



UNIVERSITÄTS-
BIBLIOTHEK
PADERBORN

Corpus Juris Canonici

Gregor <XIII., Papst>

M. DC. LXI. Coloniae Munatianaee, 1661

De Renvnciatione. Titvlvs IX.

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accedere forte nequiveris pro consecrandis suffraganeis tuis, vel clericis ordinandis, & ad ecclesiam alienam propter hoc te contigerit declinare: dummodo is ad quem ecclesia pertinet, id permittat, utendi pallio in jam dictis casibus liberam habes facultatem.

CAP. VI.

In quolibet ecclesia sua provinciae, permisso diebus, Archiepiscopus missam celebrandi potest pallio.

Idem.

Ubi cumque a fueris in missarum celebrationibus constitutus, diebus solennibus usum pallii, per quod plenitudo Pontificii designatur, poteris liberius exercere.

In partibus remotissimis gratiam gerimus & acceptum, quod in actibus tuis quascunque dubitationis scrupulus emerget, & c. Non veris geritur, quod ubi expostis necessitas, & plura in una ecclesia altera & plures Episcopos simul potest consecrari, &c.]

CAP. VII.

Sine pallio & sandaliis, potest Archiepiscopus celebrare.

Honorius III. Archiepiscopo Tri.

Quia nos & infra. Inquisitioni t. r. respon. quod tam antea, quam in aliena dioecesi, potes sine pallio & sandaliis celebrare: qui utique in tua dioecesi non debes semper celebrare cum pallio, sed diebus illis duntaxat, quibus in ecclesia tua privilegium est expressum. Sicque soluta est quarta quaestio, qua quaevis tibi sit licitum pro eis defunctis cum pallio celebrare.

DE RENVNCIATIONE.

TITVLVS IX.

CAP. I.

Non datur licentia cedendi Episcopo, qui propter senectutem vult cedere, si necessarius vel utilis sit ecclesiae suae.

Alexander III. Londinensi Episcopo c.

Itera d tuas: [1 & infra.] Si tuam e aut senectutem, aut insufficientiam forte considerans, te tanquam emeritum postulas relaxari: scito nos credere, quod tutius sit hoc tempore, si commissa tibi ecclesia sub umbra tui nominis gubernetur, quam si alteri novae incognitae personae gubernanda in tanto discrimine committatur: maxime quia in te vigor devotionis & fidei (etiam corpore senescente) non deficit, sed vergente aetate conditione corporis, fervor spiritus in sublimiora conscendit: [2 & infra.] Memento importunitate molestum, quia indecens omnino probatur prius solvere militis cingulum, quam cedat victori adversitas praetorium.

Super accepimus, devotione plenas & dolore non vacuas, qua quidem & tuam nobis infirmamur assiduosissimam charitatem, & tui Archiepiscopalis officii, quod videlicet gessisse & adhuc se gerere gaudemus, contrariam exigebant ecclesiarum utilitati usum cessivum. Nihil enim, sicut vir prudens & providus, quod tanta est cleri malitia, & contra ecclesiam Dei tam gravis tanque diuturna persecutio infantia, ut nequaquam ei cedas ad commodum, si tuam sedem talem contigerit subire desolatum. Quod.]

Ne igitur tui us doloris aculeus vividius circa te nostri poterit vulneres charitatem, rogandum te potius duximus & monendum.]

a Cap. 1. eod. tit. in 4. compil. b al. Pontificialis officii, al. Pontificii. c al. London. Archiepiscopus, al. Lugdunensi Archiepiscopus, al. Baton. Episcopus. d Cap. 2. eod. tit. in 1. compil. e al. autem. f sic in omnibus manuscriptis. & vox, imperitum, perperam inserta fuit.

CAP. II.

Qui abjurat beneficium, licite potest illud, & sine ulla oblatione.

Idem Abba. Dolen. a & priori de oblatione.

Ubi inter P. Gaufridi & quosdam de allocatione sancti L. super spirituali beneficio, factum in choro, & loco in capitulo, quattuor sancti dicitur: [1 & infra.] Ideoque vobis mandamus, ut tenus si praefatum P. invenieris de consensu & auctoritate partis capituli fuisse de praedicto beneficio auctoritate Apostolica investitum, cum factis beneficiis pacifice possidere, non enim videtur nobis iniquum admittere iuramentum, quod de eodem non propter ulterius proponitur praestitisse, si consensu majoris partis canonicorum ecclesiae intercesserit.

[1 Quia tamen altera pars sufficienter impellat, ut beneficium non potest terminari.]

CAP. III.

Qui renunciat beneficiis suis, illud repetere non potest.

Idem Episcopo & Verulam.

Ex transmissa f. relatione Abbatis sancti N. de Ceparano nostris est auctoribus intimatum, quod illi abbas clericus, dum infirmitate & laborate in quodam monasterio sancti Salvatoris, sibi petiti habitum monasticum indulgeret: qui recuperata postmodum sanitate, ad monasterium illud gratia complendi vocatus, & ibidem moram aliquantulum faciens, ea parte quae ecclesiae sancti N. conulerat, sibi fecit restituere, autem mutato animo laborat, ut restituatur illi supra dicta.

Verum quoniam jam dicta ecclesia ab eo sollemniter sequebatur, ex quo ea, quae sibi conulerat, ad penitentiam renegavit eidem: mandamus, quatenus illi abbas habeat praedictum Abbatem & focios eius ad eandem partem P. nulla ratione compellat invidios: honorari tamen de Ceparano compelli permittas: honorari tamen de Ceparano, ut illum non tanquam unum de ecclesia, sed de novo recipiant in sociam & in fratrem.

CAP. IV.

Beneficiarius sine licentia praedati sui, beneficium renunciare non potest.

Idem Episcopo Ternatensi.

Admonet: & infra. Univeris personis tui Episcopus sub distractione prohibet, ne ecclesiam dioecesis ad ordinationem tuam pertinentem, ab officio sensu tuo intrare audeant, aut detineant, aut te in consilio. Quod si quis contra prohibitionem tuam venire praesumpserit, in eum canonice excommunicationem.

CAP. V.

Contra petentem beneficium admittitur spontanea dispensatio, exceptio, etiam causa renunciationis non adhibita: cum illi replicare poteris, quod non sponte renunciat: quod probaverit, obtinebit.

CLEMENS III.

Super hoc quod sciscitaris, utrum ecclesiasticis beneficiis repositentibus objecta pontificis dispensationis exceptio sine causa cognitione sit admittenda, & c.

a Dulmen. al. ita. Abbati & priori de Arge. al. de Arge. b Cap. 2. eod. tit. in 1. compil. c al. praedati. d in 1. compil. e al. majori & saniori parte, & c. al. Verulam. al. Verulam. f in 1. compil. g al. dum olim natus esset, & c. h iuxta illud: Dum fero languorem, fero replem amorem. i non propter per languorem, non sum memor huius amorem. j in 1. compil. k in 1. compil. l in 1. compil. m in 1. compil. n in 1. compil. o in 1. compil. p in 1. compil. q in 1. compil. r in 1. compil. s in 1. compil. t in 1. compil. u in 1. compil. v in 1. compil. w in 1. compil. x in 1. compil. y in 1. compil. z in 1. compil. aa in 1. compil. ab in 1. compil. ac in 1. compil. ad in 1. compil. ae in 1. compil. af in 1. compil. ag in 1. compil. ah in 1. compil. ai in 1. compil. aj in 1. compil. ak in 1. compil. al in 1. compil. am in 1. compil. an in 1. compil. ao in 1. compil. ap in 1. compil. aq in 1. compil. ar in 1. compil. as in 1. compil. at in 1. compil. au in 1. compil. av in 1. compil. aw in 1. compil. ax in 1. compil. ay in 1. compil. az in 1. compil. ba in 1. compil. bb in 1. compil. bc in 1. compil. bd in 1. compil. be in 1. compil. bf in 1. compil. bg in 1. 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ingant, ipsius negligentia imputentur: plane si propter hoc peni-
 cedere, nante se poterit improvido comparare, qui cum mari sub
 tranquillitate tacente non cum multo labore nauis exercuerit gu-
 bernaculum, ipsam tempestate surgente deserit, & deuenit pa-
 ratur in profundum. Nam quaeque cedendi causam penitus detra-
 hamur, si forte cedere velis Episcopus tu vel alter sibi succeda vel
 obventu precis vel affectu carnis, vel tu cum peior sibi succederis,
 ipse velis optimus excolatur. Illud autem quasi nefas respicimus
 & damnamus, quod propter occupationes mundanas & sollicitu-
 dines seculares non valeat sine crimine Pontificis officium exerce-
 re, cum multis sanctis ecclesiae venerit, qui spiritualia simul &
 temporalia ministrant. Veroniam leuia debet esse sub capite
 & dextra in amplexu: sed illud te advertere volumus dili-
 genter, ne forte per hoc velu tua dispositionum propositum effici vel
 ex illis, de quibus dicitur per Prophetam: Etili Effren. 1. ar. et. m.
 fa. con. s. in die belli, cum potius pro domo domus Israel murum
 debes te opponere ascendentibus ex adverso, quia iuxta sententiam
 veritatis non qui caperit, sed qui perseveraverit, salvus erit.
 Cavens attente ne maculam in gloria tua ponas, non solum apud
 homines, sed etiam apud Deum: quoniam sub hoc pallio te non po-
 teris occultare, nedum apud Deum, qui renes rimatur & corda,
 sed nec etiam apud homines qui ex verisimilibus talia suscipiunt.
 Illud quoque prudenter attendas, quia iuxta sententiam scri-
 ptam, Spiritus sanctus discipline effugiet filium, & auferret
 se à cogitationibus, quae sine intellectu consistunt. Si vero pro-
 tuenda ecclesiae libertate difficultati omni incurere periculum,
 non ideo desistere debes praesulatum honorem, considerans diligenter
 ne forte teneris iusto iudicio ab illo qui malurum est interpretator,
 ut probeior utrum satisfacere velis in eo in quo forsam deliquisti.
 Qui vero contentus aut negligit satisfacere pro delicto, thesauri-
 zat sibi iram in die ira, cum revelabit Dominus abscondita tenen-
 tibus. Ecce quidem admoventur tibi saeculorum ut tempus
 contempleris in ipso, & tuam conscientiam perstratias, agno-
 scas ex qua causa cedendi licentiam postulare importune. Nos
 enim (nervi altissimi) ignoramus quare in tali proposito per-
 severes, quoniam nec etiam infirmitas corpora, nec longanimitas
 temporis, nec defectus scientia, nec malitia plebis, nec irregularitas
 persona te reddat impium, nec conscientiam sciri criminis te fati-
 ris habere.]

[4 Quia igitur diversas tibi causas super hac causa distin-
 ximus, & propter quam causam cedere desideras, ignoramus,
 te ipsum tibi duximus committendum, ut de propria mentis
 tribunali te iudicemus, videas si se posse regnandi desideria se-
 tis facere, ut gregei tui commissa curam sine culpa vultus declina-
 re. Si enim cedendo proficere appetis tibi sibi, profectus tuo sine
 dulo tantum subtrahis, quantum quod impendere poteris alii,
 non impendis, quia tunc maiora anima tua lucra conquirent,
 cum sine tua salute salutem plurimorum procurares, potius enim
 est meriti sciam Deo quam plurimos lucrificas, quam saluam
 propriam querere sine illis, quorum salus ad ejus curam natus
 pertinet.]

[5 Sed esto quod multum habentis laborasti & bonam cer-
 tamen certaveris, cum eodem Apostolo posui dicere, tamen ut co-
 rona iustitiae tibi derelicta reponatur, cursum te decet perfecti ope-
 ris consummare. Quotumlibet enim in angustiis laboribus
 qui comitantur officium pastorale, nolles tibi laboribus enu-
 meras, & tanquam satigatus cervum unbram quietis aestillas
 quantumlibet inter me squalores & angustias patriae dilectione
 traheris, & velut emeritus mercenarius operis tui fidem anxie
 praesoleris, expedit tamen tibi virtutem in infirmitate perficere,
 ac pugnam tuam perseverantia coronare: scies quid cum quod
 extraneum desideris manuum tuam, cum animas tibi suscepisti gre-
 gem in tuam animam suscepisti, non se tibi decet portum quietis
 appetere, ut navigante habentem tecum filias sine remige adu-
 versis paratis in hoc mari magno & spatio cum civore naufragi
 fluctuare.]

[6 Fratritatem tuam & exhortamur attentius per a. f.
 m. q. illam vocem Davidicae imprecationis abhorrens, tibiq;

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