the four Nations, *except the Gratia Expectativa, (Reversionary Bulls) and other exorbitant Cases.*

LASTLY, six Ambassadors were appointed to go into *Italy*, to finish with *Gregory*, and his Cardinals, what still remained to be done on that Side for the Union of the Church. The Archbishops of *Milan* and *Ragusa* were at the Head of the Embassy. The others were the Bishop of *St. Flour*, the Abbat of *Florence*, the Provost of *Five Churches*, and a Doctor.

XI. As two important Affairs were already very far advanced, *viz.* A Sermon the Union of the Church, and the Extirpation of Heresy, they prepared for that of the Reformation. With this View, a Carmelite, Divinity Professor at *Montpelier*, named *Bertrand Vacher*, preached a Sermon the very next Day after this Session, which ran entirely upon the Necessity of the Reformation of the Church. He therein strenuously exhorted the Council to make use of the most speedy and most effectual means to correct Abuses, and particularly the *insatiable Avarice, the untameable Ambition, the gross Ignorance, the shameful Laziness, and the execrable Pride of the Clergy.* The Discourse concluded with an Encomium on the Emperor.

XII. ON the 4th of *August*, the Council had News of the Emperor's Arrival at *Narbonne*, whither he went to be nearer *Perpignan*, to which the King of *Arragon* had invited him, because *Benedict XIII.* was not disposed to go to *Villa Franca*, but excused himself by reason of the Distance of the Way, and his old Age. The Design of

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1415. this Prince in this Journey was not only to oblige *Benedict XIII.* to renounce the Pontificate, but to accommodate the Kings of *France* and *England*, which he had very much at Heart, in hopes of obtaining Succours from them against the *Turks*: But the Council fearing that this Negotiation would retard that of the Union of the Church, and that the Emperor himself would be discouraged by the Prevarication of *Benedict*, sent *John de Wallenrod*, Archbishop of *Riga*, who was in great Favour with the Emperor, to desire him to confer, before all Things, with the King of *Arragon* and *Benedict XIII.*

MEAN while, the *Turks* took Advantage of *Sigismund's* Absence. They had some Months before, at the Sollicitation of the *Venetians*, *Theoderic de Niem* says, and by the Treachery of the Viceroy of *Bosnia*, made an Incurfion into *Hungary*, and even into *Dalmatia* and *Sclavonia*, where they destroy'd all Places they came to with Fire and Sword. And now returning to the Charge, they had by means of the same Intelligence penetrated into the Territories of the Count de *Cilly*, the Emperor's Father-in-Law, and even to the Confines of *Aquileja* and *Salzbourg*, where they had pillaged all the Churches and Monasteries, and carried off thirty thousand Christians to Slavery. This obliged the Council to take Measures for the Preservation of the Kingdom of *Hungary*, and the other Dominions of the Emperor, while he so generously employ'd himself for the Pacification of all *Europe*. On the one hand, the Council wrote to the King of *Poland*, to recommend the Interests of *Hungary* to him; and on the other hand, they sent the Bishop of *Ast* into that Kingdom, to engage the great Men to continue faithful to their Master during his Absence.


XIII. THE Affair of *John Petit's* nine Propositions was very warmly debated during the Months of *June*, *July*, and *August*, between the Ambassadors of the King of *France* and the Duke of *Burgundy*. The former earnestly demanded that the Commissioners should explain themselves concerning the Truth or Falshood of those Propositions, and that they should make the Opinion of the Doctors publick. The Commissioners on the other hand, who were undoubtedly bribed by the Duke of *Burgundy*, only aim'd to spin out the Affair, and to spend Time in Formalities, which the *French* thought superfluous, and even dangerous, in an Affair wherein the Faith and Christian Morals were at Stake. On the 20th of *August*, *Gerfon* presented a very sharp Memorial to the Commissioners, pressing, in the Name of the Emperor, the King of *France*, and the University of *Paris*, for the Condemnation of *John Petit's* Propositions. Nevertheless, I must here take Notice of a Circumstance which I think very singular and important, viz. That about the Close of the Year 1413, the University of *Paris*, in a Body, had disavow'd *Gerfon's* Proceedings for procuring the Condemnation of *John Petit's* Propositions. And even this very Year, (1415) they had renew'd this

this Disclaimer (1) in all its Forms, by Letters dated the 21<sup>st</sup> of August, wherein they declare expressly, that they did not believe that *John Petit* was the Author of the Propositions in question; that they never own'd *Gerson* in the Steps he had taken to procure the Condemnation of it; that they actually disown him, and that they wish he had been recall'd. It appears also, that the said University had resolv'd to send a Deputation to the Dauphin, to desire him to write to the Council, in order to provide for the Honour of the Kingdom of *France*, which was wounded by the Condemnation of the general Proposition, because *John Petit's* Doctrine was commonly call'd, *The Error of France*. 'Tis true, that *Gerson* could not yet know this last Resolution, because it was taken but one Day before he presented the Memorial above-mention'd. Be this as it will, the same Day four other Doctors, his Collegues in the Deputation, presented a Memorial to the Commissioners, tending to the same Purpose as the Chancellor's. Mean time, Things seem'd to tend towards an amicable Issue, because there had been a Reconciliation between the King of *France* and the Duke of *Burgundy*, of which the King had given Notice by a Letter, dated the 31<sup>st</sup> of August, wherein he forbids his Subjects to hold any manner of Discourse, or to take any Steps injurious to that Duke. The Letter was sent to the Bishop of *Arras*, and to *Peter Cauchon*, Vidame of *Rheims*, both of them Envoys from the Duke of *Burgundy* to the Council. But notwithstanding *Gers. T. V. P. 385.* this Reconciliation, the Affair of the nine Propositions was push'd with very great Animosity on both Sides.

XIV. AMONG the Acts we find an anonymous Letter, wherein *Gerson* is represented as a Busy-Body, who, of his own Authority, and from a mistaken Zeal, had stirred up this Affair, contrary to the Orders he had received from the King, not to meddle or make in it, unless he was attack'd; and as a Calumniator, as well of the Duke of *Burgundy*, as of *John Petit*, to whom he had imputed Propositions, which he had never advanced. Nor is the Cardinal of *Cambray* any better treated, concerning whom we learn some Particulars, that we don't find elsewhere: For instance, that the said Cardinal had had great Quarrels with *John Petit*, and that *John Petit* prosecuted and obliged him to leave the University. As to the Exception which the Bishop of *Arras* had put in against this Prelate, 'tis pretended in this Writing, that the said Cardinal had much ado to brook it; and that he declared, that if he was not a Judge in this Cause, he would act in it as one of the most warm Parties; but that at last he was obliged to give up the Point in great Confusion, and

(1) *Gerson* says somewhere, that this Disclaimer was extorted; and, indeed, in the Sequel we shall find the University vigorously pressing the Condemnation of the nine Propositions. See *Sess. LXI.* of this Fourth Book.



1415.  to *Gerson's* great Regret. Neither is the Emperor himself very well treated by the anonymous Writer, who accuses him of Passion and Partiality in this Affair, and of having advanced enormous Facts against the Duke of *Burgundy*, at the Suggestion of *Lewis of Bavaria*, by whom, as the Author of the Letter supposes, the Emperor was govern'd. 'The Emperor, *says he*, was not able to obtain the Condemnation of the nine Propositions, tho' he strenuously solicited the Judges for it, as well by his Presence in their Assembly, as by his Letters, or by his Deputies. He threaten'd not to go to *Nice* till Judgment was given on the Affair; and he actually went one Day from *Constance*, swearing he would not return till it was determin'd. This obliged the Council to condemn the general Proposition, *quilibet*, &c. in order to give him some sort of Satisfaction, which was very pleasing to the Adversaries, because those that knew nothing of the matter, thought that it was *John Petit's* Proposition which had been condemn'd.' It appear'd indeed, that the Duke of *Burgundy's* Party had more Elbow-Room after the Emperor's Departure; and that they hop'd the Affair would have an Issue to their Satisfaction, that is to say, that the nine Propositions would not be condemn'd. Mean time, the Affair was in no greater Forwardness than it was the first Day, tho' they had met above thirty times to consider of it. We will now see what was done in it for the Remainder of this Year.

Dispute between the Bishop of Arras, and Peter de Versailles, concerning the nine Propositions.

Sept. 12. XV. I find, that on the 12th of September, there was a Dispute between *Peter de Versailles*, one of the Ambassadors of *France*, and the Bishop of *Arras*, concerning the Nature of the nine Propositions ascribed to *John Petit*. The Bishop of *Arras* had asserted two Things; the one that those Propositions, or *Assertions*, were probable; the other that they did not appertain to the Faith. *Peter de Versailles* having demanded a Record of the said Declaration, the Bishop of *Arras* maintain'd the first; but as to the second, he found a Salvo, by saying that they did not appertain *explicitly* to the Faith, that is to say, that they only appertain'd to it *implicitly*, and indirectly. On the 23d of September, the Council received a Letter from the King of *France*, concerning the Treaty of Peace between that Monarch, and the Duke of *Burgundy*: But that Advice did not mollify the Affair, because, upon the 11th of October, the Bishop of *Arras* gave a Writing, which contain'd this Dilemma; 'Either the Propositions are of Faith, or they are not. If they are of Faith, the Bishop of *Paris* could not condemn them without incroaching upon the Rights of the Apostolical See, or of the Council, to whom the Judgment of those Causes appertaineth.' *Which is dangerous*, says the Bishop of *Arras*, and very much savours of *Heresy*: For, continues he, if the Sentence of the Bishop of *Paris* be not purely and simply repealed,

pealed, all the other Bishops will think they have the same Right to make new Articles of Faith. What the one approves, the other will condemn. From thence will arise Schisms and Heresies, Articles of Faith will be multiply'd ad infinitum, and the Christian Religion will be charged with a Yoke which our Fathers have not born. That if they are not of Faith, as the Bishop of Arras maintained they were not, before the Decision of the Church, he demands why the Bishop of Paris condemn'd them, and why he commanded the Belief of the contrary? 'Is it not Heresy to enjoin the Belief of what is not an Article of Faith, nor was ever deem'd as such by the Church, as much as if it really was so?' The Tendency of this Writing was to engage the Council to confirm the Sentence of the three Cardinals who had repealed that of the Bishop of Paris.

XVI. WE see by the anonymous Letter above-mention'd, that an Accusation of Slander had been laid against Gerson, and that a certain Day had been appointed for the Tryal of the said Accusation, and to know whether Gerson was to continue to act in that Cause, or not. The Commissioners must needs have given Judgment in his Favour, because here we find him upon the List against the Propositions, and by order of the Commissioners themselves (1). This will appear from a Writing he deliver'd to them at this Time, wherein he maintains that the Council is oblig'd, according to the Divine Law, to condemn the nine Assertions by a Decree of Faith, and to punish those as Hereticks who obstinately maintain them: That the Council ought to pay as much Deference to the Opinion of so many Doctors, and so many Universities, who have condemn'd those Propositions, (2) as to the Opinion of the Doctors and Universities of England and Bohemia, concerning Wickliff and Hus: That the Numbers of those who maintain those Propositions through Ignorance, or Passion, ought not to be placed to the Accompt; because, according to Ecclesiastes, *Of the Number of Fools there is no End* (3): That they, who think them probable, must however own they are rash, because a Probability cannot authorise a Murder and an Assassination: That 'tis a vain Evasion to say, that the Condemnation of those Propositions would disturb the Peace lately made between the King of France and the Duke of Burgundy, because there is no Quiet to be expected, while such Maxims are vented with Impunity.

(1) *Volens parere mandatis Reverendissimorum Patrum ac ceterorum Dominorum Commissariorum in Doctrina Fidei*, i. e. Being ready to obey the Mandates of the most Reverend Fathers, and the rest of the Lords Commissioners in the Doctrine of Faith. *Gerf.* p. 391.

(2) Among others he quotes the University of Paris.

(3) *Ecc.* i. 15. according to the vulgar Translation, for in the Hebrew and Greek 'tis otherwise.

XVII. THIS

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Answer to  
the Memo-  
rial.  
Gers. ub. sup.  
p. 397.

XVII. THIS Writing did not fail of an Answer. Among others, there's an anonymous Answer, written with a Pen dipp'd all over in Gall, wherein the Author raves furiously against those who press'd for the Condemnation of the Propositions. This is a Specimen of it, *Seditiosi Belial filii, furiis infernalibus agitati, cum se concernunt a suarum seditionum finibus impeditos, more canum hiantes rabie virulenta, patulis rictibus, ipsorum obices, posse tenuis se disponunt, Et quos non possunt mordaciter toxicare latratibus rabidis aerem insectantibus adficere non postponunt*: That is to say, that the two Parties accused each other of Sedition. But Posterity is better enabled to judge of this Affair, than that Age was, because there was a great deal of Passion on both Sides. No Reader, who impartially considers the Affair, will be at a Loss to know who are the Seditious, either they who maintain such Propositions, or they who demand the Condemnation of them. This Writing contains nothing in the main, but what the Bishop of Arras had already affirm'd, viz. That the nine Propositions are probable; that they don't appertain to Faith till the Church has decided it, and that the Bishop of Paris was in the wrong to condemn them. At the same time, the Bishop of Arras publish'd a Writing, wherein he distinguishes between the eight Propositions of *John Petit*, which are in his Apology for the Duke of Burgundy, and which are therein call'd *Truths*, and the nine Propositions which *Gerson* pretended to have extracted from that Apology, and which were condemn'd by the Bishop of Paris (1). In this Writing he represents both in their full Extent, viz. The Truths of *John Petit*, with their Proofs, and the Propositions extracted by *Gerson*, with their Condemnation. After this, he examines whether the nine Propositions which *Gerson* pretended to have extracted from the Duke of Burgundy's *Justification*, were agreeable to the eight Propositions, or *Truths* of *John Petit*; and he maintains the Negative for the following Reasons, 1. Because 'tis impossible for Propositions erroneous in Faith and Manners, such as *Gerson* pretended the nine Propositions were, to be extracted from true Propositions conformable to the Divine Law, and to good Manners, such as were the eight Truths of *John Petit*, according to the Bishop of Arras. 2. Because, by comparing both together, it appears, that *Gerson* had in several Places falsify'd and curtail'd the Propositions of *John Petit*; as for instance, that Passage of the third Truth, *When such a Tyrant perseveres in his Wickedness, and will not amend; but especially, if there be Danger in the Delay*. If we had the Original of the Apology for the Duke of Burgundy, one might judge better of the Truth or Falshood of this Accusation. All I can say of it is, that this Cause is not to be found in *Monstrelet*, who

*Gerson* ub.  
sup. p. 403.

*Monstr.* Vol.  
I. fol. 40.  
Vers. T. V.  
fol. 27.

(1) They may both be seen, by turning back to the 15th of June this Year.

has

has given us the entire Piece in *French*, nor in that which is inserted in *Latin* among *Gerson's* works. 3. Because several very fatal Inconveniences would follow from the Falshood of *John Petit's* Propositions. 'A Man would not know which to chuse of two palpable Evils: For if it be wicked to kill any one, 'tis still worse to suffer one's Sovereign to be betray'd and assassinated by an Usurper, which must needs be the Case, if *John Petit's* Doctrine be not true. Besides, the Danger is sometimes so pressing, that 'tis impossible to have Recourse to Justice to get rid of such an Usurper.' 4. The Bishop of *Arras* pretends, that the Law which forbids Murder, relates only to the Murder of an innocent Man, or to Murders committed by private Authority, and to satisfy private Revenge, but not to such as are committed by the Authority of the Laws, which require that Malefactors, and the Enemies of the Republick, be put to Death. From whence he infers, that *John Petit's* Propositions are warrantable and conformable to good Manners; that whoever actually maintains them against the Bishop of *Paris*, the Capital Enemy of the Duke of *Burgundy*, and of *John Petit*, is a Man of Honour, Orthodox, and a staunch Catholick; that *Gerson's* Condemnation of them is unjust and rash; that it derogates from the Rights of the Holy See, and the Council; and that he ought to be obliged to make a publick Recantation.

XVIII. THERE was another Person at the Council, who wrote likewise upon this Subject, viz. a Doctor of the University of *Toulouse*, named *John de Rocha*, a great Stickler for *John Petit's* Brother *Cordelier*. His Sentiment was couch'd in these three Theses: The first, that a Council ought to condemn no Philosophical or Moral Proposition, because they ought only to concern themselves in what appertains to Faith; and that the Propositions in question were not of this Class. The second, that when Errors are condemn'd, they who advanced them ought also to be summon'd and condemn'd. The third, that inferior Judges cannot answer to condemn a Doctrine, even in a General Council, if it had not been condemn'd by the Church, it being of that sort of major Causes which are reserved to the Apostolical See. *Gerson* answer'd this Writing; and as to the first Thesis, he says, 1. That the contrary was the Practice, with Regard to several Propositions of *Wickliff* and *John Hus*, which are purely moral, as this; *That 'tis not lawful for Monks to beg.* 2. That 'tis false, and even heretical, to say that Morals don't appertain to the Faith, because the Church has condemn'd as Heresies. those Propositions, *That Usury is not a Sin*, and that *'tis not lawful to swear.* From whence *Gerson* infers, in the third Place, that every Proposition contain'd in Scripture, either in plain Terms, or by a just Consequence, is of Faith; and that the contrary Proposition is an Error. As to the

Writings of  
*John de Rocha*  
and *Gerson*  
on the same  
Affair.  
*Ges. ut. sup.*  
p. 406.

1415.

the second Thesis of *John de Rocha*, *Gerson* answers also (1), that the contrary was the Practice of the Council, in condemning the Errors of *Wickliff*, and that of *Jacobel*, concerning the Communion in both Kinds, without summoning either one or the other; that several have condemn'd Apocryphal Books, whose Authors were unknown. Besides he observes, that a Bishop may condemn a bad Book in his Diocese, without summoning the Author, who may be of another Diocese, and not depend on his Jurisdiction. He reports the Inconveniencies which would often attend the publick Citation of the Defenders of certain pernicious Opinions; as for Example, if they were maintained by Tyrants, who would turn all Things upside down, rather than suffer the Condemnation of them. Lastly, he urges the Example of the King of *France*, who caused the Error of *John XXII.* concerning the Beatifick Vision to be condemn'd, without summoning that Pope, or giving him a Hearing (2).

As to the third Proposition, which says that neither the Universities, nor the common Judges, have a Right to condemn Doctrines that have not been condemn'd by the Church, he says several Things by way of Answer: 1. The Practice of the Council has been the Reverse, because they approved the Condemnations pass'd in *England* and *Bobemia*. 2. He establishes the Right of Bishops and Ordinaries to condemn such Heresies as arise in Places of their Jurisdiction, by a Decree of the Faculty of Divinity at *Paris*, made in 1388, approv'd of by the University, and sent to Pope *Clement VII.* in which such Right of the Bishops is establish'd amply, and very solidly. Among other Reasons of the Faculty of Divines, in Favour of this Right, this is one which deserves to be mention'd: *If it was not lawful for the Ordinaries to determine in Matters of Faith, several Inconveniencies would ensue from it; for the begging Fryars, who have engross'd the Pulpits almost every year, might propagate whatever they pleased with Impunity, because in the Court of Rome, scarce any but the Mendicant Fryars would be Judges and Parties.* 3. *Gerson* proves, from various Passages of the Holy Scripture, the Right which the Bishops and other Ordinaries have to condemn Heresies; among others, from *Malachi ii. Acts xx. 28.* And if it be said that the Bishops or Inquisitors may err, *Gerson* answers, that the Pope may err likewise. *When all is done, says Gerson, there's no Error which is not already condemn'd directly or indirectly in the Holy Scripture; so that when the Pope or General Council condemn any Error, they do nothing but explain and declare the Law of God, by decreeing Pains and Penalties to be inflicted on those who break it.* Let us hear *Gerson's* Conclusion: 'Several Errors have already been condemn'd in this Council, which

(1) *John de Rocha* exposes the Weaknesses of this Argument of *Gerson*.

(2) *Rocha* does not over-look the Foible of this Instance.

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the Ambition of the Popes, and the Craft of their Flatterers, had for a long Time past introduced; such as these, *That the Pope is not subject to a General Council; that he cannot commit Simony in the Collation to Benefices; that no body has a Right to question him why he does this or that; that a Council cannot be celebrated without him in any Case whatsoever.* Nor, continues he, ought the following Propositions to be any more regarded: That inferior Prelates cannot judge in Matters of Faith, unless the Question be of some Articles already decided by the Church, even tho' there were a great Number of Divines on the Spot, and that the Scandal and Danger should be palpable: That they can't condemn any Error without summoning him who has advanced it; and that without this, the Sentence is null and unjust, be the Condemnation ever so just: That a Proposition cannot be condemn'd when it may be reduced to a good Sense, and when any Case is quoted, wherein 'tis warrantable.' This was the Subterfuge of *John Petii's* Advocates, to elude the Condemnation of his Propositions. *John de Rocha* return'd a long Answer to this Writing. It appears, that he was a very able Man, and a good Logician. He very seasonably corrects several Sophisms, and false Imputations of his Adversary. But on this I shall not insist, because 'tis a personal Affair, in which the question is not much concern'd.

1415.

*Gerf. ub. sup.*

P. 414.

XIX. As the Duke of *Burgundy's* Party had it very much at Heart to render *Gerson* suspected, they fired from a new Battery against him, and accused him of having advanced several erroneous Propositions in his Writings. This the Bishop of *Arras* did on the 21<sup>st</sup> of *October*, in Twenty-five Articles, which I shall set down with *Gerson's* Answer, and the Replies made to it by *John de Rocha*.

*Gerson* ac-

cused of He-

refy; and

his Defence.

*Oct. 21.*

*Gerf. p. 439.*

1. *There is no Man so mean, but has the Life of a Tyrant in his Power, if he has a mind to hazard his own.* We find that this Proposition favours of Heresy (1); that it comes up very near to the Proposition, *Every Tyrant, &c.* which has been condemn'd by the Council, and that it tends to the Subversion of the Republick. *Gerson* answers, that in this Proposition, which is maliciously taken out of its Place, he only speaks of what may be done, and not of what ought to be done.

2. *'Tis possible that a Man who is summon'd before his Judge, for the Sake of Religion, may refuse to take the Oath, and yet continue in the Faith.* This is thought a dangerous Proposition, because such a Man is not true to the Faith; and it authorises the Persons summon'd to refuse the Oath. The same Judgment is pass'd upon the third Proposition, which is drawn up in these Terms.

(1) 'Tis taken from a Treatise beginning with these Words, *Vivat Rex.*

1415.  
Gers. 453.

3. *If any one in a Passion, or for fear of Death, should by Word of Mouth, deny any Truth of Faith, and cannot, or will not, clear himself sufficiently from it, he continues nevertheless in the Faith.* Gerson affirms, that both these Propositions are Catholick, because a Man is a Believer as long as there is Faith in the Understanding, tho' some Fault may be committed against the Faith; and that Faith may subsist without Charity. But *John de Rocha* does not put up with this Answer, which tends, in Effect, to favour Hypocrisy and Apostacy.

4. *A Pope notoriously heretical, remains a Pope nevertheless, till Sentence is pass'd upon him, or till he has abdicated the Pontificate.* This Proposition is reckon'd erroneous, and favouring of Heresy, because a notorious Heretick being an Unbeliever, and by Consequence out of the Pale of the Church, it would from thence follow, that a Man would be the Head of the Church without being a Member of it. Gerson maintains his Proposition, and says, that it cannot be attack'd without favouring the Error of *Wickliff* and *John Hus*, who said, *that a Prelate, a Priest, or a Nobleman, is neither a Prelate, a Priest, nor a Nobleman, when he is in deadly Sin.* *John de Rocha* was very much at a Loss to shew the Disparity of these Propositions: Nevertheless, he distinguishes between Heresy and every other deadly Sin. *To be a Pope, says he, 'tis not absolutely necessary to be Holy, but 'tis necessary to have a Faith tho' imperfect.* Besides, *Rocha* maintains, that the Hierarchical State doth nevertheless subsist, tho' there be no Pope; otherwise, says he, it would follow from thence that there was no Hierarchical State when *John of Mentz* sat as Pope (1).

5. *Neither the Pope, nor any other, ought to pretend that the Canons of Positive Law, or the other Canonical Traditions, be observed every where, and by the whole Church.* This Proposition is deem'd false, erroneous, and tending to hinder Christians from obeying the Pope, and their other Superiors. Moreover, it tends to blame the Efforts of the Popes and Councils, to cause their Statutes and Traditions to be every where observ'd.

6. *The Pope has thereby given Occasion to the Greeks to separate from the Church* (2). This seems rash, scandalous, injurious to the Apostolical See, and to Jesus Christ himself, who gave no more Occasion to the *Pharisees* to revolt, in prescribing holy Maxims to them, than the Pope has given to the *Greeks*, by requiring the Observation of his Canons throughout the whole World. Gerson answers, that these two Propositions are Catholick, but that malicious Consequences are drawn from them. *Rocha's* Reply does not amount to much.

(1) Pope *Joan* is here understood, *Cum Joannes Moguntinus presedit ut Papa*, p. 456.

(2) This Proposition is taken from the eighth Consideration of the Treatise, *De Auseribilitate Pape*, p. 213.

7. *Jesus Christ, who is the Bridegroom of the Church, cannot be taken from his Bride and his Children in such a Manner, that the Church should remain in one Woman only, nor even in all Women, nor in all the Laity, while the Law subsisteth, and there is no new Divine Institution: (AUFERIBILIS non est Sponsus Ecclesie Christus, Sponse sue & Filiis ejus, sic quod remaneat Ecclesia in sola Muliere, immo nec in solis Mulieribus nec in solis Laicis, lege stante, non facta divinitus nova institutione (1). This Proposition is judged rash, erroneous, scandalous, contrary to Faith and Piety; because 'tis piously believed, that during the Days of our Lord's Passion, the Church subsisted in the Virgin Mary alone.*

8. *The Man Jesus Christ, the Husband of the Church Militant, cannot be so taken from her, as not always to have an Influence in her, by her various Members, by the Hierarchical Degrees, by the Offices, Administrations, Dignities, and Estates, establish'd by him when he founded the Church. This Proposition is judged erroneous, and contrary to the Article of Faith, which establishes God's Omnipotence.*

9. *The taking away of one single Member from the Church, makes a great Deformity and Imperfection in it. This Proposition seems false and scandalous, because the Church every Day loseth several Members by their Obstinacy and final Impenitence, without losing a whit of her Beauty.*

10. *When there is no certain and undoubted Pope, the Church doth not enjoy her Members entire, and especially the principal Member. This Proposition is deem'd rash, scandalous, and injurious to the Church; because, during the Schism, the Church nevertheless remain'd in her entire State. Gerson answers, at once, to all the four preceding Articles, that they are True and Catholick as they stand in his Text, but that they are slanderously perverted; and that the Condemnation of them would favour the Error of John Hus, who said, that the Church would be well govern'd without a Pope. John de Rocha endeavours to shew the Difference there is between the Opinion of John Hus, and that of the Divines, who condemn this Proposition of Gerson: That the Church can never be so deprived of her Head as to reside in a Woman. ' John Hus pretended, says he, that the Pope was not necessary; that, on the contrary, he was superfluous, and even noxious to the Government of the Church, which, says he, is a Heresy; but it does not from thence follow, that the Church may not reside in one Woman alone, or in the Laity alone, and in all the Hierarchical Degrees, or that it should be deform'd by the cutting off of any single Member of it. Besides, continues he, put the Case*

(1) This Proposition is in the Treatise, *De Auferibilitate Papae*, T. I. p. 212. But Gerson says the contrary in another Treatise, *ibid.* p. 189.



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‘ that the Church should reside in the Laity, or in one single Woman, it would not follow from thence that it was not well govern’d. ‘ It was well govern’d by the Virgin before the Resurrection of Jesus ‘ Christ. ’Tis well govern’d during the Vacancy of the See by the ‘ Council, and God might conduct it, if he pleas’d, without the ‘ Pope; but it does not from thence follow, that the Pope is needless.’ *John Hus* had said nothing more than this.

11. *There is no Peace to be made with such as teach Heresies, when they are notoriously obstinate, or even violently suspected of Obstinacy, till they are purged by the Confession of the Truths which they have attack’d.* This Proposition seems erroneous, proper to foment Seditions, and to make void the Acts of the Council, wherein Peace is made with Persons who were notoriously in an inveterate Schism, and who had been declared such at the Council of *Pisa*, tho’ they are not purged by such Confession.

12. *When a Man has no Peace with God, he cannot have it with his Neighbour.* ’Tis judged erroneous, scandalous, seditious, and contrary to several Instances and Passages of Scripture, which are quoted, especially if it be understood of the Peace of the State. I know not from whence the two foregoing Propositions are extracted, for there’s a Mistake in the Quotation. I find a Passage where *Gerson* says, there’s no Method more effectual to give Peace to Christendom, than to extirpate Heresies, and to correct those that are in Error. Be it as it will, *Gerson* affirms, that they are true in the manner that he has drawn them up; and that they are not barely restrain’d to a Civil and Political Peace, such as may be made with Robbers, or as may be found among the Devils. *John de Rocha* affirms to him, that the Peace of the State was what he intended; and that he had in View the Peace which was made at *Chartres* between the Duke of *Burgundy* and the Sons of the Duke of *Orleans*.

13. *’Tis a Proposition, suspected of Heresy, to say, that the Assassination of a Prince is committed for the Welfare of the King and Kingdom.* This Thesis is judged to be false and erroneous, because ’tis Rashness to judge of an Action which may have been done with a good Intention, and of which God alone can be the Judge. *Gerson* affirms the Proposition to be true, and *Rocha* seems very much puzzled to shew the contrary.

14. *An Usurper who reigns, or endeavours to reign, without a Right, is not excepted from the Law, Thou shalt not kill.* This Proposition is judged to be false, erroneous, and suspected to favour of their Heresy, who say that Malefactors must not be put to Death. *Gerson* maintains it to be true, and the contrary Opinion to be heretical, and condemn’d by the Council in the Proposition, *Quilibet Tyrannus, &c.* tho’ he argues, that a Tyrant may be put to Death by publick

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Authority, but not in a Riot. *Rocha* opposes nothing to this, but Sophistry.

15. *A conditional Protestation in a Matter which is pretended to be of Faith, and upon which neither the Apostolical See, nor any General Council, hath determin'd, renders a Person suspected instead of justifying him* (1). This is judg'd erroneous, and contrary to the Custom of the Schools, wherein such Protestations are always made. *Gerson* says, that this Proposition is not so in his Text, but that there is another which is True and Catholick, because the Hereticks happen every Day to make General Propositions of Orthodoxy, while they obstinately maintain particular Errors. *Rocha* makes it very plain, that *Gerson* has advanced what is tantamount. This Proposition of *Gerson* tended to cast a Suspicion on all Protestations of Orthodoxy made by the Defenders of the nine Propositions. We find one that was made by the Bishop of *Arras*, on the 24th of *October*.

16. *If it was apparent that the Popes or Cardinals favour'd the Proposition* (2) *of Master John Petit, tho' it was not condemn'd by the Apostolical See, nor by the Council, it would be a more lawful Cause to depose him, than the Competition of the Popes whom they have elected, and they would be Hereticks.* This Proposition is judged false and rash, because the Affair of the Competition has been determin'd, and because 'tis Rashness in a private Man to condemn his Sovereign Judge. *Gerson* says that 'tis not so in the Text, but that there is another in it which has prov'd but too true by Experience, because there are several People who favour as venomous an Opinion as that of *John Petit*, evidently condemn'd by the Scriptures, and consequently by the Church. *Rocha* comes off but scurvily.

17. *The Order which forbids the sending of Persons to the Council that are branded, or suspected of Heresy, is very reasonable* (3). It appears that this Proposition favours Heresies, because instead of preventing suspicious Persons from going to the Council, they are thereby obliged to go to it. *Gerson* shews the Ambiguity of the Word *sending*. Suspected Persons may indeed be sent to the Council, but not deputed as Commissioners. *Rocha* has nothing solid in his Reply.

18. *'Tis probable, that the Judges and Assembly of Paris could not be deceived themselves, nor intended to deceive others, in a Matter of Faith which has not yet been decided by the Church.* The Proposition is deem'd presumptuous, false, and rash; because 'tis probable, and cannot be otherwise, that every Man who is not confirm'd in Grace may

(1) *Protestatio Conditionalis in Materia Fidei, nondum per Sedem Apostolicam vel per Concilium Generale definita, non purgat, sed inquinat.* *Gers.* p. 448.

(2) By the Proposition the entire Piece must be understood, intituled, *The Justification of the Duke of Burgundy.*

(3) The King of France had recommended it to the University of *Paris*, not to depute Persons to the Council who were suspected of favouring *John Petit's* Propositions.

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deceive himself, and be deceiv'd by others; and the contrary Opinion is maintain'd to be that of the *Begards* (1). *Gerson* answers, that he did not mean the Word *could* in a metaphysical and absolute Sense, but only in a moral Sense; and that in the latter Construction of it, it may be well supposed that an Assembly of Doctors will not be mistaken in a Matter sufficiently determin'd by the Scripture. *Rocha* denies the latter Article.

19. *The Sentence which a particular Bishop passeth upon a Matter, which some pretend has not yet been decided by the Church, is Catholick.* The Proposition is judged rash, erroneous, and favouring of Heresy; because 'tis contrary to the Doctrine of the Church, which holds that all major Causes are reserved to the Apostolical See. 'Tis pretended, that *Gerson* had advanced this Proposition in the Chamber of the Cardinal of *Cambray*, in Presence of some Doctors of Divinity: But *Gerson* affirms, that they are not his Words; that he advanced nothing on that Head, but what the Bishops and Universities ought to maintain, and what has been authorized by the Council, which approved of the Sentences of *England* and *Bobemia*, against *Wickliff* and *Hus*. *Rocha* makes answer, that the Archbishops of *Canterbury* and *Prague* were Legates from the Pope, and not meer Bishops.

20. *Every Proposition capable of several Constructions, of which there is one false, ought to be condemn'd as erroneous.* 'Tis thought to favour of Heresy, because it seems to insinuate, that Faith is founded upon natural Reason. *Gerson* says, that he has not advanced this Proposition, but another, which is true, and which has been practised by the Council. He says the same Thing of the following.

21. *A particular Bishop may condemn certain Propositions, concerning the Truth of which, eminent Doctors are divided, as erroneous in Faith and Manners, without being under a Necessity of summoning those who maintained them, especially before the Church or the Apostolical See has publickly explained itself thereupon.* This is found to be rash, erroneous, scandalous, and contrary to the Practice of the Councils, who used to condemn the Propositions, and their Authors at the same Time. Mean time, *Jacobel's* Opinion was condemn'd in the Council, without his Appearance there. *Rocha* gets off of this Point very poorly. The following Proposition has something very harsh and provoking.

22. *If an Angel from God came down from Heaven, and should declare to the Author of these Assertions any Thing that was contrary to his Opinion, he would not believe it; nay more, he would not believe God himself.* This Proposition, which *Gerson* was thought to have advanced at *Paris* in a Sermon, is judged erroneous, contrary to the Omnipotence, Truth, Infallibility, and Impeccability of God, who is

(1) The *Begards* were said to be of Opinion, that 'twas possible to live in the World without Sin.

able to do more than can be comprehended by human Understanding. *Gerson* guards against it as meer Slander: He says, that he did not speak of what is *contrary to an Opinion*, but of what is contrary to the Catholick Faith; and he justifies himself from the Passage of *St. Paul to the Galatians*, ch. i. 8. The Text is so corrupted in *Rocha's Reply*, that it can't easily be understood; but he says, with Reason, that there's Presumption and Blasphemy in this Proposition; and that in the Passage quoted, *St. Paul* only speaks of himself, or of an Angel from Heaven, and not of God.

23. *The Principles of Faith turn upon the Principles of the Law of Nature.* This Proposition is ascribed elsewhere to the Cardinal of *Cambrai*; nevertheless 'tis charged here to the Accompt of *John Gerson*. 'Tis judged to favour of Heresy. *Gerson* says 'tis not conformable to the Text; but he agrees that 'tis true, with regard to the Principles of Faith, which answer to the Decalogue; particularly this, *That 'tis not lawful to kill one's Neighbour by one's own Authority.* *John de Rocha* says, that it has been expressly affirm'd; and that if it be true, the *Pagans* are Believers, because they have the Principles of the Law of Nature.

24. *If John Hus, who was declared a Heretick, and condemn'd by the Council, had had an Advocate, he would never have been convicted.* This Proposition is ascribed to *Peter of Versailles*, one of *Gerson's* Collegues. It is judg'd injurious to the Authority, Wisdom, Learning, and Justice of the Council; because 'tis as much as to say, that the Council was to be over-reach'd by the Quirks of a Lawyer. *Gerson* comes off but indifferently: He says, in the first Place, that this Proposition must not be taken strictly according to the Letter; that 'tis only a Phrase, or Form of Speech, as when we say of a lazy, sluggish Person, *That he will never come*; tho' 'tis well known that he will come. Moreover, he pretends that *John Hus* might not have been convicted, and yet the Council not to blame. But *John de Rocha* affirms, that supposing the Prudence of the Council, it was impossible that *John Hus* could escape his Condemnation.

25. *I should rather chuse to have Jews and Pagans for Judges in Matters of Faith, than the Deputies of the Council.* This is a very bold Proposition. *Gerson* had undoubtedly advanced it in a Heat, being disgusted with the litigious Proceeding of the Commissioners in the Affair of the nine Propositions. 'Tis judged injurious to the Authority of the Council. Let us see how *Gerson* comes off on't: He says, that this Proposition might have been advanced, *en passant* (a), and from a Disgust that for five Months they refused (a) *Volatili-* to judge of a Matter so important, with respect to Manners. *ter.* That, however, the Proposition is not so strange as might be imagined, because it relates to a Point of Morality, and of the Law

1415. Law of Nature; of which *Jews* and *Pagans* may be Judges: He thinks it very strange, that his Adversaries should except against able Doctors of Divinity and Law, among whom there was a Cardinal, who had been appointed Commissioner by the Council, when there was a Cause in question, wherein, perhaps, *Jews* and *Pagans* would not have been excepted. He affirms, that the Propositions here laid to his Charge, have given no Scandal; that they are true in the manner they are drawn up, and in the Place where they stand, especially if they are taken according to the Intention of those who have advanced them, and not according to the ill meaning put upon them by the Accusers; whereas, on the contrary, *John Petit's* Propositions gave great Scandal, are erroneous in themselves, and very wicked in their Intention and View; because they only tend to justify the Assassination of a Prince, who was neither accused nor convicted before his Judges. Therefore *Gerson* concluded with demanding, that the Accusation should be declared null and void, and the Accusers restrained by the Council. *John de Rocha* concluded, on his Part, with demanding that the Propositions laid to the Charge of *Gerson*, might be examined and judged according to the Nature of them.

Assemblies of the Gallican Nation, to consider of the Affair of the Annates.

*Jacob Vimpberling* Vol. *Rer. Germ. Erch.*

p. 381, 382. Fascic. *Rer. expet.* p. 168.

*Libert. de l'Egl. Gall.* I. p. 53.

*Mat. Paris.* p. 439, 961, 962.

(a) T. I. p. 165.

XX. IT was about this Time that the Gallican Nation had several Assemblies, to consider of the Affair of the Annates, and other Impositions, with which the Popes oppress'd the Churches, and the Dominions of Christendom; of which there had been Complaint for a long while all over Europe, and especially in France (1). Mention was made, *en passant*, in the History of the Council of Pisa (a), of the great *Arret* of the Parliament of Paris, for abolishing the Annates. The Execution of this *Arret*, which was pass'd in February 1406, was suspended till March 1408; yet Alexander V. sent the Cardinal de Thurrey into France the Year following, to raise the Tenths upon the Clergy. The University of Paris strenuously opposed it, and even obtain'd a Decree of the Council, forbidding the King's Officers of the Frontiers to suffer the Legates to enter into the Kingdom with such Commissions. Nevertheless, next Year the King, and the Gallican Church, granted the Pope a charitable Subsidy. The same Year the Pope sent the Archbishop of Pisa, and other Legates, into France, to demand a Tenth of the Clergy: But the King made an Order, that if those Legates should offer to exceed their Bounds, a General Council should be appeal'd to, that those Collectors should be taken Prisoners, and their Goods seiz'd, if they had any in the Kingdom. That if the Pope urged the Necessity of the Church, the Council should be summon'd, and consulted what to do: And because this Archbishop had said, that what he demanded was due to the

(1) See the Treatise of the Liberties of the Gallican Church. T. I. Art. XIV. p. 48, &c.

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Apostolical Chamber, by the Divine, Civil and Natural Laws; and that whoever should refuse it was no Christian; the University thinking that those Words reflected on the Honour of the King, the University, and the Kingdom, and that there was an absolute Necessity to advertise the King of it, to cause the Legate to retire, resolved that the Pope should have no Subsidy, but by the way of a Council; upon which the Legates retired. Afterwards, by Consent of the King, the Princes, the University, the Prelates, and the Cities, a charitable Subsidy was raised upon the Clergy by the Pope (1).

As the Prosecution of this Affair had been very strongly recommended to the Deputies of the Gallican Church at Constance, they had frequent Assemblies to consider of it, which they held on the 15th of October, and the following Days, at the Dominicans, by Order of John Patriarch of Antioch, at that Time President of the French Nation. The Patriarch of Constantinople read the following Draught to be communicated to the Council: 'The Sacred Council of Constance being desirous to follow the Tradition of the Holy Fathers, who not content with prohibiting every Thing that is bad in itself, likewise order People to avoid every Thing that may give occasion to it; and having in these latter Times experienced the great Scandals occasion'd by the Levy and Payment of the Revenues, or first Year's Fruits of the Prelacies, Lignities, Administrations, Offices, granted to the Apostolical Chamber, and which the College of Cardinals endeavours to appropriate to themselves, to the great Damage of several Prelates, Churches, and Monasteries: The Sacred Council, to obviate those Abuses and Scandals, declares, statutes, and ordains, that for the future those Revenues shall be no longer exacted and paid, under any Colour and Pretence whatsoever, even for secret Services (2), for the Pall (3), or on Pretence of the Sacred Benediction (4), till the Holy General Council has order'd otherwise. Whoever, on the contrary, shall offer to exact or pay these Impositions, or order them to be exacted or paid, be he of what Degree, Rank and Preheminence soever, whether Cardinal, Patriarch, Archbishop, or of any other Dignity whatsoever, shall be thereby incontinently deprived of every Ecclesiastical Rank,

(1) These Words are taken from the Liberties of the Gallican Church, T. I. p. 50, of the English Edition. But here is a Mistake, for this Embassy was sent by John XXIII. and not by Alexander V. See Monstrelet, and the History of the Council of Pisa, T. II. p. 22, 17.

(2) The Annates, which are call'd common Services, are distributed among the Cardinals. The Services, which are

even of lesser Taxes, are for the Pope's Domesticks. Liberties of the Gallican Church, p. 52.

(3) This is the Archbishop's Mantle, which the Pope sells very dear. As to the Pallium, see the Journal of the Pope's Lib. Diurn. Pontif. Rom. p. 82, 90; and Father Garnier's Dissertation on it. Ibid. Dissert. III. p. 193, &c.

(4) Sacra Benedictionis munere.

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and turned out of the Gates of the Church (1) as a Simonist, and a Follower of *Giesi* (2); and their Benefices and Offices shall be conferr'd on Subjects that are worthy of them. As the Council of *Pisa* has made a very proper Grant, and general Remittance to the Prelates, of all Arrears that might become due in this Respect, the Reason of such Remittance appearing the more evident now, because the Pretences of those Debts are far fetch'd, and the Ways of exacting them violent. For these Causes, the present Council generally remits whatever under those Pretexes may be due to the Apostolical Chamber, and to the College of Cardinals; repeals and annuls all Obligations, Instruments, Notes, Abbreviations, and Stipulations, granted or received upon this Occasion; as also all Processés that have follow'd thereupon, and grants full Power to the Archbishops and Patriarchs (3) to absolve all that desire it from the Sentence of Excommunication, as also from the Irregularity which they may have contracted in performing the Divine Service, while they were in the Bonds of Excommunication, by granting them Letters under their Seals. They likewise authorise the said Prelates to prosecute all that shall infringe the said Decree by Ecclesiastical Censures, so far as to implore the Succour of the Secular Arm.

AFTER the reading of this Paper, *John Guiard*, Notary of the Council, and of the *French* Nation, by Order, and at the Request of Master *Ponce Simonet*, D. D. read a Declaration of *Charles VI.* for suppressing the Annates, of which Mention has been made in the first Volume of the History of the Council of *Pisa*, in An. 1407.

WHEN both these were read, the Bishop of *Puy in Velay* (4), together with *Ponce Simonet*, pronounced the Necessity of abolishing the Vacancies or Annates of Livings, because the most Christian King, and a solemn Council of the *Gallican* Church, had so order'd it. This Decree was immediately follow'd by the Suffrage of several, who cry'd out aloud, *placet, placet*: But there were others of them, who thinking the Affair important and delicate, were of Opinion, that they should consider of it more maturely, and collect the Suffrages of every Member. Some others propos'd to vote by way of Ballot, to the End that every one might deliver his Opinion with the more Freedom. In fine, there were others who propos'd a Deputation to the other Nations, to have their Concurrence. As it was late, the Affair was put off to the 22d of *October*.

(1) *Liminibus Ecclesie exclusus*. M. *Bourgeois* has not thought fit to translate those Words.

(2) Nor has M. *Bourgeois* translated this.

(3) *Archiepiscopus & Patriarchis*. M. *Bourgeois* renders it, *To the Archbishops and Bishops*.

(4) His Name was *Elias de l'Esfrange*. He was chose in 1397, and died in 1418.

THE French Nation being assembled that Afternoon, in the same Place, *Simonet* renew'd his Instances for the abolishing of the Annates, and required all the Ambassadors of the Kingdom, the Clergy of France, and of the Dauphinate, and all the Natives of the Kingdom, to join with him in the Prosecution of this Affair, and demanded a Certificate of his Proceedings: Whereupon some said, that it was absolutely necessary, in the first Place, to provide against the Exactions that were committed in the Kingdom, which was a Motion approved of by many. It was also examin'd, whether it was necessary to consider of that Affair forthwith, or whether the Discussion of it should be refer'd to another Time; as to which, the Suffrages were collecting several Days. The Opinions of those that were heard on the same Day are as follow: The Patriarch of *Constantinople* (1) was for suspending the Affair; *Jourdain Morin*, Master of Arts, and one of the King's Deputies, was for taking it into Consideration, and for making a handsome Provision for the Maintenance of the Pope and Cardinals, but to make nothing Publick for the present; in which he was seconded by *Peter de Versailles*, a Benedictin, Doctor of Divinity, and also a Deputy from the King in this Cause, and that of *John Petit*. On the other hand, *Peter Cauchon*, Vidame of the Church of *Rheims*, and Deputy from the Duke of *Burgundy*, was for setting aside the Consideration of the Affair during the whole Week, and for making Provision for the Establishment of the Pope and Cardinals, by revoking the Annates. *John de Perouse* (2) was almost of the same Opinion: But the Bishop of *Puy* was for not delaying the Abolition of the Annates, tho' he was against having it publish'd till a General Session of the Council. The Bishop of *Dol* (3) was for putting it off, as were also the Bishop of *Toulon* (4), the Bishop of *St. Pol de Leon*, the Bishop of *Lavaur*, who however at last was for nominating Deputies to examine the whole Affair; and another Bishop, call'd *Lewis*, Bishop in *Wales*. After these Debates, they adjourn'd till Two of the Clock in the Afternoon next Day, to go on with the Hearing of the Opinions, in Presence of the Bishop of *Lavaur*, the Bishop of *Aoste* (5), *John* Abbat of the *Cistercians*, and several Clergymen and Doctors of Distinction.

BEFORE the putting of the Affair in question to the Vote, there appeared on the Part of the *Italian*, *German*, and *English* Nations,

(1) This was *Alain de Keravredi*, chose in 1410. This may serve to correct a Mistake in *la France Bretienne*, which says he died in 1414, whereas we here find him alive in *October* 1415.

(2) *F bannes de Perusse*. M. Bourgeois calls him *John de Peyrusse*.

(3) *Stephen Couvret*, chose in 1405, died in 1429.

(4) *Vital*, chose in 1411.

(5) *Oger de Comflet*, chose in 1411, died in 1433.



1415. the Bishops of *Feltri* and *Verden*, and *Dr. Robert Apulton*, an *Engliffman*, with feveral other Deputies of thofe Nations. They fet forth, that the three Nations for which they fpoke, had heard that fome of the *French* Nation had afferted and given out, that the three Nations above-mention'd were come to a Refolution for abolifhing the *Annates*; whereupon the Bishop of *Feltri* faid, that the *Italian* Nation had never fo much as touch'd upon it, and confequently come to no Conclufion about it. The Bishop of *Verden* faid, that indeed the Affair had been canvafs'd in the *German* Nation, but that they made no Progreff, nor came to no Conclufion in it. The *Engliff* Doctor faid the fame for his Nation. The Prefident thank'd the Deputies for this Information, and affured them, that nothing like it was ever faid in the Affemblies of the *French* Nation: After which they withdrew. When they were gone, the Bishop of *Lavaur*, after a long Speech upon the *Annates*, moved that a Deputation might be fent to the Cardinals, to treat with them concerning the Maintenance of them and the Pope; and afterwards concerning the abolifhing of the *Annates*. All the reft were in a manner of the fame Opinion, with this Difference only, that fome were for beginning with the Abolition of the *Annates*, and others with making a Provilion for the Pope and Cardinals. *John Dedieu*, Bishop of *Senlis*, who fpoke for the Univerfity of *Paris*, explain'd himfelf a little more clearly: He was for having it flatly declared, that the *Annates* were not due, and that there was an abfolute Neceffity to fuppreff them; but that, however, due Provilion ought to be made for the Church of *Rome*; that Deputies fhould be appointed for that End, and the Queftion put off till next Week. Yet they met again next *Friday*, without coming to any Conclufion. It was much the fame with the Affembly that met on the 25<sup>th</sup>. They were all for making Provilion for the Pope and Cardinals, and for fuppreffing the *Annates*, except *Mafter John de Rocha* the *Cordelier*, who was for keeping them up, and reftaining the Abufes of them. There pafs'd nothing more in the Affembly on the 29<sup>th</sup>.

NOR was any thing more tranfacted in that of the laft Day of *October*, when the Bishop of *Toulon* prefided in the Place of the Patriarch of *Antioch*, who could not be there. However, there were fome in this Affembly who represented to the Prefident, that they had heard Opinions enough, and that it was high Time to come to the Queftion. Upon which, fome cry'd out that it was proper to collect all the Suffrages, and to adhere to the Majority of the Votes, not only of thofe that were prefent, and who had voted for themfelves, but of thofe alfo who had the Proxies of fuch as were abfent. Then the Prefident gave his Opinion in the Name of the moft *Chriftian King*, the Kingdom, and Clergy of *France*, and in

particular of the Archbishop of *Narbonne* (1), that it was absolutely necessary to suppress the Annates forthwith, without enquiring whether they were due or not, and afterwards to make a handsome Provision for the Subsistence of the Pope and Cardinals, before the Suppression of the Annates was published in Full Council. This was in a manner the very Opinion of *Matthew Roder* (2), Professor of Divinity, in the Name of the Bishop of *Treguier* (3). The Bishop of *Lavaur*, Proxy for the Bishop of *Tulles* (4) in *Limousin*, for the Bishop of *Pamiez* in *Languedoc*, the Chapter of *Agde* (5), the four Abbeys, and the whole Province of *Tboloufe*, declared, as he had done for himself, that it was necessary, but without precipitating the Matter, to take away the Annates, and to agree with the Cardinals concerning their Maintenance, and that of the Pope. Thus said, almost in the same Words, the Bishop of *Toulon* for the Archbishop of *Narbonne*; the Bishop of *Dol* for that of *Quimpercorantin* (6) in *Bretagne*. The Bishop of *St. Paul de Leon*, speaking for the Bishop of *Nantes*, (7) was for putting it off; and the Bishop of *Aosta*, for his Chapter, said that it was necessary to adhere to the Deliberation of the Commissioners of the Reformation, if it was thought good. *Alexander*, Abbot of *Bellefontaine*, the Bishop of *Lucon* (8), and the Abbat of *St. Maixant*, for the Province of *Bourdeaux*, were for appointing Deputies to consider of it, and to confer upon it with the Cardinals; and so said the Dean of *Lyons* for the Archbishop, the Chapter, and the whole Province. This Assembly broke up also without coming to any Conclusion, because there had been some Dispute about the President of the Nation. The Patriarch of *Antioch* was the Man, as has been observed; but not being able to attend often, by reason of his other Affairs. He had substituted the Bishop of *Toulon* in his Place; who not being the oldest of the Prelates, *Dr. John Morin*, Ambassador of *France*, moved that another might be chose, and the Election fell upon the Bishop of *Puy*, as the oldest Prelate, tho' without coming to any Determination, because they were of Opinion, that first of all it was necessary to continue to hear the Opinions; which was done, tho' nor without Tumult.

THE Patriarch of *Antioch* sat in Quality of President in the Assembly, Nov. 2. and there made three Propositions. The first re-

(1) *Francis de Conzie*, who died in 1432.

(2) He was afterwards Bishop of *Treguier* in *Lower Britany*.

(3) This was *Christian de Hauterive*.

(4) *Bertrand Butinand*, chose in 1407, died in 1416.

(5) *Philip de Lewis* was chose in 1411, Bishop of *Agde*, then Archbishop of *Ar-*

*les*. He was afterwards a Cardinal. The See of *Agde* was vacant probably at that Time.

(6) *Gatian de Monceaux*, chose in 1408, died in 1416.

(7) *Henry le Barbu*, or bearded; Chancellor of the Duke of *Bretagne*, and Apostolical Nuncio in this Province.

(8) *Germain Paillard* died in 1418.

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1415. lated to the Presidentship: He demanded that another President should be chose, thank'd the Assembly for the Honour they had done him, and made an Excuse for his Absence. The second was the Accommodation between the Cardinals of *Ursins* and *Ragusa*, concerning the Grand Penitentiary of the Court of *Rome* (1). The third related to the Annates. At this last Proposition every body cry'd out, that 'twas necessary to make an End of this Affair. And the Patriarch of *Antioch*, without collecting the Suffrages any longer, declared, that two Thirds were for suppressing the Annates as not due; to which the Bishop of *Senlis* added, that it was not necessary to suppress the Annates only, but also the common and secret Perquisites, and all the other Contingences and Dependences on the Annates. Several were of the same Opinion, and particularly the Patriarch of *Antioch*, who declared his Sentiment for the said Suppression now, and for the Time to come. However, this was attended with Noise; some retracting their Votes, and demanding that before any Thing be suppress'd, it was necessary to make Provision for the Maintenance of the Pope and the Cardinals, or else no Suppression. Among others, *John Poncet*, a Canon of *Besançon*, represented that he had the Proxy of several Prelates and Chapters, and that he had not yet been heard. He declared therefore, that it was necessary at the same Time to make Provision for the Pope and the Cardinals; that if the Vacancies were taken away without such Provision, he protested that this Office ought not to fall upon the Chapters and the inferior Clergy; that in case the Affair happen'd otherwise, he would appeal; and he enter'd his Protestation, which could not be read, because of the Noise, tho' there was a great striving to hear it. The Deputy of the University of *Orleans* (:), who at first, for his own Body, oppos'd the Suppression of the Annates, unless Provision was made for the Maintenance of the Pope and the Cardinals, receded from his Suffrage, because he said a Treatise had been writ against him in *France*, upon the same Subject; and he demanded the Act of his Revocation. After this, the Patriarch hearing the Clamours for the Conclusion, gave it in these Terms; ' I move, that as well for the Time past, as ' to come, the Annates be suppress'd with the common and secret ' Perquisites; but that Measures be taken at the same Time to provide ' decently for the Pope and the Cardinals; and that Deputies of each ' Class be nominated for that purpose.

(1) The Office of Penitentiary remain'd with the Cardinal *des Ursins*, and the Apostolical Chamber gave the Car-

dinal of *Ragusa* a Pension of 300 Florins, till he was provided.

(2) *Tbierricus de S. Deodato*, or *Tbierric de St. Die*.

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THE Bishop of *Puy* having said upon this Head, That it was his Opinion, the Bishops ought to contribute to the Maintenance of the Pope and Cardinals, without laying that Burden upon their Inferiors; that for his own Part, he was ready to do it, and to engage also for his Successors: *John Grasset*, a Prebendary and Proctor of the said Church, protested against every Imposition upon the Chapter and the inferior Clergy. The Dean of *Lyons* (1) made the same Protest for his Chapter and Clergy. Afterwards the Prior of *Saucillanges* (2) Deputy of *Clugni* (3), and of the *Gallican* Church for the Province of *Berri* (4), presented a Memorial, which imported, 'That it was proper to nominate a small Number of Deputies, who with those of the other Nations, and the Cardinals, would regulate this Difficulty, after having examin'd what the Revenues of *St. Peter's* Patrimony might amount to, so that the Pope and his Court might have a handsome Maintenance, as little to the Damage of the Subjects as possible; that the Annates of each Benefice might be reduc'd to a moderate Sum, which the new Incumbent should be oblig'd to pay at the End of two or three Years Possession, in case it should be deem'd that the Pope could not do without it; that this Method wou'd be less burdensome to the Subjects than if the Pope was authoriz'd to lay Taxes upon the Churches at his Discretion; and if the Cardinals, when depriv'd of the Annates, should seize our Benefices, which would be very prejudicial, as well in Spirituall as Temporall, taking it for granted nevertheless, that Messieurs the Deputies should judge, that the Pope and Cardinals, and the Court of *Rome*, could not do without a Subsidy till another General Council; that in the mean Time he would be govern'd by the Determination of the Deputies; and that in case they shou'd take any Resolution prejudicial to the Order of *Clugny*, or to the Province of *Bourges*, which he was to represent at the Council, or disrespectful to the Holy See, he declar'd, that he wou'd oppose it (5).'

The Deputies of several Provinces, as *Bretagne*, *Savoy*, and of several Orders, particularly those of *St. Benedict*, the *Cistercians* and *Clugni*, made the same Protestations. After this, the Patriarch being continued in the Office of President, Master *John Poncet* Proctor for the Chapter of *Besançon*, for several Prelates, among others for *John II.*

(1) *Philip de Turrey*, Brother to the Cardinal of that Name, was then Archbishop of *Lyons*, and died in the Month of *December*, the same Year.

(2) A Town with a famous Monastery in *Auvergne*.

(3) *Raimond of Cadene*, elected in 1400, died in 1416.

(4) The Bishop of *Bourges* was at that Time *William de Boisratier*, an illustrious Prelate, who was sent that Year to *Henry V.* King of *England*, together with *Peter Fresnel*, Bishop of *Lisieux*.

(5) I make use of the Translation of *M. Bourgeois du Chatenet*. New History of the Council of *Constance*, p. 208.

(1) Bishop

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(1) Bishop of *Lombex*, Suffragan to the Archbishop of *Toulouse* (2), read the Memorial which cou'd not be read in the preceding Assembly. It imported, ' That it had already been order'd by the Assembly of the Church of *France*, that all those who had a right of ' Voting in a matter so important as the Union of the Catholick ' Church, shou'd do it with intire Freedom, without Fear of being ' reprov'd or molested; that in important Matters, the Suffrages ' shou'd be collect'd with great Secrecy; that every Member shou'd ' give his Vote to Men of Probity, that shou'd make their Report ' thereof to the President who shou'd form the Conclusion upon the ' great number of Suffrages; that this was the manner of Acting, ' when the Union of the Church, and other matters of Importance ' were the Points in Dispute. That the Council, with the Consent ' of all the Nations, and especially that of *France*, had made an Order that the General Deputies of each Nation shou'd, in their Assembly, open the Matters to be treated of in the Council, and ' make a Report thereof to the Presidents, who shou'd collect the ' Suffrages, and after having form'd their Conclusion by the Majority of Votes, and join'd themselves together, should cause the same ' to be publish'd in the General Session of the Council: That Pope ' *John XXIII.* and all his Predecessors, had for about a Century, in ' order to support their Dignity, and that of the Cardinals, been in ' peaceable Possession of the Power of raising, and causing to be ' raised in the Kingdom of *France*, and all its Provinces, as also in ' all the other States of Christendom, the first Year's Fruits of all ' Benefices that were vacant, especially of those to which the Holy ' See should prefer: That the Church was obliged to give a Part of ' her Revenues to those whom she chose to govern her, as well by the ' Divine as the Civil Law: That the Pope and the Court of *Rome* ' could not do without a Relief, from which they derived the ' greatest Part of their Subsistence: That the Schism, which had for ' a long Time rent the Church of God, the Neglect of some Popes, ' and the Misfortune of the Times, had entirely ruined the Patrimony of the Church: That the Apostolical Chamber was quite exhausted: That himself and many others were persuaded, that they ' were obliged in Conscience, by the Laws of God and Man, to give ' the Pope and the Cardinals a reasonable Maintenance: That this ' Opinion had been follow'd by most of the Voters of the Nation: ' That there was no way to defray that Expence, less burdesome to

(1) We learn from the Abbat *Tribemius*, that this Prelate, who was of *Basil*, distinguish'd himself by his Learning. *De Script. Eccl. n. 732.*

(2) This was *Dominic of Florence*, a Do-

minican. He had been Bishop of *St. Pons de Lemiers in Lanuadois*, afterwards of *Albi*. He was employ'd by *Martin V.* to reform the Prebendaries. He died in 1421.

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‘ the Churches and the poor Clergy, than the Annates, provided they  
‘ could agree upon the Sum, Place, and Time of Payment, as the  
‘ Cardinals had offer’d: That is was his Opinion, and that of many  
‘ others of the Deputies for the Reformation, that the common Quit-  
‘ Rent should not be paid till after a Year’s quiet Possession of the  
‘ Benefice: That a Constitution should be made, importing, that  
‘ only one Half should be paid after the first Year, and the other  
‘ after the second: That if the Benefice became vacant more than  
‘ once in a Year, only one Annate should be paid, and that the Taxes  
‘ should be moderated.

‘ THAT the Reformers had already taken from the Pope and his  
‘ Court, the Spoils of the deceased Prelates, the Fruits of the Bene-  
‘ fices laps’d during the Vacancy, the Procurations or Fees of Visita-  
‘ tion, and the Tenths which some Popes had thought fit to im-  
‘ pose: That if the Annates were also taken away, neither he nor  
‘ his Cardinals, nor his Court, would have wherewithal to live; that  
‘ it would be as good to abolish them entirely, be they never so ne-  
‘ cessary to the Christian Republick: That if the Matter had been  
‘ seriously consider’d, this Proposal would not have been so heedlessly  
‘ embraced: That in the mean time, several Bishops and Abbats, and  
‘ their Adherents, without knowing for what Reason, unless perhaps  
‘ that they found themselves in Debt to the Apostolical Chamber, and  
‘ hoped, by this Means, to pay it off, without attending to the Maxim,  
‘ which forbids any Innovation during the Vacancy of the See, and  
‘ without considering that this would be the way entirely to subvert the  
‘ Pope’s Establishment, and to throw the whole Ecclesiastical Order into  
‘ a terrible Confusion, unless some other Provision was made for their  
‘ Subsistence, had brought the Affair of the Annates upon the Carpet  
‘ by meer Force of Importunity, and without consulting the other Na-  
‘ tions: That the Suffrages ought to be collected secretly in a Mat-  
‘ ter of such Importance; that they who demanded it might be so,  
‘ had not yet been heard, nor had they been so much as permitted  
‘ to explain their Sentiments.

‘ THAT Menaces had been used, to the Prejudice of the Liberty  
‘ of the Council: That great Strefs had been laid upon the Authority  
‘ of some Princes, who would have it so, in order to oblige many of the  
‘ Members to vote contrary to their Consciences: That they who said  
‘ it was absolutely necessary to take Care of the Pope and Cardinals,  
‘ had been interrupted: That they contented themselves with decla-  
‘ ring, that the Annates ought to be paid no longer, and never made  
‘ one Order concerning the Maintenance of the Pope and the Cardi-  
‘ nals, tho’ this had been expressly demanded by most of the Voters:  
‘ That nothing was more scandalous to the whole Ecclesiastical Or-  
‘ der, the Pope, and the Cardinals.

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‘ THAT therefore he, *Poncet*, as well for himself, as for those who were inclined to be of the same Party, was apprehensive of seeing the Ecclesiastical Estate entirely ruin’d, which is scandaliz’d to see the meanest Clergyman a Beggar, or to find Burdens yet heavier laid upon the Clergy: That he was perswaded, with the Fathers of the Council of *Vienna*, that there was no easier Method to support the Papal Dignity than the Annates; and that considering the manifest Danger that such an Innovation might farther retard the Peace of the Church, for promoting of which the Emperor *Sigismund* was gone to *Spain*, to confer with *Peter de Luna*, where they had already agreed that nothing should be alter’d till the Difference was accommodated; he himself appeal’d from this Deliberation, and protested that he would carry his Appeal to the Council, to the Pope who should be elected, and to the Holy See in Conjunction, to which he demanded to be refer’d, and an Answer from the President to his Methods of Appealing (1). So pass’d this Assembly.

NOTWITHSTANDING this Protestation, on the 4th of the same Month, when the *French* were assembled, the President propos’d the Nomination of Deputies, to engage the other Nations to concur with the *French* Nation, in order to make an end of the Affair of the Vacancies on the Foot of the Assembly of the 2d of *November*. These Commissioners and these Deputies, being heard four Days after, reported, that the *Italian* Nation oppos’d the Suppression of the Annates; that the *German* and *English* Nations had not yet consider’d of it, but ’twas hoped they would soon agree. That same Day *John de Scribanis*, Procurator Fiscal of the Apostolical See, made a Protestation almost in the same Terms as that of *Poncet*. In the Assembly of *March* 12, Deputies were nominated to examine his Acts of Appeal, and to answer it. Afterwards there came the Deputies of the *German* and *English* Nations, who demanded, that Commissioners of each Nation might be appointed to examine the whole Affair of the Vacancies, and to determine it without Appeal. The Patriarch of *Antioch*, the Bishops of *Lavaur* and *Senlis*, and Dr. *John Morin*, were nominated for that Purpose, with some others, who were added afterwards. On the 2d of *November*, after many Debates, they read the Answer to the Protestations which had been made on the Part of the Cardinals by *Scribanis*, by *John de Reate*, and *John Nicholas*, Proctors of that College. I will here insert the said Answer, according to the Translation of M. *Bourgeois du Chatenet*, except some few Alterations made in it pursuant to the Original *Latin*, in p. 226, &c. ‘ Altho’ the Son of God in the Gospel forbid the giving of Offence to any Person, yet he said that it must needs be that Offences would come, but that

(1) I have made use of the Translation of M. *Bourgeois du Chatenet* in *Poncet’s* Protest.

Woe should be to him by whom they came; especially when the Offence was active or given, because commonly the Offence that is passive or taken is innocent: That the Nation of *France*, and all her honourable Agents, as well the great Men, as those of the middle Order, and of an inferior Degree, who are at the Council of *Constance*, being authorized to judge, to consult, and to complain, as Occasion shall offer, was by Consequence obliged to answer the Appeal of *John de Scribanis*, who call'd himself Procurator Fiscal of the Apostolical Chamber, in order to save her Honour, and to shew the Justice of the Resolution which she had taken; that if they were constrain'd to bring out certain Truths to the Light, which might to some be displeasing, such could blame no body for it but themselves, who had given Occasion for it, and not the *French* Nation, whose only View was to defend itself, and to provide for the pressing Necessities of Bishopricks, Abbeys, and the other Benefices within its Pale.

THAT the said *Scribanis*, the Cardinals, and all who were actually present at *Constance*, knew very well that it had been ordered, that each Nation should appoint Deputies to confer with the Deputies of the Body of the Cardinals, on what was proper to be reform'd in the Court of *Rome*, as well with regard to its Head, as to its Members, and on the manner of preferring for the future to Benefices: That those Conferences had been actually held, but that the Cardinals of *Pisa*, *Cambray*, and *Florence* having, in Spite of the Deputies of the *French* Nation, brought the Affair of the Annates, and small Fees upon the Stage, and display'd all their Eloquence to persuade that they were due, all their Arguments had been overthrown by Reasons and Authorities of greater Force, drawn from all the Laws Divine and Human: That notwithstanding all their Intrigues to allure Men to their Party, after having exactly cast up the Suffrages, the Majority voted that they ought to be no longer tolerated: That thereupon the Cardinals had refused to give their Consent to the forming of any Decision, either upon that or the other Articles that had been discuss'd; and that they ought to blame themselves for the mention of them.

THAT neither the said *Scribanis*, nor the Cardinals and other Deputies, were ignorant that each Nation had appointed Persons, selected out of their own Body, to consult all together about the Means for remedying the exorbitant Abuses of the Court of *Rome*, committed by *John XXIII.* who was then recognized for Pope, and by others of his Time, who had agreed, among themselves, that the said Pope *John*, his Apostolical Chamber, the Cardinals, the Chamberlain, or any one pretending to be of their College, should have a whole Year's Revenue from every Benefice, even tho' it should



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become vacant several times in a Year, and sometimes even beyond a Year: That tho' the Pope claim'd the entire Revenue of one Year, at every Vacancy of a Benefice, the Cardinals did nevertheless demand one Half of it: That they had thought fit to translate the Incumbents from one Benefice to another, in order to make it vacant, and to procure the Annates to themselves: That such Translations were made sometimes in Spite of the Prelates, without any regard to their Merit, or to the Necessities of the Benefices, which was frequently the Cause of Wars, Massacres, and of Offences, which were not yet ceased, and was very burdensome to Benefices and the Incumbents: That all these Reasons had given Occasion to the Resolution which the Deputies had taken to pay them no longer: That the said Resolution had been read to all the Nations; and that the *French* Nation had taken seven whole Days to consider of it: That the Cardinals were so provoked by it, that in order to be revenged, they had propagated a false Report, that some remarkable Prelates had for this Reason been excommunicated: That this was what had given Occasion to the Appeal of *John Poncet*, and of all the others (1).

Advice of the Bishop of Arras to the College of Cardinals, in the same Affair.

Gerf. p. 472.  
Oâ. 30.

XXI. A fresh Incident fell out not many Days after this. The Bishop of *Arras* having excepted against the Cardinal of *Cambray*, and actually accused him of Heresy, the other Cardinals were inclined to take their Colleague's Part. This appeared from a Writing, wherein the Bishop of *Arras* represents to the Cardinals the Inconveniencies they would have cause to fear, if they meddled in this Affair. He says, that the College would expose themselves to great Danger, if they went about to justify an erroneous Proposition, purely because a Cardinal had advanced it: That *John Petit's* Affair affected several Princes, in whose Dominions the Cardinals have Benefices, which they would run the Hazard of losing, if they took the wrong Side of the Question: That there were Universities that would oppose, and perhaps condemn their Judgment as Heretical, which would disqualify them for the Election of a Pope: That no Regard was had to the Dignity of a Cardinal, when the Point in Question was, Whether Propositions in Matters of Faith should be approved or condemned; and that 'tis the Business of the Bishops and the Doctors to consider of the Affair, by the Pope's Order, to the end that he may decide it: That, in short, it would be manifest Usurpation, if, for the Honour and Interest of one single Cardinal, the whole College should offer to incroach upon an Affair wherein the Council ought to give Judgment.

(1) For the Abridgment of the rest of this Memorial of the *French* Nation, see the Second Volume of this History.

XXII. THO' the Cardinal of *Cambray* did, of his own Accord, withdraw his Claim to give Judgment in this Affair, yet in Quality of D. D. he gave his Opinion upon it in a Writing under his own Hand, which he presented to the Council upon the 8th of November, and wherein he declared, that each of *John Petit's* Propositions ought to be condemned as the General Proposition had been, because they are a manifest Consequence of it, and that they who obstinately maintain them, ought to be punished as Hereticks. The Reason he gives for it is, 1. The two Commandments, *not to kill*, and *not to bear false Witness*. 2. The 14th verse of the 21st Chapter of *Exodus*, where it is said, *But if a Man come presumptuously upon his Neighbour, to slay him with guile; thou shalt take him from mine Altar that he may die*. 3. Two Passages of *St. Austin*, where this Doctor declares him a Murderer, whosoever he be, that kills a Person by his private Authority, whether he be a Poysoner, a Robber, a Sacrilegious Person, an Adulterer, a Pagan, or any other Criminal whatsoever. 4. A Decree of the Council of *Lyons*, which condemns Assassins to the Pain of Excommunication, and Deprivation from all Dignity, Honour, Order, Office and Benefice, *ipso facto*, and without any other Form of Process. 5. He affirms, that *John Petit's* Doctrine more deserves to be condemned than this Proposition of *Wickliff*, *That Subjects may, of their own accord, correct their Sovereigns, when they are guilty of any Fault*. 6. Lastly, he pretends, that there is the very same Reason to condemn the Propositions in Question, without making any mention of their Authors, as there was to condemn the Doctrine of the Communion in both kinds, without naming any body.

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Declaration  
of the Car-  
dinal of  
*Cambray*.  
*Gerson*, p.  
481. Nov. 8.

*Exod. xx. 13.*  
*Levit. xix. 2.*  
I follow the  
Version of  
*Port. Royal.*

XXIII. The Bishop of *Arras* confuted this Declaration from the Beginning to the End, by a counter Declaration, which he also made in Quality of D. D. He maintained, that not one of the Propositions ascribed to *John Petit*, ought to be condemned by a Decree of Faith; and that they are not included in the General Proposition, nor are a Consequence of it, because in the Condemn'd Proposition the Expression is of *any Tyrant whatsoever*; whereas in that of *John Petit* 'tis expressed only of a *certain Tyrant so and so described*. Besides, in the condemned Proposition 'tis intended of a Subject of a Tyrant himself; whereas *John Petit's* means the Subject or immediate Vassal of the King, whom the Usurper should offer to deprive of his Life or Kingdom. He endeavours to discover other Disparities between the Proposition condemned, and those that lie for Condemnation. Then, when he goes to answer the Reasons upon which the Cardinal of *Cambray* had grounded his Opinion as to the Commandment, *Thou shalt not kill*; he affirms, that the Comment, *without the Authority of Justice*, is not true; because it would from thence follow, that it would not be lawful to kill a Night Robber, nor to repel Force by Force.

The Answer  
of the Bish.  
of *Arras*.  
*Gerson* p.  
475.

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Force. This is the true Comment, according to the Bishop of *Arras*: *Thou shalt not kill, viz. an Innocent Man, from a Spirit of Revenge, and of thy own Authority.* For he pretends, that Necessity is a Law, and a Justice of which every Man is the Minister. As to an Oath, he urges several Cases wherein 'tis lawful really not to keep it, and wherein to keep it would be sinful. He pretends also, that in the xxi. Chapter of *Exodus*, the Thing intended is, Murder committed from a Spirit of Revenge, and from private Authority; that is to say, without being forced to it. He gives almost the very same Answer to the Passage of *St. Augustin*, and the Decretals. As to the Cardinal's having said, 1. That *John Petit's* Doctrine deserved as much to be condemned as a certain Proposition of *Wickliff*. And 2. That it was no more necessary to describe the Persons in condemning the nine Assertions, than it was in condemning the Doctrine of the Communion in both kinds (1). The Bishop of *Arras* makes Answer, that there is no Resemblance betwixt *Wickliff's* Proposition, and that which is ascribed to *John Petit*; and that besides, if nobody was named in condemning the Doctrine of the Communion in both Kinds, it was because no Author of that Doctrine appeared, and it was only censured in the general. From hence the Bishop of *Arras* moves for not condemning the nine Propositions ascribed to the late *John Petit* of *Happy Memory*, and he actually justifies all those Propositions one after another, though he maintains, that they were falsely ascribed to this Doctor. I know not whether I have not for-

*Dupin*, Bibl. Ecclésiast. Siecle xv. p. 85. Another Memorial of the Bishop of *Arras*.

got to observe elsewhere, that *Martin Porree* had sold his Pen to the Duke of *Burgundy*, for the Bishoprick of *Arras*.

XXIV. WRITINGS flew about thick on both Sides concerning this Affair, during the whole Month of *December*; some demanding, that the Sentence of the Bishop of *Paris* might be confirmed, and the nine Propositions condemned by the Council; others, that the said Sentence might be revoked, and the nine Propositions declared justifiable, and not to appertain to the Faith. The latter was the Purport of a Memorial from the Bishop of *Arras*, dated the 8th of *December*, wherein he declares, ' That the nine Propositions were ' falsely imputed to *John Petit*; that besides, they don't appertain to ' Faith; that upon this Occasion the Duke of *Burgundy* was unjust- ' ly defam'd in the Council; that the Letters of the King of *France* ' on this Subject were procured by Surprize and Extortion; that they ' were even recalled by the last Advices that came of the Duke of ' *Burgundy's* Reconciliation with that Monarch: That neither *Jordan Morin*, nor *William de Boanepveu*, nor their Adherents, ought ' to be heard upon it, because they are Parties; that no wonder the

(1) 'Tis a Nullity which is allodg'd against the Judgment of the Bishop of *Paris*.  
3 ' Emperor

1415.

Emperor is returned, because the first of those Propositions, viz. *That 'tis lawful for every Subject, according to the Larvs of Nature, God and Man, and without any express Command, to kill, or suffer every Tyrant to be killed, who through Covetousness, Fraud, Witchcraft, or Circumvention, plotteth against his King, to take away his Dominions,* could not be condemn'd without condemning at the same Time an Edi&ct of the Emperor *Henry VII. Sigismond's Grandfather*. The following is Part of that Edi&ct of *Henry VII.* which was put into the Hands of the Cardinal *des Ursins,* upon the Tenth of *December.* 'We have heard that certain Doubts and Disputes are risen amongst our faithful Subjects of *Lombardy,* and some other Places, viz. Whether any Person ought to be reputed a Rebel to the Empire, before he is condemned as such by the Sentence of our Majesty; such People not considering that 'tis the Evil Actions of the Wicked that render them worthy of Punishment, rather than the Sentences which only consist in Words, that from the Time that any one sins, he is worthy to be punished, and that the longer the Punishment is deferred, the more the Evil groweth and infecteth. For these Reasons, we declare by these Presents, that all, who in any manner whatsoever, openly or secretly, commit Acts of Rebellion, or Disloyalty against our Honour, or contrive any thing against our Prosperity and that of the Empire, against Us, or against our Officers, when they execute our Orders, are Disloyal, and Traytors to the Empire; and that in such Case they shall be prosecuted by Accusation, Information, or Censure in a summary Manner, and without the Formality of Justice, according as the Judge shall think fit. This Edi&ct is to be Perpetual, and in Force now and hereafter'. I own, that I don't well see how this Edi&ct could serve to justify the Assassination of the Duke of *Orleans.* The Affair in question there, was the Case of a Man actually surpriz'd in Rebellion, and yet the Emperor is for proceeding by Law against such Person, tho' he orders that there be a brief and quick dispatch of Justice on him.

Decemb. 10.

XXV. HOWEVER this was, the Affair was still push'd on, tho' without any Conclusion. 'Tis plain from the Acts, that on the 17th of *December,* *Jordan Morin* and *William de Boanepveu* demanded a publick Hearing of the Commissioners, which was granted to them for the 19th, but that they did not appear. As far as I can judge of the Affair, it did not turn up in Favour of the Pretensions of the Ambassadors of *France.* In the Acts we find several Draughts of the Sentence which the Council was to pass upon this Affair, of which the following, dated the 18th of *December,* was drawn up by the Cardinal of *Aquileja.* 'The Sacred Council having perus'd the Acts and all Transactions, in the Affair of the nine Assertions, cen-

Decemb. 18.

1415. *Gerf. p. 488.* fur'd before the Judges and Commissioners of the Faith, deputed from the Council; having also seen the Process drawn up by the Cardinals *des Ursins, d'Aquileja* and *Florence*, and being desirous to make an End of this whole Affair at once, doth pronounce, decree and declare, that the Sentences pass'd by the Bishop of *Paris*, and by the Inquisitor of the Faith, touching the said Assemblies, and in Condemnation of *John Petit's* Proposition, intituled, *The Justification, &c.* were, and are of no Value; doth revoke, repeal and make void whatever may have been done, directly or indirectly, against the Honour or Interests of the Duke of *Burgundy*, against the Memory of *John Petit*, and against the Honour and Interests of his Family, and this for several Reasons contain'd in the Acts, but especially because, that having seen the said Proposition of *John Petit*, 'tis manifest, that the nine Assertions are not his, and that they are not contained in his Proposition, neither as to the Terms nor the Sense. Therefore the Council, by these Presents, discharges and absolves the Duke, as well as *John Petit*, his Memory and Family, and forbids them to be made uneasy, or molested in any manner whatsoever upon this Occasion. As to the nine Assertions, having perus'd what is above, and heard the different Opinions of several eminent Doctors; some of whom affirm, that they are True, and that they cannot be condemned without Prejudice to the Faith; others, that they ought to be condemned as contrary to the Faith; The Council, for just and equitable Reasons, defers to determine or approve any thing thereupon, and refers the Decision thereof to the next General Council'. At the bottom of this Draught of the Sentence are these Words, *This Conclusion is not approved*; but by what Hand, or from what Quarter they came there, is not known. The Bishop of *Arras* gave his Opinion also on the 19th, and it was in Substance, for leaving the nine Propositions in their Probability, and for referring the Decision thereof to a future Council. *Peter Cauchon* was of the same Opinion, with this Difference, that till the Decision of another Council, he was for prohibiting the advancing of those Propositions, either by way of Approbation or Confutation of 'em, for the avoiding of Scandal and Division. There is an Act of the Patriarch of *Antioch*, which concludes conformably to the Draught of the Sentence of the Cardinal of *Aquileja*. We shall hereafter see what Turn this Affair took next Year, and now we will resume the Thread of the History.

*Terminare seu approbare.*  
*Decemb. 19.*  
*Sigilmond's Arrival at Perpignan.*

XXVI. THE King of *Arragon* being sick, and entirely incapable of Business, when the Emperor arriv'd at *Narbonne*, he sent to desire his Imperial Majesty to stay there till he heard of his Recovery; so that the Emperor was not at *Perpignan* till the 18th of *September*. *Benedict* repair'd thither in the Month of *June*, according to the first Agreement, either because he was ignorant of the Delay that had been

been agreed on betwixt the Emperor and the King of Arragon, or because he was not willing to consent to it: He stay'd there the whole Month, and did not return till the last Day towards Midnight. *Sponde* says, that as he return'd, he had the Infolence to cause the Emperor to be proclaim'd and accus'd of Contempt of the Court, like a Criminal who did not answer the Summons (1). As soon as the Emperor came to *Perpignan*, he caus'd his Arrival to be notify'd to *Benedict*, and exhorted him to repair thither also. *Benedict*, who was then at *Valencia*, sent to the Emperor to desire a Safe-conduct, to the end that he might go to *Perpignan* in his Pontifical Robes, and in Quality of Pope. But the Emperor made answer to *Benedict*'s Legates, that 'twas not his Business to grant Safe-conduct in another's Kingdom, and that moreover, he did not propose to receive *Peter de Luna* as Pope, but only as a *Cardinal*. Nevertheless *Sigismond* having, by the King of *Arragon*'s Authority, sent a Safe-conduct to *Peter de Luna*; the latter refus'd to go to *Perpignan*, because in the said Safe-conduct he was only styl'd a *Cardinal*. *Benedict* therefore contented himself with sending some Articles containing several unreasonable Demands, particularly, that he might, by his own Authority, assemble a General Council at *Lyons*, or *Avignon*, or *Montpellier*, or *Tbolouse*, or *Marseilles*, or *Nismes*, in which, after having been confirm'd Pope, he himself wou'd resign the Papacy, on Condition that he shou'd remain *Cardinal Legate a Latere*, with a Full Power, both in Spirituals and Temporals, over all his Obediences, with all the Prerogatives he had till then enjoy'd, except that he shou'd no longer be call'd Pope, unless he shou'd be elected to the Papacy by the Council. The Emperor rejectted all these Proposals; and having again summon'd *Benedict* to repair to *Perpignan*, he went thither at last, but not to make a long stay, as we shall find hereafter.

XXVII. UPON the 8th of *September*, a Sermon was preach'd upon this Text in *Jeremiab*, *Where is the Word of the Lord?* The Preacher compared Things present and past, and complain'd bitterly that there was no longer a Church in the World, *Whereas heretofore she bore Rule over all Men, and even over Emperors, whom she sometimes depos'd, she is now but their Servant and Slave, like Agar. She had the Pleasure to see her Children happily united, but now she is torn to pieces by the Differences among her Members. The Sacraments used to be piously administred, whereas they are fallen into Contempt and profan'd.* After having a long time inquired after the Church to no Purpose, she appears to him at last in the Form of a great and beautiful Queen, almost like the Figure that *Philosophy* appeared in to

Sermon upon the Reformation. *Jeremiab* xvi. 15.

(1) *Mediâ nocte ultimæ diei proclamare fecit per urbem, numquis adesset pro Rege Sigismundo, cumque nemo se exhibisset, accusasse velut in publicis criminibus aut litibus ejus contumaciam, & abcessisse, Sp.n ad an. 1415. p. 753.*

D d d d

Boetius,

1415. *Boetius*, lamenting that there was no longer any Virtue in the World; the Church discovers to the Preacher the Causes of her Decay and low Estate, which he ascribes, in the first Place, to the Avarice and Lust of the Clergy; *secondly*, to their Pride and Ambition; and in the *third* Place, to Idolatry and Heresy. After a long I eclamation against these Vices, he gives the following Character of the Clergy: 'The Church, *says he*, has no greater Enemies at this Day than the ' Clergy: For who are they that are the greatest Opposers of the ' Reformation? Are they the Secular Princes? Very far from it, for ' they are the Men that desire it with the greatest Zeal, and demand ' and court it with the utmost Earnestness. Who are they that rend ' the Garment of Jesus Christ but the Clergy, who may be compared ' to hungry Wolves, that come into the Sheep-folds with Lamb- ' skins, and conceal ungodly wicked Souls under Religious Ha- ' bits'. The rest of the Sermon is employ'd in Exhortations to Re-  
pentance.

Letter from  
the Great  
Men of Bo-  
hemia, to the  
Council,  
Sept. 8.  
*Aeneas Sylv.*  
cap. 36. *Ja-*  
*cob pircel.*  
Comment L.  
v. p. 424.  
*Cochle* L. iv.  
init. *Theod.*  
*Vrie* ap. V.  
*d. Har.* T. I.  
p. 118.

XXVIII. IT was much about this Time that a Letter came from the Great Men of *Bohemia*, to the Council of *Constance*, wherein they protested against the Execution of *John Hus*, which had the same Effect in *Bohemia* as Oil has when thrown into a quick Fire. As soon as the News of it came to *Prague*, it inflamed the Zeal of his Disciples more than ever. They met in *Bethlehem-Chapel* to decree the Honours of Martyrdom to *John Hus*, and also to *Jerome of Prague*, who they supposed had, by this Time, undergone the same Fate as his Collegue. They talk'd loudly of the Fathers of the Council, as Persecutors and real Hangmen. The King himself, and the Great Men of the Kingdom, looked upon the Sentence as an Affront offered by the Council to the Kingdom of *Bohemia*. The Letter was Signed by about Sixty great Men, Barons, Gentlemen of *Bohemia* and *Moravia*, and was worded as follows, (1) 'As by the Laws of God and ' Nature every one should do to others as he would that they should ' do to him, and as we ought not to do that to others which we ' would not they should do unto us; after Reflection upon that Di- ' vine Maxim of Love to our Neighbour, we have thought fit to ' write these Letters to you, touching the Reverend Master *John Hus*, ' Regular Bachelor of Divinity, and Preacher of the Gospel. Mean ' time we know not from what Motive you first condemned him in ' the Council of *Constance*, and then put him to a cruel and ignomi- ' nious Death as an obstinate Heretick, without his having made any

(1) Magnates, Barones, Proceres & Nobiles Christianissimi Regni Bohemæ & præclarissimi Marchionatus Moraviæ Reverendissimis in Christo Patribus & Dominis Deminis Cardinalibus, Patriarchis,

Primatibus, Archiepiscopis, Episcopis, Ambassiatoribus, Doctoribus & Magistris, ac toti Concilio Constantensi, affectum omnis boni & observantiam Domini Jesu Christi mandatorum, nos, &c

' Confession,

Confession, or being convicted of any Error or Heresy, upon the false  
 and sinister Accusations of his capital Enemies, and those of our  
 Kingdom, and of the Marquisate of *Moravia*, and by the Instigation  
 and Importunity of certain Traytors, to the eternal Scandal of our  
 most Christian Kingdom of *Bobemia*, the Illustrious Marquisate of  
*Moravia*, and all of us. This we have already justified in Writing,  
 to the most Serene Prince and Lord *Sigismond*, King of the *Romans*  
 and *Hungary*, and Successor of our King to the Kingdom of *Bohe-*  
*mia*. And this Writing ought to have been communicated to your  
 Congregations; but we have been told that you burnt it, to our great  
 Dishonour. We protest therefore, by these Presents, with the  
 Heart as well as the Lips, that Master *John Hus* was a Man very  
 Honest, Just and Catholick; that for many Years he conversed a-  
 mong us with a Godliness void of Offence. That during all the  
 Time he explained to us, and our Subjects, the Gospel, and the  
 Books of the Old and New Testament, according to the Exposition  
 of the Holy Doctors approved by the Church; and that he has left  
 Writings behind him, wherein he constantly abhors all Error, and all  
 Heresy, as he taught us to detest them, exhorting us at the same  
 Time, without ceasing, to Peace and Charity, and persuading us to  
 it by both his Discourses and Example. So that we cannot find, after  
 all the Inquiry we have made, that the said Master *John Hus* ever  
 taught or preached any Error or Heresy whatsoever, or that he  
 offended any of Us, or our Subjects in Word or Deed. On the con-  
 trary, he has lived with Piety and good Nature, exhorting all Man-  
 kind to the Observation of the Gospel, and of the Maxims of the  
 Holy Fathers, for the Edification of Holy Mother Church, and  
 of our Neighbours. You are not content with disgracing Us, our  
 Kingdom of *Bobemia*, and the Marquisate of *Moravia* by these  
 Undertakings, but you have unmercifully imprisoned, and perhaps  
 already put to death Master *Jerome of Prague*, who certainly was  
 a Torrent of Eloquence, *eloquentiæ lacteo fonte manantem*. He was  
 a Master of the seven Liberal Sciences, a very able Philosopher;  
 you have condemned him without having seen, without having con-  
 victed him, upon the false Informations of his and our perfidious  
 Accusers. Besides this we have heard, to our very great Sorrow,  
 and have collected it from your own Writings, that certain Slander-  
 ers, hateful to God and Men, treacherous Enemies to the King-  
 dom of *Bobemia*, and the Marquisate of *Moravia*, have wickedly  
 and falsely reported to you and your Council, that in the said King-  
 dom and *Marquisate* several Errors were propagated which had in-  
 fected both Us, and many others of the Faithful. So that if a  
 speedy Remedy be not apply'd, the Believers have irreparable Loss  
 to apprehend. Tho' these bitter Accusations are entirely false, Is  
 D d d d 2 it



1415.

' it possible for us to hear and not refute them? Verily, by God's  
 ' Grace, the most Christian King of *Bobemia*, and the illustrious  
 ' Marquisate of *Moravia*, have, ever since the Establishment of the  
 ' Christian Faith among them, always constantly adher'd, without  
 ' Reproach and Variation, to the Holy Roman Church, like a per-  
 ' fect Tetragon, while other Kingdoms have wavered by somenting  
 ' the Schism, and favouring the Antipopes. All the World knows  
 ' how much Labour it has cost us, as well as Expence, to keep up  
 ' that Respect and Veneration among both Princes and People, which  
 ' they owe to Holy Mother Church, and the Pastors; and you your  
 ' selves, if you will declare the Truth, have been Witnesses of it.  
 ' To the end therefore that, according to the Precept of *St. Paul*,  
 ' we may behave well towards both God and M:an; and for fear lest  
 ' by our Negligence to support the Reputation of the above-mention-  
 ' ed Kingdom and Marquisate, we may be thought cruel to our  
 ' Neighbours, we make known to you Fathers, by these Presents,  
 ' and also to all Christian People, with a firm Confidence in Jesus  
 ' Christ, attended with a pure and sincere Conscience, and an Ortho-  
 ' dox Faith, That whatsoever, of any Rank, Preheminence, Dignity,  
 ' Condition, Degree or Religion whatsoever he be, has said and af-  
 ' firmed, or doth say and affirm, that Errors and Heresies are pro-  
 ' pagated in the Kingdom of *Bobemia*, and the Marquisate of *Mora-*  
 ' *via*, which have infected Us, and such of our Subjects as are Be-  
 ' lievers, has told a Capital Lie, *rectè mentitur per caput suum*, as a  
 ' Villain, a Traytor, the only dangerous Heretick, and a Child of  
 ' the Devil, who is a Lyar and a Murderer. We except however  
 ' the Person of our most serene Prince and Lord, *Sigismond* King  
 ' of the *Romans*, because we believe him Innocent of the Calumnies  
 ' with which we are aspersed. Mean Time we leave it to God, to  
 ' whom Vengeance belongs, to punish the Offenders, reserving it to  
 ' ourselves to prosecute them more at large before him whom God  
 ' shall set over his Church for the only undoubted Pastor, being fully  
 ' resolv'd, by the Help of God, to pay him Honour and Obedience  
 ' in all Things that shall be lawful, honest and reasonable. But  
 ' in the mean Time we desire that, according to the Law of Jesus  
 ' Christ, and the Canons of the Holy Fathers, effectual Remedies  
 ' may be apply'd to the Calamities of the Kingdom of *Bobemia*, and  
 ' the Marquisate of *Moravia*: For notwithstanding all that hath pas-  
 ' sed, we are resolv'd to sacrifice our Lives for the Defence of the  
 ' Law of Jesus Christ, and of his faithful Preachers who declare it with  
 ' Zeal, Humility and Contancy, without being shock'd by all hu-  
 ' man Constitutions that shall oppose this Resolution' (a). This Let-  
 ' ter was dated the 2d of *September*, and unanimously approved in an  
 ' Assembly of the Great Men of *Bobemia*, which was held at *Prague*

(a) *V. d. Har.*  
 T. IV. p.  
 495, 497.

on

on the 15th of the same Month, when they agreed upon the following Articles: 1. To send Deputies with this Letter to *Constance*, who should at the same Time make their Apology. 2. To provide all the Churches within the Extent of their Dominions with good Pastors, to preach the Word of God without any Molestation. 3. That if a Priest was accused of any Error, he should be summoned before his Bishop, in order to be punished, and expelled, if he was convicted of having taught any Doctrine contrary to the Word of God. And if it happened that any Bishop should condemn and punish any Priest clandestinely, and of his own Accord, and in Hatred to the Truth of the Gospel, without having convicted him of an Error, it should no longer be lawful for any Priest to be cited before such Bishop, but that the Affair should be referred to the Judgment of the University, who should examine it according to the Holy Scripture. 4. That they should order the Priests in their Dependency to receive no Excommunications but from their Bishops, and to obey them when legal; but on the contrary, to resist such Excommunications when they are unjust or rash, and fulminated out of Hatred to the Word of God, or for any other Cause not fairly proved: And they declare, that they are heartily disposed to obey such Citations and Excommunications of their Bishops as are legal. This Act concludes with their Prayers, that it may please God speedily to grant a good Pope to the Church, to the end that they make their just Complaints to him; and they declare, that they will obey him in all Things that he shall command agreeable to the Word of God. This is a Proof that it was not their Intention to make a Rupture.

1415.  
Op. Hus, T.  
1. fol. 77.

BUT of all these Noblemen (a) there was not one that seemed more concerned for the Execution of *John Hus* than *John de Trocznou* Chamberlain to *Wenceslaus*, who afterwards made himself so famous and terrible by the Name of *Ziska*, i. e. one-ey'd, in the *Bohemian* Language, because he lost an Eye in Battle. Since much will be said of him hereafter, 'tis not improper to give some Account of his Birth and Character: *Ziska*, whom *M. Varillas* calls the *Greatest and most Successful Captain of his Time*, was descended of a Noble but Poor Family, in a Town of *Bohemia* named *Trocznou*, belonging to the Regular Canons of the Monastery of *Trebone* in *Bohemia*, in which he had been educated, which was the Reason, that among so many Monasteries that he destroy'd, he spared this. *Bobustas Balbinus* tells us, *en passant*, that there was a very fine Library in this Monastery, of which he gives a Description (b). The irregular Lives of the Clergy had inspired him, for a long Time, with a great Aversion to Ecclesiasticks; but he had another private Reason for that Aversion: For 'tis said, that one of his Sisters, who was a Nun, had been debauched by a Priest, or a Monk. It may be imagined, that the

(a) *Zalaski*  
ap. *Balb.* p.  
424.  
(b) *Balb. E-*  
*pitom. Rer.*  
*Bob.* p. 67.  
424.

1415. the Execution of *John Hus*, whom he esteemed as the Great Doctor of *Bohemia*, did not mollify his Resentment. An Author of that Time says, that one Day, as *Ziska* was walking in the Court of the Royal Palace, deeply reflecting upon this Event, the King sent for him, and ask'd him what he was musing upon! I was thinking, said he, of the outrageous Affront that is put upon the Kingdom of *Bohemia* by the Execution of *John Hus*. 'Tis out of your Power or mine, said *Wenceslaus*, to revenge ourselves for this Affront; but if you know which way to do it, take Courage, and revenge your Countrymen. *Ziska* heartily embraced the Permission, and began from that Time to study those Projects which he afterwards put in Execution. But it was not in this Religious War that he learnt the Military Art, for he had distinguished himself for several Years past in the Service of the King of *Poland*, and signalized himself in the Victory which that Prince gained over the *Teutonic Order*, in 1410.

*Jerome of Prague's third Hearing.*

*Septemb. 11.*

*Theod. Vrie ap. V.d. Har. T. I. P. 170, 171.*

XXIX. THE Letter, and the Resolution of the Great Men of *Bohemia*, engaged the Council to try all their Efforts to induce *Jerome of Prague* to retract, that they might not carry Things to that Extremity against him, as they had done against *John Hus*. We have already seen with what Tumult his first Examination was attended, upon the 23d of *May*. On the 19th of *July*, the Deputies of the Nations held an Assembly in *St. Paul's Church*, to which he was brought from his Prison for another Examination. On the 11th of *September* he appeared again in a Publick Congregation, where he was so teased with Promises and Menaces, that at last he sign'd a Writing, whereby he submitted himself to the Council, and approv'd of the Condemnation of the Errors of *Wickliff* and *John Hus*, adding for his Excuse, that he did not think at first that the Articles of which *John Hus* was accus'd, were really his. This was but a lame Excuse in my Opinion, for nothing had been extracted out of the Books of *John Hus*, which *Jerome of Prague* had not heard him say to himself more than once; and the Book of the Church, from which the principal Articles were extracted, had been publicly read at *Prague*. But there were moreover in this Paper of *Jerome*, certain Restrictions which could not be relished by the Council; indeed he thereby subscribed to the Condemnation of *Wickliff's* Forty five Articles, and of the Thirty Articles of *John Hus*; but he declares, that by so doing he does not intend to prejudice the sacred Truths which those two Men have taught and preached: And then, when he comes to explain himself touching *John Hus* in particular, he again repeats it, that 'tis not his Intention to prejudice his Person, nor his good Manners, nor the many Truths he has heard from his Lips. He owns, that he had been an intimate Friend of *John Hus*, and dispos'd to vindicate him before and against all the World, by reason of the Meekness

ness of his Conversation, and the sacred Truths which he heard him explain to the People; but that now he is better informed by the Reading of his Works, he is not willing to be an Advocate for his Errors, though he was for his Person. *Esto quod sint amici & Plato & Socrates, sed magis amica Veritas mihi est & esse debet*, i. e. Grant that both *Plato* and *Socrates* are my Friends, yet the Truth is and ought to be much dearer to me. He says also something more, for he declares, that by condemning the Errors of *John Hus*, he does not pretend to make any Recantation, because though he has often heard and read the condemned Propositions, he never looked upon them as Articles of Faith, and that he never preferred his own Sense to the Authority of the Church. The Fathers of the Council not being satisfied with the loose and ambiguous Terms of this Writing, employed all the Time, from this Day to the General Session, to persuade *Jerome* to a plainer and more circumstantial Retraction. And it must be observed, that this Session which was to have been on the 20th, was not held till the 23d, perhaps because all that Time was wanted to oblige *Jerome* to make that Recantation, which we shall find in the beginning of the Session.

1415.

XXX. MEAN Time the Minds of the People were prepared for the Reformation of the Church, by the Sermons which were preached on that Subject from Time to Time, upon Sundays and Holydays. On the 15th of September I find one upon those Words of *St. Paul*, (a) *I beseech you, that you walk worthy of the Vocation wherewith ye are called* (b). The Preacher insists very much on the necessity of Learning and Knowledge in the Prelates. *When a Prelate is consecrated*, says he, *they ask him if he knows the Old and New Testament? I'll be judg'd by most of them whether they can affirm it with a safe Conscience.* He urges the Necessity of the Reformation of Manners with the same Vehemence; and after having levell'd to the Clergy of his Time, a great many very sharp Arrows, which *St. Bernard* in his Commentary upon the *Song of Songs*, had let fly at the Clergy of his Time, he concludes his Moral Reflections by saying, that as God anciently reserved to himself seven Thousand Men that had not bent the Knee to Baal, he hopes there will be found, in so general a Corruption, some good Clergymen who will seriously exert themselves for the Reformation of the Church. But at the same Time, this Preacher throws an unhappy Obstacle in the Way, by granting, as he does an unlimited Power to the Pope, and by maintaining, that he is the Universal Head of the whole Church, the Bishop of Bishops, has the immediate Cure of every Believer's Soul, and is the Ordinary of Ordinaries.

V. d. Hard.  
T. IV. p.  
498. fin.  
Sermon upon the Reformation.  
15 Sept.  
(a) Epbes.  
iv. 1.  
(b) This is the Version of Richard Simon.

1415.  
 The NINE-  
 TENTH  
 SESSION  
 of  
 Jerome of  
 Prague's Re-  
 cantation.  
 Sept. 23.  
*Infamatus  
 sum.*  
*W. d. Hardt.*  
 T. IV. p.  
 479.  
*The bald.*  
 chap. 21.

XXXI. JEROME of Prague's Recantation took up great Part of this Session, because the Articles of *Wickliff* and *John Hus* were again read over in it, to the end that *Jerome* of Prague might anathematise them in a publick Manner. The Cardinal of *Cambray*, one of the Commissioners, read the Act of Recantation, written in *Jerome's* own Hand, and drawn up in these Terms: ' I *Jerome* of Prague, Master of Arts, acknowledging the True Catholick and Apostolical Faith, do anathematise all Heresies, and especially that wherewith I have been hitherto infected, and which *John Wickliff* and *John Hus* taught in their Sermons and Books, and for which the Sacred Council has condemn'd them as Hereticks, as well as their Doctrines and Works, but especially certain Articles express'd in the Sentence of the said Council. I declare with my Lips, and from my Heart, that I accord in all Things with the Holy *Roman* Church, and the Apostolick See, and that I believe every thing in General, and in Particular, that the said Church and the said Council doth believe, especially touching the Keys, the Sacraments, Orders and Offices, and Ecclesiastical Censures, Ceremonies, and all things appertaining to the Christian Religion, acknowledging that many of the above Articles are notoriously Heretical, and long ago condemned by the Holy Fathers, some Blasphemous, others Erroneous, others Scandalous and Offensive to pious Ears; and others, in short, rash and seditious, and, as such, condemned by the Sacred Council, which has forbid all Catholicks to hold and teach the said Articles, on Pain of being accursed.'

THEN *Jerome* of Prague, after a Speech to the Council, wherein he entreated them to accept of that Offering which, he said, he made with all his Heart, read the Recantation himself, with a loud Voice. After he had read it, he declared, that if he had been better informed, he would never have held those Errors; that however, he had not maintained any thing obstinately against the Doctrine of the Church, but only for Argument sake, and for want of due Information; and that in short, he did not make this Declaration from Compulsion because he was in Prison, but that he should have done the very same thing if he had been at his full Liberty. When he comes to explain himself more minutely as to certain particular Articles, especially the *Universal a parte rei*, he says, that he did not obstinately maintain it, and as a Doctrine necessary to Salvation, but for Argument sake; and that he did not propose to raise this System above all others. When he was reproached with having described a triangular Figure, which he called the *Buckler of Faith*: He answered, that when he made this Figure, he did not pretend that the *Universal a parte rei* was an Article of Faith, but that he thereby only meant the Article

of the Trinity. When he was upbraided with having ascribed Faith to the Church Triumphant, he declared, that he did not mean Faith properly so called, but the Knowledge which is above Faith, and proceeds from the Beatifick Vision. As to *John Hus* he protested, as he had already done, that he did not believe at first, that the Articles imputed to him were his; but that when he had read them himself in that Doctor's own Hand-writing, he owned, that they had been justly condemned as extravagant and heretical. In fine, he promised and swore, by the Holy Trinity, and by the Holy Gospels, to persist always in the Truth of the *Catholic Faith*, and anathematized those who believed the contrary; adding, that if ever any Doctrine should slip from him, contrary to his Recantation, he would submit to the severity of the Canons, and to everlasting Punishment (a). (a) *Theobald. Bel. Hus. Cap. XXL*

Liberty than before.

P. 54.

THIS done, several Decrees were read, one of which related to the Friar *Minors* (1), of *strict Rules* on the one Hand, and to the other Friar *Minors*, of *common Life* on the other Hand. This Regulation, which had been drawn up by the Cardinals of *Ursins* and *Cambray*, and other Deputies in this Affair, contained in Substance, That at the Request of several Guardians and Friars of the Conventual Order (2), of several Provinces of *France*, who complained of the Obstructions to the Observation of the strict Rules (3). The Council, to remedy it, orders, that the Conventual Friars, of the Monasteries specified in the Bull, may chuse, each in his Province, a Friar of the said strict Observance, who shall be presented, by a Note to the Father Provincial, who shall appoint the said Friar for his Vicar, to the End, that he may govern the Monks in his Stead, and make all the Provision for them that is necessary. So that the Provincials, or Guardians (*Custodes*) shall no longer meddle with the Government and Correction of the Friars, because this Care will belong to the Vicars; only the Provincial, in order to keep up his Authority, may, if he pleases, visit them in Person, and punish what deserves Punishment, with the Consent of the grave Persons of the Convent where the Visitation shall be made. And if the Provincial refuse to establish such Vicar in the manner proposed, the Vicar of

(1) These are Friars of the Order of *St. Francis*, which was instituted in the Beginning of the XIIIth Century, and afterwards divided into several Branches.

(2) Pope *Innocent IV.* ordered, that the Friar *Minors* should be called *Conventuals*.

(3) The Author of the History of the *Regular and Secular Clergy*, printed at *Amsterdam* in 1716, which ascribes the Rule of strict Observance to *Bernardine*, in 1419, was mistaken, for here we find it already established in 1415.

E e e e

the

1415. the Father General of the Order, shall appoint the Friar who has been presented, to be the Provincial's Vicar.

Declaration of the Council concerning the Safe-Conducts granted to Hereticks by Temporal Princes: XXXII. THE following Decree is of greater Importance, because the Council therein explains itself upon the Validity of the Safe-Conducts granted to Hereticks by temporal Princes, in these Terms: 'The present Synod declares, that every Safe-Conduct granted by the Emperor, Kings, and other temporal Princes, to Hereticks, or Persons accused of Heresy, in hopes of reclaiming them, ought not to be of any Prejudice to the Catholick Faith, or to the Ecclesiastical Jurisdiction, nor to hinder, but such Persons may, and ought to be examined, judged and punished, according as Justice shall require, if those Hereticks refuse to revoke their Errors, even tho' they should be arrived at the Place where they are to be judg'd only upon the Faith of the Safe-Conduct, without which they would not have come thither. And the Person who shall have promised them Security, shall not, in this Case, be obliged to keep his Promise, by whatsoever Tye he may be engaged, because he has done all that is in his Power to do.' To this Decree 'tis necessary to add another, which relates to the Safe-Conduct of *John Hus* in Particular. This Decree, which is not in the printed Acts, is to be seen in MS. in the *Vienna* Library: It runs thus, Word for Word.

*V. d. Hard.*  
T. IV. p.  
521, 522.  
ExCod. MS.  
Vind. Dor-  
riano.

" WHEREAS there are certain Persons, either ill-disposed, or over-wisely beyond what they ought to be, who in secret and in publick, traduce not only the Emperor, but the sacred Council; saying, or insinuating, that the Safe-Conduct granted to *John Hus*, an Arch Heretick, of damnable Memory, was basely violated, contrary to all the Rules of Honour and Justice; though the said *John Hus*, by obstinately attacking the Catholick Faith, in the Manner he did, render'd himself unworthy of any manner of Safe-Conduct and Privilege (1); and though according to the Natural, Divine and Human Laws, no Promise ought to have been kept with him, to the Prejudice of the Catholick Faith: The sacred Synod declares, by these Presents, that the said Emperor did, with regard to *John Hus*, what he might and ought to have done, notwithstanding his Safe-Conduct; and forbids all the Faithful in General, and every one of them in Particular, of what Dignity, Degree, Preheminence, Condition, State or Sex they may be, to speak Evil in any Manner, either of the Council, or of the King, as to what passed with regard to *John Hus*, on pain of being punished, without Re-

(1) Nec aliqua sibi fides aut promissio rit in præjudicium Catholice Fidei ob-  
servanda.  
d: jure naturali, divino & humano fuc-

" mission,

“ mission, as Favourers of Heresy, and Persons guilty of High Treason’ (1).

1415.

MANY Remarks might be made upon these two Decrees, if one were to examine them, either as a Civilian or a Casuist: But to descant upon them Historically, they seem to have come a Day after the Fair. The Emperor’s Safe-Conduſt was not violated so much by the Execution of *John Hus*, as by his Imprisonment. For, if after an Examination, according to due course of Law, the Council had found *John Hus* a Heretick, they were in the Right, according to the Usage of those Times, to sentence him to the Flames, and to deliver him over to the secular Arm. But to imprison him before they had examined him; and even after he had declared, that he would submit to the Council, and that he was ready to retract as soon as he should be convicted of Heresy, was a notorious Infraction of the publick Faith. The Council therefore ought to have declared at first, as they do now, that the Ecclesiastical Jurisdiction being above the Civil Jurisdiction, the Safe-Conduſt of a Temporal Prince does not hinder an Ecclesiastical Tribunal from disposing of the Person of a Heretick, or one suspected of Heresy, in the manner they think fit. But this Decree did not appear then; they only gave the Emperor to understand, in private Conferences, that his Safe-Conduſt did not bind him to any thing, and that he was actually in the wrong to grant it; as the Emperor himself explained it in full Council. Probably they waited for the Opportunity of his Absence, to put the Affront upon him of publickly declaring, that his Safe-conduſt was void. What the other Decree imports, viz. that *John Hus* had render’d himself unworthy of any Safe-Conduſt, because he obstinately opposed the Catholick Faith, is a very bad Reason. For the Council could not judge *John Hus* to be an obstinate Heretick, till he refused to recant, after his Examination; and till then he was worthy of a Safe-Conduſt. So that the Excuse of the Council is absolutely null, at least with regard to the Imprisonment. Moreover, what the Decree says, viz. that according to the Laws Natural, Divine and Human, *no Faith ought to have been kept with John Hus, to the Prejudice of the Orthodox Faith*, is of a very general Consequence. For unless it can be proved, that the Case of *John Hus* was different from that of all other Hereticks, it follows clearly from thence, that no Faith or Promise ought to be kept with any Heretick whatsoever. Therefore they ought not to be so much cry’d out against, who have advanced, that the Church of *Rome* teaches, that Faith ought not to be kept with Hereticks, because, if they have not taught it

(1) The Reader will find both of these this Work. See also the *Apel. gy of the Safe-Conduſts*, in Latin, at the End of *Council of Constance*, p. 15, 19.



1415.  
Dupin's Li-  
brary of Ec-  
clesiastical  
Authors.  
T. XV. p.  
126, 189.

in so many Words, they teach it however by a clear and necessary Consequence. But they who have inveigh'd against this Accusation, as a Calumny, had not, in all likelihood, seen the latter Decree, which relates to the Safe-Conduſt of *John Hus* in particular. I doubt not but it had been seen by the Protestants of *France* and *Germany*, at the Time of the Council of *Trent*. *Catherin de Medicis* said openly, to the Cardinal of *Ferrara*, Legate in *France*, that the Protestants, before they came to the Council, demanded the Abolition of the Decree of the Council of *Constance*, which says, *That the Ecclesiastical Judges may proceed against Hereticks, who come under the Safe-Conduſt of Temporal Princes*. This may, indeed, relate only to the General Decree; but the following Circumstance, makes it appear to relate to the particular Decree, namely, that the Elector of *Saxony's* Orator declared, in the same Council of *Trent*, that the Protestant Divines of *Germany* were not yet come to the Council, because of a certain Declaration of the Council of *Constance*, which says, that *Faith ought not to be kept with Hereticks, nor Persons suspected of Heresy, though they are furnished with Safe-Conduſts from the Emperor and Kings*. And *John Cochleus* could not but be of Opinion, that this was the Sentiment of the Council of *Constance*, because, he says expressly in his History of the *Hussites*, that when the Emperor was for setting *John Hus* at Liberty, the Fathers represented to him, that *Faith was not to be kept with Hereticks*. I have elsewhere brought these two Decrees as an Instance to prove, that *John Hus* had no Design to fly from *Constance*, because, if this Fact had been certain, his Adversaries would not have failed to insist upon so substantial a Reason for justifying the Violation of the Safe-Conduſt, as all the *Roman Catholick* Authors have done since, upon the Authority of *Rechenthal* and *Cochleus*. We will return to the Session.

*N. d. Har.*  
T. IV. p.  
523.

AFTER these Decrees, one was read, which confirmed the *Caroline* Constitution, or Bull, in Favour of the Immunities of the Clergy, and which ordered the Vice-Chancellor of the Church to expedite Letters for the Execution of that Bull. In the XIIIth Century, the Emperor *Frederick II.* had published a Constitution in Favour of the Clergy, against the Incroachments of the Laity, who seized their Estates, or attempted their Persons. This Constitution was afterwards confirmed, and ratified by a Bull of Pope *Honorius III.* probably after his Reconciliation with that Emperor whom he had excommunicated: Since that, at the Request of the Clergy of *Magdebourg*, *Mentz* and *Cologne*, it was renewed and amplified, by the Emperor *Charles IV.* and for this Reason it was called the *Caroline* Bull: 'Tis dated at *Tangermunde*, in 1377. *Boniface IX.* ratified it in 1391, at the Request of the Clergy of *Brunswick*, *Hildesheim* and *Halberstadt*, by a Bull directed from *Rome* to the *Bishops of Minden*.

den and Verden (1). In Pursuance of these Imperial and Papal Ordinances, and at the Request of the Bishop and Clergy of *Constance*, the Council repeals and makes void all Invasions, Vexations, and other Incroachments made upon the Laws, Liberties and Immunities of the Clergy, since *Urban VI.* (a) Mention shall also be made of this Bull hereafter.

(a) See the Bull of the Council, and that of *Boniface IX. Conc. de Labb, p. 274, &c.* and *V. d. Har. T. IV. p. 523, 528.*

MEAN while, the Decree of this Council, in this respect, runs as follows: 'As in the General Councils, especially in the Lateran Council, some Constitutions were wisely made concerning the Ecclesiastical Liberties, to which *Frederic II.* of pious Memory, according to the Zeal with which he was then animated for the Church of *Rome*, added some others, which were confirm'd by Pope *Honorius III.* of happy Memory: Whereas, moreover, the Emperor *Charles IV.* of pious Memory, confirm'd the said Constitutions, and thereto added others in Favour of the Ecclesiastical Liberties, which are to be met with in the Chancery of the Church of *Rome*, this Sacred Synod decrees and orders the Vice Chancellor of the said Church to dispatch Letters in due Form, for putting those Constitutions in Execution.

AFTER this, another Decree was read, which appointed the Patriarch of *Constantinople*, and the Bishop of *Senlis* (2), Commissioners for the Examination of the *Hussites*, and of *Hussitism* in *Bobemia* and *Moravia*, as well as of other Heresies which might arise from it, and of criminal Causes which might result from it, with Power to summon before them all Persons suspected of such Heresy, and to judge them to a definitive Sentence exclusively; and this, notwithstanding the Commission which had already been appointed, to take Cognizance of all Heresies in general.

ANOTHER Decree ordered, that beneficed Persons, who came to the Council, should enjoy their Benefices as much as if they resided in them, because they were only absent for the general Good of the Church. At last it was order'd, that all Provisions and Promotions, dispatch'd by *John XXIII.* down to his Suspension from the Papacy, should be ratify'd in the Name of the Council, by the Cardinal de

(1) We have already seen who was at that Time Bishop of *Verden*. The Bishop of *Minden* was *Willebrand*, Count of *Hallermund*, Abbot in *Commendam* of *Corwey*, who worthily governed this See till his Death, which happened in 1437. *Ecl. Hist. of Germany, T. I. p. 385.*

(2) This was *Peter Placul*, who in 1418 was cruelly murder'd at *Paris* by the *Burgundian* Faction, with the Chancellor *Henry de Matle*, the Archbishops of

*Rheims* and *Tours*, the Bishops of *Eureux*, *Xaintes*, *Laon*, *Lisieux*, *Coutance*, the Abbat of *St. Denys*, the Abbat of *St. Corneille de Compiègne*, the Count de *Grand-Pre*, several Counsellors, Presidents in Parliament, Masters of Requests, divers other Persons of Quality; and finally, the Constable of *Arenagnas*, whose Throats were cut there without Mercy. *Gall. Christ. T. III. p. 1021. Father Daniel's History of France, T. III. p. 893.*

*Viviers,*

1415.

*Viviers*, Vice-Chancellor of the Church of *Rome*, unless it appear'd from the Records of the Chancery, that there had been any Canonical Obstruction to the said Preferments. The Bishop of *Annecy* protested against this latter Clause for himself, and for the Archbishop of *Spalato*; and after his Protestation was register'd, they separated.

V. d. Har.  
T. IV. P.  
532.

October 2.

WE left *Benedict XIII.* at *Perpignan*, in Conference with the Emperor and the King of *Arragon*; the News of which was so welcome to the Council, that *Te Deum* was sung, and all the Bells of the City rang for Joy.

Letter from  
the Deputies  
of *Cologn* to  
that Univer-  
sity.

XXXIII. IT appears indeed, by the Letter from the Deputies of the Univerfity of *Cologn*, that the Council had conceived great Hopes from this Interview. The Letter follows; 'Yesterday we received the News of the Arrival of our King, (*the King of the Romans*) on the 19<sup>th</sup> of *September* at *Perpignan*, where the King of *Arragon* and *Benedict* waited for him, tho' several dissuaded *Benedict* from going thither, for fear that the Interview should not prove to his Advantage. As soon as the King arrived, he went to the Castle, where he was very honourably received by *Benedict*. There the King had a private Conference of above two Hours with *Benedict*, who shed so many Tears, that the King took it for a sure Prefage of his good Intentions. Next Day, the King (of the *Romans*) went to pay a Visit to the King of *Arragon*, whom he found in Bed, expecting another Fit of his Fever; but such was his Joy at the King's Presence, that he had none that Day (1). In short, all the Talk every where is of the great Honours and magnificent Presents which *Sigismund* has received from *Benedict*, the King of *Arragon*, and the City. After those Interviews of Ceremony, they enter'd upon the Affair of the Union, and according to the Accounts we have received, we may depend on a favourable Issue. (a)

(a) *Marten*  
*Anecd.* T. II.  
P. 747.

MEAN time, *Windeck*, a Privy-Counsellor of *Sigismund*, and who probably was one of his Retinue, relates what pass'd at *Perpignan* very differently. He says indeed, that the King his Master was very well received by the King of *Arragon*, by the Infante, and by the City of *Perpignan*; and that they even vow'd to be true to him, (*fidem dedere publicam*); but he adds, that *this favourable Reception was a very great Eye-sore to Benedict, who however was not able to do Sigismund any Hurt, because the King of Arragon binder'd him.* The same Historian says afterwards, that the Kings of *Spain* and *Castille* arrived at *Perpignan*, to consult with the King of *Arragon* upon the deposing of *Benedict*; but that all this had no Success. I will here give the Fact in his own Words: 'But, says he, 'twas all to no pur-

(1) The Physicians dissuaded the King of *Arragon* from going to *Perpignan*, because he was too dangerously ill to undertake the Journey.

pose, because while they held their Conferences, a great Fire hap-  
pen'd at *Perpignan*, which oblig'd *Sigismond* with his Attendants to  
take Arms, because he was afraid of Murders and Robberies, there  
being a Skirmish at that very Time in the Town, between the *Cat-*  
*alans* and the *Spaniards*. But the Infante of *Arragon* came to make  
*Sigismond* easy, and falling at his Feet, protested to him, that both  
he and his Father were ready to sacrifice their Lives for the Pre-  
servation of his.' *Windeck* upon this Occasion relates a very im-  
portant Particular, viz. That while *Sigismond* was at *Perpignan*, there  
came a Counsellor from the Duke of *Austria* and his Chancellor, with  
two other Men, on purpose to dispatch the King of the *Romans* with  
a Dose of Poison, which the two latter had prepared at *Constance*.  
Mean time, the King's Friends having Advice of this Conspiracy,  
sent some Deputies to *Perpignan*, who arriv'd there two Days before  
the Plotters; and when the King had read those Letters which made  
the Discovery, he immediately sent the Duke's Ambassadors away.  
*Windeck* says, (1) that from *Perpignan*, *Sigismond* went to *Lyons*, where  
he was magnificently received: Be it as it will, we shall soon hear  
that the Joy for this good News, which came from *Arragon*, was of  
no longer Duration, than that which was occasion'd by the Recan-  
tation of *Jerome* of *Prague*, of which immediately.

1415.

XXXIV. IT was much about this time, that the Council received a  
Letter from *Ladislaus*, King of *Poland*, and *Alexander Withoud*, Great  
Duke of *Lithuania*, with three new Ambassadors, whom those Princes  
sent to *Constance*. This Letter contains, 1. Exhortations and Encourage-  
ments, constantly to push the Affair of the Union without being dis-  
couraged by the Difficulties and Obstacles which *Sigismond's* Absence  
might multiply. 2. They give Advice to the Council, of the Resolution  
which they have taken to bring the Schismatics in their Dominions  
into the Pale of the Church, and to convert what *Pagans* still re-  
mained; and they demand the Advice and Assistance of the Council  
in this Design. 3. They make known to the Council, that as soon as  
they heard of the Defeat of the *Hungarians* by the *Turks*, they wrote  
Letters to the Archbishop of *Strigonia*, Viceroy of *Hungary*, and to  
the other Bishops and Barons of the Kingdom, to offer them all the  
Assistance they could spare upon this unhappy Occasion: That not  
being able to furnish Troops in *Hungary*, by reason of the Wars, in  
which they themselves were engaged, they had sent Ambassadors to  
the *Great Turk*, and others into *Bosnia*, with Orders to declare to the

Letter to  
the Council  
from the  
King of Po-  
land and the  
Duke of Li-  
thuania.

(1) *Windeck*, cap. 65, 66. Another MS. of the same History reports, Cap. 59, that *Sigismond* staid three Weeks at *Avignon*, where his Expences were defray'd by the Inhabitants, who besides made

him a Present of 3000 *Florins*; and that from thence he went to *Lyons*, from whence he sent *Windeck* into *Savoy* for Money.

Grand

1415. *Grand Seigneur*, who was called *Cbristian*; that as they were strictly allied with *Sigismond*, they were resolved to support him with all their Power, and to resent all Injuries and Damages done to him, as much as if they were done to themselves. Those Ambassadors were instructed to engage the *Turk* to suspend his Hostilities in *Hungary*, to release the Prisoners upon Security, and to consent to a Truce, till the Conclusion of a perpetual Peace. 4. That if upon the Expiration of the Truce, a Peace could not be concluded, they were resolved to join their Forces with those of the King of the *Romans*, to drive the *Turk* from *Hungary*. 5. As Rumours had been spread, that the Slaughter and Massacres in *Hungary* were committed by the Consent, or at least by the Connivance of the King of *Poland* and the Duke of *Lithuania*, they protest their Innocence of that Matter (1).

Sermon of the Bishop of *Lodi*, concerning the Reformation.

XXXV. SOME Days after this, *Landolphus de Maramaur*, Cardinal-Deacon of *St. Nicholas in carcere*, better known by the Title of the Cardinal *de Bari*, because of the Archbishoprick of that Name, which he held before he received the Purple, died at *Constance*. As we have already given some Account elsewhere of his Negotiations in several Dominions of *Europe* under divers Popes, and as we actually made mention of his Death before-hand, we should not have repeated it here, had it not been for the Sermon which the Bishop of *Lodi* preached upon the Day of his Funeral, from those Words of *Isaiab*, (a) *Set thine House in Order, for thou shalt die (a)*. In this Sermon the Prêlate does not say one Word of the Cardinal, but he enlarges very much upon the Vices of the Clergy, and upon the pressing Necessity of reforming their Manners. Upon this he says Things that are exceeding harsh, and it must be a great Confusion to so venerable an Assembly, to see their own Pictures so often drawn in such strange Colours, and by the very Members of the Council. ' Instead, says he, of our setting an Example, as we desired, to the Laity, it will unavoidably happen very soon that the Laity will teach us how to live. For don't we observe in Laymen more Gravity, more Decency, and more Probity in their Manners and Conduct; more Respect and Devotion in the Church, than among the Clergy themselves? ' No wonder therefore, if the Temporal Princes persecute us, if they strip us, if they despise us, and make us a publick Laughing-Stock. ' 'Tis a just Judgment of God who will not suffer this Persecution to cease, till we put a Stop to the Cause of it, that is to say, till we lead other-gueſts lives.' He afterwards represents the Clergy so plunged in excessive Luxury, and the most beastly Incontinency, that he thinks if *Diogenes* were to seek for a Man among them, he would

October 25.

(a) *Isaiab* xxxviii. 1.

V. d. Har. T.V. p. 123. #24.

(1) The Letter is dated the 18th of *October*, but the Year is not specify'd. *Martens Anecdotes*. T. II. p. 1651, 1653. Among other Titles, the King of *Poland*

find

find none but *Black Cattle and Swine*. The Bishop of *Lodi* had been speaking of the ill Treatment of the Clergy by the Laity, of which a very tragical Instance happened two Days after: For a Priest of *Constance*, that had just been saying Vespers, was assassinated in the open Street by a Citizen on Horseback, who, after he had struck the Blow, rode off full speed. It was but too natural for such Accidents to happen in so great a Crowd of People, and at a Time when the Clergy, by their ill Example, gave full Toleration to the Laity, of whom they did not come short in Acts of Violence, any more than in all other Enormities.

1415.

October 28.  
V. d. Hardt  
T. IV. P.  
533.

XXXVI. THE Clergy were as severely lashed, in a Sermon which was preached the *Sunday* following by an *English* Doctor, named *Hottric Abendon*, Divinity Professor at *Oxford*: He had chose for his Text those Words of *St. Paul*, *Be ye filled with the Fruits of Righteousness*. I don't find so much Rhetorick in it, as there was in most of the Sermons of that Time, though it had even more Ornaments than the Gospel Simplicity requires: But it had more of Method and Solidity than was generally to be met with in the Pulpit Oration of those Days. He divides his Discourse into two principal Articles, with respect to the two Orders of Men; *viz.* Inferiors, by whom he chiefly understands the Monks; and Superiors, by whom he understands the Prelates, and the other Pastors of the Church. Of the Inferiors, he demands the *Fruits of Filial Obedience*; and of Superiors, the Fruits of sound Doctrine, and good Discipline. Among the Inferiors, who fail in the Duty of Filial Obedience, he ranks the Monks, or other Friars, who want to be exempted from the Jurisdiction of their ordinary Superiors, and Hereticks, who depart from the Faith of the Catholick Church. He is very short upon this latter Article, and the whole Stress of his Discourse upon this Head, lies in this Passage of *St. Austin*, *I would not believe the Gospel, if I was not obliged to it by the Authority of the Church*. But he does not so slightly pass over the Monks, and other Clergymen exempted by the Popes from the Jurisdiction of their Ordinaries. Hereupon he does not forget a beautiful Passage of *St. Bernard*, which was several times quoted in the Council against Exemptions of this sort. ' *There's nothing more unworthy of you, says St. Bernard (1) to Eugene III. than thus to deprive the Church of her Members. From thence come Quarrels, Enmity and Division among the Churches. 'Twere a monstrous Thing, to bind the Finger immediately to the Head: Yet you do no less, when you range the Members of the Mystical Body of Jesus Christ in another Order than he himself has done. Verily, if an Abbat says, I do not care to depend*

Another Sermon concerning the Reformation. October 29. Philip. i. 11.

Towards the middle of the twelfth Century.

(1) The Passage is taken out of the *Treatise of Consideration*. Book 3.

1415. *upon my Bishop, this Language does not come from Heaven; for an Angel was never heard to say, I desire not to be under the Archangel Michael, I will have none to depend on but God alone, &c.* As it was in the Age of St. Bernard, that the Popes began to claim immediate Jurisdiction over Monasteries and Monks, there were very great Debates for and against the Exemptions. The *English Preacher* had a particular Reason to oppose it, because the Monks had, for a long while, disturbed *England* with their Claim of Independency, as appears by a Letter from *Peter of Blois*, written in the Name of *Richard, Archbishop of Canterbury*, to *Alexander III.* against the Abbat of *Malmsbury*, who aimed to withdraw himself from the Jurisdiction of his Bishop.

Dupin, Bibl.  
T. IX. p.  
271.

AFTERWARDS *Dr. Abendon* passing to his second Point, which relates to the Bishops, and other Superiors, he exhorts them to cultivate the Study of the Holy Scriptures, Divinity and Morality, instead of the *litigious* and *lucrative* Science of the Canon Law. There are very severe Lashes here upon the Ignorant and Sensual Clergy, who, instead of residing at their Churches, went to live in the great Towns, in Effeminacy and Pride: He very ingeniously applies this Passage of the *Proverbs* to them, *My Husband is not at home, he is gone a long Journey; he hath taken a Bag of Money with him, and will not return till the full Moon.* That is, says the Preacher, in *Autumn*, when the Granaries and Cellars are full, that he may come back with a full Purse, to buy several fat Benefices. This gives him occasion to inveigh against Non-Residence, and against the Simony of the Prelates. The Sermon concludes with an Exhortation to the Fathers, to chuse a Learned, Virtuous and Austere Pope, to the End, that he may be able to correct the great Abuses which then prevailed.

Prov. vii. 19,  
20. accord-  
ing to the  
Port-Royal  
Version.

XXXVII. THO' *Jerome* of *Prague* had made a very formal Recantation, yet he was remanded to Prison, and had only a little more Liberty allowed him than before, as was just now said. Besides, at the Solicitation of *Michael de Causis*, and *Stephen Paletz*, new Accusations were come to *Constance* against him, which were exhibited at *Prague* by the *Carmelites*, who strenuously solicited that he might be heard over-again. His Judges, who were the Cardinals of *Cambray*, *Ursins*, *Aquileja* and *Florence*, represented in vain, that it was doing him a piece of Injustice to detain him a Prisoner, and that it was absolutely necessary to set him at Liberty, because he had obeyed the Council. This Equity only served to render those Cardinals suspected by the Enemies of *Jerome* of *Prague*; and it is even said, that there was one *Naso*, who took the Liberty to speak to the Cardinals in these Terms. 'We are very much surprized, most Reverend Fathers, that you should offer to intercede for this wicked Heretick, who has done us so much Mischief in *Bohemia*, and by whom you your

*Jerome* of  
*Prague's* Re-  
cantation be-  
comes sus-  
pected.  
*Op. Hus*, T.  
II. Fol. 351,  
352.  
*Ibecbald*,  
C. XXIII.

‘ your selves may be Sufferers. I fear, that you have received Pre-  
 ‘ sents from these Hereticks, or from the King of *Bohemia*.’ These  
 Contradictions obliged the Cardinals to desire their Discharge, and  
 other Commissioners were appointed, at the Head of whom was the  
 Patriarch of *Constantinople*, who had been one of the most zealous So-  
 licitors for the Punishment of *John Hus*. On the other Hand, *John*  
*Gerson* abated nothing of his ordinary Zeal for the Condemnation of  
 Hereticks, and compos’d a Treatise upon it with this Title, *Juge-October 29.*  
*ment, &c. i. e. Some Thoughts concerning Protestations, or Recantations, Op. Gers.*  
*in matters of Faith, to clear a Person of Heresy.* Tho’ *Jerome* of *T. I. p. 23.*  
*Prague* is not named in it, yet the sole Tenor of the Discourse was,  
 to render his Recantation suspected. But to me it seems so perplexed,  
 and so full of obscure Distinctions, that I don’t very well see what  
 Use the Council could make of it. Be it as it will, *Jerome* of *Prague*  
 will soon bring his Accusers off, by the disowning of his Recantation.  
 Proceed we to the Twentieth Session.

XXXVIII. THE Cardinal of *Ostia* presided in it as usual, and  
 the Bishop of *Cefale di* (1) celebrated the Mass. The Elector *Pala- TWENTIETH*  
*atine* supply’d the Place of the Emperor. It was observed at the Begin- SESSION.  
 ning of this History, that very heavy Complaints came to the Coun- *N. v. 6. V.*  
 cil of *Constance*, against *Frederic* Duke of *Austria*, on the Part of *d. Hard. T.*  
 several Persons, both Clergy and Laity. The Bishop of *Trent* (2) in *IV. p. 533.*  
 particular complain’d, that the Duke, not satisfied with having de-  
 prived him, for nine Years, of his Bishoprick, and of all the Cities,  
 Castles, and other Dominions to him belonging, had cruelly commit-  
 ted him to Prison, and extorted several Promises and Oaths from  
 him, to the Prejudice of the Ecclesiastical Liberties. The Emperor  
 had instanced in these Acts of Violence, among other Motives which  
 had engaged him to prosecute the Duke as a publick Enemy, and  
 when the Duke came into Favour again with the Emperor, he so-  
 lemnly promised to refer absolutely to his Decision all Complaints  
 that had been made, or might be made against him, and in general, *V. d. Hard.*  
 to yield up to him all the Demands which he might have upon any *T. IV. p.*  
 Estates, or against any Persons whatsoever. In pursuance of this En- *160, 161.*  
 gagement, the Emperor had ordered the Duke to restore to the Bi-  
 shop all that he had taken from him, and to re-establish him in his

(1) An Episcopal City of *Sicily*, Sufragan to *Messina*.

(2) He is called one while *George*, at another time *Gregory*, in the Acts of *Germany*, collected by *M. Von der Hardt*. I find no Bishop of this Name in the Ecclesiastical History of *Germany*. The Author of it indeed speaks of a Bishop

of *Trent* called *George de Liechtensteyn*, who, according to him, dy’d with *Poyson*, about 1410. But probably he is mistaken, for *Gerard Roo*, in his *Annals* of *Austria* declares, that *George de Liechtensteyn* was still living, about 1414. This is the Person treated of in this Session.



1415.  
V. d. Hardt.  
T. IV. P.  
539.

Bishoprick. But whether the Duke was not in a Condition to be obey'd upon this Head, while he was a Hostage at *Constance*, and while his Brother *Ernest* was Master of *Tirol* in his Absence, or whether he made that a Pretence for not keeping his Word, the Bishop still remained a Prisoner, and degraded. This it was that induced the Council to judge of this Affair in the Absence of the Emperor, but probably by his Approbation.

THE ACTS do not mention the Cause of the Imprisonment of the Bishop of *Trent*, and of his Quarrels with *Frederic*; but we may be informed of this from *Gerard de Roo*: "About that time, says this Historian, there were great Disturbances at *Trent*. Some of the Laity openly murmured at the Choice which the Clergy had made of *George de Liechtensteyn* for their Bishop. They had a certain Lord at their Head, named *Rodolph* (1), who hoped to put himself in the Bishop's Place. It was even thought, that all this was not transacted without *Frederic's* Privity. As this Duke acted with a great deal of Pride, and began to grow troublesome to the Bishop, *Henry de Rottembourg*, who was bound to the latter by the Tyes of Blood and Friendship, marched to *Trent* with his Troops, took the Town, destroy'd it with Fire and Sword, and caused *Rodolph's* Head to be struck off. But *Frederick*, on his Part, being incensed at such an Enterprize against an inoffensive City, made hast to *Trent*, with a strong Force, and the Bishop being out of the Town, the Burghers put themselves under the Archduke's Protection" (a).

(a) *Gerard Roo*, Hist. *Aust.* Lib. IV. p. 135.

THE Affair being therefore referred to the Council, the Advocates both of the Duke and the Bishop appeared at this Session. *Ardecin de Novara*, who was *Frederic's* Advocate, represented, that his Master's Affair had hitherto been neglected, as to the main of it; that nothing had been argued but Exceptions against the Jurisdiction; that he could never obtain a Hearing, though he had earnestly desired it, and that he desired it once more. On the other Hand; *Gaspard of Perusa*, who was the Bishop's Advocate, asserted, that they had proceeded in this Cause according to the Evidence of the Fact; that his Adversary had been heard sufficiently, both as to the Principal and Accessory, and that it was then agreed, that the adverse Party had alleged nothing but with respect to the Bill of Exceptions: Upon which he demanded, that the Council might be Judge of the Affair, and that a Monitory might be ordered against *Frederic* of *Austria*; which was executed at the Suit of *John de Scribanis*, Proctor of the Council. The Memorial of the Bishop's Advocate, was drawn up almost in these Terms: 'My most Reve-

(1) *Ex nobili Bellenzonorum gente oriundus*. i. e. He was descended of the noble Family of the *Bellenzoni*.

“rend Fathers and Lords, as it is to no Purpose to pronounce Sentences, if they are not put in Execution, *George*, Bishop of *Trent*, humbly intreats the Sacred Council, in pursuance of the Sentence passed in his Favour, against the Duke of *Austria*, to issue a Monitory to oblige the said Duke, and other Usurpers of the Church, and of the City of *Trent*, of what Rank, Degree, Order or Preheminance soever they be, though Ducal, to restore, within a very short Term, the said City and Church, its Castles, Estates and Prerogatives, on the Penalties enjoyed by the Constitution of *Frederic II.* and *Charles IV.* and authorised by the Apostolick See.”

1415.

XXXIX. THE Monitory against *Frederick* of *Austria* and his Accomplices, was read afterwards in this same Session, and consisted of these principal Heads. 1. The Council commands all Patriarchs, Arch-Bishops, Bishops, Abbats, Priors, Provosts, Deans, Chanters, School-Divines, Canons of Cathedral and Collegiate Churches, all Priests, Clerks, Notaries and publick Scriveners in *Germany*, *Italy*, and every where else, that six Days after the Receipt of this Monitory, they require and warn the Duke of *Austria*, and all other Usurpers of the Church and City of *Trent*, and their Appurtenances, by applying to their Persons, if they can come at them; if not, that this Edict shall be published and affixed on our Part, at the Gates of the Cathedral Churches of *Constance*, and the neighbouring Places; at the Gates of *Aquileja*, *Saltzbourg*, *Frisingen*, *Augsbourg*, (1) *Brixen* (or *Bressenon*) in *Tirol*, and of *Coire* (2). 2. That in case of Disobedience, Duke *Frederick* be depriv'd of all the Estates which he holds as Fiefs of the Church and Empire, and declared incapable, together with his Male Issue, to the second Generation, of possessing any Fiefs, Offices and Benefices, stripp'd of all Honour, Reputation and Participation in the Councils of Princes, according to the Penalties inflicted by *Charles IV.* and approved by the Apostolical See, against such Criminals, and sacrilegious Persons, the rather because the Duke has render'd himself guilty of Perjury to the King of the *Romans*; The same Penalties are decreed against this Duke's Accomplices, as well Clergy as Laity. 3. The Council only grants thirty Days time to *Frederick* and the others, after having received the Monitory, really and actually to restore to the Bishop, the Church and

A Monitory  
against the  
Duke of Au-  
stria.

(1) *Anselm* of *Neuningen*, Grand Count of *Augsburg*, was chose by some of the Chapter; mean time the Emperor *Sigismund* having caus'd *Frederick* of *Grasse-neck* to be elected, they were at Law for the Bishoprick above nine Years. Both got themselves to be consecrated, and each posse's'd a Part of the Diocese. But at last, they were both obliged to resign

in the Year 1421, and *Anselm* retired to the Abbey of *Blaubeurn* in the Diocese of *Constance*, where he died in the Year 1428 *Hist. Eccl. of Germany*, T. I. p. 124.

(2) The Bishop of *Cire* at that time, was *Hartman* Count de *Werdenberg*, a Knight of the Order of *St. John* of *Jerusalem*, who died in 1416. *Eccl. Hist. of Germany*, T. I. p. 166.

City

1415.



City of *Trent*, and to indemnify the said Bishop for all his Losses during his Detention; and if necessary, they implore the Assistance of the secular Arm. 4. The Vassals, Nobles, Officers, Captains and Subjects, are ordered to obey *George* their Bishop, six Days after the reading and Notification of the present Edict, and not *Frederick*, or any other whatsoever, and they are absolved from all Oaths of Allegiance which they have taken to others. 5. In case of Disobedience at the end of the Term prefix'd, the Duke and his Accomplices shall be summon'd to appear before the Council eight Days after, and the Nobles, Captains, Officers and Subjects, on the 20th Day after the said Term. 6. If it happen that the Patriarchs, Archbishops and Bishops are guilty of any Contravention in this Respect, in Consideration of their Dignity, the Council only forbids them Entrance into the Church for six Days: And if during those six Days, they do not obey this Interdict, they shall be suspended from their Holy Offices; and if they defy such Interdict and Suspension, they are both now and hereafter excommunicated with the great Excommunication, *execrationis sententia innodamus*, as well as the inferior Prelates, and their Absolution shall be reserv'd to the future Pope (a). After the

(a) *Labbe* Council, T. reading of this Monitory, *John Eling*, *Frederick's* Proctor protested XII. p. 174, against the Act as null.

177. V. d.

*Hardt*. T. IV.

541, 545.

NOTHING more pass'd in this Session, only that the Council order'd the Prelates elect to be consecrated by Authority of the Vice Chancellor of the Church of *Rome*. We don't find this Decree any where, but in a *Vienna* Manuscript.

Embassy of  
the *Samogitians*,  
*V. d.*  
*Hardt*. T. IV.  
p. 546. and  
II. p. 422.  
*Novemb.* 28.  
*(b) Dlugoff.*  
*Hist. Pol.*  
Lib. X. p.  
184. In 1386.

XL. ABOUT that time there arriv'd at *Constance* Ambassadors from *Samogitia* (1) to the Number of about 60. The *Samogitians* after having been for a Time under the Dominion of the *Teutonic* Order, were some Years ago made subject again to *Alexander Witbold* the great Duke of *Lithuania* (b). About two Years ago, those barbarous People had been converted to Christianity, by the Care of *Ladislaus Jagellon*, King of *Poland*, who had been a Convert himself about 30 Years, as was observed in the History of the Council of *Pisa*, wherein the Worship of those Barbarians before their Conversion, is describ'd.

THIS Conversion however was not so general, but there still remained a great many Pagans among them: It was under this Pretence of their Conversion, tho' imperfect, that the Knights of the *Teutonic* Order made an Incurfion into their Country, as well as those of their other Neighbours, with Fire and Sword, in Spite of the *Poles* their Protectors. Therefore the King of *Poland*, in Concert with

(1) *Samogitia* is a Province of *Lithuania*, betwixt *Lithuania* proper, and *Cowland*.

the

the great Duke of *Lithuania*, thought fit to send the *Samogitians* to the Council jointly with his Ambassadors, to implore its Assistance against the Knights, and to desire a Number of Clergymen, who might have the Care of converting such Infidels as still remain'd amongst them. This Embassy tended to produce two good Effects; on the one Hand, it convinc'd the Council, by the Appearance of so great a Number of *Samogitian* Deputies, that their Conversion was not so much neglected as the Knights wou'd have it believ'd. On the other Hand, the Council's sending Missionaries to *Samogitia*, depriv'd the Knights of any Pretence they might plead for ravaging their Lands. As to the last Article, they had all the Satisfaction they could possibly desire; for at the Beginning of the Year following, it was resolv'd in a publick Congregation, to send a Cardinal to them, together with two Suffragans, and three Doctors, effectually to instruct and convert them to Christianity: The Cardinal of *Ragusa* offer'd himself for so pious a Work. As to the other Article, which related to the *Teutonick* Order, the *Samogitians*, after having left the Care of it to the *Polish* Ambassadors, retir'd into their own Country, with the Apostles whom the Council had granted them. Nevertheless, they return'd to the Council not long after, to complain of the Objections which the Knights made against the Council's Mission, under Colour of their Demands upon *Samogitia*: For Dr. *Von V. d. Hardt*, says, upon the Report of *Dacher*, that on the 17th of *June*, the Council declared, that the *Samogitians* shou'd depend hereafter on the Emperor in Civil Affairs, and on their Bishops in Spirituals, and order'd the Knights to let them alone, and not to hinder their Conversion. This Expedient was contriv'd to hinder the *Samogitians* from being a Sacrifice to the continual Struggle, which happen'd betwixt the Duke of *Lithuania* and the Knights, for the Possession of *Samogitia*.

1415.

Febr. 9<sup>o</sup>  
1416.

March 11  
1416.

*V. d. Hardt*.  
619.  
*V. d. Hardt*  
ub. sup. p.  
790.

XLI. OTHER Ambassadors arriv'd much about the same Time from *Poland*, who had Orders to join with the former in soliciting for the Judgment of the Council, relating to the Differences betwixt *Poland* and the *Teutonick* Order: But besides this, they brought a Letter from the King of *Poland*, and the great Duke of *Lithuania*, to the Council, upon several Articles in which those Princes might applaud the Fathers, in the first Place, for the Zeal with which they labour for the Peace and Reformation of the Church, and respectfully exhort them to bring this great Work speedily to its Perfection. Afterwards, they desire their Advice and Assistance for the Conversion of the Infidels in their Neighbourhood, and for the Reunion of the Schismatics; and intreat them at the same Time, to restrain the Violence of those who had hitherto thwarted them in so pious an Undertaking. 'Tis elsewhere said, that the Council had

A new Embassy from Poland, N. v. 25. V. d. Harat, T. IV. p. 548.

1415. written to the King of Poland, to recommend to him the Kingdom of Hungary, into which the Turks had made an Incurfion, and where they had cut in Pieces most of the Hungarian Nobility in the Bloody Battle already mentioned. *Ladislaus* makes his Compliments of Condolence to the Council upon this Loss, and gives them Notice, that till he can join his Forces with those of the Emperor, he has sent an Embassy to the Grand Seignior, to engage him to a Truce of some Years. At the same Time he vindicates himself in very strong Terms, from the Report which was spread, that the Poles were to blame for the Defeat of the Hungarians, and that they had an Understanding with the Turk to sacrifice Hungary to him. Indeed we learn from *Dlugos's Polish History*, that the King of Poland had sent a solemn Embassy to *Sultan Mahomet*, to negotiate the Peace between the Turks and the Hungarians, that the latter had even consented to a Truce for six Yers with *Sigismond*; but that thro' the Hungarians own Folly, the Treaty never took Place: For as one of the Ambassadors of the King of Poland went into Hungary, to desire a Safe-Conduct for the Ambassadors of the Grand Seignior, who were to regulate the Conditions of this Truce, the Polish Ambassador was taken up as a Spy by a Baron of Hungary, who was Governor of one of the Provinces. The Turks made Use of this Pretence to renew their Hostilities, and the King of Poland being disgusted at the ill Treatment of his Ambassador, would interest himself no longer for the Hungarians.

*Dlugos*, Lib. XI. p. 361.

*Gerson's*  
Tra&t upon  
Simony.

*N. vemb.* 15.  
*V. d. Har.*  
T. I. Part  
IV. P. 1.

XLII. THE Reforming College had already met fifteen Times, since the Month of *August*, to draw up the Scheme for the Reformation of the Church. They were assisted in this Design by the Doctors, who furnish'd them with the necessary Memoirs. It was at this Time that *Gerson* presented them his Tra&t of Simony, of which we cannot avoid giving the Substance (1). He lays it down for a Maxim, that every Man, tho' it be the Pope, who exacts and extorts ready Money for the conferring of any Ecclesiastical Benefice, under Colour of the Revenues arising during its Vacancy; and who hinders the Incumbent from performing his Office, till he has paid, is Simoniacal, or suspected of Simony. Nevertheless, he is not of Opinion that all Temporal Profit, which is reap'd by serving the Church, is Simony; on the contrary, he says that 'tis warranted, both by the Divine and the Natural Law, that He who serveth at the Altar, should live by the Altar; and he likewise affirms, that no Ecclesiastical Charge or Office ought ever to be granted, to which there is not a Benefice annex'd. This therefore is the Sum of his Opinion. If a Man, says

(1) See *Launoy's* Dissertation, intituled, *Johannis Launoi Veneranda Romana Ecclesie circa Simoniam Traditio*. Paris, 1675.

be, who engages in the Ecclesiastical Functions, looks upon the Temporal Benefice, which from thence arises to him as the Reward, the Value, and the Payment, for the Spiritual Things which he administers; or if worldly Interest was his principal Motive in seeking for a Bishoprick, a Parsonage, or any other Employment in the Church, 'tis perfect Simony, according to the Laws both of God and Man; and when he who acts from those Principles, obstinately maintains his Opinion, he is a Heretick. But when Temporal Interest is the least Concern of a Clergyman, and when he looks upon a Benefice only as a Salary, which is justly due to him who administred Spiritual Things, then 'tis no Simony; because, according to the Scripture, *Every Labourer is worthy of his Hire.* Gerson nevertheless adds, by way of Caution, that how legal soever the two Motives are, 'tis necessary to avoid all Appearance of Evil. 'For, says he, if under Pretence that the Wages are due, they refuse to administer in Spirituals, when the Temporalities are not very regularly furnished, or if they are exacted with Rigour in a sordid Manner, which favours of Avarice, 'tis a sort of Simony, which is highly blameable.' After having established this Principle, that Simony is a Sin prohibited by the Law of God, and not merely by Human Constitutions, he maintains, that the Pope may possibly be a Simonist, because he is as much bound to obey the Law of God, as all other Men; and that, upon Account of his Advancement, his Sin is the more heinous when he is guilty of Simony. Then he answers the Arguments of such as pretend that the Pope may demand the Annates, or First Fruits of the vacant Benefices for a Year, without being guilty of Simony. The first Argument made use of by the Champions for the See of Rome, was drawn from the Ceremonial Law, which order'd the Levites to give Aaron the Tenth Part of their Tithes. *Numb. xviii.* They pretended therefore, that if some other Provision was not made, that the Pope might have a Maintenance handsome and agreeable to his Dignity, it was reasonable that every Incumbent should for that End give him the first Year's Revenue of his Benefice; and that such Taxes should be laid as well upon Persons as Benefices (1). Gerson does not explain himself upon the Article of the Tenths, nor upon the Difference which there is in this Respect, between the Old and New Testament: He only says, that 'tis just to provide for the Maintenance of the Popes in a Manner suitable to their Dignity, and even to draw such Subsistence from the Revenues of the Clergy, provided it be without Exaction and Extortion. The second Argument is founded upon the Custom of Chap-

(1) *Ad hoc tam Persona quam Beneficia p. sunt onerari.* Upon this Subject see Father Paul, Jerome a Costa, and Marslier, p. 64, 67.

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ters,

1415.

ters, which receive the Money from the Prebendary, before the Prebend is put into his Possession (1). *Gerson* answers, that there's a very great Difference between the Annates demanded by the Popes, and the Money required from the Prebendaries. On the one hand, this Money is not demanded of the Canons, either for the Benefice or for the Office, but for common Services, as for the building and adorning of the Church, for the Children of the Choir, and for the Poor. On the other hand, this Money is not demanded the first Year, but a long Time after. 'Tis true, that he does not deny but a great many Abuses are committed in Chapters, as well by the Collators as by the Canons; but he affirms, at the same Time, that those Abuses ought to be no Warrant for others (1). The third Argument was, that Popes have as much Right to receive the Annates, or first Year's Revenue of Benefices, as the inferior Prelates, Cathedral Churches, and some Monasteries, wherein this was the Practice. *Gerson* says 'tis an Abuse which cannot be of any Authority. The fourth Argument is, that a great many Benefices are let out to Farm, or on Condition of an annual Pension, which the Incumbent pays in Whole, or in Part, before he enjoys it. He exclaims sharply against this Abuse, as an Act of downright Simony, which fills the Ecclesiastical Offices with unworthy Persons, to the Prejudice of honest Subjects, who have not where-withal to pay for the Benefices, or who make a Conscience of bartering for them. 'There is no longer any Law, says he upon this Occasion, nor Shame, nor Honesty among the Clergy; they do Things that even Highwaymen and House-breakers would abominate. These are at least true to one another, and keep to their Promises; whereas there's no Credit to be given to what the Clergy say, nor no Security in any Bargains with them.' The fifth Argument is taken from Custom, which the Church would not have so long tolerated, if she had thought there had been Simony in it. *Gerson* answers, that Men of Probity and Learning have writ and talk'd strenuously against this Custom, and that the Council has condemn'd and severely punish'd it in the Person of a Pope. The sixth Argument is drawn from the fatal Consequences which would follow from *Gerson's* Principle, because there would scarce any Clergyman be admitted, but by Simoniacal Methods, and who by Consequence would be unworthy of administering the Sacraments to Christian People. *Gerson* does not deny the Consequence as to the Majority; but he says at the same Time, that God will shew Mercy in this Respect towards the Laity, who are ignorant both of

(1) Qui Canonici de consuetudine recipiunt tam pecunias numeratas quam obligationem, ante possessionis adeptionem, p. 6, 7.

(2) *Delictas vulpis per lupi rapacitatem non excusatur*, i. e. The Greediness of the Wolf, is no Excuse for the Dissimulation of the Fox, p. 8, 9.

the.

the Fact and the Law, as well as towards many of the Clergy, who may have likewise committed Sin through Ignorance, being drawn away by ill Examples, or by the Passion of Avarice, rather than by any obstinate Error in the Understanding. This I take to be the most substantial Part of the Treatise.

1415.

XLIII. THE Publick Sessions were at this Time not so frequent, undoubtedly, because of the Absence of the Emperor. But some new Incident or other always happen'd, to give the Council Employment. About this Time, *William de Dieß*, Bishop of *Strasbourg*, was arrested at *Molsheim*, by Order of the Canons and Magistrates of *Strasbourg*, for offering to alienate certain Revenues of the Church. The Bishop having complain'd of it to the Council, the Elector Palatine caused the Nations to assemble, in order to consider of Ways and Means for bringing this Affair to a Determination. The Bishop, as well as the Magistrates and Canons of the said City, who had caused him to be arrested, had already sent their Advocates to the Council; who appearing in this Assembly, the Advocates of the Chapter and the Magistracy set forth, that they had only caused the Bishop to be arrested upon an Apprehension that there would have been Danger in the least Delay, because they had received certain Advice, that the Bishop had a Design to alienate the Castle of *Born*, and the City of *Zabern* or *Saverne* (1); with an Intention to put them into the Hands of some Laymen, for a certain Sum of Money, which he intended to lay out on his Marriage. They added, that this Bishop had already sold above twenty Castles belonging to the Church of *Strasbourg*, to purchase Lands of his own; and that, in a Word, he had squander'd all the Revenues of that Church. *Niem*, who relates this Fact in his History of *John XXIII.* adds, that this Bishop govern'd the Church of *Strasbourg* for above eighteen Years as a meer Layman, and without having received any of the Ecclesiastical Orders. There was nothing more common at that Time, than this Abuse of granting Bishopricks to Temporal Princes, who govern'd them more like Soldiers than Pastors. *William Count de Berg*, Brother to the Duke of that Name, who was not only a Layman, but so ignorant, that he could scarce read the *German* Tongue, having been elected ten Years to the See of *Paderborn*, had much the same Dispute as the Bishop of *Strasbourg*, with his Chapter and Burghers. But the Bishop of *Paderborn* happily got off, by prevailing with *Gregory XII.* to elect him to the Archbishoprick of *Cologne*. 'Tis true, that he was disturb'd in the Enjoyment of this Dignity, because he had a Quarrel with *Theodoric*, or *Thierry de Meurs*, whom *John XXIII.* had promoted to the Archbishoprick of *Cologne*; but the Affair was

The Bishop of Strasbourg's Affair.

Dec. 7.

V. d. Hard. T. IV. p. 551.

Niem ap. V. d. Har. T. II. p. 426.

ib. p. 427

(1) A small Town, six Leagues from *Strasbourg*, where the Bishop of that See commonly resided.



1415. accommodated by Matrimony, *William de Berg* having quitted the Ecclesiastical Orders, and marry'd *Theodoric's* Niece. To return from this short Digression; the Advocates of the Chapter of *Strasbourg*, were for petitioning the Council to preserve the Church of *Strasbourg* in its Immunities and Franchises, and to procure it Satisfaction for the Losses it had already suffer'd. On the other hand, the Advocates of the Bishop, after having represented that this Prelate was of high Birth, that he had govern'd his Church very well, and that if he had not been endow'd with the Qualities necessary for exercising that Dignity, he would not have been advanced to it by the Cardinal of *Alencon*; were for praying the Council to issue a Monitory against those that had presumed to arrest their Bishop. After the Affair had been examined by the Deputies, they declared by the Mouth of the Patriarch of *Antioch*, that they were come to a Resolution to nominate sixteen Commissioners to judge of this Affair, viz. four Cardinals and four Deputies of each Nation; but that in the mean Time, the Bishop should be released. The Advocate of the Chapter approv'd of the Commissioners, but would not consent to the Enlargement of the Bishop, unless the Chapter had Security that the Castle and Town aforesaid should not be alienated. Upon this, the Affair was referr'd to another Session, for farther Consideration.

*V. d. Har.*  
T. IV. p.  
554

Continuation of that Affair.

*V. d. Har.*  
*ubi sup.* p.  
559.

(a) 1416.  
*Niem. ap. V.*  
*d. Har.* T.  
II. p. 428.  
*V. d. Har.*  
T. IV. p.  
561.

*V. d. Har.*  
*ubi sup.* p.  
610.

*V. d. Har.*  
T. IV. p.  
610.

XLIV. AT the beginning of the Year following, (a) a Congregation of the Nations was therefore assembled, in which it was resolved to send Commissioners to *Strasbourg*, to obtain the Bishop's Liberty. The Patriarch of *Constantinople* was at the Head of this Commission: But the Commissioners returned a few Days after to *Constance*, without having obtained any thing from the Chapter of *Strasbourg*, who exhibited several Grievances against the Bishop, that had not yet been declared to the Council. On the 19<sup>th</sup> of *January*, the Proctors of the Chapter proposed to the Commissioners nominated in this Cause, that if the Council would please to take the Castle of *Born*, and the Town of *Zabern* into their Safeguard and Protection, and that if the Bishop would engage upon Oath to stand to the Judgment of the Council, they would order him to be set at Liberty, provided, that he would come in Person, or send to *Constance*, to answer the Accusations laid to his Charge. On the 20<sup>th</sup> of *February*, in a General Congregation of the Nations, the Proctor of the Council represented, that the Bishop of *Strasbourg*, and his Chanter, had been arrested, and ill used by the Chapter of that City, to the Prejudice of the Liberties of the Church; and demanded, that a Monitory might be ordered against those who detained them. This was agreed upon that very Day, and on the 10<sup>th</sup> of *March* a Monitory was issued, enjoying the Chapter and City of *Strasbourg*, on Pain of Excommunication, to release the Bishop and Chanter, and all

1415.

all those of their Domesticks that were arrested with them, and to restore to them all that had been taken from them. But at the same time, the Council forbids the Bishop to alienate, mortgage or engage the Real or Personal Estate belonging to the Church of *Strasbourg*, in any Manner whatsoever; and declares every Thing void that they have done, or shall do hereafter on that Head. But on the 27<sup>th</sup> of *April*, the Proctors of the Chapter made their Protest against the Monitory, in a Publick Congregation, in which there were great Debates: For *John de Scribanis*, Proctor of the Council, having moved, (1) that it might be declared, that those who had detained the Bishop of *Strasbourg*, had incurred the Penalties enjoined by the Monitory; the Proctor of the Chapter made Answer, that the Persons named in the Monitory had not incurred the said Penalties, because they were not outlawed. He himself appealed from some Acts of Injustice which he pretended had been done to him in the Council, and demanded Commissioners. Whereupon, an Advocate of the Council having remonstrated, that it was not lawful to appeal from the Council; the Advocate of the Chapter protested against the Monitory, and demanded that it might be repealed. But the Advocate of the Council asserted that it was Valid; and that it was absolutely necessary to put it in Execution with the utmost Severity. While the Advocates were thus pleading *Pro* and *Con*, the Cardinal of *St. Mark* declared, that having examined the Monitory, he had found a Clause in it that had not been agreed to by the Cardinals, which made it null and void. On the other Hand, the Patriarch of *Antioch* stood up for the Monitory, and demanded, that it might be declared Valid by the Council. In fine, the Congregation, after having heard all the Parties, put off the Affair to another Opportunity, in order to judge of the Appeal entered by the Chapter and City of *Strasbourg*, and the said Appeal was declared Void (a) the 30<sup>th</sup> of *April*, in a General Congregation. Mean time *Henry de Latzembock* (b) appeared in the Council on the Part of the Emperor, to propose some Method of Accommodation in this Affair. In order to reconcile the two Parties, the Point in Dispute was, whether the Bishop should be set at Liberty, and the Chapter and Church of *Strasbourg* indemnify'd, as well as the Castle of *Born*, and the Town of *Zabern* secured to the said Chapter. *Sigismund* therefore proposed, to suspend for 20 Days, the Execution of the Penalties enjoined by the Monitory against those who had detained the Bishop; and that he might be set at Liberty, offering to be his Security for his Appearance in

V. d. Har.  
T. IV. p.  
630.

See the Act  
of the Ap-  
peal.  
V. d. Har.  
T. IV. p.  
691.  
(a) V. d.  
Har. ub. sup.  
p. 719.  
(b) V. d.  
Har. T. IV.  
p. 735.

(1) The Proctor of the Council made this Demand, because the Monitory only gave twelve Days Time for executing the Sentence, after its Publication; and that the Bishop was still in Prison, though that Term was expired.

Council,

1415. Council, there to give an Account of his Conduct. With this View Henry de Latzembock (1) moved, that some Prelates might be sent to the Spot, to endeavour to engage the Parties to refer themselves to the Judgment of the Council; and that during this Negotiation, the whole Proceeding should be suspended. Upon this Motion, the Council made a Decree, whereby they appointed a certain Number of Prelates to go to *Strasbourg*, to demand the Bishop's Liberty, and suspended the Execution of the Penalties for a Fortnight, on Condition that the Bishop, and the other Parties, should repair to the Council, and submit to its Judgment. Accordingly, on the 27<sup>th</sup> of June, Henry de Latzembock brought the Bishop of *Strasbourg* to *Constance*, and the Bishop having made his Submission to the Council, two Cardinals, and two Deputies of each Nation, were nominated to examine the Cause, and to do Justice to the Parties. The Commissioners after several Meetings, no doubt, upon this Affair, which took them up from the 27<sup>th</sup> of June, 1416, to the 6<sup>th</sup> of November 1417, made their Report at last, which probably was confirmed by the Council, because it does not appear, that Mention was made of it ever after. The Bishop is therein declared Innocent, and the Canons and Magistrates of *Strasbourg* excommunicated by the Major Excommunication, and condemned to pay Costs. However, one of those Canons, viz. Conrad, Count de *Nellembourg*, publicly protested his Innocence, with regard to the Imprisonment. And his Brother, the Count *Eberhard de Nellembourg*, who officiated as Protector of the Council, in the Elector *Palatine's* Absence, appeared on the 11<sup>th</sup> of June, in a publick Congregation, to justify his Brother, and to pray the Council not to involve him in the Excommunication of the Canons, because he was Innocent of the Bishop's Imprisonment, and it was done without his Privity. What Resolution the Council came to upon this Head, the Acts do not say. *Sponde* tells us, that the Canons, and the Magistrates of *Strasbourg*, bought off the severest Part of the Sentence, which put them under the Ban of the Emperor, with a good Sum of Money, which they gave to the Emperor and the Apostolick Chamber. I have here collected all that relates to this Affair, which held off and on, for near two Years; because it would have been, as it were, swallowed up by a great many other important Affairs, if it had been parcelled out to the Reader in the Manner that it was treated in the Council. I resume the Thread of the History.

V. d. Hard.  
T. IV. P.  
792.

V. d. Hard.  
T. IV. P.  
1460.

V. d. Hard.  
T. IV. P.  
789, 790.  
*Spond. ad An.*  
1417, 111.

(1) Latzembock was a Hussite Nobleman, who abjur'd Hussitism in full Council, upon the 1<sup>st</sup> of July, 1416. but De-

cker is of Opinion, that he was not sincere in it. V. d. Hard. T. IV. p. 796.

XLV. ON the 19<sup>th</sup> of December, there was an Assembly of the Deputies of the Nations, wherein *John Nafon* (1), at that time President of the German Nation, complained of the Tardiness with which they treated of the Affair of the Reformation. 'The Council, says *be*, was assembled for three principal Reasons, viz. For suppressing the Schism, for condemning of Heresies, and for reforming the Church in its Head and Members. *John Hus* has already been very justly condemned, and *John XXIII.* as justly deposed. But the same Crimes for which this Pope was deposed, are still committed every Day, and especially the Crime of Simony. The German Nation has hitherto in vain redoubled their Instances for the condemning of this, and all other Abuses, as well as for the exemplary Punishment of the Guilty. But to the Shame of the Council, they shew an Indulgence, and a Dissimulation in this Respect, which are very criminal.' After having made his Complaint, and his Protest, he desires the Deputies to labour in this Affair without ceasing, as well as in that of *Jerome* of Prague, which he had no less at Heart. We shall quickly see what was the Issue of the latter. That of the Reformation did not go on so fast.

1415.  
Assembly of  
the Nations  
concerning  
the Reformation,  
Decemb. 19.  
V. d. Hard.  
T. IV. p.

XLVI. UPON the 26<sup>th</sup> of the same Month, a Sermon was preached concerning the Reformation of the Church, by a Hermit, of the Order of St. *Augustin*, in the Diocess of *Mentz*. He chose for his Text these Words, *Blessed is he that cometh in the Name of the Lord*; which, no doubt, he thought very proper to set in Opposition to the cursed and obstinate *Benedict*, and to allude to the Return of the Emperor, who was upon the Road returning to *Constance*, and on whom he bestows magnificent Encomiums. After having given a fine Account of the Duties of Clergymen, according to their several Ranks and Employments, he complains, that instead of the Humility of which they ought to set Examples to the Laity, we see nothing in them but Pride, Ambition, Selfishness and Avarice, Luxury, Gluttony and Drunkenness, Effeminacy and Sloth, Strife and Envy; and he ascribes this Irregularity to the wicked Ways they make use of to enter into the Employments of the Church. 'Tis reported, says he, that *Socrates* smiled one Day, to see Great Robbers send Little ones to the Gallows; he would laugh much more now, were he at the Council of *Constance*, to see Great Thieves, i. e. the *Simonists*, hang up Pilferers. The Preacher is every whit as zealous for the Extirpation of Heresies, in Faith and Manners. As for the Reformation, he passes a severe Censure upon the Backwardness and Timorousness of the Judges and Commissioners in this Matter, and

A Sermon  
on the Reformation of  
the Church.

(1) This *Nafon* was a German Divine, and one of the chief Antagonists of *John Hus*.

highly.

1415. highly extols the Zeal of the Margrave of *Misnia*, and of *Guntber de Schwartzembourg*, the Bishop of *Magdebourg's* Father, who had caused about two Hundred Hereticks (1) to be burnt in their Dominions. 'The Prelates, says he, would do infinitely better to pluck up the Tares of Heresies in Morality out of the Lord's Field, than to rob Monasteries, Churches, and even Kings and Princes, by depriving them of the Privileges which had been justly granted to them (2). For, he adds, the Harvest is ripe, and 'tis Time to make Faggots of the Hereticks, and cast them into the Fire.' But as he is not willing that the Bishops should encroach on the Rights of Princes, neither does he think that Princes should invade the Rights and Privileges of the Bishops, as, he says, they did at that Time more than ever.

Several Con- XLVII. ON the 29th the Nations assembled again, to read certain Letters from the Emperor, and the Deputies of the Council in gregations. Arragon, which promised a happy Issue of that Negotiation. Upon Dec. 29, 30. this Occasion there were publick Rejoicings, and a solemn Procession; but the Event will shew they were too early. On the other Hand, there came sad News every Day from *Bohemia*, where the Execution of *John Hus* had made almost all the Nobility and Commonalty rise in Arms. The Council had sent the Bishop of *Litomissel* thither, to notify his Condemnation, and to endeavour to make the People easy. But he found them so exasperated, that instead of pacifying them, his own Person was in Danger. We have already seen a Letter on this Head, from the Great Men of *Bohemia*, to the Council. One of *Jerome of Prague's* Disciples brought another of the same Stile and Tenor. These frequent Letters obliged the Proctors of the Council to demand, that the *Hussites*, and the Lords who had set their Hands to them, might be summoned to *Constance*, to give an Account of their Faith and Conduct. We shall meet with this in its Place. There happen'd nothing more that was remarkable this Year at *Constance*, except the Death of *Pandel*, a Cardinal in the Obedience of *Gregory XII.* who was interred without much Ceremony, because he was Poor.

See above p. 506. Decemb. 30. V. d. Hard. T. IV. P. 556. 1416. XLVIII. THE Year 1416. began like the former Years, with Publick Devotions. Upon the Day of *Epiphany*, the Bishop of *Toulon* preached a Sermon from these Words, *The Wise Men found the Child, with Mary his Mother.* He talk'd very strenuously and freely upon the then corrupt State of the Church. 'The Lord, says he, called us to the Council of *Pisa*, to reform us, and to sanctify us. But all the Time there, was spent in vain Projects for a Reformation, which were always adjourned till the Morrow. Since

(1) These were *Flagellants.*

(2) This Monk pleads here strenu-

ously for the Cause of the Exemptions, as well as that of the Annates.





‘ that Time the Schism is grown more obstinate and more furious  
 ‘ than ever, the Church is over-spread with it like a Deluge. And  
 ‘ if we do not now seriously set our Hands to the Work, ’tis ridiculous  
 ‘ to hope we shall be ever able to resist the Torrent.’ After this Pre-  
 fatory Discourse, he makes the Corruption of the Church to consist  
 in three Things. 1. In Idolatry, by considering the Popes at that  
 Time, and their Clergy, as Idols, to whom the Laity paid a Crimi-  
 nal Adoration. 2. In the Subversion of the Ecclesiastical Discipline  
 and Government. 3. In the Luxury and Lasciviousness of the Eccle-  
 siasticks; upon which he quotes a Passage out of the 23d Chapter of  
*Ezekiel*, where ’tis said, that the *People of Judah prostituted them-  
 selves to the Children of Babylon*. Finally, he concludes, by saying,  
 that the Remedy for these Evils, is to pull down the Idols, by depo-  
 sitiong the Pope, which must be then understood of *Benedict XIII.* to  
 make good Regulations against the Remissness of Discipline, and to  
 reclaim the Ecclesiasticks to a Life suitable to their Character.

I+IC.

XLIX. UPON the 9th of *January*, the Nations met to give Au-  
 dience to Ambassadors from *James de Bourbon*, King of *Naples*, and  
*Joan II.* his Consort, as well as to Envoys from some Noblemen of  
*Italy*. Immediately after *John XXIII.*’s Deposition, and *Gregory*  
*XII.*’s Abdication, the Council sent *Peter Annibal*, Cardinal of *St.*  
*Angelo*, to *Rome*, to govern that City, and to take Care of the Ec-  
 clestiaftical State, in Conjunction with the Cardinal of *St. Eustache*,  
 till the Election of a new Pope. As *Queen Joan*, after the Exam-  
 ple of *Ladislaus*, her Brother and Predecessor, had made several In-  
 croachments upon the City of *Rome*, and the Ecclesiastical State; she  
 had Reason to be afraid of being turned out of her Dominions. The  
 Council of *Pisa*, of which that of *Constance* was as it were the sequel,  
 having declared in Favour of *Lewis of Anjou*, Competitor with *La-*  
*dislaus* to the Kingdom of *Naples*, the Queen took it as a fatal Pre-  
 cedent against her; she thought fit therefore to send Ambassadors  
 to the Council, to pay her Homage to it, and to promise her Sub-  
 mission, and her Fidelity to the future Pope, for whose Election she  
 was pressing. The Ambassadors had a favourable Audience, and the  
 Council promised them to take their Principals under its Protection,  
 and to recommend them to the Pope that should be chose.

Ambassadors  
 from the K.  
 and Q. of  
*Naples*, and  
 some Noble-  
 men of *Italy*.  
*Br. v. ad an.*  
 1415, p.  
 483. c. 1.  
*January 9.*  
*V. d. Harde*  
 T. IV. p.  
 559, 560.

AFTER this they gave Audience to the Envoys from certain No-  
 blemen and Towns of *Italy*, particularly those from *Charles Mala-*  
*teffa*, and other Lords of that Name; those from *Rodolph de Came-*  
*rino*, and *Lewis de Melioratis*, Governor of *Fermo*, which is a Town  
 of the Ecclesiastical State, in the Marquisate of *Ancona*. As the  
 Lords *de Malateffa* had always been very much attach’d to *Gregory XII.*  
 it is not to be supposed, but they had made several Attempts against  
 the Ecclesiastical State, in favour of that Anti-pope. Therefore the

H h h h

Lords



1416.

Lords and Cities just now mentioned, exhibited their Complaints to the Council against the *Malatestas*, who, on their Part, made their Defence, and declared, that they had always been faithful to the Church of *Rome*, and that they submitted entirely to the Council. The Council returned Answer to them, that they would consider of Ways and Means to accommodate their Differences amicably, and that Commissioners should be nominated to put an End to them one way or other.

*John Petit's*  
Affair.  
1 January.  
*Gers. T. V.*  
p. 491.

Jan. 4.

L. THE Affair of *John Petit* was not long after brought again upon the Stage. In the Beginning of *January*, the Deputies of the University of *Paris* had intreated the Cardinal *des Ursins*, in Quality of Grand Penitentiary of the Church of *Rome*, to assemble his Inferiors in that Office, and the Mendicant Friars who undertook Confessions, to examine, whether *John Petit's* nine Propositions appertained or not to the Faith, and whether they could be approved before the Tribunal of Conscience. The Question having been debated several Days, the Commissioners in matters of Faith assembled the Doctors, at the Episcopal Palace of *Constance*, to hear the Arguments on both Sides. The Cardinal of *Cambrai* maintained, 1. That they appertained to the Faith, because they were contrary to the Holy Scripture. 2. That at the least they related to Morals; and that in this Respect they were cognizable by the Council, which had already condemned several Propositions, that did not so directly appertain to the Faith as those. 3. That they ought to be condemned by the Council, because they were a manifest Consequence of the General Proposition, *Every Tyrant*, &c. which had already been therein condemned. But *John de Rocha* affirms, in the Name of the Mendicant Friars, that those Assertions appertained neither to Faith nor Morality; that they were conformable to the Scripture, and the Decalogue; and that by Consequence they neither could, nor ought to be condemned by the Council. In this very Assembly, the Cardinal de *Cambrai* demanded, that those Propositions might be condemned by the Council, with this Expedient, that the Duke of *Burgundy* should neither be named, nor concerned in it; as indeed he had not been mentioned in the Sentence of *Paris*. Some Days after this, *Gerson*, on the Part of the *French* Nation, *Stephen Paleiz*, on the Part of the *German* Nation, and the Bishop of *Arras*, on the Part of the Duke of *Burgundy*, demanded of the Commissioners, with equal Earnestness, that they should pass a Judgment on the nine Propositions, either to condemn or approve them. Much about the same Time, the King of *France* wrote to his Ambassadors, to the Commissioners in the Matters of Faith, and to his Proctor at the Court of *Rome*, to press the Judgment of this Affair, seeing that the Duke of *Burgundy* pushed it by his Ambassadors, contrary to his Promise. Mean Time the

Jan. 8.

Cardinals

1

Cardinals *des Ursins, d' Aquileja* and *Florence*, to whom the same Affair had been referr'd by *John XXIII.* after having observed all the Formalities, declared the Judgment of the Assembly of *Paris* null and void, by a Sentence which was made publick upon the 15<sup>th</sup> of *January*, 1416.

1416.

THIS Sentence of the Cardinals had two Foundations. The one that Matters of Faith appertaining only to the Apostolical See, the Bishop of *Paris* could not judge of this, without *trusting his Sickle into another Man's Harvest.* To this Reason they added, that the Judgment of the Assembly of *Paris* was not according to Law, that the Parties had not been cited, that forg'd Writings had been produced against the Duke of *Burgundy*; that *John Petir's* Propositions had been curtail'd, and that the Piece intituled, *The Duke of Burgundy's Justification*, was falsely ascribed to this Doctor. The second Foundation of this Sentence was, that *Gerard de Montague*, who is called the pretended Bishop of *Paris*, and *John Pollet*, having been summoned before their Tribunal, had not appear'd (a).

(a) *Gerf. Op.*

LI. THE Return of the Embassadors who had accompany'd the Emperor into *Spain*, occasioned the Suspension of this Affair for some time. They arrived the 29<sup>th</sup> of *January*, and had Audience next Day: But before we come to their Report, 'tis necessary to look a little further back. *Benedict XIII.* after long waiting for him, arriv'd at *Perpignan*, in the Month of *October* last, but he did nothing more there than renewing the Proposals he had made before at *Valencia*, which were chiefly for vacating the Council of *Pisa*, breaking up the Assembly at *Constance*, calling a Council in some Town suited his Conveniency, referring to himself the right of electing another Pope, and lastly the making his Resignation after his being own'd lawful Pope by that Council, and honourable Provision made for his Establishment. ' He still maintain'd that he was the true Pope, that though there might have been ever so much Reason to question it, it was no longer to be doubted of, as Things stood at present; that it was not he who kept up the Schism, but the Assembly of *Constance*, since nothing was wanting to put an End to it but the Recognition of him, the other two having resign'd their pretended Right to the Papacy. That to make a new Election was renewing of the Schism, because there would then be two Popes, he being resolv'd to maintain his Right to the last Breath in his Body, because he could not in Conscience abandon the Church of which God had committed the Care to him: That the older he was, the more he was oblig'd to do his Duty, and to resist the Storm with all his Strength: That however if for Peace Sake, there must be another Election of a Pope, none but himself could chuse him, because he being the only

T. V. p.

Return of

the Ambassa-

Day of

the Council

from *Aragon*

*Jan. 29.*

*V. d. Hardt*

T. IV. p.

583.

*V. d. Hardt*

T. II. Part

18.

*Vrie ap.*

*V. d. Hardt*

T. I. p. 203;

204.

H h h h 2

Cardinal

1416.

*Maimb.*  
History of  
the Grand  
Schism in  
the West.  
Part II. p  
253.

Cardinal that had been promoted before the Schism by *Gregory XI.* he was by Consequence the only one whose Advancement was incontrovertible, according to the Confession of his Adversaries themselves. History says that he made an Harangue to this Tune, for seven Hours together one Day, without any Alteration in his Voice or Countenance, tho' he was seventy eight Years of Age. The Emperor seeing the Obstinacy of this Old Man, not to resign but upon Terms that could not be accepted, and that all he aim'd at was to amuse Mankind, retired to *Narbonne* with the Ambassadors of the Council, in order to return to *Germany*. But the King of *Arragon*, and the Ambassadors of *Castille*, *Navarre*, and *Scotland*, and the other Noblemen in the Obedience of *Benedict*, who remain'd at *Perpignan*, sent to *Narbonne*, to desire him not to hasten his Departure, assuring him, that *Benedict* would resign, or that he should be abandon'd by all his Obedience. This induc'd the Emperor to send Ambassadors to *Perpignan*, to renew the Negotiation. It would be too tedious to mention the repeated Instances, Menaces, and Promises of *Ferdinand*, *Don Alphonso* Prince of *Girona* his eldest Son, the Ambassadors of *Castille* and *Navarre*, the Counts *de Foix* and *Armagnac*, to oblige *Benedict* to resign absolutely and without Restriction, upon the Foot of the Resignation of *Gregory XII.* But it would be more difficult still to give an Account of the Arts and Wiles which *Benedict* made Use of to maintain his pretended Rights, and his inflexible Obstinacy, in resolving to keep the Pontificate in Spite of all the World. At last finding himself threaten'd to be abandon'd by his whole Obedience, he retir'd privately with his Cardinals to *Collioure*, which is a strong Place on the Sea Shore, a few Leagues from *Perpignan*. *Niem* who was at the Council, and heard every Rumour concerning this Negotiation, tells us two Particulars that deserve to be mention'd here. One is, that the King of *Arragon* had a secret Intelligence with *Benedict* to maintain him in the Pontificate, and that the latter only came to *Perpignan* upon this Expectation; but that *Ferdinand* perceiving he could not support him in it against all Mankind, sent the Pope Advice privately to retire to some Place of Safety, for Fear of an Uproar. However this Historian only speaks of this Correspondence as of a Report that was then current at *Perpignan*. The other Particular is, that as soon as *Benedict* arrived at *Collioure*, he was pursu'd thither by the Deputies of *Barcelona*, *Saragossa*, *Valencia*, *Majorca*, *Tortosa*, *Girona*, *Perpignan*, and some other Maritime Towns, who besieg'd him there, and disabled his Gallies and all their Crews from serving him. This Precaution was very necessary to stop *Benedict*, who only wanted to scamper off, as *John XXIII.* had done before him. Being under this Embargo at *Collioure*, *Ferdinand* dispatch'd 12 Deputies to him, most humbly to intreat him to send his Proctors

*Niem* in the  
Life of *John*  
XXIII. ap.  
*V. d. Hardt*  
T. II. p. 429.

*Niem* ub. sup.  
p. 422.

Professors without Delay to *Perpignan*, with full Power to make his Resignation, to own the Council of *Constance*, and to do whatsoever should be thought necessary for the Extirpation of the Schism; or else to repair forthwith in Person to *Perpignan*. In Case of Refusal, those Ambassadors had Instructions to declare to him, that in order to support the Rights of the Catholick Church, they should be oblig'd to have Recourse to the most proper Measures for putting a speedy End to the Schism. The Pope in Answer to this Summons said, that he adher'd to the Declarations which he had made at *Perpignan*, from whence he said he had withdrawn only because he was not at his Liberty there, and that as he was altogether as much a Prisoner at *Collioure*, he would defer his Answer more at large, till he was arrived at the Place he was bound for. There's something to be observed here in Contradiction to *Benedict XIIIth's* Declaration, that he had not his Freedom at *Perpignan*; viz. That in the Apology which the Archbishop of *Tours* made at *Narbonne*, for the Emperor, the K. of *Aragon*, and the Ambassadors of *Constance*, this Prelate flatly reproach'd *Benedict*, that while he was pleading his Cause at *Perpignan*, he was surrounded by his Guards arm'd with Halberds and Swords, and that the whole Palace was so invested by his Cavalry, that it look'd as if he was going to give Battle, and not to negotiate a Matter Ecclesiastical. However, *Benedict* seem'd to be very uneasy at the Care which *Ferdinand* was inclin'd to take, for preserving the Rights of the Catholick Church. He pretended that such Care was incumbent on himself alone, in Quality of the only legal Pope, he haughtily threaten'd the Cardinals, Patriarchs, Archbishops, Bishops, Kings and Emperors, to prosecute them with both the spiritual and temporal Swords, if they presum'd to encroach upon his Rights in this Matter. A Request of the same Nature was sent twice to *Benedict's* Cardinals. They return'd an Answer the first Time conformably to the Principles of their Master, but at the second Summons they all return'd to *Perpignan*, except those of *Peter de Luna's* Family.

LII. NEVERTHELESS he found means to escape from *Collioure* to *Peniscola*, which is a strong Place on the Sea Side, not far from *Torosa*. 'Tis said that *Peniscola* belong'd at that Time to the Family of *Luna*. There it was that he receiv'd a third and the last Request from the Kings of *Spain* and the other Noblemen that have been mention'd. It was remonstrated to him, that it had plainly appear'd from his whole Conduct, that he had no Mind to renounce the *Peniscola*; that his late Retirement from *Perpignan* was another indisputable Proof of it, because there he was perfectly safe: That therefore the Kings of *Aragon*, *Castille*, *Navarre*, and the other Lords of his Obedience, for the Welfare of the Catholick Church of which they are to give an Account to God, found themselves oblig'd to de-

1416. clare to him for the last Time, that if he did not resign, which they again most earnestly desired him to do, they were resolved to proceed, by all the Methods they should think most proper, to put an End to the Schism; and that for this Purpose, they labour'd incessantly with the Emperor, and the Deputies of the Council of *Constance*. As *Benedict* thought himself safer at *Peniscola*, than he was at *Collioure*, he sent his Answer at the same Time to the last Summons, and to the other, which he had as yet only answered in a superficial Manner. This Answer consisted of these principal Heads: 'That he could not recognize the Council of *Constance*, because that City depended on the Emperor, who did what he pleased in it; as it appeared, says he, by the Example of *John XXIII.* whose Safe-Conduct was violated. That the Emperor only persisted to hold a Council in that City, with a View to get a Pope elected there after his own Heart, that he might act as Sovereign in *Italy*, and seize the Church Revenues. That neither could he approve of a Council elsewhere, if it consisted of the Cardinals of *Gregory XII.* and *John XXIII.* because this would be jumbling Schismatics with Catholics, such as those of his Obedience were, to a Man: Besides that, he did not imagine that the Choice of the Place ought to be at the Emperor's Discretion. That for these Reasons he could not resign the Pontificate without offending God, and scandalizing the Church, unless the Terms on which he had offered it, were accepted.' Afterwards, in Answer to the last Request, he asserted, 'That it did not belong to the Council to elect a Pope, but to the College of Cardinals. That the Reasons he had given for his withdrawing, were not false Pleas, as was pretended; and that the Insults put upon him every Day, fully justify'd it. That as for the rest, he protested against every Thing that should be undertaken against him on pretence of extirpating the Schism, as a Nullity.' As to the Rumours that the King of *Arragon* was on the Point of withdrawing from his Obedience, and engaging others to unite to the Emperor and the Council, with a view to prosecute him, and to depose him from the Pontificate; 'He intreated them, by the Bowels of the Mercy of God, not to give Cause for such Scandal, which, instead of suppressing the Schism, would only serve to foment and increase it. He represented, that the King of *Arragon*, in particular, could not hearken to such Councils, without rebelling against him, because he held his Dominions of him, was his Feudatory, and had taken the Oath of Allegiance to him.' He added, that even though the Protestations which he had made should not come to the Knowledge of those whom they concerned, he would nevertheless proceed against them, by all the necessary Methods which he had a Right to do, and as he was obliged, for the Welfare of the Catholic Church;

*V. d. Hardt*  
T. II. p. 515.

Church; for which he referred in particular to one of his Bulls, dated at *Marseilles*, 1407. Nevertheless, in order to shew that he had the Union of the Church always at Heart, he declared, that with this View he had actually summoned a Council, for the Month of *February* next, and earnestly intreated the King of *Arragon*, not to use Menaces, as it was said he had already done, to hinder the Prelates from being present at it. In fine, the Conclusion of this Answer was, that as he had heard that his Enemies gave out that he had advanced certain Propositions in his Speeches, or Writings, contrary to the Catholick Faith, he declared, that if such Matter had dropped from him, which he did not believe, he disowned it, as having always been inviolably attached to the Faith of the Church, to whose Judgment he referred every Thing that could be alledged against him. It must be observed upon this Occasion, that in a Speech which *Gerſon* made, when they were obliged to proceed to the deposing of *Benedict XIII.* he reproached him, in effect, with some Propositions which he thought erroneous; which we shall see in their Place. This Obstinacy of *Benedict XIII.* completed the Revolt of his whole Obedience. The Kings of *Spain* immediately sent the following Propositions to *Narbonne*, where the Emperor was, with his Privy Council. 1. That the three Obediences may assemble and form a Council, without the Permission of *Benedict*, and without the Necessity of making any fresh Address to him. 2. That they may proceed against the said *Benedict*, and do whatever they shall think proper for the Union of the Church. 3. That in all Processes, or Anathema's against *Benedict*, every thing be done by the Consent of the whole Number, or the Majority of those Members of the Council who shall be of *Benedict's* Obedience. We may imagine what Joy there was at *Narbonne* upon this News.

LIII. AMONG the *Vienna MSS.* there's a Letter from *Francis de Conzié* (1), Archbishop of *Narbonne*, to the Cardinals of *Ostia*, *Cambray*, *St. Mark*, *Chalant*, and *Saluces*, wherein that Prelate acquaints them of some Particulars relating to this Affair. 'Tis drawn up in these Terms: 'Most Reverend Fathers, and my principal Lords (*Domini precipui*) I wrote last to you by a Domestick the Archbishop of *Tholouse* (2), to acquaint you, the Lord *Peter de Luna* was retired from *Perpignan* to *Collioure*. Immediately after he was withdrawn, the King of *Arragon* sent a solemn Embassy to him, to summon him to resign, according to the inclosed Writing'. To which he answered, *Welcome, Gentlemen, I have heard what you*

(1) He had been Bishop of *Grenoble*, of *Arras*, and Archbishop of *Tholouse*. He was at the Council of *Pisa*, and dy'd in 1426.

(2) This was *Dominus* of *Florence*, of the Order of *Jacobins*. He had been Confessor to *Clement VII.* afterwards Bishop of *St. Pons* and *Albi*. He dy'd in 1421.

have

1416. *W* have said, I am going to St. Matthew's, whither I have removed my Court. There will I consult with my Brethren the Cardinals, and others, and will return an Answer to the King who has sent you. ' Having thus dismissed them, he went on board his Galley at Sun-set, and after having spent the Night in the Harbour, he made off next Morning, which was Saturday, with all the Sail he could. They say he is gone, with his four Cardinals, to *Peniscola*. The fifth, viz. Father *Rhanadi*, called the *Tbolousan*, stay'd behind at *Perpignan*, broken with old Age and Infirmities, but designs to follow as soon as he is able to mount a Horse. Several of the Prelates who were at *Perpignan* accompany'd him, and others are gone after him by Land. And as the King of *Arragon* has declared his Inclination to withdraw himself from the Obedience of *Benedict*, the Ambassadors of the Council are returned to *Perpignan*, to promote that Affair. The said King makes very great Instances to the Emperor, to engage him to return thither likewise, which the latter promises to do, provided the Affair be not spun out too long.' Sign'd, your Brother, the Archbishop of *Narbonne*, Chamberlain of the Church of *Rome*; dated at *Narbonne* this 21<sup>st</sup> of November. *James Gelu*, Archbishop of *Tours* (1) confirmed this News more at large, by a Letter of the same Date to the Council. It was at *Narbonne* that he made his fine Apology for the Emperor, the King of *Arragon*, and the Ambassadors of *Constance*, against *Benedict XIII.* who, after the Example of *John XXIII.* his Rival, and Sharer in his Fortune, fill'd the World with his Manifesto's and Clamours. As this Piece has only been mentioned *en passant*, it deserves to be communicated more at large.

Apology for  
the Emp.  
the K. of  
*Arragon*, and  
the Ambas-  
sadors of the  
Council a-  
gainst *Bene-  
dict XIII.*

LIV. 'TIS addressed to the Catholick Church; and the chief Articles of it are these.

1. THE Prelate represents the horrid Circumstances of the Schism for 38 Years past, and the various Methods that have been try'd to put an End to it.

2. THAT the Method of Resignation had appeared to be the best. That *Benedict* himself, while a Legate in *France*, was as zealous as any one to pursue this Method against *Clement VII.* and that after this Pope's Death, he himself was elected only upon the positive Promise which he made, to resign immediately after his Election.

3. THAT he had several Times repeated the said Promise upon Oath, in case that his Competitors would also resign.

(1) He was chose Archbishop of *Ambrun* in 1427. and dy'd in 1432.

4. THAT nevertheless he was the only one that remained inflexible, *Gregory* having abdicated voluntarily; and *John XXIII.* having acquiesced in his Deposition.

5. THAT the Emperor, who had acted, for three Years, with so much Zeal for the Union, went in Person to *Arragon*, accompany'd by twelve Deputies of the Council, in hopes of reclaiming him.

6. THAT *Sigismund*, and the Deputies of the Council, were urgent with *Peter de Luna*, for several Days together, to grant Peace to the Church, and propos'd the most powerful Motives to prevail with him. That afterwards the King, and his Deputies, as well as those of the King of *Arragon*, had caus'd the Method of Resignation to be propos'd to him, with all the Respect possible, that he might have no manner of Pretence to refuse it: But that from the 12th of *September*, to the 15th of *October*, they could get nothing out of him but loose and prevaricating Declarations.

7. THAT at length, after he had trifled with the Kings, from the 12th of *September* to the 15th of *October*, he gave in a certain Writing, which he might as well have deliver'd the very next Day after he was desired. He compares this Writing to Worm-eaten Plank, varnished over to deceive the simple and the ignorant; and confutes it Article by Article. *Benedict* suggested in this Writing, that the King of the *Romans* had desired him to make such Overtures as he thought most conducive to the Union. *Saving the Respect which I owe him*, says the Archbishop, *this is false. The King propos'd no other Method than that of Resignation, and did not desire that any other might be mentioned.*

8. *BENEDICT* having propos'd a Course of Law, or a Discussion of his Right; the Archbishop proves it was a thing impossible, and that *Benedict* would not find therein his Account, because, though it appear'd by some authentick Acts, that the Election of *Urban VI.* was forc'd; it appear'd by other Acts of equal Validity, that the said Election was perfectly free, and consequently Canonical, which rendered the Election of *Clement VII.* void; and also that of *Benedict XIII.* who succeeded him. Moreover the Archbishop shews, that *Benedict* is disqualified from demanding any other Method than that of Resignation, because he engag'd to adhere to the latter by a Multitude of Promises and Oaths.

9. As to *Benedict's* Proposal of the Method of Resignation upon certain Conditions, as for Instance, that the Election of the future Pope be Canonical, that it be made in a safe Place, &c. The Archbishop affirms, that those Precautions are suspicious, and that the sole Tendency of them is to keep up a Pretext to perpetuate the Schism; that the Council will be far from electing a Pope irregularly; and that, in short, the City of *Constance* is as safe a Place as any other can be.



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10. THAT *Benedict* having desired Deputies on the Part of the King of the *Romans*, six had been granted him, among whom was the Archbishop; and that *Benedict* had nominated as many on his Part, to examine his Writing, in Presence of nine Mediators on the Part of the King of *Arragon*; and that at the Request of those Mediators, *Benedict* had given a new explanatory Declaration, after long waiting for it. The Archbishop also confutes this new Declaration. He offer'd indeed to resign; but it was on Condition, that after he had so done, he himself should chuse another Pope. *The Resignation proposed*, says he, is founded upon the Doubt, *Who is the true Pope? From whence another Doubt arises*, viz. to whom it appertains to chuse a Pope? Now he pretended, that as Things stood, that Uncertainty and Doubt could no longer affect him, and that continuing to be a Cardinal, after his Resignation, it was his Right to chuse a Pope, because, as he had been promoted to that Dignity by *Gregory XI.* before the Schism, his Right was indisputable. The Archbishop of *Tours* flatly denies *Benedict's* Assertion, that the Method of Resignation was proposed by reason of the Doubt that remained, who was the true Pope; but only to restore Peace to the Church, and to remove the Scandal of the Schism. And he takes it for granted, that even though *Peter de Luna* were as undoubtedly a Pope as *St. Peter* was, he would be obliged to resign, and even to lay down his Life to give Peace to the World, after the Example of the Sovereign Pastor. In the second Place, the Archbishop tells him, that the Dignity of Cardinal being swallowed up by that of Pope, he is no longer Cardinal, unless he be re-established in that Dignity, because there is no indelible Character annexed to the Dignity of Cardinal.

11. THAT *Benedict* had made other Propositions in this Writing, concerning the Manner of electing the future Pope. These Propositions were, That by the Consent of *Benedict*, the Cardinals should enter into a Bond of Arbitration touching the Election that was to be made after his Resignation: That a certain Number of Arbitrators should be appointed, to whom, or to the Majority of whom, Power should be given to make the Election. That the Cardinals of the other Obedience should appoint Arbitrators in like Manner, who should be vested with the same Power, with the Approbation of the Council of *Constance*. That the said Arbitrators, on both Sides, should be put into a safe Place, under a good trusty Guard. That if the Arbitrators, on both Sides, agree upon the Election of one and the same Person, they should cause their Election to be recorded, and should mutually exchange it with each other. That after such Notification made on both Sides, the Election should be confirmed before the Resignation, and that immediately after the Resignation, the Person elected should be acquainted with his being chose; after which,

which, if he accepts thereof, he shall be acknowledged for the true Pope. The Archbishop having shewn, that all these Propositions were impracticable, and contrary to all manner of Laws, it was resolved to abide by the Method that was practised at the Resignation of Gregory XII. of which Sigismund had communicated the Instruments to Benedict.

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12. THAT Benedict having refused to accept of this Method till the last Day but one in November, the Legates of the Council, as well as the King of the Romans, moved, that Peter de Luna might be summoned to resign purely and simply, as was practised at the Resignation of Gregory XII. 'In pursuance whereof, having obtained Audience on the last Day of November, I, Archbishop of Tours, by Order of my Collegues, and in the Name of the General Council of Constance, summoned Benedict to resign, in Presence of his four Cardinals, several Prelates and Doctors, and a great many of the Nobility, and other eminent Persons, among whom were many of his Family, in the Hall (or Court) of Perpignan, where he resided; remonstrating to him, with all the Respect and Humility imaginable, that he was obliged to resign upon the Spot, and that he might do it without any Prejudice to his Safety or Reputation, or to the Honour of the Kingdom of Arragon, or that of his Family, and of the City of Perpignan.'

13. THAT after this Summons, being again required to resign by the King of the Romans, who for that End sent Lewis Duke de Briga to him, with several Prelates and Doctors; he declared, that he adher'd to his last Proposition, consenting only to any Addition or Omission that should be thought fit.

14. THAT this Proposition not being accepted, Benedict was again required, as before; but at the same Time, says the Archbishop, my Collegues had resolved, that if he was obstinate in maintaining his Propositions, they would not dispute the Case with him, not only because they were unwarrantable, and imply'd an indirect Denial, but also because Benedict was surrounded with Men in Arms; and as he had caused all the Avenues of the Palace to be guarded by Soldiers, it was to be feared they should have had no other Reply but Violence.

15. THAT this last Summons having had no better effect than the others, the King of Arragon, by the Advice of his Council, which consisted of the Princes of his Family, several Prelates, Doctors, and other eminent Persons both Spiritual and Temporal, in divers Parts of his Kingdom, moved for summoning Peter de Luna once more; and that the Kings of Castille and Navarre, and the Counts de Foix and d'Armagnac, having taken the same Resolution, did again cause

1416. him to be solemnly summoned by the Prince of *Gironde*, the eldest Son of the King of *Arragon*.

16. THAT *Benedict* having not given any Answers that were satisfactory, it was resolved to summon him peremptorily, with certain Protestations and Menaces, whereupon he had thought fit to go on board his Galleys, and make his Escape to *Collioure*.

The Capitulation of *Narbonne*.

LV. THE Archbishop concluded his Discourse with Exhortations to all Christendom to prosecute *Benedict XIII.* as a publick Enemy. As soon as the Kings and Nobility of *Benedict's* Obedience had taken a Resolution to withdraw from it, they sent their Ambassadors to *Narbonne*, where they agreed with the Emperor upon the twelve famous Articles known by the Name of the *Narbonne Capitulation*, and concluded the 13th of *December 1415*; they are the very Articles the Bishop of *Tours* read in a general Congregation, upon the 30th of *January*, and are as follows.

Jan. 30.

*V. d. Hard.*

T. II. p. 542.

ARTICLE I. 'The Cardinals and Prelates assembled at *Constance*, shall write circulatory Letters to all the Kings, Princes, Lords, Cardinals, Bishops, and other Prelates of *Benedict's* Obedience, to invite them to come in three Months time to *Constance*, there to form a General Council: And the Kings, Princes, Lords, Cardinals, Bishops and Prelates of the said Obedience on their Part, shall also write to the Prelates of *Constance* to the same End and Purpose'. For the right understanding of this Article, it must be observ'd, that the Interests of both the one and the other are therein fully secur'd. On the one Hand, the *Spaniards* acquiesce in the Choice that was made of the City of *Constance*, for holding the Council; and on the other, the Emperor gives the *Spaniards* this Satisfaction, not to call the Assembly of *Constance* a Council, till the Capitulation was executed. And it appears by the Writ of Convocation, which the Prelates of *Constance* sent to the King of *Arragon*, that they did not assume the Title of *Council*, but only of an *Assembly*; *We the Cardinals, Patriarchs, &c. assembled at Constance.*

*V. d. Hard.*

T. II. p. 545.

ART. II. 'This reciprocal Convocation shall be in general Terms, and without descending to Particulars in such Manner, that every Thing which relates to the Extirpation of the Schism, and of Heresies, and to the Union of the Church, and its Reformation in the Head and Members, to the Election of a Pope, and the other Matters, the Cognisance whereof by Right appertains to a General Council, be left to the Disposition of the Council. On the other Hand, the Emperor and the Prelates of *Constance*, shall promise not to meddle in the Council with any Thing that may relate to the Interests of the Kings, Princes, Prelates, and other of *Benedict's* Obedience, except the deposing of the said Pope, and Choice of a new one, the Reformation of the Church in its Head and Members, the

‘ the Extirpation of Heresies, and what is dependent on those Ar- 1416.  
 ‘ ticles.’ They who have given Extracts of this Capitulation, have <sup>See Dupin</sup>  
 misunderstood the former Part of this second Article: They supposed, <sup>Nouvel Bibl.</sup>  
 that the Capitulation imported, that nothing should be treated of in <sup>Cent. XV.</sup>  
 the Council but the Union of the Church, the Extirpation of the <sup>p. 20. & Ger-</sup>  
 Schism, and of Heresies, the Reformation of the Church in its <sup>sonian, p. 31,</sup>  
 Head and Members, and the Election of a Pope. But they have <sup>32.</sup>  
 quite mistaken the Case; the Intent of it was, that it should be so  
 expressed in the Letters and Treaties, that all those Things should  
 remain at the Disposition of the Council, which was a very necessary  
 Precaution; for it would have been dangerous to insert any thing in  
 those Letters which should leave those Matters to the Disposal of the  
 Cardinals and of the Pope, as they pretended did of Right belong to  
 them. On the other Hand, the *Spaniards* were willing to submit those  
 general Matters to the Council; but they did not design the Council  
 should infringe their Rights and particular Interests, because they  
 might have repealed all that *Benedict* had done in Favour of his Obe-  
 dience: Therefore the Writ of Convocation only says in General,  
*To suppress the Schism; to unite the Church; to compleat the Reformation*  
*of it in its Head and Members; to depose Benedict; to chuse a Legal*  
*Pope; and to settle other Affairs, which appertain of Right to a General*  
*Council.*

ART. III. ‘ As soon as the Kings, Princes and Prelates of  
 ‘ *Benedict*’s Obedience are arrived at *Constance*, in Person, or by  
 ‘ their Proxies, they shall be united to the Council, in order to form  
 ‘ a General Council. But as *Benedict*’s said Obedience cannot legally  
 ‘ recognize any Pope, unless the See becomes vacant, either by the  
 ‘ Death, or by the voluntary Abdication, or by the deposing of *Be-*  
 ‘ *nedict*; the Council, before they elect another Pope, shall proceed  
 ‘ to such Deposition in due Course of Law, and without any Regard  
 ‘ to the Decree of the Council of *Pisa*. When the Cardinals of  
 ‘ *Benedict*, or their Proxies are arrived, they shall be united to the  
 ‘ Cardinals of the other Obediences, in order to form one entire Col-  
 ‘ lege, and they shall be admitted to the Election of a new Pope, on  
 ‘ the same Footing as the others.’ The *Spaniards* had very great  
 Reason to exclude any Regard to the deposing of *Benedict* in the  
 Council of *Pisa*, because it would have follow’d from thence, that  
 from that Time they would have obey’d a Pope that was deposed.  
 The Clause relating to the Cardinals is altogether as judicious. ’Tis  
 not said absolutely, that they shall be admitted to the Election of a  
 new Pope, but only upon the Foot of the others; because it had not  
 yet been regulated, whether the Cardinals should be admitted, nor af-  
 ter what Manner.

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ART. IV. ' The Council shall make void, as far as Need shall require, all Prosecutions, Sentences or Penalties decreed by Gregory XII. and his Predecessors after the Schism, or by the Council of Pisa, against the Kings, Princes, Prelates, &c. of *Benedict's* Obedience, and against *Benedict* himself, in case he abdicate before his being deposed; and all Suits commenc'd against *Benedict* by the said Competitors, or by the Council of *Pisa*, shall be no Warrant to the Council for such Deposition. And on the other Hand, all the Sentences pass'd by *Benedict* against the other Obediences, and against the Council, shall be repeal'd and made void, in such Manner, that no Person shall be liable to farther Prosecution upon that Head.

ART. V. ' The Council shall confirm all Concessions, Dispensations, Reversions, &c. granted by *Benedict* XIII. in his Obedience, to all manner of Persons, Spiritual and Temporal, from the Time he came to the Pontificate, to the Day when he was first required to resign; and also, if any Alienation has been made during the Schism, in Prejudice of those of the said Obedience, the Council shall indemnify those concerned as they shall think fit.

ART. VI. ' The Cardinals of *Benedict*, who shall go or send to the Council, shall be there admitted and treated as true Cardinals, and shall there enjoy all the Privileges annexed to that Dignity, with a Salvo to the particular Regulations which the Council may make touching the Election of a Pope.

ART. VII. ' The Council shall make Provision for the Officers of *Benedict's* Court, providing they renounce his Obedience after his Resignation or Deposition.

ART. VIII. ' If *Benedict* should happen to die before either, then the Kings and Princes of his Obedience, shall not only swear not to permit, but also with all their Power to hinder the Cardinals, or any Body in their Stead, from electing another Pope in their Kingdoms or Dominions; and in case that such Election be there made, the said Kings and Lords shall not obey such Pope, and shall not harbour him in their Lands, but shall procure the Election of a Pope in the Council, and shall obey him that is there elected as the only lawful Pope.

ART. IX. ' If two or more Cardinals of the several Obediences should happen to have one and the same Title, some Method shall be found to accommodate them without Prejudice either to their own Honour or that of any of their Obediences, till the Council and the future Pope has made Provision for them in some other Way.

ART. X. ' The Emperor and the Ambassadors of the Council, shall promise upon Oath, in the Name of the Council itself, and in their own Name, to obtain of the King of *France*, the *Dauphin*, *Lewis* King of *Sicily*, and the Earl of *Savoy*, Safe-Conducts for *Benedict*,

*Benedict*, if he is willing to go to the Council, and for his Legates, Proctors and Officers; which Safe-Conducts shall be sent to the King of Arragon, with the Writs of Convocation, to the End that the said *Benedict* and his People may have no manner of Excuse for not going to *Constance*.

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ART. XI. 'The Emperor and the Council shall all swear in general, and each in particular, to observe all the Articles of this Treaty, and to cause them to be observed *bona fide*, before the Dispatch of the Writs of Convocation, and they shall begin to execute it in the first Session, after the Union of the Obediences: This the Kings, Princes and Prelates of *Benedict*'s Obedience shall also swear.

ART. XII. 'As many Copies of this whole Treaty shall be deliver'd out as shall be thought necessary.'

AFTER the reading of this Capitulation, the Archbishop presented two other Pieces to the Council, one was an Edict of the King of Arragon, whereby that Prince renounced the Obedience of *Benedict*, and ordered all his Subjects to do the same. The other was a Letter from the said King to the Emperor, to acquaint him thereof, and that on the same Day the Kings of *Castille* and *Navarre*, and the Counts de *Foix* and *Armagnac* were to do the same. That was the Report made by the Archbishop of *Tours* in this Congregation, which immediately order'd publick Thanksgiving to God for such happy Success, and to pray for the Continuation of it. Next Day, this agreeable News was publish'd with the Sound of Trumpet thro' the whole City of *Constance*, and a Procession was proclaim'd, which was made the Day following with very great Solemnity.

V. d. Hard. T. II. p. 554. Jan. 31.

Feb. 1. Feb. 2.

LVI. THE famous *Vincent Ferrier* a Spanish Dominican Fryar, had such a Share in this whole Transaction, that the Mention of it must not be omitted here. 'Twas he, who in the Pulpit at *Perpignan*, publish'd the above said Edict of Renunciation. The Feast of *Epiphany* was chose purposely for the Proclamation of this solemn Act in the three Kingdoms of *Arragon*, *Castille*, and *Navarre*; and *Vincent* having taken for his Text those Words of St. *Matthew*, They presented to him Gold, Incence and Myrrh, made a Parallel throughout his Sermon, between the three Spanish Kings, and the pretended Kings of the East. This *Vincent Ferrier* was the fittest Person in the World to wean the People from their Fondness for *Benedict XIII*. Besides his Eloquence, and the Reputation he had of extraordinary Piety, he had been deeply engaged in the Interests of this Pope, to whom he had for many Years been a Confessor. 'Tis even said, that this same *Vincent Ferrier* was the Man that most of all contributed to *Benedict XIII*'s Obstinacy in the Schism, either as an Accomplice of his Hypocrisy and Ambition, or as the Tool of it. However, he had

Vincent Ferrier V. d. Hard. T. II. p. 561.

Evov. ad. Am. 1416.

Time

1416. Time enough to be undeceived, because he had been above ten Years a Witness of his Shifts and Evasions. At last, when *Vincent* saw that he could no longer stand up for *Benedict*, without rendring himself suspected, and that the Kings of *Spain* were just ready to give him up, he press'd him warmly to resign; but his Eloquence was too weak to prevail, and in order to be reveng'd of him for the Good of the Church, he that was his most zealous Advocate, became the hottest of his Enemies.

Sermon upon  
the Reforma-  
tion.

LVII. THE *Spaniards* having rejected *Peter de Luna*, nothing remain'd, but immediately to set about the Union of the Nations. This was the View of a Sermon, which a Fryar of the Order of the *Premonstratenses*, preach'd on the Day of the Purification of the Virgin, from those Words of *St. Paul*, *Owe no man any thing, but to love one another*. As there is scarce any thing in this Sermon which relates to the Council in particular, I would not have spoke of it, if I had not found it of a Character very uncommon for that Time; there are no Divisions in it, no Flowers of Rhetorick, no Rant, no Ostentation of Learning, no Quotations from profane Authors. The Fathers themselves are quoted with great Caution. The Stile is easy, plain, pathetick, the Arguments solid and clear, and the Proofs are taken from Scripture, which is often quoted, and always to the Purpose; insomuch, that was a Divine now a-days to preach after that Model, he might be sure his Sermon would not be condemn'd. This Fryar strenuously exhorts the Fathers to finish the Union of the Latin Church, in order to bring over the *Greeks*, and at the same Time those of the Infidels, whose Conversion is hinder'd by the Schism, because they know not which Party to side with; and because, if they join with the *Greeks*, they are afraid of being curs'd by the *Latins*.

Oath taken  
to observe the  
Capitulation  
of *Narbonne*.

LVIII. SOME Days after the reading of the Capitulation of *Narbonne*, the Council assembled to take a solemn Oath for observing it, as had been agreed on at *Narbonne* itself. This Solemnity was perform'd in the Cathedral, where they us'd to hold the publick Sessions: But as the *Spaniards* did not yet own the Council, the Ceremonies usual at every Session were not performed there, nor was the Holy Office celebrated: Nor was the Cardinal *de Viviers* the Man who presided at this Act for the same Reason; but the Archbishop of *Tours* sat in that Quality, as Deputy of the Council in this Affair. The Cardinals, Patriarchs, Archbishops, Bishops, and the other Prelates, the Ambassadors and Envoys of the Kings and Princes, the Deputies of the Cities, Chapters, and other Societies; in a Word, the whole Council swore to observe the Treaty of *Narbonne*, without any Restriction

Febr. 4.  
V. d. Hard.  
T. IV. p.  
586.

striction (1), except a few Cardinals, who added some Clause to their Oaths. For Instance, the Cardinal of *Cambray* swore with this Restriction, that the Council, by regulating the Manner and Form of the Election of a new Pope, did not totally exclude those from the Election to whom it belongs by common Right; that is to say, the Cardinals. *Amadeus* of *Savoy*, Cardinal of *Saluces*, protested before he swore, that he did not mean by his Oath to prejudice the Right which he had to recover his Benefices in *Spain*. The Cardinal of *Ragusa* made the same Protest. But the Cardinal *de Tricarico* (2), feign'd himself sick, and by that Pretence evaded taking the Oath.

1416.

LIX. TILL the Nations meet again, we will make a little Excursion out of *Constance*. We observ'd in the Beginning of this History, that *John XXIII.* having made himself Master of *Bologna*, and the *Bolognese*, turn'd that fine Province into a horrid Desert, by a Government perfectly tyrannical. The *Bolognese* did not slip the Opportunity of his Disgrace, to recover their Liberty. The famous *Braccio* of *Perusa*, the General whom he had left at *Bologna* to govern in his Absence, perceiving that he could no longer keep that Province for him, rather than leave it to the next Pope, re-establish'd the *Bolognese* in Possession of the Government, on paying a Sum of 80000 Gold Ducats, on Condition that they should restore the Bishop of *Sienna* to him whom *John XXIII.* had made Governor of the City, and a Nephew of that Pope, who commanded in the Fort. This Province, with its Liberty, soon recovered Plenty, by the Return of a great Number of the Inhabitants, whom *John XXIII.* had proscribed, or obliged to voluntary Exile. But it was otherwise with the City of *Rome* and its Territory; *Paul des Ursins*, who seized it in the Name of the King and Queen of *Naples*, had reduced it to the last Extremity. The City was perishing with Famine and Misery, because they did not dare to bring in any thing from the Country, which, moreover, was quite desolated by the Plunder of the Soldiers. This made the Council extremely impatient of electing a new Pope, who might be in a Condition to restore the Apostolick See to the Possession of that Capital, which, after the Schism, was a Prey to all Comers.

Certain Foreign Affairs.

Niem ap. v. d. Hard. T. II. p. 435.

WHILE *Benedict* was at *Peniscola*, he thundred out his Bulls against the Council of *Constance*, and the King of *Arragon*, threatening to deprive the latter of the Crown, which he pretended, he had placed upon his Head. History even says, that this obstinate furious old Gentleman thundered an Excommunication against him regularly every

Bzov. Maimb.

(1) The Acts say, that this Capitulacion was sworn by Sixteen Cardinals, above Fifty Bishops, above Twenty Abbats, and above One Hundred Ambassadors and Deputies.

(2) This is a Town in the Kingdom of Naples.

K k k k

Day.



1416. Day. But they were only *bruta fulmina* as it were, which instead of frightening that Monarch, only encourag'd him the more to prosecute the Affair of the Revolt from his Obedience in *Navarre* and *Castille*, where it had been thwarted by the Intrigues of the Archbishops of *Toledo* and *Seville*, who still held out for *Benedict*. It appears by a Letter from the Deputies of the University of *Cologn*, that *Peter de Luna*, after the King of *Arragon* had renounced him, sent that Prince a Bull of Excommunication, which he caused to be burnt before the Messenger's Face, telling him withal, *If I had your Master here, I would burn him too, or send him to Constance* (a). *Niem* says, that from *Peniscola* this Pope passed to *Sardinia*, that he might there dart his Thunder-bolts with greater Security. But I am loth to give Credit to a Fact which I don't see attested by any other Historian. They all say unanimously, that *Benedict* did not stir out of *Peniscola*, and that he affirmed to his dying Day, that there only was the Church, and the Centre of Christian Unity.

(a) Mart.  
Anecdotes.  
T. II. P.  
1660.

*P. d. Hard.* FRANCE and England were still at Variance, though both  
T. II. p. 440. Kingdoms had other Occasions to exercise their Arms; one from Domestic Factions, the other, from the Invasions made, every now and then, by the *Scots*. While the Christian Princes were thus at War, and the Emperor spar'd no Pains, nor Cost to re-unite them, the Infidels took hold of the Opportunity to ravage his Kingdom of *Hungary*. 'Twas for this Reason, that after the Capitulation of *Narbonne*, he went to *Paris*, to consult Means for concluding a Peace or at least a Truce, between *France* and *England*. 'Tis certain, that *France* had then extreme need of a Respite; for the taking of *Harfleur*, a considerable Port on the Coast of *Normandy*, which happened the preceding Year, and immediately after the Loss of the famous Battle of *Azincourt* in *Picardy*, wherein most of the chief Nobility of *France* lost their Lives, had exhausted the Kingdom both of Men and Money. 'The Suspicions they had of the Duke of *Burgundy*,

(b) Tom.  
III. p. 877.

'says Father *Daniel* (b), were Causes of great Uneasiness. This Prince shewed no great Concern at the Defeat of the *French Army*; but seemed to rejoice at the Loss of his two Brothers, at the taking of the Duke of *Orleans*, and at the Deaths of the Constable, and the other Princes who were, for the most Part, his Enemies. He had a great number of Troops assembled, and already made Advances with which the Court was alarmed. All these melancholy Circumstances considered, made those who did not pretend to the greatest Foresight, apprehensive of greater Calamities than those which they had already felt; and the Sequel prov'd that their Fears were not groundless.' *Sigismond* was every where received with vast Honours and Magnificence. 'Tis even said, that the King of *France* remitted very considerable Sums of Money to him at *Lyons*.

*Niem* ubi sup.  
P. 439:

*Jaba*

John Juvenal des Ursins, who was upon the Spot, relates several curious Particulars that happened during the Emperor's Stay at Paris; one of which deserves to be mentioned. While Sigismund was at Paris, he had the Curiosity to see the Parliament assembled, and to hear a Cause pleaded there: They placed him above the first President, in the Seat which is the King's, when he comes to the Parliament; At this, says John Juvenal des Ursins, several mutter'd, and said, that it would have done well enough to have seated him by the Prelates, and just above them. But Enguerrand de Monstrelet, another cotemporary Author, judges of it somewhat differently; for he says, that the Presidents, and the other Counsellors placed him in the Royal Seat, as they ought to have done. Be this as it will, it happened that a Cause was then pleading of two Persons who were Competitors for the Seneschalship of Beaucairo, or Carcassonne. The Emperor hearing it urg'd against one of the Candidates, that he was no Knight, called for a Sword, and causing the Man to kneel down, created him a Knight, saying in full Parliament, *The Reason you give is no longer in force, for he is now a Knight.* At this Exploit, says Juvenal, good Men were astonish'd, to think that the Emperor was suffer'd to do it, since that heretofore the Emperors had pretended, against all reason, to maintain the Right of Sovereignty in the Kingdom of France: For the King is Emperor in his own Kingdom, and only holds it of God, and the Sword, and not of any other. Monstrelet, who reports the same Fact, with almost the same Reflection, adds, that nevertheless the thing was conniv'd at, and no Notice was taken of any Superiority above the Emperor (1). Mean time, the same Author says, that when this Prince came back to Lyons, as he returned from England and France, he offer'd to create Amadeus Earl of Savoy, a Duke; but the King's Officers oppos'd it, and he was oblig'd to go and perform the Ceremony at Chamberry. As to the principal Reason of his Journey, which was to reconcile France and England, it plainly appears from History, that he did not succeed in it; but he had a little better Luck in his other Design, which was, to reconcile the Poles and the Teutonic Order; because, when he was at Paris, he and Charles VI. in concert, negotiated a Truce between those two Northern Powers, for the Term of two Years. I must observe here by the by, that Sigismund was always a very good Friend to the Teutonic Knights. In the Year 1414. he confirm'd this Order in all their ancient Privileges, Rights and Possessions, and was a Guarantee for them. In 1415. he discharged Conrad d Eglostein, Grand Master of the Order, from the

1416.

Two. Hist.  
Charles VI.  
P. 419.Monstrelet,  
V. I. cap.  
155. p. 229,  
co. 2.Monstrelet. ubi.  
sup. cap. 165;

(1) Monstrelet is mistaken; for Windock, who accompany'd the Emperor in this Journey, says, this Affair happened when Sigismund came to Lyons, in his Return from Spain. Windock, cap. 59.

1416.

Pretenſions of thoſe who, having ſerved under the Knights in *Pruffia*, demanded to be indemnify'd. The ſame Year he confirmed them in this Privilege, viz. that all the Subjects of the other Princes, who ſhall reſide peaceably for one Year in the Territories of the Order, ſhall be diſengaged from their Oaths to their former Sovereigns; and that on the contrary, ſuch Subjects of the Order as ſhall continue in the Dominions of other Sovereigns, may be re-demanded by the Maſter of the Order; that ſuch Sovereigns ſhall be obliged to let them go; and that if any Violence be offered to hinder them, the Order ſhall be impowered to take their own Revenge (a). I return now to the Council.

(a) M.S. *Leipf.*  
Arrival of  
the Cardinal  
*de Foix.*  
Feb 5.  
*Niem ap. v.*  
d. H. T. II.  
p. 438.

*Claon* in  
*Sec. XIII.*

LX. HERE we muſt not omit the Arrival of an illuſtrious Prelate at *Conſtance*, viz. *Francis Peter*, Cardinal *de Foix*, Son to *Archambaud*, the Count of that Name. *Niem* places it on the fifth of *February*; for which we may take his Word, becauſe he was preſent at the Council. But I think this Hiſtorian to be groſſly miſtaken, when he ſays, that *Peter de Foix* was made a Cardinal by *John XXIII.* The Family of *Foix* had always been in the Intereſt of *Benedict XIII.* and indeed it was this Pope who gave the Purple to *Peter de Foix*, in 1405. or, according to others, in 1409, at 21 or 22 Years of Age. He had embraced the Order of *St. Francis* betimes; but his Talents ſoon raiſed him from a Cloiſter to a Succeſſion of ſeveral Eccleſiaſtical Dignities. He was firſt Biſhop of *Lescar* in *Bearn*; then of *St. Bertrand de Comenges*; afterwards of *Lombes*; and at laſt, Archbiſhop of *Arles* (1). He was continually attach'd to *Benedict XIII.* till the Capitulation of *Narbonne*. But after this Capitulation he thought fit, at length, to come to *Conſtance* to unite to the Council, which we ſhall find he did in his own Name, and that of *John Count de Foix*, his Brother, in the Twenty fifth Seſſion. He was preſent at the Election of *Martin V.* of whom he was a great Favourite. In 1420, that Pope ſent him (2) his Legate to *Conſtantinople*, to confer with the Emperor *Emanuel*, concerning the Union of the *Greeks*. He was afterwards ſent by the ſame Pope to *Arragon*, to ſuppreſs the Relicks of the Schiſm, which *Alphonſo* fomented there, purely out of a Diſguſt to *Martin V.* The Cardinal Legate negociated this Affair ſeveral Years in vain; and all his Diligence could not accompliſh it till the Year 1429. when, upon the Anti-pope, *Clement VIIIth's* Abdi- cation, *Alphonſo* recogniſed *Martin*. This Affair being thus happily determined, *Peter de Foix* aſſembled a National Council at *Tortoſa*,

(1) Father *Albi* ſays, that he was alſo made Archbiſhop of *Tolouſe*. *Eloges des Cardinaux illuſtres*, p 83.

(2) *Ciacconius* ſays, that *Peter de Foix*

is confounded with the Cardinal *Peter Fonſeca*; but *Sponde* plainly proves the contrary. *Spond. an.* 1420, 1425, 1426,

1429.

where.

where he made several good Regulations for the Reformation of the Clergy. He was afterwards Legate at *Avignon*, under *Eugene IV.* *Nicholas V.* *Calixtus II.* *Pius II.* and *Paul II.* and he so well acquitted himself of all his Employments, that he was called by way of Eminence, *The honest Legate.* He dy'd at *Avignon*, in 1464. very much lamented by all the World.

LXI. THO' the three Cardinals nominated by the Apostolick See for the Affair of *John Petit*, had made void the Sentence of the Assembly of *Paris*, yet the Condemnation of the nine Propositions was push'd on before the Commissioners of the Council in Matters of Faith: For the Cardinals did not trouble themselves to decide concerning the Nature of those Propositions. The Univerfity of *Paris* wrote a Letter upon it to the Council itself, which was indeed respectful, but very sharp. They therein declare, ' That they hoped the Council, after having put the Affair of the Union in a way of being happily accomplished, would immediately have gone about the Extirpation of certain Errors, which had already occasioned publick and notorious Scandals. That they had the more Reason for such Hopes, because the Council had before condemned other Errors, and actually punished those who maintained them, though no Prince was concerned for their Condemnation; and though there were some that opposed it (1). That the Condemnation which had been made in the Council, of the General Proposition, *Every Tyrant*, &c. was another favourable Precedent for the Condemnation of the nine Propositions, which were a Consequence of that. That however, as there were certain Persons, and especially among the *Mendicant* Friars, who had thwarted the Council's good Intentions in this respect, the Univerfity declare, that they will always adhere to the Sentence of *Paris*, as just and lawful, and intreat the Council not to suffer so sacred an Assembly to be stain'd with such a Blame, as Delay or Diffimulation would prove, in an Affair of this Importance.' On the other Hand, the Cardinal of *Cambray* delivered to the Commissioners another Draught of a Sentence relating to the nine Propositions. In this Draught the Council condemns the nine Propositions as False and Scandalous; and forbids the maintaining of them: But they declare, that this Sentence ought not to prejudice the Prerogative or Honour of any Person, much less the Duke of *Burgundy*, because he had made Protestation of his *Catholicism*: And at the same Time, the Council exhorts this Prince, to put on a Spirit of Peace, and not to entertain Resentment against any Person whatsoever, for the Condemnation of those Propositions.

(1) This must relate to the King of *Bohemia*.

LXII. MUCH

1416.  
Letter from  
the King of  
France to the  
Council.

LXII. MUCH about this Time, the Council received a Letter from the King of France, wherein he complains vehemently of the Tardiness of the Council in Condemning *John Petit's* Propositions, and of the publick Opposition made to such Condemnation, from Libels, and other scandalous Writings spread abroad to hinder it. He represents how strange it would appear to the whole World, if Justice cannot be had in so celebrated a Council, against a Doctrine so notoriously seditious and scandalous. He begs the Council, for the Honour of the Christian Religion, for their own Reputation, and for the Services which He and his Predecessors have performed to the Church, not to use any Dissimulation in an Affair wherein the first Principles of Christian Morality, and the most important Articles of God's Law are at Stake, and to have no Respect of Persons. He declares, that if he can't obtain Justice in the Council, he will make use of his Authority, that the Authors, or Abettors of a Doctrine which has been universally condemned in his Kingdom, shall not be suffered to come into it. He adds, that both He and his Kingdom have been made but too sensible of the Perniciousness of this Doctrine; and he quotes the Suffrage of the Emperor *Sigismund*, for his Authority, *Quemadmodum præterea serenissimus Romanorum Rex Consanguineus noster clarissimus, vocibus suis, Et exemplo confirmavit, i. e. As moreover, the most serene King of the Romans, our most illustrious Cousin, has confirmed both by his Words and Example.* He takes Notice, that the Synod having already condemned the General Proposition *Quilibet Tyrannus*, Every Tyrant, &c. is therefore obliged to condemn all the others. But he declares, that though he makes Application to the Council, 'tis not because the Justice of the Condemnation pass'd in France is questioned there, or that he does not think the Sentence to be Lawful; that he only laid the Affair before the Council for the common Benefit of Mankind, and to the End that the supreme spiritual Authority of the Council may restrain those that shall still appear to be rebellious, or that shall escape Justice, *ut gladius spiritualis vestra potestatis supremæ compesteret eos qui fortè noluerint obtemperare; vel qui gladium temporalem nostrum sese putaverint effugere (effugisse).* At length he concludes, with desiring them to be cautious, lest, that by the Refusal of Justice in this Affair, they incur the Censure either of being ignorant or negligent, or of respecting Persons, or abetting the Heresie (1).

Publick Congregation upon the Dispute between the Poles and the Teutonick Order.  
F. d. Har. T. IV. p. 606.  
February 13.

LXIII. SOME Days after, there was a General Congregation, relating to the Dispute between the Poles and the Teutonick Order. The Archbishop of *Gnesna*, the Bishops of *Plozsko* and *Posen*, with the other Ambassadors of *Poland*, deliver'd in their Complaints to

(1) I have extracted this Letter from the Copy of a M.S. at *Wolfsbutzle*.

it,

it, against the Knights, in the Name of the King of Poland and the Great Duke of Lithuania. But nothing was concluded in this Assembly, nor was any Thing so much as entered in the Records. The Pretence perhaps was, that several Cardinals and Deputies of the Nations were wanting, tho' it seems that the Assembly had Authority from those that were absent. We shall find afterwards, that there was always some Pretence for waving the Judgment of this Affair, by the great Interest which the Knights had at the Council. The Nations met the same Day for another Reason. The Emperor had several Times writ to the Council, desiring them to make no Decision in his Absence, relating to his Claim to that called the First Prayers, (*de Jure Primariorum Precum.*) The Emperors had been long in Possession of the Nomination to vacant Benefices in the Empire. This Right was called the Right of *First Prayers*, because the Church or Chapter to whom the *Collation* belongs, was obliged to confer the vacant Benefice on the first Person that was presented by the Emperor (1). But as this Prerogative of the Emperors was limited by certain Conditions, *Sigismond* was greatly concern'd not to suffer any Regulation to be made concerning it while he was absent. The Deputies of the Nations sent the Emperor's Letter to the Cardinal *de Viviers*, and desired him to put off the Decision of Causes of this Nature till the Return of that Prince, to which he consented.

LXIV. ON the 16th of February, *Theodoric* of Munster preached a Sermon against the Irregularities of the Clergy, and in particular against *Benedict XIII.* He chose for his Text these Words, *Go ye also into my Vineyard*; which gave him a fine Opportunity to censure the Laziness of the Clergy, and the Disorders that proceed from it. By the Vineyard he understands, on one hand, the Holy Scriptures which God has given to the Bishops and other Pastors, to cultivate; and on the other hand, the Church which he has left to them to govern. There are some very severe Strokes against the Negligence, Sluggishness, and Worldly-mindedness of the Prelates, who abandon'd their Flocks to indulge themselves in Effeminacy, and the Pleasures of the Age. ' Yet, said the Preacher, it were tolerable, if, ' tho' they did not care to labour in the Vineyard, they did but serve ' as a Scarecrow to keep off the Birds; but their Vices send out ' such an abominable Stink, that they can only be compared to Car- ' rion which draws in the ravenous Beasts to trample and ravage the ' Lord's Vineyard. Such Prelates, continues he, should be turned ' out, not only as unprofitable Servants, but because, wherever they ' come, they bring with them the Stench of their Corruption.' And

(1) This is what they call'd, *The Right Benefices.* See *John Choquier* in *Primarias of Jofeph Brey*, for the Nomination to *procs. Imperatoris*, in 410. at *Liege* 1648.

1416. to the End that it might not be believed, that he meant only the Bishops and the inferior Clergy, he concludes this sort of Investive as follows; 'Therefore, says he, 'tis a great Mistake to believe, as some do, that a Pope can only be deposed for Heresy, unless this Term be extended to Crimes that are publick, scandalous, and maintain'd with Impudence and Obstinacy.' He afterwards condemns another Abuse in the Clergy, which is the neglecting of the Study of the Holy Scriptures, for the Sake of applying only to the Canon Law, and the Decretals, because they there learn how to get Money. Not that he is for absolutely neglecting the Positive Law, and the Constitutions of the Popes, but he maintains, that the principal Employment of the Prelates and Pastors is to study God's Word, in order to be able to preach it; that being the Standard by which all the Positive Laws ought to be examined, because they are liable to Defect, and may be lawfully alter'd according to the Circumstances of Time and Place. Of this he gives a very material Instance in the calling of the Council, and in the deposing of one of the Competitors for the Papal See. *It would have been impossible, says he, to have executed either the one or the other, if they had been obliged to obey the new Canon Law, which solely invests the Popes with the Right of assembling Councils, and which lays it down for a Maxim, that a Pope cannot be try'd, unless it be for Heresy.* As this Sermon was preached in full Council, and by Order, as much as the others, 'tis proper to take Notice of some very bold Strokes in it. 'In these Days, says the Preacher, the Positive Laws, (that is to say, the Canon Law, the Decretals, and the Constitutions of the Popes) are advanced above the Law of God, and the Commandments of Jesus Christ; 'tis done even in this Council, wherein our Prelates make more ado about the Authority of the Constitutions of Pope *Clement V.* than that of the Decalogue: They are much more alarm'd, if the Praetice of the Court of Chancery be not well observed, than if any Propositions are advanced contrary to the Faith and the Morals of the Gospel. For if in a Sentence, where the greatest Errors are to be condemn'd in either of these, any Formality is wanting, it is declared null and void, tho' a Hundred Thousand Souls were to be offended by it.' He means, no doubt, the Sentence of the Bishop of *Paris*, which the Commissioners of *John XXIII.* had condemn'd, on Pretence of certain Nullities. He afterwards exhorts the Fathers not to spare the Propositions of *John Petit.*

*John Petit's*  
Affair.  
Feb. 18.

LXV. ON the 18th of *February*, the Commissioners met again to consider of the Affair of the nine Propositions. On the one hand, the Advocates of the Duke of *Burgundy* presented a Memorial, whereby they demanded that *Gerfon* might be obliged to retract from the Censure which he had pass'd upon the nine Propositions, because they said

said it was a slanderous Censure; and that those nine Propositions had been forged by *Gerson* himself, to the Dishonour of the Duke of *Burgundy*. They desired the Commissioners to put the Affair immediately into such a State, that they might be able to judge whether it belonged to Faith, and whether or no it was cognisable by the Council. On the other hand, *Simon de Theram*, Advocate of the Apostolical See, and the Commissioners Deputy in this Cause, demanded, on the Part of the King of *France's* Proctor, at the Court of *Rome*, that a Copy of the Commissioners Proceedings might be put into his Hands; that till it was done, they might not proceed in the Affair; and that it might not be decided till they had heard the Ambassadors of the King of *France*, because that Monarch was so much concerned in the Condemnation of *John Petit's* Propositions, which tended to justify the Assassination of his Brother, and to set his whole Kingdom in a Flame, by arming the Subjects against their Sovereign. In particular, he desired the Cardinal of *Cambray* (1), as one of the chief Commissioners, duly to examine those Propositions, in order to have them speedily condemned, as his Commission imported, because they were truly extracted from *John Petit's* Apology, and not forged, as was pretended by the Advocates of the Duke of *Burgundy*. Lastly, he desired that no suspicious Person might be admitted to the Decision of this Affair; and in particular he excepted against the Cardinals *des Ursins* and *d'Aquileja*, the Abbat of *Clairvaux*, and a Doctor, whose Name was *Ursin Taillevande*. But we shall see hereafter that this Challenge was not admitted.

LXVI. IT had been a long Time resolved by the Council, that the *Benedictins*, or *Black Fryars*, should assemble a Chapter for the Reformation of their Order. But as they had not yet nominated the Presidents of the said Chapter, the *German Benedictins*, who were at *Constance*, were order'd, upon the 19th, to proceed to the Election of them. A Chapter was held accordingly upon the 18th of *March*, as we shall see in its Place.

LXVII. A General Congregation was assembled next Day, to do Justice to the Officers of *Gregory XII's* Court, whom the Officers of *John XXIII.* refused to own as Officers of the Court of *Rome*, altho' the Thing had been resolved on in Council. It was therefore order'd in this Assembly, that for the Time to come, *Gregory's* Officers, who were canonically elected, should, without any Molestation, enjoy the same Privileges and Emoluments as those of *John XXIII.*

(1) It was before observed, that the Cardinal of *Cambray* had been challenged; and that he himself declined this Affair: Therefore it must have been determined afterwards, that he should be replaced in the Commission.



1416. And as to those whose Election might not be Canonical or Legal, the Council declares them excluded from this Advantage, and nominates two Cardinals and two Deputies of each Nation to examine it. In this same Assembly, an Order was given for the Citation of the *Hussites* of *Bobemia* and *Moravia*, and for a Monitory against those who had arrested the Bishop of *Strasbourg*. This Congregation was soon follow'd by two others, wherein the Controversy between the *Poles* and the Knights of the *Teutonic* Order was discuss'd with a great deal of Warmth, but still nothing concluded. Commissioners were also then appointed, to prepare Matters for the Tryal of *Jerome* of *Prague*.

The Citation  
of the *Hus-*  
*sites*.

LXVIII. THE Citation of the *Hussites* was drawn up in these Terms: ' We doubt not, that all Christian People have been duly inform'd, as well by the General Councils held heretofore, as by this; ' That Satan, especially in these latter Times, has raised up certain ' Heresiarchs, or Ministers of Damnation, against the whole Ecclesiastical Structure, who endeavour to destroy the Catholick Faith, ' and the Laws and Customs granted by the Holy Patriarchs, and hitherto inviolably observed by the Catholicks; and that two of those ' Heresiarchs were *John Wickliff* and *John Hus*, as appears by their ' Works and Writings. Those Persons rashly usurping the Title of ' Doctors, and being desirous to pass among the People for new Legislators and Masters, (*Rabbi*) have fallen into extravagant and damnable Errors, to the Contempt of sound Doctrine, and of the Traditions of the Fathers; so that the Generality of them are Followers of Satan, who having offer'd to advance himself above all that is worshipped in Heaven, was cast down head-long to the Bottom of Hell, and is incessantly leading Men captive in the Snares of his Damnation. Just so these from an Ambition to set up themselves, and their Traditions, above the Hierarchy of the Church Militant, have associated several Persons to themselves, even Priests; who, after the Example of *Theudas* the *Galilean*, pretending to be new Legislators, have drawn the Multitude after them. And what is more astonishing is, that the Number of those who follow the Leaders of Hereticks still increases, as we know but too well to our Sorrow, both by the relation of several private Persons, and by publick Fame; especially in the Kingdom of *Bobemia*, and the Marquisate of *Moravia*. There are also among them Persons of Quality, who have combined together for the Defence of *John Hus*, and his Errors; and who adding Iniquity to Iniquity, not only vent their Calumnies and superstitious Fictions, but write defamatory Libels, sealed with their Seals; in which they undertake the Vindication and Praise of *John Hus*, tho' he was burnt by the just Judgment of God, and by our sacred Sentence: Nay, they presume  
' to

' to declare, that they are resolv'd to defend those execrable Heresies,  
 ' even to Death, and to support their Abettors. And, as if they had a  
 ' Mind to make themselves a Gazing-Stock to the whole World, by  
 ' running into those monstrous Errors, they have been audacious enough  
 ' to write Letters to us, full of Venom and poisonous Lyes. Having  
 ' therefore the same Concern as a tender Mother, for the Destruction  
 ' of so many Wretches, whose Eyes the Devil has bewitch'd,  
 ' we have neglected nothing to reclaim them from that devilish Ob-  
 ' stinacy, and to cure them of their Fury, by writing Instructions  
 ' to them, by sending them Legates, and by using a Disguise, Flat-  
 ' tery, and a Patience, which has perhaps been push'd too far. But  
 ' we are sorry to say it, all these Remedies have only tended to their  
 ' Ruin: They refuse all manner of Obedience; they will not hearken  
 ' to the salutary Instructions of the Church; and instead of follow-  
 ' ing the Counsels of Peace and Truth, which are given them, they  
 ' rebel against the Orthodox Church, and confirm themselves in their  
 ' Iniquity. For these Causes we have resolv'd, by the Assistance of  
 ' the Trinity, strenuously to oppose this damnable Doctrine, and to  
 ' proceed against the Sectaries and Panegyriste of *John Hus*, for fear  
 ' of incurring the Indignation of the Most High, by smothering such  
 ' great Evils, like *Eli* the High-Priest, who, tho' in other Respects  
 ' an honest Man, drew down the Divine Vengeance upon him, be-  
 ' cause he did not correct the Crimes of his Children, and perish'd  
 ' miserably with them. Therefore, being desirous to proceed against  
 ' them according to the *Royal Way*, after a summary Information,  
 ' and being certifi'd by credible Persons, that *Czenkon de Wesele*,  
 ' alias *de Wartemberg*, supreme *Bargrave* of *Prague*; *Laczkon de Crau-*  
 ' *varz*, Captain of the Marquisate, and others, who signed the Let-  
 ' ter formerly mention'd (1), are publickly defamed and suspected in  
 ' the Faith, and that there's no coming at them in their Dwellings  
 ' with Safety, we peremptorily summon them by the present Edict,  
 ' which shall be publickly fix'd up at the Gates of all the Churches  
 ' of *Constance* (2).

LXIX. SOME Days before, the Council had sent *John de Opizis*, Au-  
 ditor of the *Rota* into *Spain*, with the Summons of the Council, and the  
 Confirmation of the Treaty of *Narbonne*. But when he came, he did not  
 find the Affair of withdrawing their Obedience from *Benedict* so far ad-  
 vanced, as *Ferdinand* had given Reason to expect by his Letter to the  
 Council: For *Castille* and *Navarre*, the Counts *de Foix*, and *d'Armagne-*  
*nac*, still supported *Benedict XIII.* tho' faintly. Mean time, the King

The Arrival  
 of an Amba-  
 sador from  
 the King of  
*Arragon.*

(1) See this Letter in p. 507, of this History.

(2) The Letter is dated the 23d of February, and superscribed thus; *The Sacred General Council of Constance, to all the*

*Faithful, especially of Germany and Bohemia, the Assistance of the Faith thro' the Celestial Benediction.* Bohuslaus Balbinus's *Miscel. Hist.* L. VI. p. 144, 156.

1416.

Antonius,  
General of  
the Fryars  
de Mercede.

March 2.  
V. d. Hardt,  
ub. supr.

of Arragon had sent a General of the Order to *Constance*, to inform the Council of what had pass'd. The said Ambassador arrived on the 28th of *February*, and was admitted to an Audience on the 2d of *March*, in a General Congregation that was held in the Cathedral at the Hour of Session, but without any Ceremony. After having made a long Speech, wherein he recommended the King and Kingdom of Arragon to the Council, and gave Hopes that a more solemn Embassy would quickly arrive, fully to execute the Treaty of *Narbonne*, he presented two Letters, one from the Emperor, the other from *Ferdinand*; which were read in the Assembly; but the Purport of them is not express'd. They undoubtedly gave Hopes of the speedy with-drawing of *Castille*, *Navarre*, &c. from the Obedience of *Benedict*. And it was by way of Rejoicing for this agreeable News, that the Elector Palatine made a great Entertainment that Day; and that a solemn Procession was made in a few Days after.

March 6.

March 8.  
Cerret. ap. V.  
d. Hardt, T.  
IV. p. 621.  
John Petit's  
Affair.

ON the 8th of *March*, *Leonardus Statii*, a Dominican, preached strenuously in Favour of the Pope's Authority; but we have not the Sermon.

LXX. THE Affair of *John Petit* was canvass'd during the whole Month of *March*, with very great Animosity on both Sides; but they could not come to any Conclusion. What Face soever the Duke of *Burgundy's* Ambassadors put on, they had no mind that the Affair should be decided in the Council, unless they could be sure that it would be determined to their Advantage. Among the Acts there is a Memorial which they gave to the Archbishop of *Colocks*, the Emperor's Commissioner at *Constance*, to be sent to that Prince. They therein set forth, that having been at length obliged, thro' the Importance of the Ambassadors of *France*, to undertake the Defence of the Duke of *Burgundy*, who was attack'd in his Honour by the said Ambassadors, it appear'd, that out of eighty-four Doctors who had voted in this Affair, there were above sixty who had given their Opinions in the Duke's Favour: That consequently the said Duke passionately desired, that the said Affair might be speedily determined to his Advantage; but that, however, if the Emperor thought fit to suspend it, there was a Necessity for putting it off, not only till the Election of a Pope, but also till the next Council. They gave for a Reason, that the Pope, after his Election, would be too much taken up with the Reformation of the Church, to mind any other Affair; and that *John Petit's* Case requiring a long Discussion, it would be impossible for the Council to make an end of it before they separated. In this Memorial the Duke of *Burgundy* is vigorously recommended to the Emperor; and it blazons the Duke's Zeal and Fidelity for the Empire and his Imperial Majesty, the signal Services which he had done him in the War of *Hungary*, where he was a long Time kept Prisoner

March 14.  
Gers. ub. supr.  
p. 518.

1416.


by the *Turks*, and the earnest Desire he still express'd to get Revenge for that Affront. On the other hand, the Ambassadors of *France* continued strenuously to solícite the Condemnation of the nine Propositions, and had received several very pressing Orders, one upon the Back of another, from the King their Master, upon that Head. Among the Acts there are two Letters from that Monarch, dated the 10<sup>th</sup> of *March*; one of which is directed to the Archbishop of *Tours*, to *John Gerson*, to *Jordan Morin*, to *William Beauneveu*, and to *Peter de Versailles*, his Ambassadors at the Council. *Charles VI.* therein set forth, 1. That the Apology which *John Petit* had made for the Duke of *Burgundy*, had been juridically and legally condemn'd by the Bishop of *Paris*, and by the Inquisitor of the Faith, in an Assembly of Doctors of Divinity and Law. 2. That since the Peace made with the Duke of *Burgundy*, by the Mediation of the Duke of *Brabant* and the Countess of *Holland*, he had order'd those his Ambassadors at the Council to suspend the Proceedings for the Condemnation of that detestable Libel, provided nevertheless, that the Duke of *Burgundy* put a Stop on his Part to all manner of Proceedings, and made no more Noise about it. 3. But that having heard, that the Duke of *Burgundy's* Advocates prosecuted this Affair, notwithstanding the Conventions; and that under Pretence of a Commission obtained by Surprize, and which could subsist no longer, three Cardinals had repealed the Sentence of *Paris*, he had sent *William Monard* to his Ambassadors, to order them, in his Name, to prosecute the Affair with Vigour. 4. He very expressly enjoins them to stand in the Gap, for the Defence of God's Law, and the Honour of the Kingdom; and declares to them, that he will look upon them as his Enemies, as well as the Enemies of God, if they relax the least in the World in an Affair of this Importance. The other Letter is a Full Power which he gives to the same Ambassadors, to do absolutely whatever they shall think fit for obtaining the Condemnation as well of the General Proposition, as of the nine particular Propositions, as well as for repealing the Sentence of the Cardinals, and confirming that of *Paris*. To the five Commissioners appointed in the foregoing Letter, he adds three others, viz. *William Monard*, a Licentiate of Laws; *John de Campagne*, another Licentiate of the Canon Law; and *Simon de Grandy*, Proctor at the Court of *Rome*.

Gers. T. V. P. 514.

LXXI. MEAN time, the Commissioners continued their Assemblies; but the Ambassadors of the King of *France* not being called to them, as they had demanded on the 10<sup>th</sup> of *February*, by their Advocate *Simon de Theram*, they protested against every Thing that had been hitherto transacted by the Commissioners, and appealed from their Judgment to the Council, or to the Apostolical See, in an Assembly of the *French Nation*, at which *John de Courtecuisse* presided, and demanded

Assembly of the Commissioners on the Affair of John Petit.

March 19<sup>th</sup>

1416.  mandated that the Affair might be suspended during the Appeal. The Bishop of *Arras*, on his Part, did not fail to give a malicious Turn to the Appeal of the Ambassadors of *France*, and to the Memorial of *Simon de Theram*, in a Memorial which he himself presented, on the 23<sup>d</sup> of *March*, to the Deputies of the *French Nation*. He said, that *Simon de Theram* had endeavour'd, of his own Accord, to involve the King of *France* in a Cause of Heresy, according to the very Confession of *Frenchmen* themselves, who maintain'd that the Affair of *John Petit* was an Affair of Religion: That it was exposing the Honour of the King of *France*, because it was not yet possible to know what Turn the Affair would take, and whether *John Petit's* pretended Propositions would not be approved by the Council. From hence he infer'd, that there was an absolute Necessity to oblige *Simon de Theram* to produce his Orders and Credentials; for want of which he ought to be disown'd, as the Inventor of a Memorial injurious to the King his Master. Lastly, he exhorts all honest *Frenchmen*, and in particular the King of *France's* Proctor, to join with him to procure that Monarch entire Satisfaction for the Affront: But the Ambassadors of the King of *France*, who were there present, strenuously defended their Advocate; and demanded that he might be heard, since he had not said any Thing but what he had a Commission for. Having therefore obtain'd a Hearing, he pleaded the Cause of the Assembly of *Paris*, and amply confuted *John Petit's* nine Assertions, which had been therein condemn'd. The Bishop of *Arras*, and his Collegue *Peter Cauchon* reply'd, and a great many harsh Things were said on both Sides. After this Debate, *Jordan Morin*, Professor of Divinity, one of the Ambassadors of the King of *France*, having obtain'd Leave to speak, publickly said, 'That he was very much surpriz'd at the Commissioners Proceedings in the Affair of *John Petit*; that the same was wicked, pernicious, injurious, and scandalous; and that he was ready to prove and justify it against all Opposers.' *Ursins de Taillevande*, and the Abbat de *Clairvaux*, Commissioners in the Matters of Faith, exclaim'd against it as an Injury which concern'd them, and demanded Justice: But *Jordan Morin* again repeated all that he had said, and was seconded by *John Gerson*. The Duke of *Burgundy's* Pleaders, and the Commissioners in the Causes of Heresy, demanded it to be recorded; and the Assembly separated till the 26<sup>th</sup> of *March*.

Assembly of  
the *French*  
Nation upon  
the same Af-  
fair.

*March* 26.

LXXII. THE *French Nation* being again assembled upon that Day, *John Gerson*, *Jordan Morin*, *William de Beauneveu*, and *Peter of Versailles*, Ambassadors from the King of *France*, made the following Proposals to the Assembly, by the Mouth of *William de Beauneveu*; 'I. That the Nation should grant them Deputies to assist them in the Prosecution of *John Petit's* Affair, because their Adver-

‘ Adversaries had refused to accept of any Proposal to treat of it in an  
 ‘ amicable Way. 2. That without acknowledging the Commissioners  
 ‘ to be any longer Judges in this Cause, the Deputies whom they should  
 ‘ appoint, should not confer with those Commissioners, but should  
 ‘ examine the Petitions which the Ambassadors of *France* had for-  
 ‘ merly presented, to know whether they were just, as well as their  
 ‘ Appeal and Challenge. 3. That as it was an important ticklish Af-  
 ‘ fair, as the Faith itself, and the Honour of the King and Kingdom  
 ‘ of *France* were at Stake, the Prelates of that Kingdom, as well  
 ‘ the Bishops as Cardinals, should be called to it. 4. That as in the  
 ‘ *French* Nation there were several Persons of whom they had a Sus-  
 ‘ picion, they should have a List of the Names of the Deputies, in  
 ‘ order that they might challenge those whom they thought fit.’ The  
 Bishop of *Arras* having obtain’d Leave to answer this Memorial, de-  
 manded that the Ambassadors might be required to name the *Adver-*  
*saries* they had mentioned, because the Duke of *Burgundy’s* Ambas-  
 sadors did not think to have any Dispute with any of the Ambassa-  
 dors who were at the Council, much less with the true or pretended  
 Ambassadors of the King of *France*. As those Ambassadors had de-  
 manded, that the Deputies should not confer with the Judges of the  
 Faith, the Bishop represented that this Demand was injurious; and  
 that a Nation so distinguish’d as the *French*, ought seriously to con-  
 sider of it. Upon these Remonstrances, the Bishop of *Arras* shew’d,  
 that what had given them Reason to be suspicious of the Commis-  
 sioners in Religious Causes was, that for ten Months past that the nine  
 Propositions in Question had been censured, they had not yet been  
 able to obtain a Meeting of the Doctors of Divinity, to confer about  
 them in a Body; but that each had declared his Opinion thereupon in  
 Writing separately, one in one Corner, and another in another. *Peter Cau-*  
*chon* reply’d, on the Part of the Duke of *Burgundy*, that this did not  
 hinder the whole *French* Nation, and all the Council from knowing the  
 Sentiments of the Doctors; and he demanded that the Proceedings of  
 the Commissioners might be forthwith communicated to all the Na-  
 tions and the Council, in order to remedy the Defects therein, if there  
 were any, and to try the Merits of the Affair according to due  
 Course of Law. He affirm’d moreover, that the Duke of *Burgun-*  
*dy’s* Ambassadors were so far from having excepted against any De-  
 puty of the *French* Nation, or refused any Proposal of Accommoda-  
 tion, that on the contrary, they had strenuously insisted on the Ob-  
 servation of Silence in this Matter, by reason of the Noise and Scan-  
 dal which might be the Consequence of it. But *Jordan Morin* laid  
 it down as matter of Fact, that in an Assembly of the *French* Nation,  
 at which the Archbishop of *Tours* presided, the said Prelate having  
 presented several Deputies, they were all accepted by the Ambassa-  
 dors

1416. dors of *France*, and challenged by those of the Duke of *Burgundy*, except three. *Peter Cauchon* having thereupon given the Lye to *Jordan Morin*, the Ambassadors of *France* and *Burgundy* were ordered to withdraw, not only for preventing farther Feuds in the Assembly, but that they might deliberate with more Tranquillity. It was afterwards resolved by the Majority of Voices, to nominate ten Deputies of the *French* Nation, to join the Commissioners in matters of Faith, in order to accommodate the Parties amicably, or to prosecute the Determination of this Affair before the future Pope, or after the Union of *Peter de Luna's* Obedience to the Council, in case that it could not be made an end of by an Accommodation.

March 27.

NEXT Day the Duke of *Burgundy's* Ambassadors protested against this Resolution, and continued their Demand, that the Proceedings of the Judges might be forthwith made publick, in order for giving Judgment on the Affair. They affirmed, that the Ambassadors of the King of *France* ought not to be admitted, in that Quality, to judge in this Affair, because, according to their Pretension, as a matter of Faith was the Cause in Question, the King of *France* had nothing else to do but to acquiesce with the Judgment of the Council, and to cause its Resolutions to be executed. Thus did the Duke of *Burgundy's* Ambassadors forward or retard the Judgment of this Affair, by their Intrigues, according as it suited that Duke's Interests. They would fain have had the Judgment of the Commissioners made publick at that Time, undoubtedly, because it was not favourable to the Pretensions of the Ambassadors of *France*, who had publickly complained of it, and demanded other Judges. But upon other Occasions they had practised every Thing to stave off the Prosecution of it.

Frederick of  
Austria  
leaves Con-  
stance.

LXXIII. *FREDERICK* of *Austria* had been about a Year in Hostage at *Constance*, till he could perform all his Engagements to the Emperor, to whom he was to restore all that he possessed in *Tirol*, and to re-establish the Bishop of *Trent*, whom he had turn'd out. But as his Brother, Duke *Ernest*, had taken possession of *Tirol*, on pretence of keeping it for him, it was not, at that Time, in *Frederick's* Power to keep his Word, or at least he had a very specious Pretext to get off. Having moreover, to the utmost of his Power, performed all that the Emperor required of him, he expected that the Emperor would be so generous as to cause his Dominions to be restor'd to him, of which each of his Neighbours had taken what Part they had a mind to. But his Hopes were vain: For the Emperor was absent, and employ'd in Affairs which he thought more important and urgent than those of a particular Prince. Besides, those who were in Possession, were the less inclin'd to part with a Foot of Land, because they had every thing to fear from his Resentment, as soon as ever he was in a Condition to display it. On the other Hand, the Advocates

of

of the Bishop of Trent, incessantly solicited for that Prelate's Liberty, and continually teaz'd the Duke for that Purpose. All this added to the Accounts he received every Day of Ernest's ill Designs, made him resolve to quit Constance once more, without taking Leave of any body. This he did on the 30th of March. Theodoric de Vrie says, that at his Departure, he left Orders to fix up a Libel, wherein he complained of the Injustice of the Council, who, said he, had refused to let his Advocates speak. When he arrived at Tirol, he found Things in the last Degree of Confusion. The Nobility, and the greatest part of the Clergy, had declared for Ernest; and all that held out still for their lawful Sovereign were only a few Towns, and the open Country. Mean time, the Council being exasperated at his clandestine Retreat, and at the injurious Libel he had caused to be posted up, immediately gave Advice of it to the Emperor, who put him, a second time, under the Ban of the Empire. On the other Hand, the Bishop of Lodi, President of the Italian Nation, ordered the Syndicks of the Church of Trent, in the Name of the Council, to oblige Frederick to set the Bishop at his Liberty, and to restore his Church to him, with all that he had taken from him. Nor did Duke Ernest forget his own Interest, when he had so fair an Opportunity. He ordered his Minister at Constance to acquaint the Council of his Sorrow for the scandalous Retreat of the Duke his Brother; adding, that for his own Part, he stay'd in Tirol, to hinder any thing from being transacted there to the Prejudice of the Council, and to wait for the Orders of the Council, which he was resolved to obey, at the Hazard of his Life and Fortune. The Council, in Answer to this Submission of Duke Ernest, returned a very obliging Letter, wherein the Fathers applaud his Respect for the Church, and exhort him to be always mindful of its Interests. Mean time, the Dukes, who had their respective Parties, only aim'd to strengthen their Adherents, so that Tirol was threatned with a Civil War, that was like to be the more cruel, because the Quarrel was between two Brothers. But the Affair was happily accommodated at the close of the Year, by the Mediation of the neighbouring Princes. Frederick recovered Tirol, and Ernest returned to Stiria, which was his Appanage. At least, this is what we are told by Gerard de Roo, in his History of Austria. But among the MSS. of Vienna we find an Act, importing, that this Affair was not determined till the Year 1418. though this, in all Probability, relates not to the Reconciliation of the two Brothers, but to Frederick's Reconciliation with the Emperor, as we shall find in the Sequel of this History.

LXXIV. JOHN PETIT's Affair became every Day more litigious: On the one Hand, the Ambassadors of Burgundy press'd for the Publication of the Process, and on the other, those of France oppos'd

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1416.  
 V. d. Har. T. IV. p. 626.  
 & T. II. p. 443.  
 Roo, p. 142.  
 March 30.  
 Vrie ap. V. d. Har. T. I. p. 200.

V. d. Har. T. IV. p. 723.

V. d. Har. T. IV. p. 723.

Roo, p. 144.  
 V. d. Har. T. IV. p. 626.



1416. pos'd it with all their Might, because they had not been heard. Nevertheless the Ambassadors of *Burgundy* having again demanded such Publication, it was unanimously resolv'd on upon the 11th of *April*, and it was agreed to grant Copies of it to any that should call for them, but without specifying the Names of those who had voted for or against either of the two Parties. But not many Days after, the Ambassadors of *France* protested against this Resolve, in which they complain'd of several Nullities, and appeal'd to the Judgment of the Council. This obliged the Commissioners to give them a Hearing, with full Liberty to plead the Cause of the Bishop of *Paris*. The Duke of *Burgundy's* Ambassadors did not fail to protest in their Turn, and appeal'd likewise to the Council. Mean time, there came another Letter from the University of *Paris*, in a Style much harsher than the former, wherein they pathetically bewail the Parties that are form'd in the Council between the Obediences of *John XXIII.* and *Gregory*, to the Prejudice of the Union, and the scandalous Disputes about Rank and Precedency: After which they add, 'If 'tis for want of Business that you thus cabal one against another, make Haste to extirpate Errors. There is one now before your Eyes to which you ought to give no Quarter, viz. the pernicious Doctrine of *John Petit*, already condemn'd in *France*, as a common Pestilence, which has brought this Kingdom to the Brink of Destruction. For if, by your Authority, you don't put a Stop to the Currency of those seditious and bloody Maxims, *France* will be oblig'd to attack the Monster Sword in Hand. What a Shame is it that there should be Persons in the Council that dare to defend, or so much as only to excuse, Maxims so pernicious, and, out of worldly Considerations, to depart so widely from the Catholick Faith, and the Law of God himself. For the present Point in Dispute is not about secret subtle Errors, which may be discover'd by Consequences artfully infer'd in Discourses treating of the sublimest Mysteries of Theology; but the principal Truths are the Things here in question, and the two Tables of the Law, which have been broke a second time by the Adoration of the Golden Calf (1).' Afterwards the University complains openly of the Procedure of the Cardinals, who had revok'd the Sentence of the Bishop of *Paris*, as an Infringment of the Bishops Prerogative; and they conclude with a Request to the Council to repeal the Sentence of those Cardinals, and the whole Procedure against the Sentence of *Paris*.

General Congregation chiefly for the Affair of *Jerome of Bragne.* LXXV. ON the 27th of *April* there was a general Congregation of the Elector *Palatine*, all the Cardinals, Prelates and Doctors, the Am-

(1) By that they meant the Duke of *Burgundy*, who spared no Money to carry his Cause.

ambassadors.

ambassadors of the Kings and Princes, and a great Number of the Nobility, in which some Ecclesiastical Affairs, of small Importance, were proposed, before they came to that of *Jerome of Prague*, for which the Congregation was principally assembled.

THE Chapter of the Cathedral of *Rimini* had chose one *Jerome* for their Bishop, by way of *Postulation*; and there came an Advocate from the Person so put up to have the Consent of the Council. There is this Difference betwixt *Election* and *Postulation*, viz. that the latter relates to a Subject, who, according to the Canons, could not be elected by reason of some Defect, tho' otherwise he would not be incapable of governing a Bishoprick; as for Instance, if he be under thirty Years of Age, if he be a Layman, or only in the Minor Orders, or if he be illegitimate by Birth. When the Chapter unanimously fixes their Eyes upon a Person that happens to be in either of those Cases, he is under a Necessity of postulating, that is to say, petitioning the Superior, as the Pope or the Council, to confirm the Demand made by the Chapter. The Acts do not say whether this was consented to or not. But as far as I am able to judge of it, by the Behaviour of the Council upon other the like Occasions, it was referr'd to the future Pope.

ANOTHER Advocate having demanded, in the Name of the Church of *Sens*, that the Council should confirm the Election they had made of an Archbishop (1); the Proctor of the Chapter of the Church of *Lyons* protested against the said Election (2), on pretence that the Church of *Sens* depended on that of *Lyons*, tho' they had nothing to object against the Person chose. There were at that time two Competitors for the Archbishoprick of *Sens*, viz. *Henry de Savoisy*, who was the first that was chose, and *John de Norry*, put up by the King of *France*; but *Henry de Savoisy* having carry'd it, at the Solicitation of the Duke of *Burgandy*, there were such Broils upon this Occasion, that *Martin V.* was afterwards fain to send the Patriarch of *Constantinople* thither with a Bishop, who declared in favour of *John de Norry*. Mean time, *Henry* having appeal'd to the Apostolical See, was confirm'd in 1418. by *Martin V.* notwithstanding the Opposition of the King of *Gallia Christ.* and the Dauphin. *Henry de Savoisy* died in 1421. The German MSS. T. I. p. 646. in their Acts of *May 16*, for this Year, mention one *Raymond*, another Competitor for the Archbishoprick of *Sens*, who likewise demanded to be confirm'd by the Council. In this same Assembly, an Advocate appear'd for the Bishop of *Gap*, to remonstrate that this Prelate was translated improperly, and contrary to the Canons, by the late Pope *John XXIII.* from his Bishoprick of *Gap* to that of *Placenza*; because he had not been

(1) This must be *John de Norry*, because the Acts of *Germany* say, that the King of *France* wrote about it to the

Council. *V. d. Hardt*, T. IV. p. 749.

(2) See the Dissertation by *Marca*, *De Primatu Lugdunensi*. Paris 1644.

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*v. d. Hard.  
ubi sup.*

summon'd nor heard, and because the Translation was made against his Will. The same Complaints were made as to the Bishop of *Mileto* in *Italy*, and the Council adjourn'd the Consideration of all these Affairs to another Time. Then they enter'd upon the Bishop of *Strasburg's* Affair, which we have elsewhere reported at length. Proceed we now to *Jerome* of *Prague*, who was not present at this Assembly.

AFTER his Recantation came to be suspected, new Commissioners were appointed to examine him as well upon the Articles formerly exhibited against him, as those which were lately brought from *Bohemia*. The Articles upon which *Jerome* had been heard, and the Answers he made to his Commissioners, were read by *John de Rocha*, D. D. of the Order of Fryars Minors. The old Author of his Life says, that he did not care to own those new Commissioners, and that he desired to give in his Answer at a publick Hearing. Meantime, as it appears by the Acts that he answer'd before them, to be sure he resolv'd upon it, without Prejudice to the publick Hearing which he demanded. The first Article of Accusation related to *Wickliff*; *Jerome* was accused of having spoke of him not only as a very Catholick Doctor, but as a Saint and a Martyr; of having maintain'd his Errors upon various Occasions, and in several Places, not only in *Bohemia*, but elsewhere, as in *Poland*, in *Hungary*, from whence 'tis even said, that he was therefore expell'd, and afterwards at *Vienna* in *Austria*, from whence they accuse him of having clandestinely made his Escape, contrary to the Promise he had given not to withdraw till he had given an Account of his Faith; of having invited several Persons of Learning and Distinction to *Prague*, particularly the Envoys of the Dukes of *Burgundy* and *Brabant*, to a Disputation wherein he maintain'd the Errors of *Wickliff*; of having persisted in those Errors, notwithstanding they had been condemn'd both by the Archbishop of *Prague*, and by *John XXIII.* in the Council held at *Rome* in 1412. To this he answer'd, that he had never maintain'd, at least willingly, the Errors of *Wickliff*, or any other Person; that indeed, while he was in *England*, he had transcrib'd all that he could find of that Doctor's Works, and had brought them into *Bohemia*; and that indeed he had said several times that there were a great many good Things in *Wickliff's* Books, but that he had never asserted there was nothing in them but what was true, because he had not read them all; and that as for what Good *Wickliff* had said, he ought to have the Honour of it, as well as the Blame of what he had said that is Bad: That it is not true that he was ever banish'd from *Hungary*, but that, on the contrary, the King of *Bohemia* having, upon the false Accusation of the Archbishop of *Prague*, caused him to be put into the Hands of the Archbishop of *Strigonia*, this Prelate had treated him with a World of Humanity, and that afterwards the King of *Bohemia* had sent a certain Baron

Baron into *Hungary* to procure him his absolute Liberty to retire where-ever he pleased, without requiring any Surety or Promise from him. He also deny'd that he made his Escape from *Poland*; that he was there accused of Heresy, or that he preach'd the Doctrine of *Wickliff* there or elsewhere. As to *Austria*, he says, that having been unjustly detain'd at *Vienna*, by Persons who had no Power over him, he took the first Opportunity he could find to make his Escape, as he had a Right to do. That tho' he had invited Persons to his Disputations, it was to do them a Pleasure and himself too, but not with a View to persuade them to any Error. That he had never heard any Mention of that Council at *Rome*, wherein *Wickliff* was condemn'd, and that he was at *Jerusalem* when *Wickliff's* Books were condemn'd at *Prague*; and finally, that there were so many extravagant Articles among those laid to the Charge of *Wickliff*, that he did not believe they were his.

THE Second Accusation was his having trampled the Authority of the Church under Foot, because that after he had been excommunicated in *Austria*, and several other Countries, as well as in *Bobemia*; he had presum'd to receive the Sacrament at *Prague*, from the Hands of the Parish Priest of *St. Michael* (1). He answer'd, that he knew nothing of his being excommunicated elsewhere, but that when he heard he was excommunicated in *Bobemia*, so far was he from despising the Ecclesiastical Authority, that he humbly pray'd for his Absolution; that indeed he had receiv'd the Communion from a Priest, who gave it him only till he could have it from his Archbishop.

IN the Third Place he was accus'd of having publish'd defamatory Libels against the Pope, several Princes, the Dukes of *Austria* and *Bavaria*, and especially against his Archbishop. I find nothing in his Answer as to the Pope, but he deny'd the Charge with regard to the Temporal Princes; and as to his Archbishop, he did not deny that he had made Complaints against him, because he had accus'd him in *Hungary* without hearing him.

THE Fourth Accusation consisted of the Acts of Violence and Sacrilege laid to his Charge; particularly that in 1412, he caus'd the Relicks in a Church of the *Carmelites* to be thrown upon the Ground, and trampled under Foot; that he had reviled and beat the Monks who had the Custody of them, and begg'd Alms for the building of the Church; that some Days after this he enter'd the said Monastery with Violence, and there wounded some of the Fryars, particularly one who preach'd against *Wickliff*; that he gave a Dominican Fryar a Box o'th' Ear in the open Street, and also took a Knife out of his Pocket, with which he would have wounded, if not kill'd the said

(1) This probably was *Jacobel*.

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Fryar, if Persons had not been there to hinder him; and, in fine, of having, by main Strength, unfrock'd a young Fryar, and compell'd him to put on a Lay Habit, which he gave him with his own Hands; after which 'tis added, that the young Fryar drown'd himself for Grief. As to the pretended Profanation of the Relicks, *Jerome* absolutely deny'd it: As to the Violences offer'd to the Fryars in a Monastery, he made Answer, That finding those Monks quarrelling with two Burghers, whose Footman they had clapp'd in Prison, he endeavour'd to reconcile them; but that some People falling upon him with drawn Swords, he disarm'd one of them of his Sword, and with it defended himself as well as he could. As to his Boxing the Dominican in the Street, he own'd, that the said Dominican having given him the first Provocation, because he had censur'd him for affronting the Gentlemen, he gave him a Blow with the Back of his Hand. As to any Knife, there's no mention of it in the Report of the Commissioners. But in his Hearing, upon the 23d of *May*, he own'd, that when he found that Monk had hir'd Persons to fall upon him, he borrow'd a Knife of a Peasant to defend himself, and that indeed he did thresh the Monk heartily; but that on this Occasion his Life, and not any Point of Religion, was the Thing at Stake. Finally, as to the Monk who was unfrock'd by Violence, and afterwards found drowned, he answer'd, that this young Fryar put off the Frock of his own accord, and had afterwards the Misfortune to be drowned, as he was washing himself.

THE Fifth Accusation was, that he had for many Years support-ed and favoured one *Peter de Valence*, excommunicated by *Sbinko*, because he would not deliver up *Wickliff's* Books to him. He own'd, that he had done this Man all the Service he could, not because he was excommunicated, but because he found he had Merit.

THE Sixth was, that while he was in *Russia* and *Lithuania*, he had endeavoured to pervert the Catholics who were new Converts to Christianity. He says, that those Persons had been baptiz'd according to the *Greek* Rites; and that *Alexander Wisbold*, and the Bishops of the Country, having ask'd him, Whether there was a Necessity of re-baptizing them, he answer'd, No; and that to instruct them in the Faith of the Church of *Rome* was sufficient.

THE Seventh was, that he had been one of the most flaming A-bettors of *John Hus*, and was so still; and that by his dissembling hypocritical Behaviour, and by his seditious Discourse, he had hinder'd the Execution of the King's Declaration against *Wickliff* and the *Wickliffites*. This last Circumstance he deny'd. As to *John Hus*, he answer'd, that he espoused him, as he was an honest Man, who worthily discharged his ministerial Office, without indulging himself  
to

to that with the Women, as too many others did; and that *Hus* was accused of several Things of which he was innocent.

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THE Eighth was for refusing to appear at *Rome*, when he was cited thither for having visited profane Chappels and Parishes, namely, such as were excommunicated, particularly the Parish of *St. Michael*, and the Chappel of *Bethlehem*; for having often appear'd in the Streets with several Hundred Men in Arms; for raising Riots against the Clergy, and against such of the Laity as opposed the Errors of *Wickliff*. He deny'd all these Charges, and affirm'd that nobody ever saw him on Horseback, but in the King's Retinue.

THE Ninth was his having counterfeited the Seal of the University of *Oxford*, and forged Letters from the said University in Favour of *Wickliff*, and reading the same publickly in the Pulpit. To this he answer'd, that he did not know whether those Letters were true, or counterfeit; but that he read them because they were put into his Hands by one of the Scholars for that Purpose.

THE Tenth was, that he had induced the Nobility to despise the Tonfure, Relicks and Indulgences, and to rob the Clergy. All this he deny'd.

THE Eleventh, that at *Paris*, *Cologne* and *Hoydelberg*, he had publickly and obstinately maintained the following Opinions: ' That there are not only three Persons in the Divine Essence, but four and five Things different one from the other, each of which is God, tho' of those Things one be more perfect than another: That as in the Soul of Man there are three Things, viz. the Memory, the Understanding, and the Will, the Human Soul is a perfect Image of the Trinity, only that 'tis created and finite: That God, by his absolute Power, might not have engender'd the Son: That God can make nothing void: That all Things happen by a conditional Necessity: That the Substance of Bread is not changed by Consecration into the Body of Christ: That *Wickliff* was not a Heretick, but a holy Man.' He says, that all these Articles are capable of a good Meaning; and that they don't differ very much from his Sentiments, yet they are none of his Words. Those were very near all the Articles that were read in this Congregation, together with *Jerome* of *Prague's* Answers.

TO these the Proctor of the Council added others of his own Head; upon which he demanded, that *Jerome* of *Prague* might be interrogated, and which he intimated were publickly notorious. There were several which related to *Wickliff* and *John Hus*, and which come so near to the Articles upon which *Jerome* had been already examined, that they need not be repeated here: For I observe, that the Commissioners for the Tryals of *John Hus* and *Jerome* of *Prague*, acted much like the common Disputants who aim at the multiplying

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of Heresies, by making several different Articles of what in Equity ought only to be consider'd as one and the same. The Charge which was couch'd in these new Articles was, that he had for fourteen Years taught *Wickliff's* Doctrine both in Publick and Private; that he had been the Teacher of *John Hus*, one *John Christian*, and *Jacobel*; that he had hung up a Picture of *Wickliff* in his Chamber, where he was represented with a Crown or a *Glory* round his Head, like the Saints; that he had committed several Acts of Violence upon the Persons and Estates of those who obey'd the Pope and the Archbishop, and who had condemn'd the Doctrine of *Wickliff*; and that he had promised the Joys of Heaven and a Crown of Martyrdom to those who should make a noble Struggle for the said Doctrine. He was accused in particular of having committed a certain Cutler, who was an *Anti-Wickliffite*, to Prison, and of using him so barbarously, that in a few Days he died of such Treatment; and of having thrown a Monk into the *Moldaw* for the same Cause. There were several Articles in the Accusation relating to the Eucharist; the Sum of which amounted to the accusing of *Jerome* of having denied Transubstantiation, and the Real Presence; of having maintain'd all *Wickliff's* Tenets upon those Articles; of having compos'd Verses and Songs in the *Bobemian* Language, containing the Words of the Canon of the Mass, and of having put them into the Hands of the Laity of both Sexes, declaring to them, that the Pronunciation of those Verses would enable them, as well as the Priests, to give the Communion, to administer all the Sacraments of the Church, and to preach the Word of God, as he had done himself several Times, tho' he was a Layman. As to the Ecclesiastical Power, he was charg'd with Tenets every whit as harsh as the foregoing; for it was pretended, that he had taught that the Excommunication of a Pope, a Bishop, or any other Minister of the Church, was not to be valued, unless they could be certain that the Excommunication was from God himself; and that in pursuance of this Doctrine, several excommunicated Priests had been forced by the Laity to celebrate the Holy Office, and to administer the Sacraments in Places interdited by the Archbishop of *Prague*. He was also accused of having said, that neither the Pope nor the Bishops have the Power of granting Indulgences; and also of having made a forcible Entry one Morning into a Church where they were to be publish'd; and of having turn'd out the Collectors, saying, *Depart from hence ye Lyars with your Lyes, for your Pope is a Lyar, a Heretick, and an Usurer, who has no Power to grant Indulgences.* Mention has already been made of one Fact alledged against him in this Congregation, viz. That in 1411 he sent lewd Women about the Streets of *Prague*, in a Waggon, with the Pope's Indulgences hanging about their Necks; and that the *Wickliffites*, who attended

tended the Waggon, cry'd out to the People, that they were going to burn the Bulls of a Heretick and a Ruffian: Which was actually put in Execution. He was also accused of having said, that it was a Practice perfectly Heretical, to have Crucifixes and the Images of Saints in Churches; of having also trampled under Foot a Crucifix that was in a certain Church, and stuffed it with Ordure; of having said that no Honour ought to be paid to Relicks, and that the Veil of the Virgin *Mary* deserved no more Regard than the Skin of the Ass which *Jesus Christ* rode upon, tho' he had persuaded the People to worship the Relicks of three Men who had been beheaded for *Wickliffism*; which had put the whole City of *Prague* in a Combustion. The Proctor also repeated, with farther Particulars, the Accusation of having fortify'd the *Greeks* of *Russia* in their Errors and their Schism. But *Jerome* had before deny'd this Charge. It was also alledged, that he had been obliged to retire clandestinely from the Universities of *Paris*, *Hoydelberg*, *Cracow*, and *Vienna*, for having therein maintain'd the Errors of *Wickliff*, which even *Gerson* had obliged him to retract at *Paris*. In fine, the Proctor of the Council gave a very long Account of *Jerome's* whole Conduct since he came to *Constance*; of his clandestine Retreat, of his Return, of his feign'd Recantation, of his Relapse into his Errors; and laid as much Strefs upon every Circumstance, as if it was a fresh Article of Accusation. To this he added one which related to his Morals: For he asserted, that *Jerome* was such an Epicurean in his Prison, that he spent his whole Time in Drunkenness and Gluttony. From whence he inferr'd, that he ought not only to be obliged to fast, but to answer Yes, or No, to all the Articles, and to suffer the Torture, because he is no Clergyman; and that in fine, he ought to be deliver'd up to the Secular Arm as an obstinate Heretick, if he persevere in his Errors. In this very Congregation mention was made of the Canonisation of the *Swedish* Saints. But we refer to what has been said of this Matter elsewhere. (a)

LXXVI. ABOUT this Time they had the melancholy News at *Constance*, of the Death of *Ferdinand* King of *Arragon*, which happen'd in the beginning of *April*. This Prince fell sick in *July* last Year; and 'tis said, that *Benedict's* Obstinacy affected him to that Degree, as made his Case much worse, and at last render'd him incurable. He intended to have gone into *Castille*, his Native Country, in Hopes of recovering his Health, and of effectually determining the *Castilians* to withdraw from *Benedict's* Obedience: But he died by the Way at *Iqualada*, a Town in *Catalonia*, after having made his Will; wherein, among other Things, he most expressly recommended it to *Alphonso*, Prince of *Girona*, his eldest Son and Successor, to support those who withdrew from that Obedience: Accordingly *Alphon-*

(a) P. 469.  
The Death  
of the King  
of Arragon.  
P. d. Hardt,  
T. IV. p. 626.  
715.  
Brev. ad an.  
1419. P. 512.



1416. *so* not only inherited his Father's Dominions, but the same Zeal for the Union of the Church, as will appear hereafter. This News being sent to the Council by *John de Opizis*, who had been dispatch'd to *Arragon* with the Writs of Convocation, the Nations were assembled, in order to consider what were the most proper Measures to be taken upon this Event. The Bishop of *Lodi* open'd the Assembly with the King of *Arragon's* Funeral Oration. After this, the Letter was read from *John de Opizis*, wherein he gave an Account of every Thing that had pass'd both before and since the King's Death, relating to the Union of the Church, *Ferdinand's* Zeal on his Death-Bed, and the good Intentions of *Alphonso*. After this, some other Letters were read from the King of *Castille*, and the Counts *de Foix* and *d' Armagnac*, who all gave Hopes of sending their Ambassadors very soon to join the Council. Afterwards one of the Ambassadors pronounc'd another Funeral Oration upon *Ferdinand*. Indeed a great many Things were to be said in Commendation of this Prince. All Historians extol his Modesty and Integrity, his Clemency, his Generosity, and his inviolable Attachment to Justice and Religion. Tho' he was endow'd with all the military Virtues, yet he was reckon'd a very pacifick Prince, and made it a Maxim to found his Government on the Love of his Subjects rather than their Fear. But nothing could make the Loss of him more deplor'd by the Council, than the manner in which he ended his Days, by labouring with such a Zeal for the Union of the Church, and by sacrificing to that End a Pope of his own Family, to whom he was in part oblig'd for his Crown. Among the Anecdotes of the Fathers *Martene* and *Durand*, there's a Letter from *Alphonso* to the Council on *Ferdinand's* Death, wherein, after having express'd his Sorrow in very tragical and tender Terms, he tells them of the unhappy News of his Father *Ferdinand's* Death, which happen'd on the 2d of *April*, at the Place abovemention'd. " He ended his Days, " says he, like a truly Christian Prince, after having taken the Sacraments with a perfect Contrition of Heart: Which gives us a firm " Assurance, that after having left a glorious Memory in this World, " and an illustrious Reputation for his sublime Atchievements and his " great Virtues, and especially for his Zeal for the Union of the " Church, his Soul will be admitted into Heaven. Mean time, as we " make no doubt but you will receive the News of this Loss with an " unfeign'd Sorrow of Heart, we beseech you most Reverend Fathers to intercede with God for the Comfort of his Soul, to the " End that if any Spot remain on it to be wash'd off, it may be " wiped out by the Prayers of devout Souls. For the rest, you " may be assured that we will bestir ourselves with the same Zeal " and Sincerity for the Consummation of a Work so desirable and " meri-

“ meritorious as the Union of the Church (a).” The Letter is dated the 14th of April. 1416.

LXXVII. THERE was a General Congregation the same Day of all the Nations, and of all the Cardinals and Prelates, at the Place and Hour of the Publick Session; where the Ambassadors of France produced a Letter from the King their Master to the Council, to desire the Condemnation of the nine Propositions: After which, they read the Act of Appeal which they had made some Days before from the Judgment of the Commissioners in the Affairs of the Faith. Then the Bishop of Arras going to speak in his Turn, there was such a Noise on both Sides, that there was a Necessity of adjourning the Session to another Day.

(a) Mart. Anecd. T. II. p. 1664. John Petit's Affair. V. d. Hardt, T. IV. p. 722.

THE Fathers being again assembled two Days after, the Bishop of Arras pleaded a long Time against the Proceedings of the Bishop of Paris, and of the Commissioners of the Faith at the Council: For those Commissioners had had the Misfortune to oblige neither of the Parties, tho' it was very palpable that they favour'd the one much more than the other. No body besides the Bishop of Arras could be heard at this Assembly. But Gerson having obtain'd a Hearing next Day, in Spite of the Bishop, who aim'd to be heard before him, made a Speech, wherein he answer'd all that the Bishop of Arras had alledged against the Sentence of Paris, and wherein he produced the Apology of the Duke of Burgundy, and the Assertions of John Petit, the Letters of the King of France, which vigorously press'd the Condemnation of them, and several Pieces that had been compos'd to justify the Sentence of the Bishop of Paris.

May 2.

LXXVIII. As the Speech which Gerson then made is capable of giving a great deal of Light into the whole Affair in general, 'tis proper to give the Substance of it. He therein confuted certain Falshoods or Calumnies, which he pretended had been advanc'd by the Duke of Burgundy's Advocates, the first of which was, That as no Body appear'd who had maintain'd the Propositions in question, so they ought not to be condemn'd before the Tribunal of Faith. To this Gerson answers, That when the Matter in Hand is a publick Error, and palpably scandalous, it may be condemn'd, tho' no Persons appear to have maintain'd it; and that moreover the whole Proceeding plainly shews that those Propositions have had too many Adherents, and some even in the Council it self, as the adverse Party has the Face to boast of.

Gerson's Speech against the Bishop of Arras. May 5. Gers. T. II. p. 319.

THE Second Calumny was, that maintain'd by the Burgundians, That the nine Propositions were falsely ascrib'd to John Petit. Gerson answers, that the Letters which he had deliver'd from the King of France, and the whole Apology made by John Petit, prove that those Propositions are the same which the Doctor had dictat'd himself, in his own Chamber, to several Persons, the Name of the Duke of Bur-

gundy

1416. *gundy* excepted, which had been omitted to skreen his Person, as he had also been skreen'd in the Sentence of *Paris*, and the Proceedings of the Council.

THE Third Thing he refutes is the Allegation, 'That those Assertions are true, and especially the first, in case of Revelation, that is to say, in case it be reveal'd that such a one is a Tyrant.' 'Tis an Absurdity, says *Gerson*, which is next to *Blasphemy*, to feign Revelations from God for authorizing Actions that are contrary to his Law. We have not receiv'd any Bull on that Subject from above, for Heaven speaks very clearly in the Holy Scriptures against a Doctrine so pernicious.

As to what several had said in the Fourth Place, 'That those Assertions were true in case of an unavoidable Necessity.' *Gerson* shews, by several Arguments on the one Hand, that the Propositions are universal, and on the other, that there can be no Case which imposes an unavoidable Necessity upon every Subject to kill any Tyrant whatsoever villainously and by Ambuscade, as the first Thesis imports. Moreover he affirms, that even tho' those Propositions may carry a true Meaning, they ought to be condemn'd, by reason of a great many false and scandalous Constructions, which are obvious to all that read them.

FIFTH. As the Duke of *Burgundy's* Advocates still insisted upon it, 'That there was a greater Number of Persons who approv'd the nine Assertions than of those that condemn'd them,' *Gerson* vigorously confutes this Sophistry, which he calls the common Subterfuge of Hereticks. But at the same time he denies the Fact, and affirms, that it will be seen that there's a far greater Number of Persons of Weight who condemn those Propositions than of those who maintain them; that the Secular Doctors of several Nations, and particularly of *England*, have not been consulted upon it; that the Mendicant Fryars who approve them ought to be suspected, as Persons that don't mean well to the University of *Paris*, and as Persons not duly inform'd of every thing that has pass'd relating to this Affair, in *France*.

SIXTH. One of the principal Arguments made use of by the Duke of *Burgundy's* Advocates to hinder this Affair from being judg'd in the Council is, that they look'd upon it as a Criminal Affair, which did not appertain to the Tribunal of Faith. *Gerson* distinguishes very well between Murder and the Justification or Defence of Murder. Murder falls under the Cognizance of the Judges in Criminal Matters; but 'tis the Business of the Judges in Matters of Faith to examine the Apology which is made for Murder, especially when 'tis pretended to be justify'd by Arguments drawn from the Divine and Canon Laws.

SEVENTH. It has been already observ'd, that the Bishop of *Arras*, in order to cast a Suspicion upon *Gerson*, accus'd him of having brought the

the King of *France* by Head and Shoulders into an Affair, which, according to his own Principles, belong'd to the Tribunal of Faith. *Gerson* answers, in the first Place, that 'tis not hazarding the Honour of the *Most Christian* King to interest him in the Defence of Faith and Religion, which is sapp'd to the Foundations by the Duke of *Burgundy's* Apology. In the Second Place, that before he interpos'd the King's Authority in this Affair, he had censur'd this Doctrine in his own Name, and in quality of a Divine, that it might be examined by the Doctors in a peaceable and summary manner, and without all the Formalities of the Bar; but that instead of chusing this Method, the Commissioners of the Faith having desir'd to send him to the Parliament of *Dijon*, there to be try'd as an Accuser of the Duke of *Burgundy*, tho' he had all along protested, that in this Censure he did not intend to go to Law with any Person, he was oblig'd to have Recourse to the Authority of the King his Master, to support him in the Defence of so just a Cause, and to skreen him from the Violence of his Adversaries, who spar'd neither Money nor Intrigues to oppress him. Finally, he concluded, that as he was convinc'd that *John Petit's* Apology, and the Propositions faithfully extract'd from them, are scandalous in several Respects, and erroneous both in Faith and Manners, he personally engages, in his own Name, and upon his own Head only, to defend the King of *France* in this Respect against all that should pretend to slander his Conduct in this Affair, and at the same time he desy'd his Adversaries to do as much for their Master the Duke of *Burgundy*. Then addressing himself to the Fathers of the Council, he exhorts them, with very great Eloquence, to hear the Blood of the Duke of *Burgundy*, which crys for Vengeance, and demands Justice of them against the Apology made for his Assassination in a horrid defamatory Libel. ' This Piece, says he, by representing the Duke of Orleans as a Traytor and an infamous Person, after his being assassinated, kills him a second time by a Civil Death, which is the more cruel, because it reflects on his Children and all their Posterity.' Then turning to the Bishop of *Arras* and *Peter Cauchon*, Vidame of *Rheims*, the Duke of *Burgundy's* Advocates, he spoke to them in these Terms. ' But you, my Lord of *Arras*, my Reverend Father, and my old Friend, and you *M.* the Vidame of *Rheims*, my dear Country-

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tionary de  
Trois.

man, I beseech you answer me the following Questions. Is it not true that you are really concern'd both for the Life and Welfare of the Duke of *Burgundy*, as well as for whatever may conduce to the Advantage and Security of his Descendants? I am persuaded you are.' By this, no doubt, he would insinuate, that the Duke of *Burgundy* himself was as much concern'd as any other Sovereign Prince to promote the Condemnation of *John Petit's* Propositions, because his Maxims might one Day be turn'd against him and his Children.

' Will

1416. Will you not also agree, that the Affassination of the Duke of Orleans can proceed only from very bad Counsel; and that *Philip the Bold*, Father to the Duke your Master, would not have committed such an Attempt? You must own it; for in the Life-time of that Prince, somebody having happen'd to let fall Words in his Presence, which tended towards the dispatching the Duke of Orleans, he went out of his Chamber in a great Feud, saying these Words, *Blessed is the Man that walketh not in the Counsel of the Ungodly*: And I am sure that if you yourselves, who were at that Time in *Italy*, had been present when this Action was committed, you would never have advis'd him to it. The Duke of *Burgundy* himself, who was the Author of it, had such an Abhorrence of it, that he confess'd next Day to the Princes of the Blood, that the Devil put him upon it. If therefore the Duke of Orleans was put to an unjust and criminal Death, how can you approve the Apology for it? After *Gerson* had pronounced this Speech, he put all the Pieces he had produced into the Hands of the Apostolical Prothonotaries, and then they broke up.

Another Assembly upon the same Affair. LXXIX. THE Council met again some Days after. *John Gerson* having in this Assembly read the above-mention'd Letter from the University of *Paris*, the Bishop of *Arras* made a long Discourse upon those Words of *St. Paul*, in *2 Thess. ii. 2. Suffer not yourselves to be soon shaken in Mind, or be troubled neither by Spirit, nor by Word, nor by Letter, as from us*. He afterwards presented a Letter from the Faculty of Divinity of the Province of *Picardy* (1), whereby it appear'd, that the said Province had not consented to the Letter from the University. But no sooner was this read, than there was such a prodigious Noise, that there was a Necessity of separating; so that the Bishop of *Arras* had not Time to make his farther Reflections, as well upon the Letter from the *Picard* Nation, as upon that from the University. This Prelate made his Protest, and pretended Violence had been done him, which he desired might be register'd.

May 11. There was another Assembly two Days after, upon the same Affair, but with as little Success as the former. The Advocate of the Ambassadors of the Duke of *Burgundy* being interrupted by the Advocate of the Ambassadors of the King of *France*, there was such a terrible Clamour and Din, that it was obliged to break up again without concluding any thing. Mean time, the Cardinals received a Letter from the Emperor, demanding that the Procedure of the Commissioners in the Affair of *John Petit* might be annull'd; and another Letter from *France*, wherein the Condemnation of the nine

Op. Gers. T.  
V. p. 592.

(1) The University of *Paris* is divided into Nations or Provinces.

1416.

Propositions was press'd with Vigour. The three Cardinals (1) answer'd the Emperor, that they had revoked the Sentence of the Bishop of *Paris*, by the Advice of the Doctors of the Canon and the Civil Laws: 1. Because the Judgment of this Affair being a Matter of Faith, appertain'd to the Pope. 2. Because those concern'd had not been cited in the Assembly of *Paris*. 3. Because no body had appear'd on the Part of the Bishop of *Paris* and the Inquisitor, so that they had been sentenc'd to an *Outlawry*. 4. Because the Bishop and the Inquisitor having appeal'd to the Council from the Sentence of the Cardinals, they ought to wait for the Council's Decision of it.

LXXX. ON the 15th and 16th of *May* there were two General Congregations, but little was done in both. In the first, *Alphonso* King of *Arragon* solemnly confirm'd the *Narbonne* Capitulation by the Mouth of *Anthony de Merceda*, recognised the Council, and ratify'd every Thing done by that Assembly. In the second, *Henry de Latzenbock* was deputed to *Strasbourg*, to demand the Liberty of the Bishop of that See, and of the other Prisoners, as has been already mention'd. The Proctors of the Council having complain'd against the *Hussites*, who spread their Doctrine in *Bohemia*, the Council nominated the Bishops of *Toulon* and *St. Paul de Leon*, to summon the Parties before them. Afterwards an Advocate of the Sacred Consistory represented that *John XXIII.* had absurdly, and contrary to the Regulation of the Council of *Pisa*, translated the Bishop of *Gap*, against his Will, from his Church to that of *Piacenza*; and had for that Purpose taken a great Sum of Money from the Person intruded into the Bishoprick of *Gap*. Another Advocate made the same Complaint on the Part of the Bishop of *Mileto*, who had also been translated; but to what See is not said. Other Advocates pleaded the Cause of *John XXIII.* and affirm'd, that those Translations were Canonical; and that *John XXIII.* had made them after a due Hearing of the Cause, and by Advice of the Cardinals. The Fathers promised to take it into Consideration. After this, a Letter was read to the Council from the King of *France*, demanding their Confirmation of the Election of one *Raimond* to the Archbishoprick of *Sens*, as having been canonically made by the Chapter. The Council promised to take this also into Consideration.

General Congregation upon fundry Affairs. *May 15, 16. V. d. Harde, T. IV. P. 744, 748.*

LXXXI. As *Jerome of Prague* had all along demanded a Publick Hearing, and refus'd to take the Oath before the last Commissioners, a general Congregation was summon'd on the 23d of *May* to swear him. But in this Assembly he also refus'd to take the Oath, unless they would promise him beforehand that he should have entire Freedom of

Another Hearing of *Jerome of Prague.* *May 23. V. d. Har. T. IV. P. 748.*

(1) These were the Cardinal of *Aquileja*, the Cardinal *des Ursins*, and the Cardinal of *Florence*.

Speech.

1416.

Speech. But the Council not thinking it fit to grant him such Permission, those Articles were read to him, which he had not yet answer'd. As to the Article of *Wickliff*, he answer'd as he had done before; that indeed he had read that Doctor's Books as People read the Works of an honest Philosopher, but with such Choice and Distinction, that he took the good and left the bad; that tho' he had set up his Picture in his Chamber, he plac'd it there as the Picture of a great Man, and not of a Saint, and that as to any Crown about its Head, there was no such thing. He utterly disclaim'd all the Accusations of Violence, those Acts excepted which he had been oblig'd to make use of in his own Defence. He absolutely deny'd that he had ever oppos'd the real Presence, Transubstantiation, the Sacrifice of the Mass, and that he had ever made the Verses and Ballads laid to his Charge. As to Excommunication, he affirm'd that he had said nothing but that a Pope or a Priest, tho' an Usurer or a Fornicator, might nevertheless legally administer the Sacraments, but that it was to his own Detriment, because he was unworthy of it, and that an unjust Excommunication was not valid. As to Indulgences, he declar'd that the Pope and the Cardinals might lawfully grant them, but that the Sale they made of them was illegal. He absolutely deny'd that he ever sent common Women into the Streets with the Pope's Bulls which granted Indulgences, and that he had ever caus'd those Bulls to be burnt. He did not disown that he had affirm'd, in a Discourse which he made one Day before the King of *Bohemia*, that 'tis lawful for a Layman to preach the Word of God. As to all the other Articles that border upon those which had already been communicated to him, he return'd the same Answer as he had given before his Commissioners, and as has been already reported. The Hour of the Sessions being elaps'd, the Affair was adjourn'd to another Time.

Another Examination of  
*Jerome of Prague.*

May 16.  
*V. d. Hardt,*  
T. IV. p. 572

LXXXII. THEY met again for the same Affair on the 26th of *May*. *Jerome* no sooner made his Appearance, but the Patriarch of *Constantinople* ask'd him if he was willing to take the Oath before he gave in his Answer to the rest of the Articles upon which they were to hear him. He refus'd, as before, to be sworn, because they would not grant him the Liberty of Speech; nevertheless they read all the Articles to him that remain'd. As to the Article of the Worship of Relicks, which it was alledg'd he had condemn'd, he answer'd that 'twas a false Imputation. He deny'd what they gave out, that he had extoll'd the three Men beheaded for *Wickliffism*. At length, after he had answer'd all the Charges, owning some, denying others, and clearing up the rest, the Patriarch of *Constantinople* said to him, that tho' he had been fully convicted of Heresy by Proofs that were unanswerable, and by Witnesses that were unexceptionable, yet they gave him the Liberty of speaking, either to defend himself, or to retract,

tract, but that if he persisted in his Errors, he must expect Judgment would pass upon him according to the Laws.

1416.

**JEROME** did not slip the Opportunity: After having put up a Prayer himself, he desir'd the Prayers of the Assembly, that it might please God and the Virgin so to enlighten his Understanding, that no Word might drop from him which should be prejudicial to the Salvation of his Soul. He afterwards said, that it was no extraordinary thing to see innocent Persons oppress'd by false Witnesses, and he instanc'd in the Believers of the Old and New Testament, as also in the *Christian* and *Pagan* Philosophers; such as *Elias*, *Daniel*, the other Prophets, *Susanna*, *St. Stephen*, *St. Jerome*, *Boetius*, *Socrates*, *Plato*, *Cato*, *Seneca*, &c. that therefore he should not be surpriz'd if he met with the same Fate; but that he hop'd one Day to see his Accusers, and to call them to Judgment before the Tribunal of the Sovereign Judge of the World. He accus'd the Council of an Act of high Injustice, in appointing new Commissioners to try him after the first had own'd his Innocence; and he declar'd, that he never acknowledg'd the last Set of Commissioners, and still refus'd to own them, but look'd upon them as no better than Judges sitting in the Chair of *Pestilence*. Then he takes Notice of the Pretences which, he said, his Enemies had made use of to persecute him, gives a long Account of the Disputes betwixt the *Bohemians* and *Germans* in the University of *Prague*, and affirm'd, that he had only incurr'd the Hatred of the latter, because he had defended the Privileges of his Country in concert with *John Hus*, whom he spoke of as a holy Man. He did not disown that he and *John Hus* had been the innocent Cause of several Massacres committed upon that Occasion, but he accus'd his Countrymen the Clergy of Infidelity, in rising up against him, at the very Juncture when he was for re-establishing them in their Privileges. Then he told how he came to *Constance* to defend *John Hus*, because it was he that had advis'd him to go thither, and that he had made him a Promise to come to his Assistance, in case they should go about to oppress him. ' When I arriv'd, said he, at *Constance*, and found *John Hus* a close ' Prisoner, I gave Ear to the Advice given me by several Persons of ' Credit to get out of the way, and retir'd some Distance from *Con-* ' *stance*, from whence I made a Complaint to the Emperor of the In- ' justice that had been done to *John Hus*, and demanded a Safe-Conduct ' from the Council for myself: Which being refus'd me in the Form ' I desir'd for my Security, I return'd towards *Bohemia*, when I was ' arrested upon the Road, and brought back to *Constance*, bound ' Hand and Foot. I am not ashamed here to make publick Confession ' of my Cowardice. Yea, I confess, and tremble to think of it, that ' nothing but the Fear of Punishment by Fire made me con- ' sent basely, and against my Conscience, to the Condemnation of the

O o o o

: Doctrine



1416. ' Doctrine of *Wickliff* and *John Hus*.' After having utter'd these Words with great Fortitude of Mind, he declar'd, that he disown'd his Recantation, as the greatest Crime that he had ever been guilty of; and that he was resolv'd to adhere, to his last Breath, to the Doctrine of *Wickliff* and of *John Hus*, as to a Doctrine which was as sound and pure, as their Lives were holy and unblameable. However, he excepted *Wickliff's* Doctrine relating to the Eucharist, which he disapprov'd, by adhering to what had been taught upon that Article by St. *Gregory*, St. *Ambrose*, St. *Austin* and St. *Jerome*. The Acts of *Ger-*

*v. d. Hardt*, T. IV. p. 761. many say, that upon this Occasion *Jerome* of *Prague* charg'd *John Hus*, as well as *Wickliff*, with holding Sentiments concerning the Eucharist, contrary to those of the holy Doctors. But this would have been a great Injury to *John Hus*: For, as hath been demonstrated, it appears, by all the Books of *John Hus*, and by his Answers to the Council, that as to the Eucharist, he held almost every Tittle of what was at that time the common Opinion, except the Communion in both kinds, as to which he never made any Declaration but at *Constance*, and upon which he was never interrogated, at least not at the publick Hearings. But 'tis very probable, that the Secretary who wrote the Acts committed a Mistake in this Place, by putting in the Names of *Wickliff* and *John Hus*, tho' *Jerome*, upon this Occasion, only mention'd *Wickliff*. This is clear enough from the Testimony of *Theodorick Vrie* *ep. v. d. Hardt*, T. I. p. 184. *Niem ap. v. d. Hardt*, T. II. p. 450. *Vrie*, an Author at that Time, who says, that *Jerome* of *Prague* excepted *Wickliff's* Article upon the Eucharist, from those which he approv'd of that Doctor's Tenets. *Jerome* concluded his Speech with an Inveitive against the Pride, Covetousness, Lewdness, and all the other Irregularities of the Pope, the Cardinals, and the whole Body of the Clergy, after which he was carry'd back to Prison, where he remain'd till the next Session.

Apology for the *Germans*. LXXXIII. HERE we must not omit the Complaints of *Theodorick de Niem*, against the disadvantageous Idea which *Jerome* of *Prague* gave of the *German* Nation at this Hearing; wherein he represented the *Germans* as ambitious People, who would fain be Masters every where, and would certainly have been so in *Bobemia*, if they had not been expell'd more than once. This *German* Author espouses the Cause of his Nation with Vigour, and thereupon gives *Jerome* the direct Lye (1). He proposes to shew from the Chronicles of *Saxony*, which he generally looks upon to be infallible (2), that the *Germans* may, without Usurpation, challenge a great Superiority over the *Bobemians*. ' About five hundred Years ago, said he, the Emperor *Otho* I. subdued the Duke of *Bobemia*, and reduc'd this Province, and annex'd it for ever

(1) Quoad ipsos Alamannos in collum suum mentitus est. *Niem ub. sup.* p. 45.

(2) Quæ non fallunt.

to the Empire. The *Bobemians* are in part oblig'd for their Christianity to the Piety of that Emperor; from that Time, the People of *Bobemia* and *Moravia*, as well as their Dukes and Kings, could never free themselves from the Dominions of the Emperors, and the Kings of the *Romans*. Which is not surprizing; for so stupid and savage were they by Nature, that they were obliged to have Recourse to the Laws and Religion of the *Germans* and *Saxons*, to recover from their Barbarity. It was the Emperor *Henry V.* who gave the Title of King to the Duke of *Bobemia*, by Virtue of which the Kings of *Bobemia* are Vassals of the Empire. The Grandfather and Father of *Sigismund* and *Wenceslaus*, who were Kings of *Bobemia*, without any Usurpation, were *German* Princes, of the House of *Luxembourg*, as well as the Marquisses of *Moravia*. By this *Niem* propos'd to shew, that *Jerome* of *Prague* was ungrateful and insolent, to inveigh against the *Germans*. At least, we may infer from it, that while *John Hus* and *Jerome* of *Prague* gave such a Character as they did of the *Germans*, they could not hope for any Favour in a Council where that Nation prevailed.

1416.

LXXXIV. THERE had been no publick Session since the 21st of SESSION *November* 1415; but Affairs were treated in particular Congregations, the TWENTY which were held at the Time and Place of the Session, in order to FIRST. give them the same Authority. Undoubtedly this was done in pure Condemna- regard to the *Spaniards*, whose Arrival was still expected to execute tion of Je- the Treaty of *Narbonne*. But as the only Affair that lay before them rome of was an *Act of Faith*, in which they were as much concern'd as the whole Council, a publick Session was held on the 30th of *May*, two Prague. Days after Ascension-Day, in order to render this Act the more solemn. The Emperor was still absent, as well as the Elector Palatine, the Protector of the Council, who was return'd to his Dominions, upon Advice sent him that the Friends of *Balthasar Cossa* and the Elector of *Mentz* in particular, were caballing together for the Release of Niem ubi sup, that illustrious Prisoner. *Jerome* of *Prague* being brought to the p. 458. Council by the Archbishop of *Riga* to hear his Sentence, the Bishop of *Lodi* open'd the Act by a Sermon, which he preach'd upon these Words, *He upbraided them with their Unbelief and Hardness of Heart.* Mark xvi. 14. The Bishop speaks to *Jerome* at first very mildly, and seems even to insinuate to him, that he might still hope for Favour from the Council if he would but repent. Then he makes a Distinction betwixt Error in the Understanding only, and an Error of the Will, which is maintain'd with Obstinacy, and said, that the latter constituted a Heretick (1), which he declar'd to *Jerome* was his very Case; But it seems he was for soothing him, by his telling him that the greatest Wits were the most liable to fall into an Error (2). After this, the Prelate, by

(1) Non quicumque incredulus, sed qui solum pertinaciter devius hereticus est. (2) Qui acutiori vigent ingenio præ aliis desipiunt.

O O O O 2

Degrees,

1416.

Degrees, sharpens his Language, and tells *Jerome* that he had no Design to spare him, because he would fain reclaim him, and that he was going to smite him on one Cheek, in hopes that, according to the Command in the Gospel, he would turn the other to him also; and he exhorted him not to shew himself incorrigible, as he had done hitherto. Here he utter'd certain Words, which will do better in the Margent (1) than in the Text. After this Expression, the Prelate addressing himself to the whole Assembly, gave them a long and pathetick Description of the Troubles and Ravages, which the Opinions of *John Hus* and *Jerome of Prague* had occasion'd in the Kingdom of *Bobemia*. Then turning about again towards *Jerome* himself, ' I must now shew you, *said he*, ' the Lenity with which you have been treated by the Council. You ' know how Hereticks are us'd. They are first of all committed to a ' close Prison. All manner of Articles are admitted against them, and ' all sorts of Witnesses too, even the most infamous, such as Pawn- ' brokers, Whoremongers, and common Strumpets (2). They are ' oblig'd, upon Oath, to tell the Truth, which if they refuse they are ' put to the Torture, and oblig'd to undergo all manner of Torments. ' No Person must be suffer'd to come near them, unless it be for some ' great Necessity. They ought not to be admitted to a Publick ' Hearing; if they repent, they may be pardon'd, but if they perse- ' vere obstinately, they are deliver'd over to the Secular Arm.' He afterwards represents to *Jerome*, ' That he had not been treated ' with such Severity, tho' he was more infamous than any Heretick, ' than *Arius*, *Sabellius*, *Faufus*, than *Nestorius*; and that he had pro- ' pagated his Errors, not only in *Bobemia*, but in *England*, *France*, ' *Hungary*, *Poland*, *Lithuania*, *Russia*, *Italy*, and all *Germany*. That ' as to his being committed to Prison, there was a Necessity for it; ' and that if he had not fled, he might have been as easy and as free ' at *Constance* as he pleas'd. That all the Witnesses admitted against ' him were Men of known Probity, and such as he himself had made ' no Objection to. That he had not been put to the Torture, but that ' the Omission of it had been a very great Wrong to him, because ' such Punishment might have open'd his Eyes. That all who desir'd ' it, were admitted to his Prison, either to comfort him, or to ' exhort him to recant. That he had been allow'd several Hearings, ' tho' it had been much better if he had been refus'd them, because ' they had only serv'd to render him the more audacious, and that ' he had ruin'd his own Cause by the several Hearings which he had

(1) *Primo projicio stercus non alienum, super faciem tuam, sed tuum proprium, i. e. I cast thy own, not another's, Dung upon thy Face.*

(2) *Testes quoscunque contra eos admitti, etiamsi sint infames, usurarii, ribaldi, aut publicæ meretrices.*

demanded?

‘demanded.’ Whereupon the Bishop mentions sundry Inconveniences that happen’d from it. *There were several charitable Persons, said he, who, to save you, endeavour’d to have it thought you was whimsical and mad; but the Eloquence and Accuracy with which you deliver’d your self at this Hearing, has discover’d the Impertinence of this Excuse; and your Language has shewn but too plainly, that you are a Man of solid Sense* (1). Moreover, by your own Confession, you have accus’d your self as a seditious Person, a Murderer, and a Favourer of Heresy, by supporting John Hus so publickly as you have done. The Bishop concluded his Speech with *Jerome of Prague’s* Condemnation. Then *Jerome* exalted himself on a Bench, and confuted him from the Beginning to the End with great Strength and Courage. He declar’d that he had done nothing in his whole Life which he ever repented of so bitterly as his Recantation, that he revok’d it from his very Soul, as also the Letter he had been induced to write on that Subject in *Bohemia*; that he had lyed like a Miscreant by making that Recantation, and that he esteem’d *John Hus* a holy Man. But he protested, at the same time, that he had always been religiously attach’d to the Sentiments of the Holy Catholick Church; that he did not know himself to be guilty of any Crime, unless they gave that Name to the Reproaches he had cast upon the Clergy for their Irregularities. That if, after this Declaration Credit should still be given to the false Witness born against him, he could no longer consider the Fathers of the Council than as unjust Judges, unworthy of all Belief. *Poggius the Florentine* says, that every Body was touch’d to the quick at this Speech, and wish’d he might come off; which, no doubt, was the Reason that it was propos’d to him once more to retract. But he was now as inflexible as he was timorous before. One of the ancient Authors of his Life says, that when he was threaten’d with Punishment, if he did not give Marks of his Repentance, he made this propheticall Answer: *You have resolv’d to condemn me maliciously and unjustly, without having convicted me of any Crime; but after my Death I shall leave a Sting in your Consciences, and a Worm that will never dye. I make my Appeal from hence to the Sovereign Judge of all the Earth, in whose Presence you shall appear to answer me A HUNDRED YEARS HENCE* (2). But the Fathers only laugh’d at this Prediction. I have already observ’d, that these Words were found upon certain Medals; one of which has the Head of *John Hus* on one side, with the Letters JOA behind it, and HUS before it; and round it this Inscription, *Credo unam Ecclesiam Sanctam Catholicam, i. e. I believe in one Holy Catholick Church.*

*V. d. Hardt;*  
T. III. p. 68.  
*Op. Hus, T.*  
II. p. 357.

(1) Sed quæso quis te insanum diceret aut delirum, nisi esset delirus, hominem sic ornate orantem, & accurate dicentem.

(2) Ut coram eo centum anni; revolutionis respondeatis mihi. *Op. Hus, T. II. fol. 357. & Theob. Cap. xxv.*

And

1416. And on the Reverse, *John Hus* is burning at the Stake, with these Letters on each side of him, CON DEM N A T U S, and this Inscription round the inner Rim, JO. HUS ANNO, A CHRIS TO N A T O, 1415. and round the outer Rim this Inscription, CENTUM REVOLUTIS ANNIS LEO RESPONDEBITIS ET MIHI.

As *John Hus* had made no Recantation, as he was both a Priest and a Preacher, and a Man of greater Authority than *Jerome of Prague*, tho' he had not such great Talents, they who caus'd the Medal to be struck, thought perhaps that it would be more remarkable and more affecting, to put this pretended Prophecy into the Mouth of the Master rather than the Scholar. And I very much doubt, whether the precise Term of a hundred Years was specify'd by *Jerome of Prague*, for these Words might have been added long afterwards from a too great Credulity plac'd in uncertain Traditions. So particular a Circumstance would not have been omitted by the Acts and Historians of that Time. But above all, the Silence of *Poggius the Florentine* seems to me a sort of Demonstration, because he has omitted nothing that could give a grand Idea of *Jerome of Prague*. He says, indeed, that *Jerome* declar'd (1), that the Witnesses against him would appear one Day before God's Tribunal; Then was a proper Occasion to have mention'd the Term of a hundred Years.

LXXXV. BE this as it will, the Council perceiving the Constancy of *Jerome of Prague*, the Patriarch of *Constantinople*, upon the Proctor's Motion, publicly read his Sentence, which ran as follows.

Sentence upon *Jerome of Prague*.

OUR Lord Jesus Christ being the true Vine, whose Father is the Husbandman, told his Disciples, that he would cut off all the Branches that did not bear Fruit in him. Therefore the sacred Synod of *Constance*, in obedience to the Order of the Sovereign Teacher, being inform'd, not only by publick Fame, but by an exact Inquiry into the Fact, that *Jerome of Prague*, Master of Arts, a Layman, has affirm'd certain erroneous and heretical Articles maintain'd by *John Wickliff* and *John Hus*, and condemn'd not only by the Holy Fathers, but by this sacred Synod; and that after having publicly recanted the said Heresies, condemn'd the Memories of both *Wickliff* and *Hus*, and sworn to persevere in the Catholick Doctrine, he return'd in a few Days like a Dog to his Vomit; and that

(1) Se paratum quodvis supplicium subire forti animo, seque inimicis suis cedere, & testibus illis tam impudenter mentientibus, qui tamen aliquando coram Deo, quem fallere non potuerint, essent rationem eorum quæ dixissent reddituri. i. e. That he was ready to undergo any Punishment magnanimously, and to resign himself to his Enemies, and to those impudent lying Witnesses, who notwithstanding should one Day give an Account of what they had said to God, whom they will not be able to deceive.

in

‘ in order to propagate the pernicious Venom which he conceal’d in  
 ‘ his Heart, he demanded a Publick Hearing; and that when he had  
 ‘ obtain’d it, he declar’d in full Council that he was guilty of great  
 ‘ Iniquity and a very wicked Lye, in consenting to the Condemna-  
 ‘ tion of *Wickliff* and *John Hus*, and that he for ever revok’d the  
 ‘ said Recantation, tho’ he had declar’d that he held the Faith of  
 ‘ the Catholick Church as to the Sacrament of the Altar and Tran-  
 ‘ substantiation. For these Causes the sacred Synod has resolv’d and  
 ‘ commanded, that the said *Jerome* be cast out, as a rotten wither’d  
 ‘ Branch, and declares him a Heretick, relaps’d, excommunicated,  
 ‘ accursed, and as such condemns him (a).

1416.

(a) *V. d. Mar.*  
 T. IV. p. 769,  
 771.

AFTER this Sentence had been unanimously approv’d by the  
 Council, *Jerome* was deliver’d over to the Secular Power, and at the  
 same time the Prelates recommended it to the Judges and Execu-  
 tioners of Justice not to insult him, but to treat him with Humanity.  
 Some Authors have reported, that *Gaspard Schlick*, Chancellor of the  
 Empire, protested in full Council, in the Name of *Sigismund*, against  
 the Condemnation and Punishment of *Jerome of Prague*; and that  
 not being able to get any Satisfaction, he withdrew from the Assem-  
 bly in very great Indignation (b).

(b) *V. d. Mar.*  
 T. IV. p. 765.

THE Historians of that Time agree, that a Paper Crown, or Mi-  
 tre, was given to *Jerome*, as well as to *John Hus*, which had the  
 Figures of Devils on it, and that after having thrown his Hat among  
 the Priests that surrounded him, he put the said Mitre, with his  
 own Hands, upon his Head, saying, that he was glad to wear it for  
 the Sake of him who was crown’d with one of Thorns. After this, the  
 Serjeants laid hold of him to carry him to Execution; and as he went  
 along, he sung the Apostle’s Creed, and the Hymns of the Church,  
 with a loud Voice and very chearful Countenance. When he came to  
 the Place where *John Hus* had been executed, he kneel’d at the  
 Stake to which he was to be bound, and, with a low Voice, made  
 a very long Prayer. Then the Executioners stripp’d him of his Gar-  
 ments, and cast a dirty Linnen Cloth over his Shoulders; after  
 which, having bound him, they heap’d Wood and Straw up to his  
 Neck. Meantime, *Jerome* raising his Voice, sung the Paschal Hymn:

*Salve festa dies toto venerabilis ævo*  
*Qua Deus infernum vicit & astra tenens.*

i. e.

Hail happy Day, and ever be ador’d!  
 When Hell was conquer’d by great Heaven’s Lord.

WHEN

1416. WHEN he had ended singing, he made a Confession of the Catho-  
 lick Faith in Verse, and addressing himself to the Multitude about  
 him, said, ' Dear Friends, Know that even as I have now sung, so  
 ' do I believe and not otherwise: Therefore I am condemn'd to dye,  
 ' for no other Reason but because I would not consent to the Council  
 ' (or *the Counsel*) of the Priests who condemn'd *John Hus*. For, not  
 ' to mention the Integrity of his Life, and his amiable Behaviour  
 ' from the Cradle, he was a true Preacher of the Law and of the  
 ' Gospel of Jesus Christ.' Then the Executioners putting Fire to the  
 Wood, threw his Cloaths upon it, while he sung aloud in *Latin*,  
*Lord, into thy Hands I commend my Spirit*. Tho' he was almost  
 smother'd with the Flame, nevertheless he cry'd out, in the *Bobemian*  
 Tongue, *O Lord God Almighty, have Mercy on me, and pardon my*  
*Transgressions; for thou knowest that I have sincerely loved thy Truth*.  
 And with those Words he yielded his last Breath. During this, his  
 Bedding was brought from the Prison, together with what Furniture he  
 had there; as his Straw-bed, his Boots, and his Hood, and thrown into the  
 Fire, and his Ashes were cast into the *Rhine*. The Author who gives this  
 Account, and who protests that he saw and heard every thing with  
 his own Eyes and Ears, declares, that his Suffering lasted a full quar-  
 ter of an Hour, whilst a Man might have gone leisurely from *St. Cle-*  
*ment's Church at Constance* to the Church of *St. Mary* (1). And the  
 Relation given by this *Hussite* Author is the rather to be credited,  
 because it is confirm'd by such Writers his Contemporaries, who were

(1) Is autem homo veridicus, qui no-  
 bis Acta circa condemnationem & senten-  
 tiam ipsius Mag. Hieronymi Scripto tenus  
 intimavit, & Pragam destinavit, sic con-  
 cludit: *Ista omnia sic fieri vidi, & audivi,*  
*& si quis contrarium vobis dixerit, nulli*  
*fidem adhibeatis. Ea vero quæ circa*  
*adventum Magistri Hieronymi versus &*  
*ad Constantiam primum venientis liberè,*  
*& post vinculati (ut præfertur) adducti,*  
*ego ipse vidi, & singula tum acta plenè*  
*conspexi, ac pro futura vivaci Memoria*  
*sic consignavi (ipso, qui singulorum cor-*  
*dium rimator est, teste) non mentiens;*  
*Verborum incomptorum, potius ad perhi-*  
*bendum veritati testimonium malui tole-*  
*rare ineptiam, quam fucatis duntaxat eor-*  
*um corticibus aures audientium prurien-*  
*do demulcens, a veritate cogerer quomo-*  
*dolibet deviare. Amen. i. e. That Man*  
*who was the true Reporter hereof, and who*  
*testify'd unto us the Acts relating to the Con-*  
*demnation of Master Jerome, and sent the*

same to us to Prague in Writing, doth  
 thus conclude. *All these Things, said he,*  
*I did see and hear done in this Form and*  
*Manner. And if any Man tell you the*  
*contrary, do not credit him; for all these*  
*Things which happen'd to him when he*  
*came towards Constance, and also at his*  
*first coming to Constance of his own free*  
*Will, and afterwards when he was brought*  
*bound to Constance, as aforesaid, I my self*  
*did see and perfectly behold, and for perpetua-*  
*ting the Memory thereof for ever, I have di-*  
*rected the same unto you; not lying or falsi-*  
*fying any Point thereof, as he who is the*  
*Searcher of all Hearts can bear me Witness,*  
*being willing to suffer the Reproach of Igno-*  
*rance and Uncorrectness of Style, for the sake*  
*of bearing my Testimony to the Truth, than*  
*by any Means be compell'd by tickling or flat-*  
*tering the Ears of the Hearers with feigned*  
*Speech, to deviate from the Truth. Oper.*  
*Hus, T. II. fol. 354. A Theobald Bell.*  
*Hus, p. 61. V. d. Hardt, T. IV. p. 772.*

staunch Catholics, and zealous Sticklers against the *Hussites*. Of these *Aeneas Sylvius* ought to be mentioned in the first Place, who speaks of *John Hus* and *Jerome of Prague* in these Terms. ' *John Hus* was burnt first, and after him *Jerome of Prague*. They suffer'd Death with very great Constancy, and went to the Fire as cheerfully as if it had been to a Feast, without making any Complaint. While the Fire was kindling about them, they sang a Hymn, which neither the Flame, nor the Crackling of the burning Faggots, interrupted. We don't find that any of the Philosophers ever suffer'd Death with so much Courage as they endured the Fire (a).' *Theodoric de Niem*, who was at *Constance*, expresses himself thus. ' At length, says he, *Jerome* receiving his due Reward was condemn'd for Heresy; and upon the same Day, which was Saturday the 30th of *May*, he expired miserably in the midst of the Flames. As they carried him to Execution, he sung the Creed with a loud Voice. He continued to speak, tho' very slow, even to Death, or as long as he could open his Lips. Thus, from a diabolical and damnable Presumption, he persever'd in his Errors living and dying (b).' The Monk, *Theodoric Vrie*, who also flourish'd at that Time, gives the same Testimony more at large. ' Holding the Crown, says he, that was given him in his Hand, a Crown of Dishonour, Abomination and Turpitude, he utter'd these Words, *The Lord Jesus Christ my God was crown'd for my sake with a Crown of Thorns, and I will gladly wear this Crown for his Glory*. After having pronounced this Expression, he kneel'd down for a few Minutes, and then rising up, he sung the Creed from the beginning to the end. Thus did the wretched Man excite the Compassion of all that saw him go along in that miserable Condition, without taking any Compassion of himself. Then being led to the Stake, he was stripp'd of his Cloaths and bound to it; there being all naked, in the midst of the scorching Flames, he sung those Words, *O Lord, into thy Hands I resign my Spirit*; and just as he was saying, *Thou hast redeemed us*, he was suffocated by the Flame and the Smoak, and gave up his wretched Soul. Thus did this Heretical Miscreant resign his miserable Spirit to be burnt everlastingly in the bottomless Pit (c).' This Testimony is the more remarkable, because *Vrie* puts it into the Mouth of *Jesus Christ* speaking to his Spouse.

1416.

(a) Hist. Bohem. cap. xxxvi.

(b) Niem de Vit. & Pat. Constant. Joh. xxiii. ap. T. d. Hardt, T. II. p. 454.

(c) Apud T. d. Hardt, T. I. p. 202.

By this 'tis plain, that all the Authors of that Time are unanimous in their Testimonies of that heroick Constancy with which *Jerome of Prague* suffer'd Death. But there is not one that has done it more at large, and with more Spirit and Elegance, than *Poggius the Florentine*, in the following notable Letter which he wrote upon this Head to *Leonard Aretin*, and not to *Nicholas Nicoli*, as was supposed by *Aeneas Sylvius*. The Suffrage of so illustrious a Person as *Poggius*

P p p

can-



1416. cannot but be of very great Weight. He was present at this Ass, and we shall find by and by, that no Body could have room to suspect him. *Aeneas Sylvius* speaks in Commendation of this Letter in his History of *Bohemia*; and all the Fault he finds with it is, that *Poggius*, after his usual manner, raves a little too much against the Behaviour of the Clergy. We will insert it here at length, tho' it has been printed several times, either in *Latin* or in bad *French*.

Letter from  
*Poggius* to  
*Leonard Ar-*  
*stin*, concern-  
ing the Exe-  
cution of Je-  
rome of  
*Prague*.  
(a) *Baden*.

LXXXVI. ' I wrote from the Baths (a) to *Nicolo*, which Letter  
' I hope you saw. Not many Days after my Return to *Constance* (1),  
' they began to examine the Affair of *Jerome*, who they proclaim to be  
' a Heretick (2). I have a Mind to give you a Relation of this  
' Matter, as well for the sake of the Importance of it, as for this  
' Man's Doctrine and Eloquence. I confess that I never heard any  
' Person, in the Defence of a criminal Cause, who came nearer to that  
' Eloquence of the Ancients, which we admire every Day. Nothing  
' was more surprizing than the Delicacy of his Discourse, the Force of  
' his Arguments, the Greatness of his Courage, and the Boldness and  
' Intrepidity of his Mien and Countenance, when he answered his  
' Adversaries. 'Twere Pity that so fine a Genius should deviate from  
' the Faith, supposing however what is said of him to be true. For 'tis  
' none of my Business to judge of an Affair of such high Conse-  
' quence, and I submit it to those who are reputed to know more of  
' it than I do.

(b) *May 23,*  
*1416.*

(c) *Maledictis.*

' BUT don't expect that, after the manner of the Pleaders, I  
' should give you every Particular of the whole Transaction. This  
' would take up too much Time. I shall only confine myself to the  
' most memorable Circumstances, just to give you some Idea of this  
' worthy Person's Doctrine. When several Articles were exhibited  
' against him, by which it was proposed to convict him of Heresy (3),  
' and when he was in effect judged as a Heretick, it was resolv'd to cite  
' him, that they might hear his Answers (b). When he appear'd, he  
' was order'd to answer to the Articles laid to his Charge. This he  
' refus'd a long time, saying, that he would plead his own Cause be-  
' fore he answer'd the Calumnies of his Enemies (c). But as they  
' would not give him Leave, he spoke, in the midst of the Assembly,  
' as follows (4).

' How unjust is this! You have confin'd me for three hundred and  
' forty Days in several Prisons, where I have been cramp'd with Irons,  
' almost poyson'd with Nastiness and Stench, and pinch'd with the  
' Want of all Necessaries. During this, you always gave my Ene-

(1) Where the Council was held.

(2) Quem hæreticum ferunt & quidem  
publicè.

(3) Quibus arguebatur hæresis.

(4) This was a general Congrega-  
tion.

6 mics

' mias a Hearing, but refus'd to hear me for so much as one Hour.  
 ' I don't wonder that, after you indulg'd them with so long  
 ' and so favourable a Hearing, they had an Opportunity to persuade  
 ' you, that I am a Heretick, an Enemy to the Faith, a Persecutor  
 ' of the Clergy, and a Villain. With this Prejudice you have judg'd  
 ' me, without hearing me, and you still refuse to hear me: Never-  
 ' theless, ye are not Gods, but Men; as such ye are fallible, ye may  
 ' deceive your selves, and suffer others to impose on you. They say,  
 ' that all Learning and all Wisdom is collected in this Council. You  
 ' ought therefore to take great Heed that you do nothing rashly, for  
 ' fear of committing Injustice. I am very sensible that the Design is  
 ' to inflict Sentence of Death on me; but when all is done, I am but  
 ' a Man of very (a) little Importance, who must dye sooner or later: (a) *Homuncio.*  
 ' Therefore what I say is more for your sakes than my own. It  
 ' would be very unbecoming the Wisdom of so many great Men to  
 ' pass any unjust Decree against me, and thereby to give a Precedent  
 ' for a Consequence much more pernicious than my Death can be.

' WHILE he talk'd with so much Force and Grace, the People  
 ' made (1) so great a Noise, that he could not be heard any farther.  
 ' It was therefore resolv'd, that he should answer to the Articles ex-  
 ' hibited against him, and then that he should have entire Liberty of  
 ' Speech. All the Articles were read to him, one after another; and  
 ' being interrogated upon each of them, 'tis incredible with what  
 ' Dexterity and Cunning he gave his Answers (2), and how many  
 ' Arguments he brought to support his Opinions. He never asserted  
 ' the least thing unworthy of an honest Man; so that if his Senti-  
 ' ments, in Matters of Faith, had been agreeable to his Words,  
 ' there had not been the least Colour for accusing him, much less for  
 ' subjecting him to Sentence of Death (3). He openly averr'd, that  
 ' all that had been alledged against him was false, and invented by his  
 ' Enemies. When they told him, *That he revil'd the Apostolical See*  
 ' *by his Calumnies, that he had fallen upon the Pope himself, that he*  
 ' *was an Enemy to the Cardinals, a Persecutor of the Prelates, and an*  
 ' *Adversary of the whole Order of the Christian Clergy,* he stood up,  
 ' and, with a sorrowful Tone, and extended Hands, cry'd out, *Which*  
 ' *way shall I turn, my Fathers, whom shall I call upon for Help, or to*  
 ' *bear Witness to my Innocence? Shall I make my Address to you? But*  
 ' *my Persecutors have entirely alienated your Minds from me, by saying*

(1) 'Tis not said whether this was against Jerome, or in his Favour; either may be true.

(2) *Quam callide.* It shews, that Paganus was pleas'd with this Word, because, instead of the Arguments and Reasons

which he says Jerome made use of, he would have accus'd him of Sophistry.

(3) *Ut si in Fide stantiebat quod verbis profitebatur, nulla in eum, necum mortis causa inveniri justa posset, sed nequidem levissimum offensiois.*

1416.

‘ that I am myself a Persecutor of my Judges. They verily concluded, that if their other Accusations were not of Force enough to condemn me, they should not fail of oppressing me, and of setting you against me, by misrepresenting me to be an Enemy to you all. If therefore you give them Credit, I have nothing to hope for.

(a) Of the Eucharist.

‘ HE often stung them by his cutting Raillery, and sometimes too he gave such a pleasant Turn to their Objections, as forc’d them to smile on so sad an Occasion. When they ask’d him what was his Opinion of the Sacrament (a)? Naturally, said he, ’tis Bread; but during and after the Consecration ’tis the true Body of Christ (1). He answer’d to the other Articles after the same Orthodox Manner (2). Some having reproach’d him with having said, that after the Consecration the Bread remain’d Bread. Yea, said he, that which remaineth at the Baker’s. He said to a Dominican, who ray’d against him, Hold thy Peace, Hypocrite; and to another, who affirm’d what he said of him upon Oath, That, said he, is the best way to deceive. There was one of his principal Antagonists whom he never call’d by any other Names than Dog and Ass. But it being impossible to bring the Affair to an Issue that Day, because of the Number and Importance of the Accusations, it was adjourn’d to another Day (b).

(b) May 26.

‘ Upon that Day, after the reading of the Articles, and proving them by Witnesses, Jerome pray’d the Assembly to grant him a Hearing: Which having obtain’d, tho’ not without Opposition, he began with invoking the Grace of God so to govern his Heart and his Lips, that he might advance nothing but what should conduce to the Salvation of his Soul (3), and then spoke as follows. I am not ignorant, ye learned Tribe (c), that many excellent Men have been born down by false Witnesses, and treated after a manner unworthy of their Virtues, and condemn’d by very unjust Decrees. He began with the Instance of Socrates, who, after being unjustly condemn’d by his Fellow-Citizens, prefer’d Death to a disingenuous Recantation, tho’ it was solely in his own Power to have sav’d his Life by this Method. Then he instanc’d in the Captivity of Plato (4), the Sufferings of Anaxagoras (5) and Zeno (6), the Banishment of Rutilius (7), the Execution of Boetius (8), and some others.

(c) Doctissimi viri.

(1) Natura panem, in consecratione, & post, verum Christi corpus.

(2) Et reliqua secundum fidem.

(3) Primum a Deo exorsus deprecatus est, eam sibi dare mentem, eam dicendi facultatem quæ in commodum ac salutem animæ suæ verteret.

(4) This Philosopher was sold, by Order of the Tyrant Dionysus. Diog. Laert. L. III. § 19.

(5) Some say he was banish’d; others, that he was put to Death for Impiety, *ib.* L. II. § 12.

(6) Plutarch says, that Zeno pluck’d out his Tongue, and spit it in the Face of a Tyrant that wanted to extort a Secret from him. Plutarch. Moral. p. 505.

(7) This was Cicero’s Uncle. He was banish’d Rome in the Time of Sylla, who had an Inclination to recall him, but he would not return. Cicero. de Nat. Deor. L. III. c. 32.

(8) A Roman Consul in the sixth Century. Theoderic caus’d him to be behead’d upon Suspicion.

‘ FROM.

FROM hence, proceeding to the *Hebrews*, he represented, that *Moses* had been often scandaliz'd by the People, as if he had been an Impostor; that *Joseph's* Brethren, out of Envy, sold him, and that he was afterwards put in Prison upon false Reports. That *Isaiab*, *Daniel*, and almost all the Prophets, were persecuted unjustly. He did not forget the Story of *Susannab*. After these Instances taken from the Old Testament, he pass'd to those of the New. He put them in mind of the unjust Execution of *John the Baptist*, *Jesus Christ*, and most of the Apostles, put to Death as ungodly, seditious Persons. 'Tis a shameful thing, said he, for one Priest to be condemn'd unjustly by another; but the height of Iniquity is when this is done by a Council, and a College of Priests.

As the whole Affair turn'd upon the Witnesses, he asserted, that no Credit ought to be given to their Deposition, because they had advanc'd nothing but what was false, and that only thro' Hatred and Envy. He gave so probable an Account of the Reasons of that Spite, that he had almost convinc'd them; and if this had not been an Affair of Religion, they were so touch'd with Compassion, that he would have been sent away innocent. To raise the more Pity, he added, that he came of his own accord to the Council to justify himself, which a Man, who was conscious of his Guilt, would not have done. Moreover, it was very plain, from the Account he gave of his Life and Studies, that he had spent his Time in the Exercise of Virtue, and in Works of Use and Piety. As to his Sentiments, he shew'd, that the most learned Men, of all Times, had different Opinions concerning Religion; that they disputed about it not to combat the Truth, but to clear it up; and that *St. Austin* and *St. Jerome* were not always of the same Opinion, and yet were not therefore accus'd of Heresy.

IT being expected that he should either justify himself or retract, he declar'd that he would do neither the one nor the other; not the first, because he did not think himself guilty of any Error; not the second, because it was not his Business to retract the false Accusations of his Enemies. He launch'd out into the Praise of *John Hus*, who had been already burnt, calling him a just and holy Man, unworthy of such a Death, and declared that he was ready to suffer all kinds of Torture with Constancy. That he had rather yield to the Violence of his Enemies, and to the Impudence of his Accusers, than to lye as they did, being moreover assur'd that they must one Day give an Account of it to him who cannot be mock'd. The whole Assembly was heartily griev'd, and earnestly desir'd to save so excellent a Man, if he had been but rightly dispos'd (1). But he:

(1) Si bona mens fuisset.

was

1416.

‘ was fix’d in his Resolution, and seem’d to desire nothing so much  
 ‘ as Death. He again expatiated in Praise of *John Hus*, who, as he  
 ‘ express’d it, had not acted against the Church of God, by finding  
 ‘ Fault with the Abuses of the Clergy, and the Insolence, Pride  
 ‘ and Pomp of the Prelates. *As the Revenues of the Church are princi-*  
 ‘ *pally design’d for the Maintenance of the Poor, for Works of Hospitality,*  
 ‘ *for the Building and Repair of Churches, this pious Man, said he,*  
 ‘ *could not bear to see them spent in Debauchery with Women, in Feasts,*  
 ‘ *Hounds, Horses, Furniture, in gawdy Apparel, and other Expences un-*  
 ‘ *worthy of Christianity.*

‘ HE had such a Presence of Mind, and was a Man of such Con-  
 ‘ stancy, that tho’ he was interrupted by a thousand Clamours, and  
 ‘ incessantly harras’d, yet he was never at a Loss for a Reply, and  
 ‘ put his Aggressors either to Silence or to Shame. He had an admir-  
 ‘ able Memory, which never betray’d him, though he had been three  
 ‘ hundred and forty Days at the Bottom of a Dungeon, without  
 ‘ being able to read, or so much as to see the Light; not to mention  
 ‘ the Uneasinesses and Disturbances of Mind, which would have de-  
 ‘ stroy’d the Memory of any other Person. Nevertheless, he quoted  
 ‘ so many Authorities, from the Doctors of the Church, to support  
 ‘ his Opinions, that ’tis scarce to be imagin’d how he could master  
 ‘ them up in so short a Space of Time, supposing he had been per-  
 ‘ fectly at Ease. He had a manly Voice, which was agreeable, dis-  
 ‘ tinct, and sonorous. His Behaviour naturally rais’d Compassion,  
 ‘ tho’ he did not desire it. In a Word, to see his Intrepidity, you  
 ‘ would have taken him for another *Cato*. O glorious Man, truly  
 ‘ worthy of immortal Memory! If he entertain’d Sentiments contrary  
 ‘ to those of the Church, I don’t commend him for that, but I ad-  
 ‘ mire his prodigious Knowledge and his Eloquence. I fear that  
 ‘ Nature only made him those Presents for his Ruin (a).

(a) *In pestem.*

‘ As he had two Days Time allow’d him for Repentance, several  
 ‘ Persons, and among others the Cardinal of *Florence*, went to see him,  
 ‘ in hopes of reclaiming him. But he persever’d in his Errors, and  
 ‘ therefore the Council condemn’d him to the Flames. He walk’d  
 ‘ to Execution with a gay Countenance, and with more Intrepidity  
 ‘ than ever was shew’d by any Stoick. When he came to the Place of  
 ‘ Death, he put his own Cloaths off, and falling on his Knees,  
 ‘ kissed (1) the Stake to which he was to be bound. He was not  
 ‘ only chain’d but bound to it naked with moisten’d Ropes, after  
 ‘ which great Sticks of Wood were piled round him mix’d with

(1) *Veneratus*, by which he testify’d his Joy to suffer for a good Cause, and his Submission to the Will of God.

‘ Straw. As soon as the Fire catch’d it, he fell to singing a Hymn which he did not leave off, notwithstanding all the Flame and Smoak. The Executioner approaching to the Pile behind his Back, for fear he should see him, *Come forward*, said he, with all the Courage that could be, *and put Fire to it before my Face: For had I been afraid, I should not have come hither when I might have so easily avoided it.* Thus dy’d this Man, whose Merit cannot be sufficiently admired (1). I was a Witness of his End, and have considered all the Acts. Whether he was guilty of Insincerity or Obstinacy, I know nothing of the Matter; but never was there a Death more Philosophical.

‘ THUS have I given you a long Narrative (2). I thought I could not employ my leisure Time to better Purpose, than to relate a History so much like to those of Antiquity. *Mutius Scaevola* did not express more Constancy when he saw but his Arm burnt, than *Jerome* did at the Sight of his whole Body in the Flames; nor did *Socrates* take off the poisonous Draught with more Alacrity. But this is sufficient. Pardon my being so tedious. Such a Subject as this deserved to be treated still more at large (a) ?

(a) Pogg. Op. p. 301. Character of Poggius the Florentine.

LXXXVII. WE may be excused a short Digression, for the Sake of the celebrated Author of this Letter. His single Quality, as Secretary to *John XXIII.* was sufficient to have engag’d him to come to the Council. But besides this, some of the most considerable of the Cardinals (*bonestissimi Ecclesie Romanae Principes*) gave him a Commission to seek for all the curious MSS. about *Constance.* He succeeded very happily in this Search, because he found *Tertullian, Quintilian, Asconius Pedianus, Lucretius* and several other Works, some entire, others imperfect, of which a List may be seen in the Life of *Poggius*, by Signior *Recanati* a noble *Venetian.* During his Stay at *Constance* he learned the *Hebrew* Language of a Rabbi who had embraced Christianity. In a Letter which he wrote to *Nicolo, I unbend, my Mind*, said he, *from this painful Study, by bantering my Master who is a very stupid Fellow, and perfectly ridiculous, and by throwing some Jokes upon Rabbiniſm.* When the Council of *Constance* was ended, *Poggius* made a Voyage to *England*, as ’tis believ’d, with the Bishop of *Winchester*, whom Pope *Martin V.* made a Cardinal, as we shall find hereafter. After having spent the greatest Part of his Life at the Court of *Rome*, under several Popes (3), he was called to *Florence* to be a

(1) Vir præter fidem egregius.  
(2) Longam cantilenam narraſſi.

(3) Under *Innocent VII. Gregory XII. Alexander V. John XXIII. Martin V. Eugene IV. Nicholas V.*

Chan-

1416. Chancellor and Secretary to that Republick; the History of which he wrote in *Latin* (1). *Poggius* died in 1459 (2).

Robbers punished.  
V. d. Hardt, T. II. p. 413 and T. IV. p. 669. Reich. p. 25.

LXXXVIII. NOTWITHSTANDING all the Precautions taken for the Security of Travellers, and to hinder Acts of Violence and Robberies during the Council, there was always a Pack of Villains who made an Advantage of the great Concourse of People that came to and from *Constance*. In the Neighbourhood of this City, there was a certain Baron named *George d'End*, whom *Niem* calls a *Little Baron*, but a *Great Tyrant*. In the Road which People were oblig'd to pass on their Return to *Italy*, he had two extraordinary strong Castles wherein he kept Banditti in Pay, to watch Opportunities of robbing and murdering Passengers. These Banditti had follow'd this Trade a long Time with Impunity, because till then no Body knew their Harbour. But about the Easter Holidays, one of them was apprehended crossing early in the Morning in a Boat near *Constance* to *Schaffhausen*, with a Woman of the same Gang; for his Arms creating a Suspicion of him, the Magistrate of the Place was advertis'd of it, who presently sent People to take him. He made a full Confession, and without any Form of Law, they threw him into a River wherein he was quickly drowned, because of the Weight of his Arms. At the same Time they hasten'd to the Inn where the Baron lay at *Constance*, found him fast asleep, and carry'd him to a Dungeon, in order for his Prosecution. Mean Time several Persons making Interest for him, he was only condemn'd to Imprisonment for Life. The Magistrates of *Constance* seized his Castle, and caused it to be burnt to the Foundation.

The absent Prelates recall'd.  
V. d. Hav. T. IV. p. 614.

LXXXIX. *BENEDICT* XIII. being totally abandon'd, nothing remain'd but to proceed to the deposing of him, and to the electing of a new Pope, in order to compleat the Grand Affair of the Union of the Church. With this View all the Writs of Convocation had been dispatch'd pursuant to the Treaty of *Narbonne*, and Ambassadors actually arriv'd every Day, or Deputies from the Princes and Prelates of *Benedict's* Obedience, to make their Submission to the Council. But as many of the other Obediences were still wanting, who absented under various Pretences, the Council publish'd a Bull enjoining all the Cardinals, Prelates, and all the Lords Spiritual and Temporal, who were absent, to repair to *Constance*, or to send their Proxies thither within the Space of three Months.

May 31.  
V. d. Hardt T. IV. p. 775.

The Emperor's Letter to the Council.

V. d. Hardt T. IV. p. 604, 730.

XC. MEAN-TIME, till they saw what would be the Success of this Bull, they went on with other Affairs, at least as far as the Emperor's Absence would permit. For they had receiv'd another Let-

(1) An *Italian* Translation of it was publish'd, but the Publick is oblig'd to *Rocanati* for having printed the Original at *Venice*, 1715.

(2) See the Life of *Poggius* by *Rocanati*, the *Poggiana*, and the Works of *Poggius*.

ter from this Prince, written at *Paris*, wherein he desir'd the Council to wave the most delicate Affairs till his Return. This Letter was read by the Bishop of *Traw* in *Dalmatia*, in a general Congregation. Besides what has been said, *Sigismond* wrote Word to the Fathers of the Council, that if they thought it proper he should hasten his Return, he would set out upon the first Notice. That in the mean time they might labour for the Reformation of the Clergy, but especially those of *Germany*, and recommended the making of proper Regulations to oblige them to Decency in their Habits, Equipages, and their whole Conduct, and not to bear Arms. He would likewise have them oblig'd, by Ecclesiastical Censures, to restore all the Livings of the Church which had been usurp'd, and for that End offer'd to employ the Secular Arm at his own Expence; that the Archbishop of *Mentz*, and all others, should be prohibited to kindle any War in *Germany*, and that the Bishop of *Strasbourg* should be set at Liberty. He also desir'd the Council not to meddle, in his Absence, with such Affairs as related to the Kingdom of *Hungary*; not to confirm Elections to any Cathedral or Regular Church; not to give any Prelate leave to be absent; to send Ambassadors into *Poland*, to engage the King and the Grand Master of the *Teutonic* Order to observe the Truce of two Years, which had been concluded between them at *Paris*, by the Mediation of himself and of the King of *France*; to perform every thing that had been promis'd to *Charles Malatesta*, to maintain *John Contarin*, the Patriarch Elect of *Constantinople*, in his Dignity, and to confirm his Officers; to grant nothing to the King or Queen of *Naples*; to suspend the Affairs of the Mendicant Fryars; to grant no Prelacies to any Fryar of the Order of *St. Paul* the Hermit, and not to suffer them to quit the Order; to appoint Commissioners to regulate the Differences between the Archbishop of *Rheims* and the Cardinal *de Saluces*; and to hinder any Person from seizing the Revenues of the Church of *Rome*, he having refus'd himself to grant any thing to any Person thereupon, and having declar'd himself Protector of the Estates of the said Church. What has been mention'd, is the Extract which *Cerretanus* has given of *Sigismond's* Letter; but, in *Gerfon's* Works, I find another Letter of the same Date, which was read likewise the same Day, and only contains Exhortations to Peace, which was disturb'd in Council by the Importunity of the Mendicant Fryars, and strenuous Instances for repealing the Judgment of the Cardinals, who had revers'd the Sentence of the Bishop of *Paris* against *John Petit*. The Emperor complains of this Decree in these Terms. ' We ' have heard that some Commissioners, who are at *Constance*, and ' who act as Judges in this Affair, have repeal'd the Sentence of the ' Bishop of *Paris*, and of the Inquisitor of the Faith, tho' they are ' engag'd by their Office to extirpate Errors and Vices, and to plant

1416.  
One like it had already been receiv'd the 5th of February.  
As to this Letter, vide *Dlugos's* Hist. *Polon.* p. 375, 376  
June 3.

He had been of *Gregory's* Obedience.  
This Order was instituted in *Hungary* in 1215.  
*Gerfon*, T. V. p. 593.

Q q q q

' Virtue



1416. *W* Virtue in the Lord's Field, committed to their Care, against a certain Proposition, which Master *John Petit* has had the Impudence to maintain, and which is erroneous, according to the Judgment of the illustrious University of *Paris*, which has not been us'd to teach Errors. Such a Proceeding cannot but give Offence to weak Minds, and a Sanction to seditious Persons to rebel against their Sovereigns (1). Have we not seen that *John Hus* lately condemn'd, by declaiming, as he did, against the Clergy, to do a Pleasure to the Laity, involv'd the latter also in his seditious Discourses. Just so the deceas'd *John Petit*, by inveighing against the Secular Powers, contagiously and damnably drew the Clergy into the Charge, who, with their Tails ty'd one to another like *Sampson's* Foxes, have burnt the Harvest in all Parts of the Kingdom of *France*. I have seen, with my own Eyes, the Tumults, Ravages, Destruction, Fury, in short, the inexpressible Calamities, which have been the Consequence of that detestable Doctrine (2), contradictory to the Sentence of the Bishop of *Paris*.

SOME other Affairs were likewise dispatch'd in this Congregation. The *Bobemians* were therein declar'd to be outlaw'd, because they had not obey'd the Summons that was sent them. It was propos'd to add a Cardinal to the Commissioners that had been nominated for Affairs of Religion in *Bobemia*. But nothing was resolv'd upon in this Assembly as to the latter Article. *Henry Nitard*, Envoy of the Archbishop of *Mentz*, presented a Letter to it, by which the said Prelate clear'd himself of certain Accusations, and pleaded his great Age, and the Affairs of his Diocese, in excuse for his Absence. We have already seen, that the Archbishop was always very much suspected at the Council. But lately he had been accus'd of endeavouring to promote the Escape of *John XXIII.* from his Prison at *Heydelberg*, and in order for the more easy compassing of it, to make himself Master of some Forts in the Neighbourhood. This it was that had oblig'd the Elector Palatine to quit the Council, in order to oppose him. In this Letter the Archbishop makes his Defence, and protests, that he never undertook any thing, either against the Church of *Rome*, or against the Council, or the Emperor. The Council was very glad to put up with this Disclaimer of the Prelate, as thinking it of very great Importance not to have so formidable an Adversary at their Back-door.

*Nicom ap. V. d.*  
*Hardt, T. II.*  
P-458.

(1) *John Petit's* Justification is a horrid Invective against the Memory of the Duke of *Orleans*, and the King of *France* was indirectly concern'd in it.

(2) The Letter is dated *March 20.* and was read in a general Congregation on the 3d of *June.* *Gorf. Op. sup. p. 594, 598.*

XCI. IT has been remark'd in this History, that the Doctors of- 1416.  
 even in the Council; tho' we have not yet seen any single Instance of Simony pu-  
 it. But there happen'd one in this Congregation, wherein one *John* <sup>Niem's d.</sup>  
*Creith*, a Native of *Liege*, the Apostolical Abbreviator, was suspended  
 for Simony, and for having counterfeited the Apostolical Letters. He <sup>Niem ub. sup.</sup>  
 had been one of *John XXIII's* great Brokers, by which Profession <sup>444, 457.</sup>  
 he had enrich'd himself prodigiously. He was accused of having sold  
 thirty Benefices, and of having reserv'd several to himself that were  
 incompatible. At the same Time the Council vacated a Rever-  
 sionary Grant, which he had made, by counterfeiting the Style and  
 Seal of the *Roman Chancery*.

THE Elector *Palatine* return'd to the Council the same Day, after  
 two Months Absence for the Reasons abovemention'd. He had left  
 the Count *de Nellenbourg* Protector of the Council in his room.

XCII. DOCTOR *Von der Hardt*, in his Journal of the Council of Death of  
*Constance*, says, that at this Time there died a Clergyman, famous <sup>Theodoric de</sup>  
 for his Works, and to whom we are moreover oblig'd for so many <sup>Niem.</sup>  
 important Facts; with Regard to this History, that it would be In- <sup>June 4.</sup>  
 gratitude not to render him due Justice. This was *Theodoric* or *Thierry* <sup>v. d. Hardt,</sup>  
*de Niem*, a Native of *Paderborn* in *Westphalia*. He had been Secre- <sup>Fest. Concil.</sup>  
 tary to several Popes since the Time of the Schism, and, by Consequence, <sup>Conf. T. I.</sup>  
 was Witness of all the Intrigues of the Anti-Popes, whom he has not <sup>p. 58. Spond.</sup>  
 spar'd, without excepting even *John XXIII.* to whom he was actual- <sup>ann. 1416.</sup>  
 ly attach'd, and whom he accompany'd to the Council of *Constance*. <sup>n. ix.</sup>  
 'Tis said, that at the Beginning of the Council he compos'd a Trea-  
 tise, which others have ascrib'd to the Cardinal of *Cambray* (a), con- <sup>(a) v. d. H. vit.</sup>  
 cerning the Necessity of the Reformation of the Church in its Head and <sup>Pet Alliac</sup>  
 Members. As he saw Things with his own Eyes, and was not an indif- <sup>T. I. p. 484.</sup>  
 ferent Spectator, there are few Authors wherein we find more Particu-  
 lars concerning the Council of *Constance*. 'Tis true, that it were to be  
 wish'd that he had confin'd himself to the Character of a Historian,  
 without running into Declamations and moral Reflections, as he often  
 does, and in a Style too that is very harsh, and often very bitter.  
 But the Authors of the *Romish Communion* (b) have not refus'd him <sup>(b) Spond. ad</sup>  
 the Praise of having been an exact and faithful Historian. Immediate- <sup>an. 1385. n.</sup>  
 ly after the Escape of *John XXIII.* *Niem* compos'd an Invektive <sup>xi. & ad an.</sup>  
 against the said Pope, wherein he gives a long List of his Vices and <sup>1416. ix. Du-</sup>  
 his Irregularities in a very passionate Style. This Work had not yet <sup>pin Cent. xv.</sup>  
 been publish'd, when *M. Von der Hardt* took it out of the Library of <sup>p. 86.</sup>  
*Helmstadt*; and if it had been known sooner, it would have as much <sup>Bzov. ad. an.</sup>  
 deserv'd a Place in the *Index Expurgatorius*, as his Treatise of *The* <sup>1408. n. viii.</sup>  
*Schism*, and another with the Title of *Nemus Unionis*. He also wrote  
 another Piece at *Constance*, which is a regular History of the Council,  
 and

1416.

(a) Spond. ad.  
an. 1410. n.  
iii.

and of the Life of *John XXIII.* concluding with the Punishment of *John Creith*, as above-mention'd, for Simony; and probably it was at this Time that he fell into the Distemper of which he died. He was one of the greatest Defenders of the Prerogatives of the Emperors, which were usurp'd by the Popes, in Matters relating to Investitures, and other Privileges, annex'd to the Imperial Dignity. Some Authors have pretended, that *Thierri de Niem* was Bishop of *Verden*, and afterwards of *Cambray*; but *Henry de Sponde* has very fully (a) prov'd that 'tis a Mistake, and a confounding him with one of the same Name, who, according to *Krantzius* (1), must have been at that Time Bishop of *Verden* and *Cambray*. *Niem* says, in the Preface to his Treatise of the Schism, that he was at the Court of *Rome* about thirty Years, partly in the Pontificate of *Gregory XI.* who was elected in 1370, and died in 1378, and partly under the Reigns of *Urban VI.* and his Successors; and that being then broke with old Age, he retir'd from Business: Which is as much as to say, that this Piece may have been written between 1400 and 1410. He was no older when he compos'd his Treatise concerning the Union, entituled *Nemus*, because he says he had not the same Things to be afraid of as the Cardinals, he having no Ecclesiastical Benefice (2). *Henry de Sponde* says, this Treatise was compos'd four Years after the Death of *Boniface IX.* As for the Tract which he publish'd, concerning the Privileges and Prerogatives of the Emperors in the Investitures of Bishops, I say, it must be plac'd in the Year 1412, because, he says, he met with a certain Piece at *Florence*, when Pope *John XXIII.* fled thither for Refuge, from the Persecution of *Ladislaws*. Now in this Work he is only call'd *The Writer of the Apostolical Letters, and Abbreviator*. 'Tis certain, that at that Time he was at the Court of *Rome* among the ordinary Officers. He accompany'd *John XXIII.* with the same Character to the Council of *Constance*, as appears by his History of this Council. Moreover, he is not set down in the List of the Bishops, nor of the Prelates, which was drawn up by *Dacher* and *Reichenbal*, who were present at the Council; but I there find *John de Lidberken*, Bishop of *Cambray*. Consequently they who printed some of *Niem's* Works at *Strasbourg*, by the Name of the Bishop of *Verden*, had but sorry Memoirs.

Mem. ap. v.  
d. Har. T. II.  
p. 381.

(1) The Author of the Ecclesiastical History of *Germany* expresses himself on this Subject as follows. *THIERRI DE NIEM*, a celebrated Writer, and Secretary to several Popes, was nominated to the See of *Verden* in the Year 1390; but being disturb'd in his Possession, retir'd into *Italy*. Some Authors say, that he afterwards obtain'd the Bishoprick of *Ca-*

*merino* in *Italy*; others, that of *Cambray* in the *Netherlands*; but his Name is not to be found in the Annals of those Bishopricks. *Tom. I. p. 188.*

(2) Ego verò nunc inter hos timidos liber & audax, quia non habeo aliquem titulum Ecclesiasticum. *Nemus* 448. *A- pud Sim. Schard Sylloges. p. 247.*

XCIII. ON

XCVI. ON the 5th of *June*, an Audience was granted to the Ambassadors of *John* King of *Portugal*, who arriv'd some Days before. *Portugal* was in the Obedience of *John XXIII.* and had all along espous'd his Interests. They did Homage to the Council, in the Name of their Master, in a general Congregation, and notify'd a great Victory, which he had gain'd over the Infidels, by the taking of the Harbour and City of *Centa* in *Africa*. The King of *Portugal* had fitted out a great Fleet to conquer the Kingdom of *Grenada*; but the same being drove upon the Coasts of *Africa* by contrary Winds, they took the said City, and some other Forts, after having made a great Slaughter of the Moors. 'Tis said, that the Merchants of *Genoa*, who traded to *Centa*, contributed not a little to this Conquest. The Ambassadors from *Portugal* were receiv'd at *Constance* with great Demonstrations of Joy: And the Bishop of *Salisbury* first, and then the Cardinal of *Florence*, made each a Speech in Honour of the King and the *Portuguese* Nation.

1416.  
The Portuguese Ambassadors have Audience.

XCVII. ON the 7th of *June*, being *Whitsunday*, a Doctor, who is not nam'd, preach'd a Sermon upon these Words: *They were all filled with the Holy Ghost.* I observe nothing particular in it, except that instead of the seven Gifts, which the Preacher says God granted to the Apostles, he fears, that the Devil keeps his Pentecost in the Hearts of most of the Clergy, and that he has inspir'd them with the seven contrary Vices, of which he gives a Catalogue.

Sermon upon the Reformation. June 7.

XCVIII. GREAT Part of the Month of *June* was spent in Processions on Occasion of the Festivals of *Corpus Christi* and *St. John*. The *Florentines*, in particular, signaliz'd their Zeal in an extraordinary manner for their Patron *John the Baptist*; but notwithstanding these Solemnities, they did not neglect Business. It was at this Time, that the *Samogitians* sent another Embassy to the Council, to complain how much the *Teutonic* Order hinder'd their Conversion, by thwarting the Zeal of the Missionaries which had been sent them by the Council. How this Affair was regulated, has been already observ'd. Some Days after this, there was a general Congregation, in which *William de Diesl*, Bishop of *Strasbourg*, was introduc'd by *Henry de Latzenbock*, whom the Council had sent to *Strasbourg* to fetch him. The Bishop of *Salisbury* made a Speech in it, wherein he equally blam'd the Neglect of the Bishop in the Administration of his Bishoprick, and the violent Treatment he met with, both from the Chapter and the City. After this, two Cardinals and two Prelates of each Nation were appointed to make an End of this Affair, to the Satisfaction of the Parties. I find, by the History of *Mentz*, that the Elector of that Name, and the Marquis of *Baden*, went to *Strasbourg* to obtain this Bishop's Liberty, but could not succeed (a). In this Assembly a Letter was also read from *Alphonso*, King of *Arragon*, whereby he notify'd, that he had enjoyn'd all the Prelates of his Kingdom, under

The Bishop of Strasbourg comes to the Council.

June 27. F. d. Hardy, T. IV. p. 790.

(a) Historia Rerum Monasticarum. Lib. V. p. 731.

1416. heavy Penalties, to repair to *Constance* by the 4th of July. The Letter was dated on the 6th of June.

THERE had been some Disputes relating to certain Domains betwixt the Elector *Palatine* and the Dukes *William* and *Orbo* his Brothers, who were supported by the Archbishop of *Mentz*, and the Marquis of *Baden*. This Archbishop, and the Elector's two Brothers, had wrote to the Council to demand Justice. *Augustin* of *Pisa*, the Elector's Proctor, came to this Assembly, and declar'd, in behalf of his Master, that he absolutely submitted the Nature of his Disputes to the Judgment of the Council, and that he wish'd the Affair might be speedily examin'd, in order to manifest his Right (a).

(a) *V. d. Har.*  
T. IV. p. 744.  
See also *Rev.*  
*Mogunt.* Lib.  
V. p. 733.  
The Abjura-  
tion of *Lat-*  
*zenbock*, a *Bo-*  
*hemian* Lord.  
*Op. Hus.* T. I.  
Ep. V.  
*Reichent.* p.  
27.  
July 1.

XCVI. WE have had several Occasions to mention *Henry de Latzenbock*, a *Bohemian* Nobleman, who was a great Favourite with the Emperor. He was one of those that had accompany'd *John Hus* to *Constance*, and *John Hus* often speaks of him as of a Lord in whom he confided. He afterwards went to wait upon *Sigismond* at *Aix la Chappelle*, and it was he who brought the News to *Constance* of that Emperor's Coronation. Just now we saw him very honourably employ'd in the Affair of the Bishop of *Strasbourg*. Yet, notwithstanding all these Marks of Distinction, he was molested on Account of *Hussitism*. *Reichenthal* says, that he was for this Cause cited in an Assembly of the Nations, that he there abjur'd the Doctrine of *John Hus*, and that he acknowledged, that both *John Hus* and *Jerome* of *Prague* had been justly condemn'd. But *Dacber*, who reports the same Fact, had no great Opinion of the Sincerity of this Abjuration, and only consider'd it as proceeding from *Latzenbock's* Faintheartedness and Policy. The Author adds, the Council gave this new Convert, Letters to carry to the *Hussites* in *Bo-*  
*hemia*; but he doubts very much whether he deliver'd them.

*Alphonso*  
sends to the  
Council.  
*Schelstr. Comp.*  
*Chron.* fol. 50.

XCVII. THE Time fix'd by the *Narbonne* Treaty for the Calling, or rather for the Confirmation, of the Council of *Constance* was actually expir'd, tho' the Kings of *Arragon*, *Castille* and *Navarre*, had not yet sent the solemn Embassy which they had promis'd, to finish the Affair of the Union. But new Dispatches came to *Constance* from *Alphonso*, King of *Arragon*, whereby he besought the Council to excuse his Delay, which was owing only to the Death of his Father *Ferdinand*, and to stay for his Ambassadors one Month longer. He set forth, that his Father's Death had occasion'd great Disturbances in *Castille*, because certain Persons were continually whispering such Things in the Ears of the young King, and the Queen Regent, his Mother, as could only tend to Division; and that *Benedict* had a strong Faction, which he had corrupted by Presents, to thwart the Union of the Church. Mean time, *Alphonso* gave a full Power to *Don Anthony de Taxal*, General of the Order of our Lady of Mercy, or the

*V. d. Har.*  
*ubi sup.* p. 801.

the Redemption of Captives (a), to do every thing in the Council in his Name, which should be necessary for advancing the Affair of the Union, till a more solemn Embassy arriv'd. This Letter and this full Power were read in a general Congregation, wherein the Cardinal Zabarella preach'd a Sermon upon the Union of the Church. The Council received those Letters and these Excuses favourably, but without Prejudice to the Treaty of Narbonne. Don Antony also gave them Hopes that Ambassadors would soon arrive from the Kings of Navarre and Castille, as well as from the Counts de Foix and d'Armagnac. The same Proctor who read those Pieces mov'd another Affair in this Assembly, which only concern'd a private Man. John Corneille, Professor of Canon Law at Thoulouse, and Deputy from that University to the Council, had canonically obtain'd a Benefice in that Diocese; but John XXIII. having refus'd to induct him into it, and caus'd the Bull which assign'd it to him, to be revok'd, undoubtedly because the said Professor adher'd to Benedict XIII. as did the University of Thoulouse, notwithstanding that of Paris had withdrawn from him, the Proctor demand'd Justice in the Council; and the Cardinal of Viviers was order'd, in Conjunction with the Deputies of the Nations, to restore Corneille to his lawful Right. This Procedure gave Satisfaction, at the same Time, to a private Man, and to the whole Obedience of Benedict.

AFTER Ferdinand's Death, the Execution of the Narbonne Treaty met with even more Difficulties in Castille than in Arragon. John King of Castille was as yet a Minor, and Ferdinand had been Regent of his Kingdom. His Eyes were no sooner clos'd, than the Archbishops of Seville and Toledo, with a great many Prelates of Castille and Leon, left no Stone unturn'd to re-establish Benedict, who, they pretended, had only yielded at the Solicitation and the Menaces of Ferdinand. But Alphonso, a trusty Executor of his Father's Will, dispers'd this Cabal at length, and reconcil'd all People to the Observation of the aforesaid Treaty. The Council receiv'd the welcome News of this upon the 14th of July, in a Letter from the King and Queen of Castille to the Deputies of the Nations, which was read next Day in an Assembly of those Deputies, and not in the Council, nor even in a general Congregation, nor in the College of Cardinals, as Schelstrate has observ'd. This Letter was almost of the same Tenor as the King of Arragon's, and gave hopes that a solemn Embassy would arrive in a short Time, to explain the Intentions of the King and Queen more at large.

XCVIII. BETWIXT this and the Month of September, I find several general Congregations, in which nothing was talk'd of but the Disputes betwixt the Bishop of Trent and Frederick of Austria, and the Citation of the Bobemian Hussites. This Citation was agreed to upon the 20th of February, and had been since that time set up in several Places, but had not yet been read in publick, as it was in a general Congre-

1416.  
 (a) See the History of the Secular and Regular Clergy, T. III. p. 20. V. d. Hardt, T. IV. p. 796, &c.

Se-spond. ad. an. 1416. p. 759.  
 July 14. Schelstr. Act. & Gest. p. 250. V. d. Hardt, T. IV. p. 820.

The Bobemians cited.

1416. Congregation, which was held on the 4th of *September*. The Cardinals came to it late, and urg'd for an Excuse that they had not been advertis'd of it, and that they knew nothing of what was therein to be read. At the same Time, they pray'd the Assembly to take Care of such Disappointment for the future, and give them timely Notice of what was to be discuss'd, that they might have Leisure to confer upon it amongst themselves, because they were dispos'd to concur with the Nations in every thing that should be reasonable. By this Citation, five hundred and fifty Persons from *Bobemia*, as some say, and four hundred and fifty, according to others, were to appear by such a Time at *Constance*. In the Bull, which calls them all by their Names, I find but about four hundred. And in order to shorten the Affair, the Council, at the Request of the Proctor, charg'd the Patriarch of *Constantinople* to hear and judge them, without Loss of Time, exclusive only of the definitive Sentence. *Windeck* is grossly mistaken when he says, that the King and the Queen were also cited. And *Theobald* was equally misinform'd, who says, that the whole Kingdom of *Bobemia* was excommunicated.

Arrival of the  
Ambassadors  
from *Arragon*  
T. IV. p. 852.  
853.  
V. d. Hardt,  
T. I.  
p. 204  
Schelß. AB  
Gest. Cmc. P.  
251.  
Sept. 5.

XCLIX. THE Ambassadors from the King of *Arragon* arriv'd at last, on the 5th of *September*, and were receiv'd with very great Solemnity. They were six in Number, including *Don Anthony de Taxal*, who had been at *Constance* a long Time before. Having obtain'd Audience, on the 10th, in a general Congregation, which was the same as a publick Session, bating the Formalities, they declar'd, on the Part of the King of *Arragon*, by one of their Body, *Dr. Esperendieu* of *Cardona*, that they were come to *Constance* to act with the Council, which, at that Time, they only call'd a Congregation, for suppressing the Schism and Heresies, for uniting the Church, for reforming it in its Head and Members, and for electing a new Pope. After this Declaration, *Esperendieu* thank'd the Assembly for having waited with so much Patience for this Embassy, and for having received it so favourably, and with such great Honours, and offer'd, on the Part of his Master and his Collegues, punctually to execute the Treaty of *Narbonne*, as soon as they should be incorporated, according to the Power which they had for that Purpose, and which was read. The same being read, the Cardinal of *Viviers* thank'd the Ambassadors in a Speech, wherein he commended the late King *Ferdinand* and his Successor *Alphonso*. He also expatiated very much upon *Benedict's* Obstinacy, not to perform the Promises he had made in sundry Places to resign the Pontificate, and particularly at *Avignon*, *Marseilles* and *Genoa*. The Cardinal of *Florence* made a Speech of the same Strain, and, after many reciprocal Civilities were exchange'd, the Assembly broke up.

C. WHILE

C. WHILE the Council was sitting upon Affairs of the Church, the Doctors gave out Theses from Time to Time, upon certain Points of Theology, which were at that Juncture in Vogue. But those Theses were only to be presented by Order of the Council, otherwise they would have been suspected of Heresy. Upon the Birth-Day of the Virgin Mary, the Cardinal of Cambray publickly propos'd this Question, *Whether the Plenitude of the Ecclesiastical Power resides solely in the Pope of Rome: To which, Maurice of Prague, answer'd by these three Conclusions.* 1. *The Fullness of the Ecclesiastical Power resides inseparably in the Pope.* 2. *The Fullness of the Ecclesiastical Power resides inseparably in the Catholick Church.* 3. *The Fullness of the Ecclesiastical Power resides representatively in a general Council.* On the other hand, the General of the Dominicans explain'd himself more distinctly upon this Head by the following Propositions. *The supreme Power of the Spiritual Sword resides inseparably in the Church Militant, as far as relates to Jurisdiction.* The Reason he reader'd for this Clause is, that the Church has the Exercise of that Power only when there is no Pope, or when a Pope hath been depos'd. *The supreme Power of the Spiritual Sword is in the Pope, as far as relates to the Execution of it, but it does not reside in him inseparably because he may be depos'd. The supreme Power of the Spiritual Sword resideth totally in a lawful Pope, as to Execution, and not in the general Council.* The Reason of it is, that the Church having only the Exercise of such Jurisdiction in case there be no Pope, or that a Pope hath been depos'd, so neither can the Council have it in the same Case, because it is only a Representative of the Catholick Church. *The supreme Power of the Spiritual Sword so far resideth in a lawful Pope, that he only can pronounce Judgment decisively, and not the Council.* Therefore the Council had nothing to do but to hasten the making of good Regulations during the Vacancy of the See, because their Authority was going to be considerably cramp'd by the Election of a new Pope.

1416.  
Certain Points of Divinity discuss'd  
Gers. T V. p. 661.  
Sept. 8.  
(a) In the first Proposition he must undoubtedly mean the Exercise of the Power, and in the second, Jurisdiction.  
In universitate Ecclesiæ Catholica.

CI. ON the same Day Gerson preach'd a Sermon to the Praise of Joseph and Mary from those Words, *Jacob begat Joseph the Husband of Mary.* There were several Things in this Sermon which are worthy of Remark, in order to shew what was the Doctrine of that Age concerning the Holy Virgin and the other Saints. In the Preamble to this Discourse, says Gerson, *I shall follow the Method of the Fathers, and the holy Doctors, who, in order to excite Devotion in pious Souls, have said a great many Things of the Saints which are not necessary to be believ'd, because they are only founded upon Conjectures. I do not deliver Things just as they actually happen'd, so much as the Things which may be piously believ'd to have happen'd. Upon this Foot I desire my Discourse may be understood.* In the Body of the Sermon, he proposes a

Gerson's Sermon, Matth. i. 16.  
Gers. T. III. p. 1346.

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1416. Question, which is very delicate, and has an Influence in Politicks: There are Doctors (1), says he, who ask whether Jesus, the Son of Mary, could be rightfully plac'd upon the Throne of David, as Temporal Monarch of the Jews; and consequently, whether the Females can succeed to a Kingdom by Divine Right, in case there be no Male Issue. There have been great Disputes upon this Matter, says he, between the Kingdoms of France and England. He does not decide this Question, but only says, that it being more probable that Jesus Christ was but a Spiritual King in *Judea* no more than elsewhere, 'tis not a proper Question in this Place. One of the Maxims of the Mendicant Fryars to support their begging, was, that Jesus Christ himself begged, as has been observ'd elsewhere. Here *Gerson* solidly confutes this Monkish Pretension. As to the *immaculate Conception*, he is not very scrupulous of attributing it to *Joseph*, as well as to the *Virgin Mary*. Upon this Occasion he says a Thing which is remarkable, *viz.* That God has not so attach'd the Salvation of Infants to the Sacrament of Baptism, but that he may sanctify them in the Mother's Womb, by the Grace of the Holy Spirit, which is Spiritual Baptism, and which is as good to them as External Baptism, in case they dye without receiving it. To return to the *immaculate Conception* of the *Virgin*, 'tis well known that this was the Doctrine of the University of *Paris*, and consequently that of *Gerson*, who was there educated. Mean time, he owns that this Doctrine is not plainly establish'd in the Holy Scriptures, and that it can't be deduc'd from thence by Consequences that are very clear. Therefore he judges, that the Council ought to decide whether or no this is a Question of Faith. At the End of his Discourse, he proposes to the Council to institute a Feast to the Honour of the *immaculate Conception* of *St. Joseph* (2), tho' in another Place he seems so averse to the multiplying of Holidays, that he would fain have had several of them struck out of the Calendar. But setting aside the Consequence, was it not just to pay some Compliment to the Saint of that Day?

General Con- CII. SOME Days after this, there was a general Congregation, in-  
gregation up- which several Affairs were treated. Audience was therein given to  
on the Af- the Ambassadors of *James* King of *Naples*, and his Consort *Joan II.*  
fairs of *Naples* These Ambassadors perform'd Homage to the Council, on the Part of  
and *Poland.* their Sovereigns, declar'd their Separation from the Opinion of *Bene-*  
Sept. 16. *r. d. Harde,* and clear'd themselves from the Correspondence which they were  
T. IV. p. 861. accus'd of holding with him to seize the City of *Rome*. After this  
Declaration, one of the Emperor's Advocates protested against the

(1) He thereupon quotes *Richard of Ar-*  
*magb,* who flourish'd in the XIVth Cen-  
tury.

(2) See *Gerson's* Opinion thereupon.  
*Gersoniana,* Fol. 57. and the History of  
the Council of *Pisa,* Part II. p. 202.

Title

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Title assum'd by *James* and *Joan*, of Sovereigns of *Hungary*, *Croatia* or *Dalmatia*. On the other hand, the Cardinal of *St. Mark* protested, in the Name of *Lewis* of *Anjou*, against the Title of King of *Sicily* and *Jerusalem*, which was also assum'd by *James* and *Joan*, and declar'd that he did not know of any other King of *Sicily* and *Jerusalem* but *Lewis* of *Anjou*, for whom he pleaded. The *Neapolitan* Ambassadors demanded a Certificate of it, after having declar'd that they were come to the Council not to enter into any Controversy about Titles, but to submit themselves to the Council and to act for the Union of the Church; and that they hop'd that the Protestations now made would not be prejudicial to the Rights and Pretensions of their Masters. This was what made the Council renew a former Decree, whereby they had declar'd that all Ranks, Titles and Seats, which might be taken in the Council, should not be to the Prejudice of any Person, nor be drawn into Consequence, either for or against any one whatsoever.

AFTER this, three Letters were read, which were sent to the Council; one from *Ladislaus* King of *Poland*, and from *Duke Witold*, another from *Michael Coehmeister*, Grand Master of the *Teutonic* Order, and the third from the University of *Cracow*. *Ladislaus* tells the Council how religiously he has observ'd the Truce concluded by the Mediation of *Sigismund* and *Charles VI.* King of *France*, between *Poland* and the *Teutonic* Order, till the obtaining of a solid and lasting Peace, which he expects from the good Offices of the Council. He applauds the Zeal of the Council for the Extirpation of Heresy, and for the Union of the Church, under one only lawful Head, whose Election, he says, he waits for with Impatience. Lastly, he thanks the Assembly for the Measures they have taken for the entire Conversion of the *Samogitians*, as well as for the Reconciliation of the *Greeks*; and he promises to join with the Grand Duke of *Lithuania*, in order to finish this great Work, which had only been retarded by the Wars wherein they had been engag'd. This Letter is dated the 2d. of *August*, 1416. That from the Grand Master is an Answer to the Council, the Fathers of which he calls his *most dread Lords*. He promises to observe the Truce religiously, and earnestly prays the Council to procure a good Peace between *Poland* and the *Teutonic* Order, to the End that the said Order may turn their Arms against the Enemies of the Church. The Letter is dated the 10th of *July*. It appears by a Letter from the Deputies of the University of *Cologne*, dated the 15th of *May* in the same Year, that the Archbishops of *Gnesna* and *Strigonia* had declar'd to the Council, in the Emperor's Name, that the Truce between the King of *Poland* and the Knights of the *Teutonic* Order had been prolong'd for a Year (a). The Letter from the University (a) *Marten Anecdote*, T. II. is of the same Tendency as the foregoing ones, but has

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this p. 1663.

1416. this remarkable in it, viz. that (a) it gives the same Authority to the Doctors of the Council as to the four Gospels and the Decalogue. The University expresses a great Zeal for the Reformation of the Church in its Head and Members, and gives as horrid a Picture of the Manners of the Clergy, as the Character they give of a true Pope, is beautiful and difficult to answer. As to Hereticks, they promise to do as much Justice upon them as the Council, if they offer to creep into Poland. *Si fines inclyti Regni Poloniae tanquam vulpecule—subintrare satagerent, non segnius apud nos ac apud vos facibus flammis vestiti, pro suis dogmatibus ignitas exciperent aureolas.* In fine, they strenuously sollicitate the Council to re-establish the Sciences by the Foundation of Universities. This of Cracow was founded in 1400.

John Petit's  
Affair.


Gerf. ubi supr.  
p. 650.

Gerf. ubi supr.  
p. 658.

General Con-  
gregation a-  
bout the U-  
nion of the  
Spaniards,  
and about  
Gregory's O-  
bedience

CIII. THE Affair of *John Petit* was still warmly debated, both at *Paris* and *Constance*. The Ambassadors of *Burgundy* strenuously press'd the Commissioners to execute the Resolution which they had taken on the 11th of *April* to publish the Sentiments of the Doctors upon this Affair, because out of fourscore and seven Doctors, who had given their Opinion, there were sixty one who had voted that it was not a Cause of Faith, or an Affair of Religion, according to the Pretension of the *Burgundians*. With this View they had sent the Emperor a long Petition in the Name of the Duke of *Burgundy*, wherein they made great Complaints of the Ambassadors of *France*, and particularly of *Gerson*, as of a Man who obstructed the Course of Justice. But, on the other hand, the Ambassadors of *France*, who had excepted against the Commissioners, demanded with the same Earnestness that the Affair might be decided by the Council itself, without any of the Forms of Law. This was the Tenor of a Letter from the University of *Paris* to the Council, dated *September 14*, and of an Arret of the Parliament of *Paris*, dated the 19th of the same Month, forbidding any Person whatsoever, in the King's Royalty, to declare, publish, affirm or teach, that 'tis lawful for any Vassal, Subject, or other Person, to kill any one by Ambuscade, Flattery or Deceit, without staying for the Sentence or Command of the proper Judge. 'Twas this that oblig'd the Duke of *Burgundy* to write to the Council, and to send a new Embassy thither to complain of the University of *Paris*, and of the Violences committed in *France* against those who were in that Duke's Interest. The Instructions he gave to those Ambassadors may be seen in the new Edition of *Gerson's* Works, wherein the Duke of *Burgundy* is call'd plain *Monsieur*. On the 13th of *September* there also came new Protestations from the Duke of *Burgundy* of the same Tendency.

CIV. ON the 19th of *September* there was a general Congregation, chiefly to give Audience to the Ambassadors, whom the Council had sent to the Kings of *Navarre* and *Castille*, and to the Counts de *Foix* and d' *Armagnac*. They then made a Report of their Negotiations, and

and read the Acts by which those Kings and Noblemen withdrew their Obedience, together with the Confirmation of the Treaty of *Narbonne*, and their Credentials. 1416. 

IN this Congregation another Affair was debated, which relates also to the Extirpation of the Schism. It chiefly concern'd the Princes of *Germany*, who had been in the Obedience of *Gregory XII.* as were the *Palatine Princes*, the *Dukes of Brunswick and Lunenburg*, and the *Landgraves of Hesse*, whom *John XXIII.* had treated as Schismatics. When *Gregory* had resign'd, and the two Obediences, *viz.* those of *John XXIII.* and *Gregory XII.* were reconcil'd, as happen'd on the 11th of *July, 1415.* the Council ratify'd every thing that *Gregory XII.* had made, decreed, granted, &c. canonically in HIS REAL OBEDIENCE, and forbad all Persons to infringe any of that Pope's Decrees, under the Colour of Schism, or any other pretended *Disability.* But this Term of *Real Obedience* gave Occasion for *Lawsuits* and *Cavils*, some explaining it after one Fashion, and others after another, according to their different Passions and Interests. In those Places where *Gregory XII.* was recogniz'd by the greater Number, 'tis probable there might have been several Persons who did not own him, and who by Consequence disputed with the others what he had done for their sakes, looking upon it as null and unwarrantable. For Instance, the *Electors of Mentz*, who had always been a great Stickler for *John XXIII.* and who was so still underhand, pretended that whatever *Gregory* had done in those Parts of the Diocese and Province of *Mentz*, which recognized the said Pope, ought to be deem'd void, and that they ought in this Respect to be govern'd by the Opinion and Interest of the Metropolitan: Consequently he pretended that the Obedience which had been paid in those Places to *Gregory*, was not *real*, but false and illegal. It was therefore absolutely necessary that the Fathers should explain what they meant by the real Obedience of *Gregory XII.* in order to remove all double Meaning, and to the End that there might be no more Colour for contradicting or eluding the Ratification of the Council. I find a very long Memorial upon this, tho' without a Name, which endeavours to clear up what is meant by a Pope's *real Obedience.* I will give the Substance of it. The Author says, that real Obedience is the effectual and universal Obedience to a Pope, in any Country, District, Town, Castle, Parish, even tho' one or more particular Persons in such Places should not acknowledge him; and that consequently *Gregory XII.* had a real Obedience wherever he was own'd Pope, wherever his Orders were obey'd, his Legates, his Nuncios, Commissioners, &c. receiv'd, and wherever those of his Competitors were rejected. That, says the Author, is a Thing which cannot be ambiguous, because 'tis publick, not only by Fame, but by the Dispensations, the Reversions which are

*v. d. Hardt,*  
T. IV. p. 897.

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are there admitted or oppos'd, by the Censures fulminated by Apostolical Authority, by the Sermons or Lectures made every Day from the Pulpits, at such times when the People are exhorted to pray for the Pope by Name. Afterwards the Author, when he proceeds to a clearer Explanation, adds, that the *Real Obedience* may be *great, greater, and very great; small, lesser, and very small*; but that in all these Cases it ought to have the same Effect in Proportion. 'Tis great in a City and in a Diocese, 'tis greater in a whole Province, 'tis very great over all Christendom. 'Tis small in a single City, 'tis lesser in a Castle, a Township, and a Village, and 'tis very small in a *single Parish*. The Author of the Memorial asserts, that this was the Intention of the Council when they ratified every Thing that *Gregory* had done in his real Obedience, and he supports his Opinion by several Arguments from Fact and Law, in which there are some Things that deserve to be taken Notice of.

1. 'Tis notorious, says he, that at the Beginning of the Schism the Obediences of *Urban VI.* and *Clement VII.* were not shar'd into Dioceses and Provinces, because frequently there were Cities, Castles, Villages and Parishes of a different Party, in one and the same Diocese, and sometimes too the Parishes of one and the same Town were divided into two Obediences. This he proves from a great Number of Instances in *Germany*; and he affirms, that at *Paris*, where *Clement VII.* was obey'd, there were Thousands of Souls, and even of Persons of all Orders, and of very great Distinction, who held out for *Urban VI.*

2. WHEN there was a Ratification at the Council of *Pisa* of what had been done by the two Competitors at that Time, they made use of these express Terms, *at the Times and Places where they enjoy'd a real and free Obedience*. 'Tis not probable, says he, that by those Places the Council of *Pisa* meant entire Provinces detach'd from one another, otherwise there would have been several Places in the Obedience of *John XXIII.* for which the Council had made no Provision, because several Places that had been in the Obedience of *Gregory XII.* lay within the Bounds of that of *John XXIII.* The Council's Intention therefore was, that all the Districts, Towns, Castles, Villages, Parishes, in whatsoever Diocese or Province they were, which should pass successively from one Obedience to the other, should enjoy the Benefices and other Advantages which they should acquire canonically, notwithstanding all Opposition from Places and Persons which might be of a contrary Obedience.

3. WHEN the Council of *Constance* was resolv'd to ratify what had been done by *Gregory XII.* in his *real Obedience*, they remark'd expressly, that in the Cities of *Mentz* and *Cologn* there had been several private Men who were of *Gregory's* Obedience, and such sort of Obedience

dience was only consider'd as personal, because the Magistrates and People of those Towns were in another Obedience, to which the personal Obedience could not be prejudicial. Therefore when they were inclin'd to make Provision for the Interests of the *Palatine* Princes, the Dukes of *Brunswick* and *Lunenburg*, and the Landgraves of *Hesse*, whose Dominions were of *Gregory's* Obedience, they were told in plain Terms, that as there were several Towns, Castles and Territories, in several Provinces, which were of *John XXIII's* Obedience; as particularly in that of *Mentz*, they ought to leave Things *in statu quo*, and not to extend the Privileges that had been granted them by *Gregory XII.* beyond their Dominions.

4. HE says, that Inferiors ought to obey their ordinary Judges no farther than as the latter are in a State of Obedience to their superior Judge. 'Tis surprizing, *says he*, to hear People pretend, that before a Man obeys the Pope, he must wait till the Archbishop obeys him, and that the Obedience is no farther real than the Archbishop has a mind to render it. If the *real Obedience* to a Pope depended on any Person inferior to a Pope, it would be on the Bishop, or the next immediate Prelate in his Diocese, and not on the Archbishop in his Province, because the Archbishops have Jurisdiction over the Bishops only in certain Cases, whereas the Bishops have it always over their Diocessans.'

5. BECAUSE the Council of *Pisa* may be quoted, which had deposed *Gregory XII.* and thereby made void what he had done; the Author returns this solid Answer: That for the sake of Peace, that Council was not willing to enter into any Discussion, either of Law or Fact, and that there would have been many others necessary to be made since that Time; that without Regard to what pass'd at the Council of *Pisa*, that of *Constance* had thought fit to have Recourse to the Method of Resignation; that *John XXIII.* for refusing it was deposed, and thereby deprived of all Right whatsoever, which could not be said of *Gregory*, who had resign'd voluntarily; and that finally this was ripping up of old Breaches, because they who made this Objection preferr'd the one Obedience to the other, tho' they had been reconcil'd and declar'd equal by the Council.

THE Memorial concludes with a very sharp Reflection upon the Archbishops, which properly could only be aim'd at the Archbishops of *Mentz*, *Cologne* and *Triers*, who cavill'd at some Princes and Bishops of *Germany* that had been of *Gregory XII's* Obedience. 'Is it not surprizing, *says he*, that the Bishops, the inferior Prelates, the Princes, and the other Temporal Powers, who have both Zeal and Piety, should be regardless of what Party their Archbishops espouse, while 'tis visible that those very Archbishops only mind their own Interest, and without caring what becomes of their Charges, or of the Peace

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‘ of the Church, labour Day and Night only to aggrandise and enrich themselves, and, if they could, to advance themselves above the Apostolick See, under pretence of supporting one Party preferably to the other.’

THESE Disputes upon so singular a Point as it was, to know what Gregory’s real Obedience was, oblig’d the Council to pass the following Decree. ‘ In order to establish a good Understanding and Agreement between the two Obediences of Gregory XII. and John XXIII. the Council suspends and remits all Punishments and Censures inflicted by John XXIII. or by his Order, upon those of Gregory’s Obedience, on account of the Benefices conferr’d by the said Gregory in the Dominions of the Elector Palatine, and the Dukes of Bavaria, John, Stephen, and Otho his Brothers, as well as in those of Henry and William Dukes of Brunswick and Lunenburg, and of Herman and Lewis Landgraves of Hesse, till the Council, or the next Pope, have declar’d what is the real Obedience of Gregory XII. and they likewise put a Stop to all manner of Suits commenc’d on this Occasion, prohibiting all Persons whatsoever to contravene this present Duke.’

A Treatise of Peter d’Ailli, concerning Ecclesiastical Power. V. d. Hardt, T. IV. p. 209. And T. VI. p. 15. Of Gesf. T. II. p. 917.

CV. As the Business in Hand was to unite the Spaniards to the Council, to depose Benedict, and to chuse another Pope, it was proper to recall to Mind the Principles on which they had all along acted. With this View the Cardinal of Cambray caus’d his Treatise of Ecclesiastical Power, which he had compos’d at Constance, and which was printed in the same Century that gave Birth to the fine Art of Printing, to be read out publickly. The Tenor of this Treatise was, as the Cardinal himself declares at the Beginning, to confute several Writings and Speeches, which struck at the Authority of the Council, and exalted that of the Pope and the Cardinals. The Prelate therein establishes the Holy Scripture in the Nature of a Judge and Arbitrator, to keep a Medium between the two Extremes of Error; as for Instance, betwixt the Error of Eutyches and that of Nestorius. ‘ There are, says he, two Extremes to be avoided on the Subject of Ecclesiastical Power; the one is that of the Vaudois, who, according to the Cardinal, did not think it lawful for the Popes and Clergy to have any Temporal Dominion, or to possess Estates of that Nature, and who affirm’d, that since the Donation of Constantine, the true Church had ceas’d, or that at least, it had only subsisted among the Vaudois, who had continued or restor’d it.’ The Cardinal of Cambray charges Wickliff and John Hus with the renewing of this Error. The other Extreme, according to the Cardinal, is that of the Herodians, which is the Name he gives to the furious Partisans of the Pope, because they are of the same Principles with Herod, who imagin’d that the Messiah was to be a Temporal Monarch. ‘ For, says he, there are People now a-days who affirm, that

‘ the Pope, as Vicar of Jesus Christ, has receiv’d a Sovereign Jurisdiction immediately from him over all Temporal Estates, not only those which have been granted to the Church, or which she hath justly acquired, but also over those of Temporal Princes, tho’, *says he*, those People do not believe that the Pope ought actually to exercise this Power, unless it be in certain Cases specify’d in the Canon Law.’ The Medium, which the Cardinal of *Cambray* preserves between these two Extremes, is, that *the Popes and Prelates may have Jurisdiction and Authority over Temporal Estates, not as Vicars of Jesus Christ, or Successors of the Apostles, but in case that those Estates have been granted to them from a Principle of Piety, or that they have justly acquir’d them.*

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AFTER these Preliminary Considerations, the Cardinal divides his Work into three Parts, of which the first is, *Concerning the Origin of the Ecclesiastical Power*; the second of the *Right of Ministers of the Church to Ecclesiastical Estates*; and the third, *Concerning the Fullness of the Papal Power, and whether or no it is subject to a general Council.* As to the first Question, the Cardinal reduces the Power and Authority which Jesus Christ gave his Apostles for themselves and their Successors, to six Articles, *viz.* The Right of conferring holy Orders; administering the Sacraments; Preaching; exercising Discipline upon Sinners; providing Churches with Ministers, and establishing a due Subordination among them, in order to avoid Confusion in the Church; and lastly, the receiving of what is necessary for their Maintenance. For the Cardinal does not mention the Power of working Miracles for Confirmation of the Faith, because in this Point, *said he*, the Bishops and the other Priests have not succeeded to the Apostles, *Faith standing no longer in need of Miracles to be confirm’d.* He says, that at first the Apostles had an equal Right to all these Articles, except to the fifth, which relates to the *Distribution of Ministers in the Churches.* For he pretends, that for the sake of Order, this sort of Jurisdiction appertain’d more particularly to *St. Peter* than to the others, by virtue of those Words of Jesus Christ, *Feed my Sheep*; that is to say, according to the Cardinal; *Be thou the universal Pastor and Prelate, to whom appertaineth the general Disposition and Government of the Sheep and the Sheepfold.* In this consisted the Fullness of *St. Peter’s* Power, which he afterwards communicated to the other Apostles, to the End that they might share with him in the Government of the Church. From thence he infers, that all Bishops and all Priests, as Successors to the Apostles, have received Ecclesiastical Power immediately from Jesus Christ, who is the only Head of the Church, properly speaking; but that nevertheless it may be asserted, that *St. Peter* is the Head of the Church, so far as he was the Chief among the Ministers,

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and the Man to whom Jesus Christ committed the Keys more particularly than to the others, which the Cardinal extends to St. *Peter's* Successors. He afterwards remarks, that St. *Peter* was Sovereign Pontiff before he was Bishop of *Rome*, and that when he had chose the Church of *Antioch* for his chief Church, it immediately had the first Place among all the Christian Churches; but that since St. *Peter* and his Successors have establish'd their See at *Rome*, that Church may be call'd the Head of all the Churches, just as a Metropolitan Church is the Head of all the Suffragan Churches. From thence proceeding to the Title of Pope and Cardinals, he says, that tho' those Titles were not us'd in St. *Peter's* Time, yet the same Dignity resided in them, *viz.* that of Pope in St. *Peter*, and that of the Cardinals in the other Apostles, who were his Assessor. For he considers the Apostles under two different Characters, both as St. *Peter's* Assessor, and as Bishops each of his respective Church. From whence he infers, that the Apostles having been St. *Peter's* Assessor before they were annex'd to any Church, the Dignity of Cardinal was Prior to that of Bishop; and that as St. *Peter* was universal Bishop before he was Bishop of *Rome*, so the Cardinals are Cardinals of the Catholick Church before they are Cardinals of the Church of *Rome*. The Consequence he pretends to draw from it is obvious enough, *viz.* That the Pope and Cardinals ought to prefer the Interests of the Catholick Church to those of the Church of *Rome*.

AFTER having thus establish'd the Prerogatives of the Pope and Cardinals, he speaks of the Right which they have at Elections. Upon this Head he says, that in Consequence of the Dignity of St. *Peter* and his Successors, 'tis the Pope's Business to ordain and establish Bishops, with the Advice of the Cardinals, as St. *Peter* constituted St. *James* Bishop of *Jerusalem* with the Advice of the Apostles. Which however, says he, *does not totally exclude the Rights of Elections*. As to the Election of a Pope, he says, that it appertains, *in one Sense*, (*aliquomodo*) according to the Laws of God and Nature, to the Cardinals, but that it absolutely belongs to them by the Positive Law, a Law which he asserts may be derogated from in certain Cases. For Instance, says he, if the Cardinals happen to abuse the Power which has been granted them to elect Popes, this Power reverts to the *Romans*, to whom it naturally belongs to chuse themselves a Bishop, or rather to a general Council when it may be assembled, because such a Council representing the Catholick Church, 'tis the Right of such Council to elect the Head of the Catholick Church. He says also, that Schism, or the Competition of several Popes, is one of those Cases in which the Observation of the Positive Law, and of the Custom which adjudges the Election of the Popes to the College of Cardinals only, may

may be dispens'd with (1). Nevertheless, he is not of Opinion that the Council ought entirely to exclude the Cardinals from such Election, for fear of giving Occasion to a new Schism, and to endless Disputes about the Right of electing Popes. Therefore, upon the whole, he is for finding out some Expedient to satisfy the Cardinals, without prejudicing the Liberty and Authority of the Council.

AFTER this, the Cardinal proposes several Doubts touching the present Constitution of the Council, which he does only by way of Advice and Precaution, without solving them, leaving it to the Wisdom of the Fathers to consider maturely thereof, in order to give no room to ill dispos'd Persons to complain of the Conduct of the Council. The first Doubt is, Whether the four Nations can form a general Council, exclusive of the College of Cardinals. Secondly, Whether those Nations have a Power to deprive the Church of *Rome* and the College of Cardinals, which represents it, of voting in that quality in the Council, and at the Election of a Pope. Thirdly, Supposing that the Nations are impower'd to make new Laws for the Election of a Pope, whether 'tis expedient that as Things stand they should make use of such Power. Fourthly, If it would not be proper to keep up the Distribution which *Benedict XII.* made of Christendom into four Parts; and, in this Case, if when the *Spaniards* are united to the Council, the *English* Nation ought not to be reincorporated with the *German* Nation, according to the Distribution of the said Pope, (we shall by and by find a great Quarrel upon this Subject betwixt the *French* and the *English*) or if it would not be better to re-establish the ancient Custom of Councils, of voting therein by Persons, and not by Nations. The fifth Doubt concern'd such as might have a deliberative Voice in the Council, *viz.* Whether they should be only Bishops and the superior Prelates, or whether all those should be admitted to that Privilege who had been legally call'd to the Council, and who were concern'd in the Union of the Church. Sixthly, Whether in the Assemblies of the Nations it would not be proper to have Regard to the Merit and Quality of the Persons, as well as to the Majority, by making a Report to the Council that such a Number of Bishops, Abbots, Ambassadors, Proctors, of such and such a Character, are of such an Opinion, and, in like manner, that such and such are of the contrary Opinion.

IN the second Part, which treats of the Right of the Clergy to Church Lands, the Cardinal establishes these general Principles: That as the Estates of the Church belong in Propriety to Churches or

(1) *Omphrius*, in his Notes upon *Platina's* Life of *Alexander III.* says, that this was the Pope, who, in 1179, appropriated the Right of electing Popes solely to the Cardinals.

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Summum  
Membrum.

Convents by their Foundation, the Clergy can only be the Tenants or Administrators thereof. Thus the Bishop is the Administrator of the Estates of his Cathedral, the Abbat of those of his Monastery, &c. According to this Position, the Pope, who has the Care committed to him of the Catholick Church, and is the chief Member of that vast Society, is likewise the general Dispenser, but by no means the Lord and Proprietor of the Estates of the Church, as some would have it. From hence it follows, that as a Monastery may cause its Abbat to be deposed, and a Church its Bishop, if either the one or the other should divert to his own Use, alienate or squander the Estates of which he is trusted with the Administration, the Catholick Church, or the Council which represents it, may do just the same, with Regard to the Pope. It evidently appears, from the foregoing Principles, that the Pope having no *Dominion* over the Estates of the Clergy, much less has he over those of the Laity, because he is not so much as the Dispenser of them, unless it be in a Case of urgent Necessity which concerns the whole Church, as when the Defence of it against Infidels is the Point in question. In such Cases the Pope, as Head and Father of the *Faithful*, as far as they are such, may lawfully, and by *Divine Right*, dispose of Temporalities, exact Tents or Contributions proportion'd to every one's Abilities, and force them to contribute by Ecclesiastical Censures; but all the Pope's Power in these Cases is to declare what is just and necessary. There are, however, some Occasions wherein the Pope may, according to the Cardinal, confiscate the Estates of the Laity, as in Cases of Heresy. Upon which I shall observe by the way, that this latter Power may be extended a little farther. For as, according to the *Roman* Jurisprudence, Obstinacy is implicit Heresy, when the Matter in Hand is not a Point of Faith, the Estates of the Laity may be often subjected to Confiscations by the Popes. Then the Cardinal explains the Rights of the Pope to the Estates of the Clergy a little more at large. 'For, says he, if the Pope may even dispose of the Estates of the Laity in a Case of Necessity, 'tis clear that when the Thing in question is only Profit and Honour, or to provide a Maintenance suitable to the Dignity of his Person, he may reserve to himself, as Administrator General of the Revenues of the Church, a better Portion than the Bishops, and exact the *common Services*, that is to say, the Fruits or Revenues during the Vacancy, as well as the first Fruits of the smaller Benefices. And if the Popes have made an ill Use of them, the Council must cut off such Abuses by good Constitutions, without Prejudicing their Rights.' The Expedient he proposes is, that the Council, according to the Right they have, should refrain, not the full Power which, he says, the Pope has receiv'd from Jesus Christ in the Church, but the Use and Exercise of that full Power, and

and that the Pope should make no Ineroachment upon the Revenues of the Church, but by the Advice of the Cardinals, for whose Estate and Maintenance he would have honourable Provision made by the Council, because they assist the Pope in the Government of the Church. This is what gives the Cardinal Occasion vigorously to undertake the Defence of the *Annates*, as what are necessary for the Maintenance of the Pope and the Cardinals, contrary to the Pretension of the *Gallican* Nation, which term'd the *Annates* downright Simony after the Year 1385, that *Charles VI.* entirely suppress'd them. But we shall have Cause to speak of this Imposition of the Popes elsewhere.

1416.  
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IN the third Part, the Cardinal treats of the Fullness of the Pope's Power, and examines more at large the Question he had started on the 8th of *September*, viz. *Whether this Plenitude of Power resides only in the Pope?* But I own that this great Canonist makes use of so many subtle Distinctions, that it would be difficult for me to explain his Thought nicely. But the Result of what he says seems to me to be this. 'That the Plenitude of Power is in the Pope, as in the Subject, who receives it, and by whose Ministry 'tis exercised; that 'tis in the Church as in the Object, because 'tis for the Church that this Fullness of Power was conferr'd and is exercised; and finally, that 'tis in the general Council as in a Model and a Mirrour, in which Inspection must be had to correct the Abuse of the Papal Power, and to regulate the Exercise of it.' That is to say, that, according to the Cardinal, the Council has a Right to examine whether the Pope employs the Power which was conferr'd on him for the Edification of the Church, to that End. This latter Decision paves the way for his Examination, whether the *Pope ought to be subject to the general Council.* He pronounces for the Affirmative, without Hesitation; and affirms, that the Pope is subject to the Council, not only in Case of Heresy, but in all Cases that may implicitly include Heresy; as for Instance, when a Man is obstinate and incorrigible. And as he had been accus'd of aiming to exalt the Pope and Church of *Rome* above the Council, he defends himself upon that Head with great Vigour, and confirms the Principles he had laid down upon that Subject at the Beginning of the Council, as has been shewn. Upon the whole, it was proper to give the Substance of this Discourse, in order to prepare the Reader for the Affair of the Reformation, which will be discuss'd in the Sequel of this History.

**CVI.** THE Council had thought fit to suspend the Affair of *John Petit's* nine Propositions till the Election of a new Pope. At least, this is apparent from a Sentence of the 12th of *June*, tho' this Delay was not approv'd unanimously in a general Congregation. For the Ambassadors of *France*, on the one hand, did not cease to prosecute their Appeal; and, on the other hand, those of the Duke of *Burgundy* still press'd.

*John Petit's*  
Affair.  
*Gerf. T. V.*  
P. 601.

1416. pres'd for the Publication of the Doctors Opinion. The Duke of Burgundy himself had sent a Protest to the Council, dated the 13th of September, against the Appeal from the Judgment of the Cardinals, and with the same View wrote to the Bishop of Arras and Peter Cauchon. Whereas, says he in his Letter, you make mention of our Process being suspended till the Creation of a new Pope, and that thus it hath seem'd expedient to several who have thereupon given their Opinions, our whole Council on this side are of Opinion with us, that our Process should be continued, by all the best Means that possibly can be, without any Interruption or Delay. Tho' the Cardinal of Cambray had been excepted against by the Bishop of Arras, and tho' the Duke of Burgundy himself had declar'd, that he did not desire the Cardinal should intermeddle in his Affairs, yet we always find him one of the warmest Advocates for the Condemnation of the nine Propositions. I find a Writing among the Acts which must have been made about this Time. The Cardinal therein declares, that 'tis an Error, and a scandalous Falshood, to say, that the Condemnation of John Petit's Propositions, is making a new Article of Faith. As it is, says he, upon this Principle that the Sentence of the Bishop of Paris, and of the Inquisitor, has been repeal'd, for the Honour of the Catholick Faith, the Council, the King of France, and the University of Paris, I will undertake to prove, and publickly to maintain, that the Condemnation of the said Propositions imports no new Article of Faith with it. This Prosecution of the Affair of the nine Propositions makes me think that the Sentence of the 12th of June was not pronounc'd, and that it was only a Model or Draught deliver'd in by some particular Persons, in the manner that others had done before.

SESSION CVII. IT appears from the Acts of the Vatican, publish'd by TWENTY Schelstrate, that, during the whole Month of September, there were SECOND, very great Debates between the Deputies of the Council and the in which the Ambassadors of the King of Arragon, because the latter did not care Arragonefe are united to the Council. to unite with the Council till the Arrival of the Castillians (1). But at length they agreed to unite without more Delay, as we are going Council. to see in this Session, which, like the others, was preceded by a general Congregation to prepare Matters for it. October 15. Schelstr. Abb. As the Spaniards were not willing to acknowledge the Council till E. Gest. p. 251. they themselves had convok'd it, and solemnly united to it, according V. d. Harde, to the Treaty of Narbonne, the ordinary Ceremonies were not perform'd in this Session till after that Union and Convocation. Both of these had been resolv'd upon in an Assembly the Day before, and no-

(1) It appears, by a Letter from the Deputies of the University of Cologne, that the Ambassadors of Castille and Navarre were then at Avignon. Marten Anc. p. 1666.

thing

thing remain'd more but to put the said Resolve in Execution. But the Ambassadors of the Kings of *Portugal*, *Naples* and *France*, made some Protestations before this, which 'tis necessary here to relate. The Ambassadors of *Portugal* arriv'd on the 5th of *June*, that is to say, above three Months before those of *Arragon*. They had made extraordinary Solicitations that theirs might be the fifth Nation; but the Council desiring them to wait in deference to the King of *Arragon*, they, for the sake of Peace, acquiesced. Mean time, the Ambassadors of *Arragon* were no sooner arriv'd, but it was resolv'd to make a fifth Nation of the *Spaniards*, in which they included *Arragon*, *Castille*, *Navarre*, and all that the King of *Arragon* possess'd on this Side, as well as beyond the Sea; particularly the *Canaries*, the Isles of *Sicily*, *Sardinia*, *Corfica*, *Majorca* and *Minorca*. The *Portuguese* protested against this Resolution, because they thought it contrary to the Interests of their Master and their Nation. The Protest was admitted, and they went on. As to the Ambassadors of the King and Queen of *Naples*, the Council, at first, plac'd them immediately after the Ambassadors of *France*. But upon the News that those of *Castille* were near at hand, the *Neapolitans* were desir'd to give Place to the *Castillians*, and to place themselves just by the Ambassadors of *England*. They acquiesced, but made a Protest, that this Complaisance, which they only paid to the Council for Peace sake, should be of no Prejudice to the Prerogatives of their Sovereigns. This the Council granted them by a Decree, which was read in publick. Afterwards, the Ambassadors of *France* were intermingled in such a manner, that *Gerson*, the Chief of the *French* Embassy, was plac'd first; after him, *Raymond Floch* Count of *Cardona*, one of the *Arragonese* Ambassadors, then a *Frenchman*, and so on. But the *French* and *Arragonese* had the Precaution to protest, that they had only suffer'd this Alternative, in order not to molest the Union, without Prejudice to their reciprocal Rights, and without any Consequence for the future. This Protest being receiv'd, the Ambassadors of *Arragon* summoned the Council, in all its Forms, in the Name of *Benedict's* whole Obedience, and the Call was read by the Archbishop of *Milan*. This Summons being accepted, the Ambassadors of *Arragon* declar'd, that they united to the Council, and the Council likewise united to them. After this mutual Union, the Cardinals and Prelates put on their Pontifical Habits. The Cardinal of *Viviers* took his Seat as President, and all the customary Ceremonies were perform'd. After which, the Decrees were read as usual. The first granted to the *Arragonese* the Right of forming a separate Nation, under the Name of the *Spanish* Nation; but on Condition, however, that the Kings of *Portugal*, *Castille* and *Navarre*, should have the same Privilege, if they requir'd it. The second Decree enjoin'd the

1416.

*V. d. Hardt,*  
*T. IV. p. 910,*  
 911.  
*Sobolstr. Comp*  
*Chron. P. 53.*

Execu-

1416. Execution of the *Narbonne Treaty*, in all its Parts; and this Treaty was confirm'd at the same Time by the whole Council. The Session concluded with the singing of *Te Deum*, and other Marks of Joy.

The Ambassadors of France prosecute their Appeal in the Affair of *John Petit*.

*Gers. ubi sup.*  
p. 671.

*Gers. p. 683.*

SESSION TWENTY THIRD, in which they began with the Prosecution of *Benedict*.

*V. d. Havdt T. IV. p. 952.*  
*V. d. Havdt, T. IV. p. 909.*

CVIII. *JOHN PETIT*'s Affair was still push'd with very great Heat and Animosity on both Sides. *John Gerson* had, on the 5th of *October* last Year, presented a Petition to the College of Cardinals, complaining that no Answer had been given to the Appeal which the Ambassadors of *France* had made from the Sentence revoking that of the Bishop of *Paris*, and that the Commissioners they had demanded to judge of this Appeal, had not been appointed. On the other hand, *John Deschamps*, Proctor for the King of *France* in the Affair of the Reformation of the Church, had demanded of the *Reforming College*, that the Council should judge speedily, without the Forms of Justice, and without respect of Persons, whether *John Petit*'s Propositions were false or true; Or else, said he, *the Council will be accus'd of not knowing how to judge whether a Proposition is of Faith or not, or of not daring, or at least of neglecting to do it.* He founded his Demand upon the redoubled Instances of the Emperor, the King of *France*, and the University of *Paris*, upon the Scandal of this Doctrine, which several, said he, thought more pernicious than many of the Articles of *John Hus*; and lastly, upon the Condemnation which the Council had already pass'd on the general Proposition, which was the Result of the particular Propositions. These Instances so irritated the *Burgundians* against the Ambassadors of *France*, that the King was oblig'd to send them Safe-Conducts to secure their Persons. I find two of them in the Acts, one for *Gerson*, who deliver'd it to the Council upon the 11th of *October*; the other for *Simon de Theram*, which was presented on the 17th. The same Day the Ambassadors of *France* made another Protest against the Commissioners, because they refus'd to refer *John Petit*'s Affair to the Council, but continued to judge of it, notwithstanding the Appeal of the King of *France*. But the Commissioners having declar'd the said Appeal void, by a Sentence of the 20th of *October*, the Affair was re-placed on the same Footing as before.

CIX. THE Council was at that Time more numerous than it had been yet, not only by Reason of the Union of the greatest Part of *Benedict*'s Obedience, but also by the Arrival of many Ambassadors from sundry Places. Mr. *Collier* tells us, in his *Ecclesiastical History of England*, that besides the Ambassadors, formerly mention'd, who repair'd to the Council at first from that Nation, they also sent thither *Richard Clifford* Bishop of *London*, the Chancellors of the two Universities of *Oxford* and *Cambridge*, and twelve Doctors, to strengthen the Party of the *English* Nation, which some endeavour'd, as we shall see presently, to oppress. My Acts say, that the Bishops of *Litchfield* and *Norwich* arriv'd at *Constance* the 24th of *September*.

It was Time therefore to undertake the Prosecution of *Benedict XIII.* who still held out obstinately in his Castle of *Peniscola*, from whence he fulminated Anathemas against the whole Church and Council. A Beginning was made in this Affair in the twenty third Session, at the Request of the Advocates and Proctors of the Council. After the usual Ceremonies, a Deacon read that Passage in the Gospel which was perfectly suitable to the present Juncture, *If thy Brother trespass against thee, &c.* Then one of the Advocates of the Council preach'd a Sermon from these Words, *Have Pity on me my Friends*: Wherein he bewail'd the Calamities of the Church that was persecuted by *Benedict XIII.* whom he represented as a Schismatick, a Heretick, and a Tyrant, which the Church wanted to be rid of; and he demanded that Commissioners might be nominated to proceed against him. Thereupon the Archbishop of *Milan* read a Paper, by which the Council appointed twelve Commissioners, consisting of Cardinals, Bishops, and Doctors of Divinity and Law, to enquire into *Benedict's* Conduct. These Commissioners were the Cardinal of *Florence*, the Patriarch of *Constantinople*, the Bishop of *Salisbury*, the Bishop of *Dol*, the Bishop Elect of *Civita di Penna*, *William de Beaunepeve* and *Maurice of Prague*, Doctors of Divinity; *Michael de Navers*, *Nicholas de Verde*, and *John de Wels*, Doctors of the Canon and Civil Laws.

IN this very Session there was an unhappy Dispute between the Ambassadors of *Arragon* and those of *England*. *Esperendieu de Cardona*, one of the Ambassadors of the King of *Arragon*, protested against the Demand of the *English*, to make a Nation in the Council, as they had hitherto done. On the other hand, the Bishops of *London*, *Bath*, *Salisbury*, *Litchfield*, *Norwich*, and the other Ambassadors of the King of *England*, made a Protest of the same Nature against the *Arragonefe*. This Affair occasion'd such a Tumult in the Assembly, that the Ambassadors of *Arragon* were forc'd to withdraw, and pretended that they were deny'd Justice. When they were gone out, and the Assembly was a little calm'd, the *English* began again with their Protest, which had been interrupted by the *Arragonefe*, and set forth their Prerogatives. After this the Patriarch of *Antioch* pronounc'd the *Placet* on the Part of the Nations, because their Ranks were not settled; and the Cardinal of *Viviers* did the same in Behalf of the Cardinals. Among the Anecdotes of *Dom. Martene*, there's a Letter from the Deputies of the University of *Cologn* concerning this Difference, and some others which arose at that Time in the Council. The Letter is thus express'd. ' There have happen'd in the Council, say the Deputies, some Differences, which may perhaps retard, and even quite disorder the Affairs depending, if they are not speedily pacify'd. ' The chief Dispute has arisen between the Ambassadors of the

T t t t

' King



1416. King of *Arragon*, who now represent a fifth Nation in the Council, and the *English* Nation, which claims a Preference before the *Spanish* Nation, and which undertakes to establish such Preference upon Laws, ancient Customs, and the reciprocal Writings of the two Nations. The Dispute could not be determin'd but by the Conduct of the *German* Nation, which was pleas'd, because the Council is held in her Dominions, to put herself in the lowest Rank, after making the necessary Protests on that Head (a).

(a) *Marten*  
*Anecdof. T. II.*

P. 1667.  
Assembly of  
the Commis-  
sioners.

Nov. 5.

CX. AFTER the Session, the Commissioners for the Affair of *Benedict* XIII. held an Assembly, and in order to begin the Execution of their Commission, they appointed seven Notaries, Part Apostolical, and Part Imperial, to make Records of every Thing that should pass in this Affair, and three Advocates and Proctors, with Apostolical *Cursitors*, to fix up all the necessary Citations. The Episcopal Palace was chose for carrying on the Process; and at the same Time *Henry de Piro* and *John de Scribanis*, Proctors of the Council, propos'd the following Articles, on which they demanded that the Witnesses might be heard.

1. THAT *Benedict* had for two and twenty Years kept up the present Schism which had been of eight and thirty Years Duration, tho' he had several times declar'd, before his Accession to the Pontificate, that the Method of Resignation was the most proper to give Peace to the Church.

You have  
very near the  
same Articles  
in *V. d. Hardt*,  
T. IV. p. 969.

2. THAT after the Death of *Clemens* VII. when there was a Necessity of proceeding to the Election of another Pope, *Benedict* had sworn upon the Gospels, and upon the Wood of the Cross, together with the other Cardinals, to resign, without Delay, if the Election fell upon him; and that being actually chose with this Expectation,

(b) In 1394. (b) he repeated the said Oath.

3. THAT nevertheless, tho' he was required, and even intreated with bended Knees, to keep his Word, in the Name of the King of *France* and the University of *Paris*, by the Dukes of *Berry*, *Burgundy* and *Orleans*, as well as by a great Number of Prelates and Doctors, and even his own Cardinals, excepting only the Cardinal of *Pampeluna*, he still obstinately refus'd it.

*Dupin* 231,  
235, 239.

In 1397.

4. THAT afterwards being summon'd to resign, on the Part of the Kings of *France*, *England* and *Castille*, and then on the Part of the King of the *Romans*, who had sent Ambassadors to him for that End, he stood out against it as a mortal Sin, and enter'd a publick Protest in a Consistory against the Method of Resignation, as a Method that was illegal.

In 1399.

5. THAT he had in like manner deny'd *Martin* King of *Arragon*, who had himself intreated him with Earnestness and Humility, tho'  
*Benedict*

*Benedict* being of the Kingdom of *Arragon*, might be consider'd as his Subject.

1416.

6. THAT nevertheless some Time after (1), at the Solicitation of the Duke of *Orleans*, he had promised and sworn, before the Notaries and Witneses, to renounce the Pontificate, provided that his Competitor would do the same; which Oath he had repeated, in Presence of the Cardinals, at *Pont de Sorgues*, and again since that Time (a) at the Instances of the Republick of *Genoa*.

(a) In 1405.

7. THAT after the Death (b) of *Innocent VII.* he had still persisted in his Denial, tho' he had so often promis'd it in Case that his Competitor died or abdicated.

*Dupui*, p. 289

(b) In 1406.

8. THAT after he had pretended as if he would accept the Method of Resignation that was propos'd to him by *Gregory XII.* (c), he had evaded it by a thousand Shifts and Subterfuges, imposing basely upon the Ambassadors of *France* and those of his Rival.

9. THAT having assembled a (c) Council at *Perpignan* (3), he had there promis'd and sworn to resign; but that tho' he was urg'd to keep his Word, he answer'd, that if he was molested any farther upon that Head, he would put the Church in such a State, that it should be past all the Power of Man to extricate it.

(c) Nov. 1.

1408.

10. THAT he had persisted in the Schism after the deposing of *John XXIII.* and the voluntary Resignation of *Gregory XII.* tho' all Christendom was united to the Council of *Constance*, in order to restore Peace to the Church by the Choice of a new Pope, except *Scotland*, *Spain*, and the Counts *de Foix* and *d' Armagnac*.

11. THAT the Emperor repairing in Person to *Perpignan* with the Ambassadors of the Council, the King of *Arragon*, the Counts *de Foix* and *d' Armagnac*, the Ambassadors of *France*, *England*, *Castille* and *Navarre*, humbly to desire *Benedict* to restore Peace to the Church by his Resignation, as he had so often promis'd, he again refus'd it with more Obstinacy than ever; and that after several Evasions, he at last retir'd to *Peniscola*, to an inaccessible Fort, leaving the Church in the Schism, without troubling himself to suppress it, and without proposing any Method for that Purpose. That, in fine, all these Things being consider'd, *Benedict* was deem'd by all Christendom, *Spain* (4), and some other Places excepted, as a Favourer of the Schism, a Heretick, and a harden'd Schismatick. It was left to the Discretion and Prudence of the Commissioners to add what they

(1) This must have happen'd in 1403. *Maimb.* p. 299. *Dupui*, p. 280. *Gerfo-*  
*miana*, p. 17.

(2) *Gregory*, tho' not quite so crafty, was altogether as insincere as *Benedict*.

(3) As to this Council, see the History of the Council of *Pisa*, Part I. p. 221, &c.

(4) *Spain* however was already united to the Council.

1416.

Quarrel of the English with the Cardinal of Cambray, about their Right of forming a Nation in the Council  
*Gerf. T. V. p. 692. Nov. 7.*

should think fit to this Memorial for carrying on the Prosecution against *Benedict*.

CXI. WHILE they are observing all the necessary Formalities for the Prosecution of *Benedict*, let us pass to some other Affairs. That which made a great Noise at this Time was the Right claim'd by the English to form a separate Nation. The Cardinal of *Cambray* had propos'd it, as a Matter of Doubt, Whether the English could be included as a Nation? and whether it was not the Interest of the King of *France* to oppose it? The English were provok'd at it to the last Degree, but especially after the Protest made on that Subject by the *Arragonese* in the foregoing Session. They loudly complain'd of it, as a Confederacy against the Honour of their Country, and even made bitter Menaces, both in publick and private, especially against the Cardinal of *Cambray*, as the chief Author of the Chicanery. The Cardinal actually had secret Intelligence that the English were coming up the Streets of *Constance* arm'd in an extraordinary manner (1), and that it look'd as if they had a Design upon his Person. What is certain is, that even before the XXIII<sup>d</sup> Session, the Elector *Palatine*, at the Solicitation of the Bishop of *Salisbury*, had sent to require the Cardinal not to mention this Affair in a Sermon that he was to preach upon All-Saints Day, of which the Cardinal complain'd as an Insult upon the Liberty of the Council. There were a great many Debates upon this Affair, which was at length refer'd by *France* to the College of Cardinals, to prevent the Noise with which it might have been again attended in a publick Session. But the Elector *Palatine*, the Burgrave of *Nuremberg*, the Archbishop of *Riga*, the Bishops of *Passau* and *Verden*, waited on the Cardinals, to represent to them, that this Protest against the English would only serve to thwart the Council, and that it were better entirely to drop the Affair than to pursue it at the Expence of the Union. Mean Time, the English declaring that they would absolutely have the Affair determin'd by the Council, because the Memorial of the French had made too great a Noise to pass unanswer'd, the Cardinal persisted in his Protest, and even insinuated that the Emperor had secretly commission'd the Bishop of *Salisbury*, and some others, to be Council to the Elector *Palatine*; and that the greatest Part of the German Nation adher'd to the English against the Interests of *France*. Nevertheless, the Cardinal of *Cambray*'s Protest was not approv'd of by every Frenchman; for a Memorial was publish'd at the same Time, which was drawn up by the French, shewing the absolute Necessity there was of dropping this Affair. 1. Because the Prelates of *France* had no Information of it.

(1) Cum ensibus, pugionibus five daguis, cum arcibus & hastis five hachetis, i. e. With Swords, Daggers or-Sallets, with Bows and Spears, or Bills.

2. Because the Cardinal of *Cambray* and the Ambassadors of *France* did not produce any Order for proposing it, much less for prosecuting it. 3. Because it did not relate to the general Affairs of the Council, and could only tend to the Dissolution of it. 4. Because as a Truce was subsisting between *France* and *England*, it was not proper to start an Incident, which might rekindle the War with more Rage than ever (1).

CXII. NOTHING very memorable interven'd at that Time betwixt the Sessions, because the only Point in Agitation was the Prosecution of *Benedict XIII.* which demanded tedious Formalities. It was much about this Time that *Henry Duke of Brunswick* and *Lunenburg* (2), was taken ill at *Constance*, and oblig'd to return to his Dominions. As great a Soldier as this Prince was, yet he had a considerable Share in the Church Affairs of that Time. He was at the Assembly at *Frankfort* the Beginning of 1409; when the Cardinals of *Gregory XII.* and *John XXIII.* being join'd together, invited all the Princes of *Germany* to send their Ambassadors to the Council of *Pisa*. As the Emperor *Robert* still always held out tight for *Gregory*, *Henry of Brunswick*, and the other Princes of that Family, as well as the Elector *Palatine*, and the Landgrave of *Hesse*, adher'd to the same Party, and even protested against the Council of *Pisa*, which had deposed *Gregory*. But *Sigismond* having taken Care to summon the Council of *Constance*, *Henry of Brunswick*, and the other Princes of this Pope's Obedience, wrote to engage him to enter with them into all the most proper Methods for procuring to the Church that Tranquillity and Union which she had long wanted. The Duke sent his Ambassadors to *Constance* first, and afterwards went thither himself. History says, that he had always a great Quarrel with the Bishop of *Verden*, but I don't observe that the Dispute was brought before the Council. He died upon the Road at *Ulsen*, as some say, and left two Sons.

CXIII. I have already made mention of the great Disputes between *Theodoric Count de Meurs* and *William Duke of Berg*, who were both elected to the Archbishoprick of *Cologne*, the one by *Gregory XII.* and the other by *John XXII.* *Adolphus Duke of Berg* having made a League with several Princes of *Germany* to support *William's* Election, this Competitorship had kindled a bloody War in that Part of *Germany*. Upon this Occasion, Acts of Violence and Rapine were committed every Day, which made the Council very

(1) See the Letter from the Deputies of *Cologne* upon these Disputes. Epist. XXVII. *Mortap Anecd.* T. II. p. 1667.

(2) He was the Son of *Magnus Torquatus Duke of Brunswick*. *Bzov. ad ann.* 1416. p. 303.

uneasy.

1416. uneasy. It was much about this Time that a Count of the Family of *la Lippe*, who was of *Theodoric's* Party, was attack'd and taken Prisoner at *Philipsbourg* by an Officer of the Duke of *Berg*; and he remain'd in Prison till the return of the Emperor, who reconcil'd the Duke and the Archbishop at *Aix la Chapelle*.

MEAN Time, the Commissioners nominated for the Process against *Benedict* us'd all Diligence to bring the Affair to speedy Judgment. On the 6th of *November* they swore the Cardinal *de Viviers* and the Patriarch of *Antioch*; and on the 7th they took the Oaths of four Cardinals, eight Bishops, twenty other Witnesses of different Characters, Generals of Orders, Officers of the Court of *Rome*, Doctors, and all of sundry Nations. All that remain'd therefore was to cite him, which we shall see was done in the Twenty Fourth Session.

SESSION TWENTY FOURTH. Nov 28. v. d. Hardt, T. IV. p. 980. CXIV. AFTER the usual Ceremonies a Lesson was read, beginning at that Passage of *St. Luke's* Gospel, *Then there arose a Reasoning among the Disciples which of them should be greatest, &c.* We find, by the Acts of *Brunswick* and *Leipsick*, that this Text was chose by Reason of the Disputes that were between the Nations on Account of Precedency, but it might as well suit *Benedict*, who had aspir'd to be the greatest, but was going to be the least, by his being deposed. After this, the Cardinal of *Florence* made a very pathetick Discourse upon the deplorable Condition which the Church had been for a long Time reduc'd to, by the Haughtiness, Pride, and incorrigible Obstinacy of her pretended Guides, as he call'd them. At the same Time he represented, 'That since *Benedict* was the only Obstacle that hinder'd her from recovering her former Splendor, by a Union under one and the same Head, it was just to remove that Impediment forthwith: That Witnesses having been heard, and the Accusations fully prov'd, *Benedict* had been found notoriously guilty of a long and scandalous Obstinacy in Schism and Heresy, and that therefore they could no longer defer to cite him to appear.' After this Discourse, the Proctors of the Council having demanded the same Thing, it was unanimously resolv'd, that *Benedict* should be oblig'd to appear in two Months and ten Days after the Summons, which shall be fix'd up at the Gates of the Castle of *Peniscola*, if it be possible to get at it, or else at the nearest Places to it, as *Tortosa*. After this Decree was read, the Assembly broke up, and the Citation was fix'd up the same Day at the Gates of the Churches of *Constance*.

Envoys from Scotland and the Count de Foix. Schelstr. Act. & Gest. p. 251.

CXV. IT has been observ'd already, that *Scotland* was always for *Benedict* XIII. The Council had sent a *Scots* Dominican to the Duke of *Albany*, or *Braid Albin*, who was Regent of the Kingdom during the Captivity of King *Robert*, whom the *English* kept Prisoner twelve Years. The *Scots* Fryar return'd to the Council this Month; with

with a Letter from the said Duke, promising to send a solemn Embassy thither very soon to unite with the Council, to which this Letter only gives the Title of *Congregation*.

1416.

TWO Bishops (1), Envoys from *John Count de Foix*, arriv'd also at the Council soon after, and were receiv'd with great Demonstrations of Joy. These two Prelates joyn'd with *Peter Cardinal de Foix*, who had been at *Constance* a long Time. Therefore this Reconciliation of the *Count de Foix* must have been postpon'd by some Obstacle unknown to us, because the Credentials are dated in *July*.

Dec. 13.

CXVI. THEY were united to the Council in the TWENTY FIFTH SESSION, in which, this Union excepted, so little was done, that 'tis scarce worth mention. The same Formalities were observ'd in this Union as in that of the *Arragonesse*, that is to say, the Session did not begin till after the Envoys had summon'd the Council in the Name of the *Count de Foix* (2), till they had promis'd to perform the Treaty of *Narbonne*, and till they were receiv'd in Council.

TWENTY FIFTH. Union of the Count de Foix to the Council. F. d. Hardt, T. IV. p. 996.

THE Bishoprick of *Olmutz* in *Moravia* becoming vacant by the Death of *Wenceslaus*, the Patriarch of *Antioch*, who had it in Commendam, the Council gave it on the same Footing to *John Bishop of Litomissel* till a new Pope was chose. In this Session, Commissioners of the *Spanish Nation* were also appointed for Affairs which were refer'd to Committees. Very good sumptuary Laws were made at the Beginning of the Council, for the Conveniency of the Members of the Council, and for preserving good Order in the City, which had been renew'd in *April* by the *Electors Palatine*; but as 'tis natural for some Objection or Contravention to be always started against such Regulations, they were, with some Variations, again renew'd in this Session. One cannot sufficiently admire the Precautions that were taken in the Council, and the little Articles they condescended to come into for the Publick Conveniency, and for preventing Disorders and Discontents of all Kinds.

F. d. Hardt, ubi sup. p. 1015.

BEFORE the TWENTY SIXTH SESSION, there was a general Congregation of the Nations, which was undoubtedly held to give Audience to the Ambassadors of *Charles King of Navarre*, who had been come ever since the 10th of this Month. But so violent a Dispute arose in this Assembly between the *French*, the *Spaniards*, and the *English*, upon the Score of Precedency and Suffrages, to which each of those Nations laid Claim in Council, that the *Electors Palatine* and the *Burggrave of Nuremberg*, accompany'd by some other Princes, and the Magistrates of the City, were oblig'd to interpolate hastily to prevent their proceeding to Blows. In short, this

Dec. 23. F. d. Hardt, T. IV. p. 1026.

(1) *Episcopi Olorensis & Adurenfis.* Power, and in the Writ of Convocations.  
 (2) He is call'd Prince in the Full F. d. Hardt, T. IV. p. 1014.

1416. Storm was appeas'd by their Intercession, and the Eleſtor promis'd to cauſe the Affair to be regulated in the firſt Seſſion, which was held next Day. The Alarm was ſo great, that when it was over all the Bells of the City were rung for Joy.

SESSION  
TWENTY  
SIXTH.  
Dec. 24.  
V. d. Hardt,  
T. IV. p.  
1029.

CXVII. THE TWENTY SIXTH SESSION began with a Declaration, which was read by the Biſhop of *Arezzo* on the Part of the Council, importing, that the Order which ſhould be obſerv'd there by the Nations when they gave their Votes or ſign'd the Acts, as well as the Rank which they ſhould hold, ſhould not prejudice the Pretentions of any, nor give any Right for the future to any Perſon, as had been already declar'd more than once. When this was read, the Ambaſſadors of the King of *Navarre* were joyn'd to the Council, with the Formalities which were obſerv'd in the Union of the King of *Arragon*, and the Count *de Foix*. Nothing elſe was done at this Seſſion, which was however very long, becauſe ſeveral Proxies were therein read, not only from the King, but from ſeveral of the Clergy of *Navarre*.

Letter from  
the Council  
to *Sigiſmond*.  
V. d. Hardt,  
T. IV. p.  
1077.

CXVIII. THE Letter which the Council wrote to *Sigiſmond*, to implore his Aſſiſtance for ſuppreſſing the Michiefs occaſion'd in *Bohemia* by the Doctrines of *John Hus* and *Jerome of Prague*, was dated much about this Time. The Council therein repreſents to the Emperor, that ſince the Execution of the two Leaders of the Party, the *Huffites* were only become the more zealous for maintaining their Doctrine; that they plunder'd Churches, and robb'd the Clergy without Mercy; that they drew Men of all Ranks into their Party; that ſcandalous Writings were every where propagat'd againſt the Decrees of the Council; that the Communion in both Kinds was every where adminiſter'd with Impunity; that *John Hus* and *Jerome of Prague* were worſhipp'd in *Bobemia* as Saints and Martyrs; that the Univerſity was reduc'd to a Deſert; and that, in a Word, there had not been ſuch a Perſecution ſince the Riſe of Chriſtianity. What is moſt remarkable in this Letter is, that *Wenceſlaus* King of *Bobemia* is therein accus'd (1), not only of Negligence and Indolence upon this Head, which would not be ſurprizing, becauſe he had this Character every where, but he is ſuſpected of protectiſg and ſupporting the

(1) *Cernitis, heu proh dolor! negligentiam fratris tui, qui quaſi illorum exceſſum ad eum non ſpectaret interentio, omnia ſimulat, ſingula ire ſuis caſibus patitur, & univerſa prædicta mala, quibus reſiſtere debuerat uſque ad ſanguinem & animam, in viſceribus regni tolerat, vel quod flebilis famatur, illa conſovert & ſuſtentat. i. e. Alas! do but obſerve the Neg-*

*ligence of your Brother, who, as if he was not concern'd to ſuppreſs thoſe Enormities, connives at all Things, lets them take their Chance, and tolerates all thoſe Evils in the Heart of this Kingdom, which he ought to reſiſt, even to Death; or, what is more to be lamented if true, he cheriſhes and ſupports them.*

*Huffites.*

*Hussites*. Nevertheless, the Council had given *Wenceslaus* a quite contrary Character but the Year before (a). For in the Letter which the Council wrote on the 26th of July to the Clergy of *Prague*, they commend (b) the King of *Bobemia's* Zeal for the Ex-tirpation of Heresy, and upon that Occasion give him the Epithets of *most Pious and most Christian*. But perhaps the Praises which the Council then gave to *Wenceslaus* ought to be taken in the same Sense as the generality of Encomiums bestow'd upon Princes, that is to say, as Exhortations and Encouragements to them to do their Duty. For it appears by a Letter which the Emperor wrote (c) to the Bishop of *Colocz* in *Hungary* on the 3d of September, 1417, that the Council had violent Suspicions of the King of *Bobemia's* Connivance with Regard to the *Hussites*, and that they had only sooth'd him till then in Complaisance to *Sigismond*; as is also said by the Abbat *Trithemius* (d). It may be conjectur'd that *Wenceslaus* was no great Friend to the Clergy, by a Saying which is attributed to him, *That of all the Comedians in the World, the Clergy are the most pernicious*. What is certain is, that for a long Time he was very much disgusted with the Popes and the Court of *Rome*. *Boniface IX.* having given his consent to his being deposed from the Empire (1), in Favour of *Robert*, and *Gregory XII.* having approv'd it afterwards, he was so affronted at it, that he gave a very willing Ear to the Proposal which was made to him by the Cardinals in the Obedience of *Benedict XIII.* and *Gregory XII.* to embrace the Neutrality, in hopes that another Pope would be more favourable to him. And we are told by *Theodoric de Niem*, that *Alexander V.* was so much his Friend, that he stil'd him King of the *Romans* in his Briefs, to the great Mortification of *Robert*. As to *John XIII.* the Successor of *Alexander V.* as he was one of the chief Promoters of *Sigismond's* Election to the Imperial Dignity, it may naturally be suppos'd that the King of *Bobemia* was uneasy to see him in the Papal Chair. Besides, as *Wenceslaus* sided with *Ladislaus* King of *Naples* against his Rival *Lewis* of *Anjou*, 'tis probable he was not sorry to see *John Hus*, *Jerome* of *Prague*, and almost all the University of that City, exclaim against the Croisade which *John XXIII.* had publish'd against *Ladislaus*. As the Sermons of *John Hus* and his Party were solely levell'd at first against the Tyranny of the Popes, the Schism which they maintain'd with so much Obstinacy, and the bad Lives of the Clergy, the Court of *Bobemia* gave those Doctors a favourable Hearing. There are some Authors who say, that *Wenceslaus* finding his Account at first in the Disputes that arose in the University of *Prague* between the Germans and Bo-

1416.

(a) Look

back to p.

469.

(b) V. d. Har. T. IV. p. 488.

ex MSS.

(c) V. d. Har. ubi sup. p.

1410

(d) Trith. Chron. Hir-

saug. T. II.

p. 558.

Nich. Saxon. Chron. ap.

Thomas Doder. Quest. IX. Sect. 7.

Dubrav. Hist.

of Bobemia, L. XXIII.

p. m. 614.

(1) *Wenceslaus* was deposed from the Empire by the Electors in 1400. Sch. L. III. c. 52.

U u u u

hemians,



1416. *hemians*, because each Party made him considerable Presents to carry their Cause, he gave himself no Trouble in the Beginning to reconcile them. And upon this Head they put a Jest into his Mouth more becoming a Buffoon than a King, viz. *I have found an excellent Goose, which lays me a great Number of Gold and Silver Eggs every Day.* 'Tis certain, however, that *Wenceslaus* gave Judgment in Favour of the *Bobemians*, at the Solicitation of *John Hus*, and that he wrote to the Pope to excuse his going to *Rome*, when cited thither, as has been already said. All these Particulars consider'd, with the natural Effeminacy of this Prince, made him suspected to be a Friend to the *Hussites*; and 'tis also very probable that this Suspicion, whether well or ill founded, contributed not a little to that universal and outrageous Invective we find in Historians, both Ancient and Modern, against his Reputation. For *Aventin*, who has not scrupled to mention the enormous Vices and Crimes which were laid to the Charge of this Prince, declares, at the same Time, that he only considers them as the Inventions of his Enemies. 'Tis very manifest, that *John Hus* laid some Stress upon the Favour of *Wenceslaus*: For, at his second publick Examination, he said in plain Terms, that this Prince never favour'd his Enemies heartily. In his twentieth Letter, he thank'd the King and Queen of *Bobemia* for their Favour, their kind Treatment, and the Zeal they shew'd for his Letter. And in the thirty second, he expresses great Joy at the Report that the King of *Bobemia* was to come to the Council, on which he founded vast Hopes of his future Enlargement. Mean Time, I shrewdly suspect that *John Hus* was a Stranger to the Motives of *Wenceslaus's* Conduct in this Affair. For if every thing be duly consider'd, it does not appear that this Prince was a *Hussite*, but only that either from Indolence or Disgust, or because he found his Account in it, he did not oppose the Progress of that Party with much Vigour. The *Hussites* themselves were so dissatisfied with him, that when he refus'd one Day to grant them the Churches they desir'd, they held a Consultation for electing a new King. But a *Hussite* Priest, nam'd *Coranda*, who was a very popular Man, represented to them, with great Eloquence, that though *Wenceslaus* was not of their Opinion as to Religion, yet he was preferable to any other, because he let them alone, and his Effeminacy was their certain Security. I should chuse to give more Credit to this Account, which is taken from *Aeneas Sylvius*, a cotemporary Author, than to the Testimony of the Abbat *Tribemius*, who accuses *Wenceslaus* of having favour'd the *Hussites*, and persecuted the Catholics. And *Bzovius*, who has carefully reported all the severest Things said by Writers against *Wenceslaus*, gives him this Character: That

*Hus* in the  
Bobemian  
Tongue signifies a  
Goose.

*Aventin's* Annals Bojov.  
Lib. VII. cap. 22. beginning.  
*F. d. Hardt*,  
T. IV. p. 312.

*Aen. Sylv.*  
History of  
*Bobemia*. C.  
36. p. 76.

*Bzov ad ann.*  
1419. p. 588.

That he had Generosity and Courage enough to resist all the Artifices of the Hereticks, and that he persever'd to the last in the Faith of his Ancestors. Upon the whole, *Wenceslaus* would not be the only Prince in the World, who, from Policy or other Reasons, has favour'd a Party he did not approve of, and which upon any other Occasion he would have persecuted.

CXIX. THIS Year concluded with the Celebration of a very solemn Festival by the *English* in Honour of (1) *St. Thomas of Canterbury*, which was observ'd on the 29th of *December*. Instead of relating the Ceremonial of this Festival, as *Dacier* has done, it may perhaps be as proper here to give a short History of this Saint (a). From the Dignity of Chancellor of *England*, he was advanc'd in 1162 to that of Archbishop of *Canterbury*. The Church and Popes of *Rome* never had a more zealous Defender of their Rights, whether real or pretended, than this Prelate. He was no sooner made Primate of all *England*, but he resign'd the Office of Chancellor, and took into his Protection the Clergy who had been subjected to the Temporal Courts of Justice, by Reason of the horrid Outrages they had committed, under Colour of their Immunities. Mean Time, he was obliged to sign the Constitutions of the Kingdom with Regard to the Clergy, in a Synod held at *Clarendon* in 1164, of which he soon after repented, as of a great Sin; and having obtain'd Absolution for it from Pope *Alexander III.* he fled; but being brought back, was impeach'd, and condemn'd of High Treason and Perjury, in a Synod, which was held two Years after at *Northampton*, in which the Rules made by the former Synod were confirm'd. He afterwards retir'd to Pope *Alexander III.* from whose Spiritual Battery he shot as many Thunderbolts as he thought fit against the King, the Prelates, and the Nobility of *England*. To his great Misfortune, he return'd thither in 1170, for continuing to be as troublesome as ever, he was assassinated at *Canterbury* in his Cathedral, by four of the King's Officers, tho' without his Majesty's Order for so doing. Nevertheless, as the King had been the Cause of this base Assassination, by Reason of the Animosity which he had express'd against the said Archbishop, he submitted to all the Penances which the Pope imposed upon him. The Archbishop was canoniz'd in 1173, and was reputed by the Church of *Rome* as a true Martyr, if not for the Faith, at least for the Rights of the Church. I have some doubt whether he would have been canoniz'd at the Council of *Constance*, especially if we may credit the Account given us by the Abbat *Tritemius*, Anno 1416. He says, that after the Execution of *John Hus* and *Jerome of Prague*, *Sigismund* fearing that the Doctrine

1416.

History of  
*Thomas of  
Canterbury.*  
*Cave*, T. I.  
*Dupin*, T. IX.  
cap. 10.  
(a) *Larrey's*  
History of  
*England*, T. I.  
p. 371.  
*Father Or-*  
*leans*, T. I.  
p. 131.

*Clarendonensis*  
*Synodus.* See  
*Cave*, T. II.  
p. 242, 243.

(1) This was *Thomas Becket*.

1416. of the *Hussites*, especially against the Wealth and Dignities of the Clergy, should spread in *Germany*, had resolv'd to introduce a new Reformation among the Clergy. Some Writers, says he, report, that this Prince, in his Project for a Reformation, was not very well disposed to the Priests. This appears from a certain Writing which *Frederick*, one of his Ministers, rather a *Hussite* than a Christian, and a great Enemy to the Clergy, compos'd by the King's Authority in the *German* Tongue. The Reformation propos'd by this Author was more likely to ruin the Church and Clergy than to reform them. But the Cardinals, the Bishops, and the other Prelates, perceiving that this Reformation, in the manner it was propos'd, manifestly tended to the Ruin of the Clergy, and especially of the Prelates, who have both Spiritual and Temporal Jurisdiction, unanimously oppos'd this Project, because, under a Pretence of a Reformation, they had a Design to reduce the Clergy to Beggary, as if in ancient Times there had not been in the Church a great Number of Popes, Bishops, Abbats, Prelates, Priests, and other Clergymen, who led very holy Lives in the midst of Wealth. In order therefore to vanquish the King's Importunity by Reason, they said that a Reformation could not be made among the Clergy till the Priests had a Pope, and the Church a Head: There were at that Time, continues he, a great many of the Laity who, being eat up by Avarice, made great Instances to the King not to postpone the Affair of the Reformation, in hopes of getting the Wealth of the Clergy into their own Hands, after the manner of the *Hussites*, because those People (1) thirst more after the Revenues of the Church than the Glory of God. Therefore, as plainly appears from this Memorial of the Reformation, it was the King's Intention to settle a certain Annuity upon the Pope, the Cardinals, the Bishops, Abbats, Monks, and all the Clergy, each according to his Condition, and to put the Overplus of the Revenues of the Church into the King's Treasure, to make War against the *Turks*, the Enemies of Jesus Christ. Mean Time, *Sigismund* perceiving how much the Clergy were prejudic'd against so sly a Reformation, thought it was better to wait till the Creation of a Pope, in order to settle all Matters by his Authority (a).

(a) *Trithem. Chronic. Hirsaug. T. II. p. 345.*

(1) *Illi petrones iniqui. i. e. Those unjust Clergymen.*

The End of the FOURTH BOOK, and of the FIRST VOLUME.

T H E







