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**Lugduni, M. DC. LXXX.**

336. An Clerici teneantur as subsidium Patriæ, & ad onera communia? Et  
explanatur exemptionem Clericorum quoad eorum bona fluxisse à iure  
Diuino, vel saltem ex iure Pontificio ante Constitutiones, & ...

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# De Immunit. Eccl. Resol. CCCXXXVI. 287

tur: Ergo, &c. Et ita hanc sententiam in terminis tenent ex Societate Iesv Fagundes in *Decalogum*, tom. 2. lib. 8. cap. 43. num. 23. vbi sic ait. Cetera verò adducta à Couarruua ad confirmandam suam opinionem, qua tenet per consuetudinem legitime præscriptam introductam ex tacito consensu Clericorum, posse ex aliqua parte tolli exemptionem illorum, dummodò tamen ex huiusmodi consuetudine, maxima Clericis, & Ordini Ecclesiastico iniuria non fiat, & inferatur damnum paci, & tranquillitati Ministrorum Dei, non egent aliqua responsione, qua non loquuntur de consuetudine reprobata per leges, Ita ille. Idem etiam docet Suarez contra Regem Angliæ, lib. 4. cap. 32. num. 19. Et Valboa de Magronejo, in cap. Quor Clericis..... de foro compet. num. 6. & sequi. vnde refellendus venit Petrus de Vries, ad Ritum 233. M. C. V. part. 1. num. 99. Sed ipse meritò à Sac. Congreg. Indicis fuit inter Auctores prohibitos annumeratus. Et hæc dicta sufficiant contra ea quæ docuit Pater Rabardeus, quoad exemptionem Clericorum circa personas: Nunc aliqua explicanda sunt quoad exemptionem circa bona.

## RESOL. CCCXXXVI.

An Clerici teneantur ad subsidium patriæ, & ad onera communia?

Et explanatur exemptionem Clericorum quoad eorum bona fluxisse à iure Diuino, vel saltem ex iure Pontificio ante Constitutiones, & leges Imperatorias? Ex p. 7. tr. 1. Ref. 21. abàs 19.

§. 1. Affirmatiuè respondet P. Rabardeus, sect. 3. num. 4. fol. 56. vbi sic ait. Recogitet Aduersarius, nos in altera sectione probasse, exemptionem, & priuilegia Clerici ab oneribus publicis, & Ciuilibus, pro bonorum suorum maximè temporalium possessione ab Imperatoribus, Regibus, & Summis Principibus data fuisse; Quæ sic intelligenda sunt, vt iustitiam aliorum non impediunt, vt generaliter de quibuscumque priuilegiis significauit Cælestinus Papa III. multòque minus, quando iure naturali, quòd rectè rationis iudicio definitur, contraria esse videntur. In quorum interpretatione mens, & prudens intentio concedentis semper est ex æquitate consideranda. Manifestum autem videtur Reges, aut Principes, nunquam voluisse, neque debuisse tam plenam, & integram libertatem Clericis in suis Regnis impertiri, vt se, ac successores suos priuarent iure naturali, vel gentium ipsis conueniente, perendi ab his aliquod subsidium in magna Regni, & Reipublicæ necessitate, quo illam aduersus ingruentes hostes defenderent. Et paulò post fol. 57. sic asserit. Perpendat rescriptum Theodosij iunioris, & Valentiniiani piissimorum Imperatorum, quod sine noxa, vel suspitione schismatis Iustinianus in suo Codice, sciente, neque contradicente Summo Pontifice, inferendum commendauit. Nam in illo neminem ab angariis, vel perangariis, seu quolibet munere excusari præcipiunt, cum ad felicissimam, inquit expeditionem numinis nostri omnium Prouincialium per loca, qua iter arripimus, debeant solita nobis ministeria exhiberi: licet ad sacrosanctas Ecclesias possessiones pertineant. Et tandem fol. 59. Honorius & Theodosius iunior voluerunt. Ad instructionem itinerum, pontiumque etiam diuinas domos, & venerabiles Ecclesias obligari. Gratianus, Valentianus, & Theodosius Senior A. A. A. Ad portus, & Aquæductus, & murorum instaurationem, siue extructionem om-

nes certatim, facta operarum collatione, instare debere constituerunt, nec aliquam ab huiusmodi confortio dignitatis priuilegiis excusari. Quòd etiam nunc obseruandum censent multi Doctores Theologi, & in vtroque inreperiti, quos citat, & sequitur, Pater Henriquez in *Summa Theologia Morali* s vbi etiam refert Reuerendissimum Patrem Dominicum Bañez, illustris Ordinis Sancti Dominij Theologum insignem, & multos alios A. D. 1590. dixisse, iustè per Episcopos compulso fuisse Clericos & Sacerdotes Hispanos (de consensu, vel permissione Summi Pontificis nulla fit mentio) vt contributorum pro ingenti pecuniæ summa, quam Regna, Senatores promiserant Philippo II. Hispaniarum Regi, pro adiuuandis Catholicis aduersus hæreticos Gallos & vt sic tutius, atque firmius confinia Hispaniæ conseruarentur. Hæc omnia P. Rabardeus.

2 Sed ego puto exemptionem Clericorum quoad eorum bona fluxisse à iure Diuino, & sufficiat hic pro mille Doctoribus adducere Oraculum Sacri Rotæ Romane, in vna *Barbiniensis exemptionis die 21. Junij 1636. coram Coccino*. & antea in illa celebri decisione *Albensis Gabella die 28. Junij 1630. coram Merlino*, in qua latè ex auctoritate Sacræ Scripturæ, Sacrorum Canonum, & Conciliorum, & ex communi sententia Canonistarum, & Theologorum, probatur, bona Clericorum iure Diuino esse exempta ab oneribus Principum laicorum; Quam opinionem nouissimè docet ex Societate Iesv doctus, Pater Dicastillus de *Iust. & iure*, lib. 2. traç. 20. dist. 4. dub. 6. num. 109. & alij adducti supra in Resol. 5.

3. Verùm dato & non concessio hanc immunitatem originem non traxisse à iure Diuino, existimò contra Patrem Rabardeum extitisse in Ecclesia Dei saltem ex iure Pontificio ante Constitutiones, & leges Imperatorias, Nam in Codice Iustiniano, & Theodosiano non inuenitur lex concedens hoc Priuilegium Clericis ante Constitutionem Friderici, vt obseruat Suarez: Et tamen certum est ante tempora Friderici adfuisse in Ecclesia Dei hanc exemptionem, vt manifestè patet ex Concilio Lateranensi sub Alexandro III. quod serè centum annis præcessit, & ex alio Lateranensi sub Innocentio II. Ipostea celebrato, cap. non minus, & cap. aduersus de immunit. Eccl. Atque ex eisdem Decretis colligitur, hoc ius non fuisse in illis inchoatum, sed antiquius esse, & in illis Conciliis sub grauioribus Censuris, & Declarationibus fuisse confirmatum. Vnde licet fortè non inueniatur antiquus Decretum expressè, & in specie hanc exemptionem bonorum Ecclesiasticorum stabiliens, ex hoc ipso probabiliter coniectamus, non tam iure Pontificio scripto, traditione, & præceptis Prælatorum fuisse obseruatam in Ecclesia hanc immunitatem ex quo inceptum Pontifices expeditam & liberam habere suam potestatem Ecclesiastica bona administrandi, id est, postquam impedimentum Ethnicorum Imperatorum sublatum fuit. Ergo, &c. Et ita hanc sententiam docet Pater Suarez contra Regem Angliæ lib. 4. cap. 21. num. 9. cui adde Valboam de Magronejo in *lectionibus Salmanticensibus*, tom. 2. ad c. 2. de iudiciis, num. 112. Et Cardinalem Baronium anno Christi 387. à num. 13. Ergo contra Patrem Rabardeum dicendum est, etiam si exemptio bonorum Ecclesiasticorum non fuisset à iure Diuino, non processisset primario ex benignitate, & priuilegio Imperatorum, sed ex Constitutione Pontificum.

4. Nec suprascriptis obstat, cap. si tributum tr. quæst. 1. vbi sic habetur. Si Tributum petit Imperator non negamus, agri Ecclesiæ soluunt Tributum: & in c. Tributum 23. quæst. 8. De exterioribus, quæ palam cunctis

Sup. hoc supra in Ref. 2. à §. Dico igitur. vsque ad §. Sed dato. & in Ref. 217. cursim in §. Probatu secundo.

Quæ hic est supra Ref. 320.

Sup. hoc supra in Ref. 216. l. 249. in Ref. 217. l. 217. & in Ref. 218. l. 218. & in Ref. 219. l. 219. & in Ref. 220. l. 220. & in Ref. 221. l. 221. & in Ref. 222. l. 222. & in Ref. 223. l. 223. & in Ref. 224. l. 224. & in Ref. 225. l. 225. & in Ref. 226. l. 226. & in Ref. 227. l. 227. & in Ref. 228. l. 228. & in Ref. 229. l. 229. & in Ref. 230. l. 230. & in Ref. 231. l. 231. & in Ref. 232. l. 232. & in Ref. 233. l. 233. & in Ref. 234. l. 234. & in Ref. 235. l. 235. & in Ref. 236. l. 236. & in Ref. 237. l. 237. & in Ref. 238. l. 238. & in Ref. 239. l. 239. & in Ref. 240. l. 240. & in Ref. 241. l. 241. & in Ref. 242. l. 242. & in Ref. 243. l. 243. & in Ref. 244. l. 244. & in Ref. 245. l. 245. & in Ref. 246. l. 246. & in Ref. 247. l. 247. & in Ref. 248. l. 248. & in Ref. 249. l. 249. & in Ref. 250. l. 250. & in Ref. 251. l. 251. & in Ref. 252. l. 252. & in Ref. 253. l. 253. & in Ref. 254. l. 254. & in Ref. 255. l. 255. & in Ref. 256. l. 256. & in Ref. 257. l. 257. & in Ref. 258. l. 258. 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cunctis apparet Ecclesia Tributum reddi. Et verbum, reddit, denotat debitum Iustitiæ. Non inquam hæc obstant, nam ad *cap. Tributum* 11. *quæst.* 1. ommissis variis Glossarum explicationibus, rectè respondet Baronius, *ubi supra* dicens, verba illa dicta fuisse ab Ambrosio permittendo potius, quam approbando, factum asserendo, non verò ius confitendo. Eo enim tempore, cum puer esset Valentinianus, Mater eius Iustina gubernabat, quæ cum esset Arriana Tributum aliquando ab Ecclesiis exegit, & prudenter censuit Ambrosius illi resistendum non esse ad vitanda mala, & pericula imminencia, ut longiori sermone ipse Ambrosius ibidem declarat, concludens his verbis, *Imperatori non dono, sed non nego*. Potuit enim Ambrosius facilius tolerare Tributum exactiõnem, quam usurpationem bonorum Ecclesiæ, & eodem modo intelligendus est Text. in *cap. Conuenior* 23. *quæst.* 8.

5. Ad Textum verò in *disco. cap. Tributum* 23. *quæst.* 8. refertur Cardinalis Albanus in tractatu, de immunitate Ecclesiastica, eodem modo dicens, Urbanum, de facto fuisse loquutum, non de iure asserens persoluendum esse tributum ab Ecclesia spontè ad maiora mala vitanda, nõ tamen ex debito Iustitiæ; idque probat ex illis verbis, pro pace, & quiete; Hæc tamen interpretatio non placet, nam ex verbis Textus aperte colligitur Urbanum non dixisse Tributum esse soluendum ad vitanda maiora mala, sed potius soluendum esse Imperatoribus propter officium, & obligationem, quam habent tuendi Ecclesiæ; quare alij Textum istum intelligunt, de solis bonis, quæ ad Ecclesiæm peruenerunt cum onere Tributi, quòd etiam est improbabile; Nam Textus expressè loquitur de vero Tributo, quod Imperatori soluitur, ratione publici muneris, quod Ecclesia nunquam soluere debuit. Quare textum in *disco. cap. Tributum*, relatum esse à Gratiano ad Urbanum Papam, coniectamus ergo fuisse Urbani I. quamuis non constet, quis fuerit ille Urbanus. Credimus enim, Urbanum Primum, loquutum fuisse iuxta morem illius temporis, quando Imperatores erant Gentiles, & Idololatæ, & Ecclesia nondum sibi libertatem ab huiusmodi Tributis vindicauerat; Sed aliam explanationem huius Textus ne deseras videre apud Carolum Episcopum Nouariensem, in *cap. Conuenior* 23. *quæst.* 8. *num.* 6. penes Gatticum in *allegat. pro Eccles. fol.* 173.

6. Verum etiam dato, & non concessò, hanc exemptionem bonorum Ecclesiasticorum primario ab Imperatoribus largitam fuisse, immeritò dixit Pater Rabardeus, Principes plenam, & integram non concessisse, sed pro successoribus reseruasse potestatem petendi subsidia in magna Regni & Reipublicæ necessitate. Sed hoc negandum est; nam ut obseruat Kochier in *vindictis libert. Eccles. lib. 1. cap.* 20. *num.* 9. Wamesius, *tom.* 1. *Conf.* 174. *num.* 7. & alij, in dubio concessio facta Ecclesiæ censetur facta purè, & absolute, & pleno iure sine vlla reservatione. Deinde ut ex Henriquez, *lib.* 10. *cap.* 15. obseruat Ioannes Wiggers, in 2.2. *Diui Thoma, de Inst. & iure, tract.* 7. *c.* 2. *dub.* 6. *num.* 22. Etiam si Principes quando concesserunt hanc immunitatem Clericis, excepissent ceteros casus, quibus voluissent Clericos contribuere, tamen exemptionem illam non valituram contra illimitatam exemptionem constitutam per Canones; & sequitur ex eodem hoc fundamento quod Principes seculares, etiam vellent, non possint tamen nunc Clericos subicere oneribus soluendi Vectigalia, & Tributa, quandoquidem per altiorẽ potestatem iam existunt exempti. Iura autem Canonica integram, & illimitatam hanc exemptionem Clericis concessisse, nisi in quibusdam casibus in illis expressis; patet ex *cap. Non minus*, & *cap. Aduersus*, de immunit. Eccles.

*cap. Quoniam*, de censibus, in 6. *cap. Tributum*, & *cap. Secundum* 23. *quæst.* 8. *cap. Bene quidem distinct.* 96. *cap. Eccles. de constit. cap.* 1. & *cap. Clericis*, de immunit. Eccles. in 6. Clementina presentis, de censibus, *cap. Nouerint*, de sentent. excommunic. Quibus adde Concilium Romanum III. sub Symmacho Papa; ubi sic habetur, A Laicis quamuis Religiosis nulla de Ecclesiasticis facultatibus aliquid disponendi legitur vnquam attributa facultas. Ergo, &c. Recognosce Sanchez, *tom.* 10. *opus. lib.* 2. *cap.* 4. *dub.* 5. *nu.* 2.

7. Restat modò respondere ad leges Theodosij, & Honorij, quas pro sua firmanda sententia adduxit P. Rabardeus, & ad leg. ad instructionem, & alias. Respondeo cum Doctoribus, quos citat, & sequitur sapientissimus Sahagun de Villa-Sante, in *cap. Decernimus*; de iudiciis, *num.* 25. & 27. fuisse abrogatas, per leges subsequentes, tam Canonicas, quam Imperiales, imò à principio nulla fuisse; vt etiam probat Ortiz. *Politico. Eccles. part.* 3. *fol.* 320.

8. Idem etiam docent ex Societate Iesu P. Layman, *lib.* 4. *tract.* 9. *cap.* 6. *num.* 6. Dicastillos, de *Inst. & iure lib.* 2. *tract.* 20. *disp.* 4. *dub.* 4. *num.* 99. Molina *tom.* 3. *tract.* 2. *disp.* 672. *num.* 4. Salas, de *Legibus*, *disp.* 14. *sect.* 11. *num.* 115. Lessius, *lib.* 2. *cap.* 33. *dub.* 3. *num.* 25. Sed audiatur Rabardeus P. Baldellum, virum doctum etiam ex sua Societate, in *Theolog. mur.* *lib.* 5. *disp.* 34. *num.* 10. sic asserentem: Parum facit ex Iure Ciuili lex, ad instructionem, C. de Sacrosan. Eccles. ubi dicitur, quòd ad instructionem itinerum, & pontium, etiam venerabiles Domus, seu Ecclesiæ tenentur; & lex, ad portus, C. de oper. publ. ubi dicitur ab ædificatione, & reparatione murorum, neminem esse excusandum priuilegio dignitatis. Et lex, Neminem, C. Sacros. Eccles. quòd Ecclesiæ non sunt immunes à muneribus debitis propter aduentum Principis. Nam contra est Panormitan. in c. Non minus, n. 16. de immunit. Eccles. & consil. 3. n. 2. cit. ubi etiam citat Ioan. Andr. in *idem cap. Non minus*. Quia hæc, & similia, non potuerunt Imperatores statueri in præiudicium Ecclesiæ, & absolute nullius sunt tororis, cum fuerint sæpius correctæ per Ius Canonicum, c. Non minus, & *cap. Aduersus*, de immunit. Eccles. Et sæpius alibi; vt etiam notat Sylu. verb. immunitas, §. 16. imò & per Ius ipsum Ciuile. Authen. Item, nulla Communitas, C. de Episc. & Cler. vt notat Bartol. apud Panorm. *conf.* 3. n. 2. cit. Si quidem ibi generaliter prohibetur, ne quis audeat ab Ecclesiis exigere Collectas, Exactiones, Angarias, vel Perangarias. Ita Baldellus.

9. Et tandem non deseram hic apponere verba Maximiliani Faust. de Arario, *Claus.* 17. *consil.* 44. ubi sic ait: Priuilegia porro immunitatis ab omnibus oneribus, Tallis, exactiõibus, imò à refectionibus itinerum, viarum, motorum concessa sunt Ecclesiis, & personis Ecclesiasticis, vt docuimus antea, ex iure Diuino, & Pontificio, per *cap. Non minus*, c. *Aduersus*, de immunit. Eccles. 1. *cap. Quoniam*, c. *Clericis*, eod. tit. in 6. Clem. fin. eodem tit. & alibi. Atque etiam tractatur nominatim in d. *cap. Non minus*, de exemptione à contributione fessorum, & aliorum communium, negotiorum Reipublicæ. Quare & illa l. ad instructionem, & similes, quæ volunt contribuere debere bona Ecclesiæ, ad murorum, & itinerum refectionem, ad traductionem exercitus, angarias, & similia non fordida, vt dicunt munera, sunt abrogata; tum quia, vt sæpe dixi, Reges, Imperatores, & alij Principes, non possunt imponere legem Ecclesiasticis personis, aut rebus, *cap. Eccles. S. Maria*, *cap. Qua in Ecclesiam*, de constit. Tum etiam, quia per Nouellam Friderici postremam, expressè hoc videtur prohibitum, vt contra libertatem, & priuilegia Ecclesiæ. Auth. Item nulla Communitas, C. de Episc. & Cler. Et ita nominatim se respondiisse, & consuluisse, & iuxta consilium

consilium suum indicatum fuisse, tradit Panormit. ad cap. Non minus. num. 17. & 18. de immun. Eccl. & consilio. 3. volum. 1. incipiente. Super casu contra legem ad instructiones. Neque aliter consulti tuto posse ait, cum summa sit ratio, quae pro Religione facit, *l. sunt persona de religio. & sumpt. funer. P. Sed & non recipi dicta l. Ad instructionem*, Gloss. ibi notat & Gloss. ad Can. generaliter. §. Nonarum 10. q. 1. Ioann. Andr. Panorm. ad d. cap. Non minus. Hucusque Faust. Frustra igitur Patrem Rabardeum pro sua firmanda sententiam Imperatorias leges adducere dicendum est, quia à principio fuerunt nullae, & postea à summis Pontificibus reuocatae, in d. & per leges Imperatorias, ut patet ex *Aub. Item nulla communitas*, ut in specie obseruat Carolus Episcopus Nouariensis, in cap. Conuenior, 23. q. 8. n. 15. apud Gatticum, in *Allegat. pro Eccl. fol. 184.* ubi probat dictam Constitutionem Imperatorum fuisse nullam ad instructiones, leg. *Inuenimus, leg. Neminem, Cod. de Sacrosanct. Eccl. & si quae sunt similes*, quod etiam docet Eminentissimus Dominus meus Cardinalis de Lugo, tom. 2. de *Iust. disp. 36. sect. 8. n. 124.*

RESOL. CCCXXXVII.

An in aliquo casu teneantur Clerici ferre subsidium pro communi, & missa Reipublica utilitate, inconsulto Summo Pontifice?

Nec tenentur Clerici ad solutionem gabella imposita pro Physico, & Chirurgo, & Ludi Magistro, &c. Ex. p. 7. tract. 1. Ref. 22. alias 20.

§. 1. Respondeo, quod licet Clerici sint exempti, ut supra probatum est, ab oneribus, & vectigalibus laicorum, tamen non ita auctere, & amare pro positionem hanc accipiendam esse existimo, ut Ecclesia aliquando Reipublicae necessitatibus succurrere, obligata non sit, certis concurrentibus conditionibus quas magistraliter ex sacris Canonibus, & Doctoribus explicat sacra Rota, in nunquam satis laudata decisione Brundusinae Gabellae, die 13. Februarij anno 1604. coram Pegna, & de quibus ego ipse in parte §. tract. primo, Refol. 11. igitur quando Laicorum non sufficiunt facultates ad succurrendum communi, & publice necessitati, potest etiam aliqua contributio imponi Ecclesiasticis. Ad hoc tamen olim requirebatur consensus Episcopi, & Clerici, ut patet, ex cap. Non minus, de immun. Eccl. Nunc vero necessarius est consensus Summi Pontificis, ut patet, ex Bulla Coena: & olim etiam patebat per Concilium Lateranense sub Innocentio III. Vnde non sunt admittenda exempla, quae Rabardeus, ubi supra fol. 60. adducit, afferens in Hispania tempore Philippi II. Pro adiuuandis Catholicis aduersus Haereticos, Gallos, Clericos sine permissione & consilio summi Pontificis impulsos fuisse ad contribuendum subsidium Laicis, & fol. 66. & 67. adducit aliqua exempla, etiam ab Hispanis petita. Hoc inquam non est admittendum, quia legibus, & non exemplis est iudicandum. Imòque ad Hispanos, ego inuenio Sahagum de Villalante, in cap. Decernimus de Iudiciis, num. 36. & 38. contrarium, contra Rabardeum, docere: Sic enim ait: Apparet aperte toto errare Caelo opinantes in his causis non esse necessariam Pontificis consultationem: Quo iure, cum in Hispania Regibus Catholicis, ergo eorum Aetario in comprimendis Haereticis, & eorum, & Turcarum incurtionibus resistendis pene exhausto Ecclesia in subsidium consultat. Non aliter tamen Rex Catholicus subsidio potitur, quam si à Pontifice, quarta, & Decima concedatur vulgo subsidio, excusado. Ita Sahagum.

Tom. IX.

2. Quod manifestè etiam apparet ex Comitibus Generalibus celebratis anno 1538. in quibus Praelati Hispaniarum licet consenserint dandum esse subsidium petum à Carolo V. Imperatore, tamen teste Aria Montalto, in responso iuris de contributione Ecclesiasticorum, num. 192. sequentem apposuerunt conditionem: [ y por que para esto es menester licencia, y mandado de su santidad suplican à su Magestad mande tratar el despacho que para la segundad de sus consciencias se requiere, y an si son contentos en el medio de la dicha lista, ] Videat modò Pater Rabardeus, si Praelati Hispaniarum, & Reges Hispaniae, praebant, & accipiant subsidium inconsulto Summo Pontifice, & sine eius licentia.

Et idè non desinam etiam hic apponere verba doctissimi Valboae de Magronejo in scriptura ad Regem nomine Decani & Capituli Ecclesiae Salmanticensis, Concl. 12. num. 147. ubi sic ait [ y no se hà dezir que la consulta de estado Ecclesiastico no es necessaria, auiedo concession Apostolica: porque lo vno, y lo otro es menester. la cõcession para que se pueda imponer el tributo; la consulta del Clero, para que el imperante la tenga con segura consciencia, y expresè probat Textus, in d. cap. Pontifex consultatur, cuius interest communibus utilitatibus prouidere: no mas de porque por los menòs consultado el Clero, està Westra Magestad seguro de que la gracia de su santidad no es ganada surrepticiamente y esto es lo que VVestra Magestad deve hazer en consciencia, si quiere valerse de las rentas Ecclesiasticas: iuntar el estado Ecclesiastico, conferirlo con el, y vistas las necessidadas, y otras circunstancias, que el dicho estado vea, como meior podra socorrer, à VVestra Magestad, y despues de todo esto, acudir à su santidad: pero si se haze al reues, que sin que al estado Ecclesiastico sepa, ni entienda nada ganar Westro Breue del Papa, no dexa segura su consciencia, ni puede con seguridad vsar del dicho Breue, como luego diremos. Nè sin preceder estas formas iuridicas, podra VVestra Magestad proceder à la execucion de estos arbitrios en las rentas Ecclesiasticas: porque ha de ser consentiente Clero, & consulto Papa. ] Ita Valboa. Vnde satis remanet contra P. Rabardeum probatum Reges nostros Hispaniarum numquam subsidium ex bonis Ecclesiasticorum petere, & accipere, nisi consentientibus Ecclesiasticis, & obtenta Summi Pontificis licentia; per ea quae late differit Panormitanus, lib. 2. consil. 3. & Guttierrez, pract. 99. lib. 1. quaest. 3. & alij penes ipsos.

3. Hinc pro Regno Siciliae praeter consensum Ecclesiasticorum Rex noster obtinuit licentiam à S. PP. N. Urbano VIII. die 16. Augusti 1634. imponendi Gabellam Clericis pro expensis factis tempore Pestis in Ciuitate Panormitana: Et aliam similiter licentiam obtinuit ab eodem Pontifice pro statu Mediolanensi, die 10. Maij 1624. Et contra P. Rabardeum Maximilianus Faust. de Aetario Clau. 17. consil. 4. refert multa alia exempla, & praecipue Maximiliani I. & Caroli V. Imperatorum petentium licentiam ab Alaxandro VI. & Paulo III. obtinendi subsidium ab Ecclesiasticis pro Bello contra Turcas, & Haereticos, prout fecit Emanuel Rex Lusitaniae, Leonis X. pro Bello contra Mauritanos. Idem testatur de Duce Ferrariae Alciatas consil. 165. nu. 12. de Duce Florentiae Marthae de iuris. part. 4. Cent. 1. cas. 1. n. 12. & Republica Veneta, Bombus, lib. 5. Histor.

4. Nec obstat supradictis, Clausulam de consultuendo S. Pontifice, ut etiam obseruat Rabardes, fol. 62. appositam fuisse propter imprudentiam quorundam, qui nimium liberales, & promptiores extiterent in his subsidiis, de Aetario Ecclesiastico consultendis,

B b

Sup. hoe supra in Ref. 248. §. ult. ad mediam. & in Refol. 250. §. 2. in fine.

Pro prima effe. huius consilij in Ref. 146. §. ult. in Ref. 147. §. 1. & in Ref. 248. §. 1. & in Ref. 249. §. 1. & in Ref. 250. §. 1. & in Ref. 251. §. 1. & in Ref. 252. §. 1. & in Ref. 253. §. 1. & in Ref. 254. §. 1. & in Ref. 255. §. 1. & in Ref. 256. §. 1. & in Ref. 257. §. 1. & in Ref. 258. §. 1. & in Ref. 259. §. 1. & in Ref. 260. §. 1. & in Ref. 261. §. 1. & in Ref. 262. §. 1. & in Ref. 263. §. 1. & in Ref. 264. §. 1. & in Ref. 265. §. 1. & in Ref. 266. §. 1. & in Ref. 267. §. 1. & in Ref. 268. §. 1. & in Ref. 269. §. 1. & in Ref. 270. §. 1. & in Ref. 271. §. 1. & in Ref. 272. §. 1. & in Ref. 273. §. 1. & in Ref. 274. §. 1. & in Ref. 275. §. 1. & in Ref. 276. §. 1. & in Ref. 277. §. 1. & in Ref. 278. §. 1. & in Ref. 279. §. 1. & in Ref. 280. §. 1. & in Ref. 281. §. 1. & in Ref. 282. §. 1. & in Ref. 283. §. 1. & in Ref. 284. §. 1. & in Ref. 285. §. 1. & in Ref. 286. §. 1. & in Ref. 287. §. 1. & in Ref. 288. §. 1. & in Ref. 289. §. 1. & in Ref. 290. §. 1. & in Ref. 291. §. 1. & in 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