pꝛeſentante.ꝛ tūc dic ſi queris an ſucceſſoꝛ admit-
tere poſſit vel opponere.ꝛ dic ꝙ ſic.Si aūt videtur
idem ꝛ dic ꝙ nō de iure ſm quoſdā etiam ſi poſtea
ad notitiā eius deuenit dūmodo id pus per exa-
minationē ſcire poterit.de clāde.deſpon.c.fi.Alij
ꝙ ſemper de equitate admittitur ne indignus p
moueatur.de reſcript.cum adeo.et iſti diuinant.
Hoc verū qñ opponitur crimē:ſecꝰ ſi irregulari-
tatem vel illitteraturā pꝛecedentem vel ſequētē ex-
adminati onē opponāt qꝛ nō admittitur ſed cogit
puidere.de tēpo.oꝛdi.vel non eſt:qꝛ talis de faci-
li diſpenſationē obtinebit.de filijs pꝛeſby.veniēs.
ꝛ.c.pposuit.Nō ob.ſi dicatur ꝙ delictū pdeceſſo-
ris nō noceat ſucceſſoꝛi ꝛ ſic ſucceſſoꝛ non dꝫ obli-
gari.qꝛ eſt ſpeciale hoc caſu vt ſucceſſoꝛ obligeť:ſꝫ
dic ꝙ hec obligatio non ſurgit ex delicto ſꝫ ſurgit
ex equitate qua inducitur ꝙ oppꝛobꝛium eſt ꝙ in
oppꝛobꝛiū cleri mēdicare cogatur clericus in ſoꝛ
7 tem dñi aſſumptus.¶ Quero an per illā foꝛmam
qua mādatur puideri in aliqua eccleſiarū dioce-
ſis poſſit puidere in eccleſia cathedrali.gl.hic di-
cit ꝙ ſic:vt hic.fatetur tñ ꝙ nō poterit puideri in
aliqua pꝛelatura:ſed hoc videť falſum in.c.ꝯuis.
de pꝛebē.li.vj.Sol.cōtrariū loquiť in literis gra-
tie.hic qñ mandatur in foꝛma iuſtitie:qꝛ venit exe-
cutiue ad obligationē que pncipaliter reſpicit ec
cleſiam cathedralē:ideo regulať ſcdm naturā pꝛe
cedētis obligatiōis.Unde in gloſſ.ibi:cathedra-
li.hoc verū qñ mandatur puideri in foꝛma iuſtitie
qꝛ mādatū intelligiť ſm foꝛmā pꝛioꝛis obligatio-
nis ſurgētis ex oꝛdinatione que ſimpliciter ſe ex-
tēdit ad eccleſiā oꝛdinātis.de pꝛeben.cū ſcdm.vbi
aūt mādatur puideri in foꝛma gratie:dic vt de p-
8 ben.ꝯuis.lib.vj.¶ † Quero qd ſi dicať puideas
in aliqua eccleſiarū dioceſis bononieñ.an poterit
puidere in aliqua eccleſia ciuitatis.Glo.dicit qđ
nō:qꝛ per clauſulā illā nō cōpꝛehenduntur eccleſie
ciuitatis.s.de reſcrip.rodulphus.No.glo.que ex-
tendit illud.c.ad beneficia.ꝛ vide doc.de offi.oꝛd.
c.j.ꝛ glo.de re.permu.c.vno.lib.vj.Et per illā poſ-
ſet dici qđ gloſſ.noſtra pcedit in literis grē ſecus
in literis iuſtitie ꝛ ſic debeat intelligi gloſ.noſtra.
¶ Quero qd eſt dicere pmouere ad titulū dicit
Jo.and.i.ad nomē alicuius eccleſie vel beneficij.
De hoc noīe titulus de elec.dudū.ij.de offi.arch.
9 c.fi.¶ † Quero de modo pcedēdi in bñficialibus
dicit Innoc.ꝙ pcediť ſummarie ꝛ non exigiť litis
a cōteſtatio[a] nec ꝙ libellus detur in ſcriptis ſꝫ ſuffi
cit ꝙ impetrans dicat executoꝛi.Dñe ſupplico vt
exequamini mādatū vobis iniunctū:ꝛ ſi nihil op-
ponatur pcedet ſm foꝛmam reſcripti.de reſcrip.ſi
qñ.ꝛ.c.cū dilecta.de pꝛebē.p illoꝛū.ꝛ idē ſi friuola
exceptio opponať.de pꝛebē.dilectus.iij.de conceſ.
pꝛebē.c.cū noſtris.Si vo aliqd opponať rōnabi-
le illud examinabiť:ꝛ executio ſuſpendetur.de re-
ſcrip.cōſtitutus.de appel.dilectus.ſed ꝛ ſuper re-
ceptione pposita pus lis conteſtabiť.de renū.ve-
niens.ꝛ de hoc plene in ſum.de exceptio.§.qñ ſub
§.hec de dilatoꝛijs.v.penul.ꝛ vlti.ꝛ per Roffre.in
libello ti.an plures pꝛebende.§.ꝛ pmo videamus.
ꝛ per Cōpo.s.de reſcri.mādatū.Jo.Hoſt.in loco
pꝛeallegato dicit ꝙ ſi agať ex iure ante reſcriptū
dꝫ lis cōteſtari:qꝛ tūc iudex non eſt merus execu-
toꝛ ſed p iudice habeť.ideo lis cōteſtanda.allē.de
pꝛebē.c.cū cauſam.dilecto.ꝛ.c.cū iā dudū.vbi fuit
lis cōteſtata.vbi aūt in literis ius creať ille execu-
toꝛ appellať.vnde pōt pcedere lite nō ꝯteſtata.de
reſcrip.ad aures.ꝛ.c.cōſtitutꝰ.ꝛ de pꝛebē.cū ſcdm
ꝛ.d.c.dilectus.ꝛ.c.p illoꝛū.ꝛ.c.vacāte.ꝛ de cōceſ.pꝛe
ben.pposuit.ꝛ multa alia in qbus ptꝫ ꝙ in bene-
ficialibus lis nō conteſtať.Unde ꝯcludit qđ cū nō
ſit oīno reſcriptū cōtētioſum:tūc reſcriptū dꝛ exe-
cutoꝛiū qñ ius creatur in reſcripto ꝛ hic aſſumit
naturā executoꝛis ꝙ nō exigiť lit.conteſta.in hoc
aūt aſſumit naturā cōtētioſi ꝙ legitime exceptio
nes oīno ſunt admittēde.vt hic.ꝛ.i.c.veniens.s.de
renun.ꝛ de reſcrip.conſtitutus.ꝛ de offi.delega.ex
parte.qđ nō facit alius merus executoꝛ.ꝛ hoc ptꝫ.
Qđ eſt cōtra practicā executoꝛū qui nullā volunt
admittere exceptionē:ꝛ dicūt ꝙ ad hoc nō arctāť
ad admittēdas eas.Nec ob.ꝙ tales nō debeāt admittere niſi notoꝛias
vt ptꝫ ex no.de reſcrip.cū cōtingat.qꝛ ibi loquitur de alio executoꝛe:vt
ibi dixi.¶ Ultimo per literā ibi:nō credimus ꝛc.Dicit Hoſt.ꝙ nō eſt
veriſimile ꝙ aliqs eps violet canones.lꝫ qñqꝫ ſecus faciat.de tēp.oꝛd.
vel nō eſt.ꝛ eſt arg.p iudice pꝛeſumi.de quo de renū.in pꝛeſentia.et ibi
no.de hoc.Itē ꝙ oīa pꝛeſumātur ſolēniter acta.ff.de pba.l.ab ea par-
te.in fi.qđ not.qꝛ dicit ꝙ in extraiudicialiter geſtis per modum ptātis
pꝛeſumiť ſuper titulo.vide qđ no.de eo qui fur.oꝛ.rece.§.fi.per Innocē.
de accu.ſuper his.ꝛ de dolo ꝛ cōtuma.cū dilectus.ꝛ de elec.innotuit.

1 ☞ Sacerdos incontinenti quod aſſumptus eſt ad oꝛdinem ſacerdo-
talem tenetur dicere officium.

Cum ſit ars. Minus idoneus ad ſacerdotiū p
moueri vel ad regimen animarum
aſſumi nō dꝫ.h.d.In pn.ꝛ in fi.ponit cauſam ſtatuti.Scdo
ponit ſtatutū ibi:ſtricte.tertio penā cōminať ibi:qm.¶ Ca
ſus literalis.Pꝛecipit papa vt epi diligēter inſtruāt:ꝛ infoꝛment illos
quos pmouēt ad ſacerdotiū per ſe ꝛ per alios viros idoneos ſuper di
uinis officijs ꝛ eccleſiaſticis ſacramentis:qđ ſi de cetero rudes:ꝛ igna-
ros pmouerit ꝛ oꝛdinatoꝛes ꝛ oꝛdinati grauiter puniātur qm melius
eſt paucos bonos quā multos malos habere miniſtros.Ber.¶ Not.
pꝛimo ꝙ eſt ars artiū regimē animarum.¶ No.ſcdo qđ epi debēt eſſe
diligētes per ſe vel alios vt infoꝛmēt pmouēdos ad oꝛdines in ſcientia
miniſtrādoꝛū oꝛdinū ꝛ diuinoꝛū officioꝛū.¶ † No.tertio argumētū qđ
eo qđ aliquis eſt ſacerdos.i.in ſacro oꝛdine cōſtitutus arctať ſcire ꝛ cō-
ſequēter dicere diuinū officiū.¶ No.quarto qđ ignoꝛātia de facili con
pꝛehēditur ſeu depꝛehēdiť.ſ.examinatione.¶ No.tex.ibi.ſancimus cō
tra multitudinē ignoꝛātiū ſacerdotiū:ꝛ eſt argumentū qđ meliꝰ eſt ha-
bere paucos intelligētes ſcholares quā multos ꝛ ignoꝛātes.Itē not.
qđ cōſtito de ignoꝛantia ꝛ indignitate pmoti ſimul conſtat de delicto
pmouētis.¶ Ultimo no.illā autoꝛitatē. Si ſecus.¶ Oppo.ꝙ nō eps
ſed archidiaconus hꝫ examinare:vt ptꝫ de offi.archi.ad hec.Sol.exa-
minationē bene facit archidiaconus vt ibi:ſed inſtructionē facit ſolus
eps.Per hoc dicit Inno.qđ non excuſať eps ab hac inſtructione lꝫ ibi
archidiaconus examinauerit:ꝙꝙ poſſet dici ꝙ hec decre.pcederet qñ
in eccleſia non eſt archidiaconꝰ per que dicit qđ ſi examinať qs de ſpe-
ciali mādato alterius qđ examinās puidere nō teneť ſꝫ mādans:ſecus
ſi ex officio.de quo.s.c.pꝛimo.Melius vř dicēdū qđ hec diſtinctio nō
hꝫ locū quo ad puiſionē eccleſie q nūqꝫ puidere dꝫ niſi digno.Sꝫ dato
ꝙ ſit indignꝰ ei puidēdū nūquid eſt licitū ꝙ ſm diſtinctionē pdictā pu
niatur oꝛdinans:dic vt not.in dicta decre.ad hec.ꝛ in ſum.de ſeru.§.qñ.
v.cū quelibet.ibi Hoſti.vř tenere ꝙ pꝑter examinationē factam per
archidiaconū nō excuſeť eps a pena pmouētis indignū:qꝛ eps ſi velit
examinare pōt vel ſaltē examinatiōi intereſſe.ꝛ ſic qꝛ ſua intereſt:ideo
puniť ſi indignū examinet.de ele.nihil.vnde dicit ꝙ vellet dicere text.
expꝛeſſum p illis qui dicūt epꝫ excuſari a papa.¶ Quero de rōne qua
re eſt ars artiū regimē eccleſiarū.Glo.dicit ꝙ alie artes oꝛdināťr in
finē coꝛpoꝛis.xij.q.j.pꝛecipimus.iſta aūt oꝛdinatur in finē aīe.¶ Scdo
quero an oſtenſa indignitate pmoti ſimul cōcludať indignitas ꝛ deli-
ctū pꝛomouētis.Glo.dicit ꝙ ſic.lxxxj.diſt.tātis daniel.ꝛ hoc qꝛ nō pōt
ignoꝛare pꝛelatus vitā ſubditi.de re iudi.ꝯuis hoc reſtringit gl.verū
qñ examinat per ſe.ſecus ſi per aliū.allegat de offi.archi.ad hec.Hoſt.
cōtra per illa que dixi.s.tex.dꝫ eñ cōſiderare pſonā cui cōmittiť:ſi aľs
reputať habilis fidelis ꝛ bonus.ita ꝙ epo aliqua nō poſſint imputari
pꝛo negligētia vel culpa in cōmittēdo excuſať:p hoc facit gloſſ.in.c.ad
hec.j.de offi.arch.ſi nō pōt imputari ꝙ in dubio pꝛeſumo niſi aliud pa
teat excuſeť:nā pōt eſſe ꝙ cōmittēs nō fuerit in culpa.vt.l.denuntiaſſe.
§.queriť.ꝛ pꝛo tāto dicit p illā legē ꝙ ſnīa vel pbatio facta cū oꝛdinato
nō parit plenū pꝛeiudiciū oꝛdinanti ſiue p ſe ſiue per aliū oꝛdinauerit
ſm eū.¶ Ultimo pꝑter pncipiū decret.hic inſiſtunt in laudationibus
ſciētiarū.canoniſte laudāt ſe H.Dialectici etiā laudant ſuā dicētes ꝙ
ſine ea ſcia alia perfecta haberi nō pōt.Gramatici ꝙ illa eſt pncipiū et
fundamētū aliaꝝ ſciētiarū.Legiſte dicūt ꝙ ſanctiſſima eſt ciuilis ſcia
que pꝛetio nūmario ꝛc.ff.de vari.ꝛ extraoꝛ.cog.l.j.§.ꝛ eſt quidē.veritas
b eſt[b] qđ ſupꝛema eſt ſcia lex diuina a qua non excludiť canonica nec hu-
mana.De ciuili pbať.C.de lō.tēp.pꝛeſcrip.l.fi.in auť.de cōſuli.ante fi.
coll.iij.xvj.q.ij.c.fi.ꝛ in auť.vt nō luxurie.cōtra naturā.j.rñ.col.vj.et q-
tuoꝛ cōcilia appꝛobat ꝛ ſacras ſcripturas.in auť.de eccleſia.tit.§.j.coll.
ix.ꝛ in auť.quō opoꝛteat epos.§.ſancimus.colla.j.per que iura arguit
Hoſt.de mēte legis eſſe qđ de moꝛtali pctō vel piculo aīe vel eccleſiaſti
co negotio rōne rei vel pſone recurrēdū eſt ſemp ad canonē ꝛ eccleſia-
ſticū iudicē.ad hoc vt in auť.vt cler.apud p.epos.§.ſi mō eccleſiaſticū.
ꝛ.§.ſi aūt eccleſiaſtica.ꝛ.C.de ſum.tri.l.fi.De canone planū eſt ꝙ lex eſt
diuina:vt de iura.cal.c.j.per quē cōcludit has duas leges foꝛe neceſſa-
rias ad regimē ecclīe dei.differūt tñ qꝛ ciuilis pncipaľr tractat de tpa
libꝰ.Theologia pncipaľr de aīa.Canonica cōiter de vtroqꝫ.ꝛ vna exce
dit aliā ex qualitate ſubiecti.remittit ad no.de ſum.tri.c.j.§.hec ſacra.
¶ Ultimo no.vltimā glo.contra verboſos. Anto.de but.

1 ☞ Epiſcopus pꝛiuatur pꝛopter omnimodum defectum ſcientie.4.
quid de alijs pꝛelatis vide nu.5.

a ¶ Litis cōteſt. Adde do.de Rota deciſi.ſuis de lit.conteſt.
☙ Sebaſti.Sapia.

b ¶ Ueritas eſt.vide que no.mode.in.c.clerici.j.ō in di.vbi diſputāt quis pꝛeferri debeat an doctoꝛ iuris canonici an ciuilis.an vo theologus:et quid de medicis.