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a ¶ Conſtitutionis.s.e.paſtoralis.
b ¶ Et idipſum.i.vt nō exequaris mādatum:⁊ iſte.§.reſpicit ꝓmum.§.
c ¶ Judicare.hic fallit illa regula.ff.de iudi.de qua re.

Olim ex litteris. ¶ Diuidit̃.Primo ponit̃ ꝯſultatio.Scd̄o rn̄ſio ibi: nos igit̃.Scd̄a ſubdiuidit̃ in tres.nam primo ponit relationem prioꝝ iudicū.ſcd̄o ibi:nos igit̃ cōmiſſionem factā ſcd̄is iudicibus.tertio ibi:verum dubitationem emergentem.ab.

d ¶ Per iterpoſitam ꝑſonā.quod pōt fieri.j.de preben.accedens.

e ¶ Seq̄ſtrari.qd̄ de iure fieri nō debuit:niſi cā ſubeſſet.j.de ſeq̄ſtra.ad hoc:⁊ duob⁹.c.ſe.vbi de hoc:in qbus duob⁹ dr̃ ꝙ quādo fructus diſſipant̃ dꝫ fieri ſequeſtratio.C.de ꝓhibita ſeq̄ſt.l.vna.de hoc no.ii.q.vi.quotiēs.ii.ſed in caſu iſto .ſ.ꝑꝑ cōtumaciā bene fit ſequeſtratio:vt miti⁹ agat̃ cū reo.j.de do.⁊ cōtu.ex lr̃is:ſed in caſu iſto non dr̃ ꝓprie ſeq̄ſtratio ꝓut tradit̃.j.de ſequeſtra.ꝑ totum:q꞉ ibi non fit ſequeſtratio ꝑꝑ ꝯtumaciam.

f ¶ Ad oīa:vr̃ ꝙ ꝑ hanc clauſulam ſi ē ita:vel ꝑ hanc ſi ꝑmiſſa vā ſunt teneat̃ īpetrator ꝓbare oīa premiſſa eſſe vā:lꝫ aliqd̄ ex premiſſis ſufficeret ad ꝓpoſitū ꝓbandum:ſic.s.e.ex parte cōuētrenē.ff.de excu.tu.ḡ teſtō:nā niſi qs plene ꝓbꝫ ſuam ītentionē ſuccūbit.C.d̄ rei vē.l.vl.fines.n.mādati diligēter ſunt obſ̄uandi.s.e.cū dilecta:⁊ īputet ſibi q plura narrauit:quoꝝ vnū ſufficeret ꝑ ſe ar.ꝯ ꝙ ſufficit vnū ꝓbare.ff.de ꝯdi.⁊ demō.falſa in fi.⁊.ff.de ꝯdi.iſti.l.ii.§.vlt.ff.d̄ manumiſ.te.ſi ita.j.de ꝑben.cuꝫ iam dudū:dic vt dixi.s.eo.ex pte.itē ar.ē hic ꝙ ſequēs clauſula reſpicit oīa premiſſa.j.de ap.ſcd̄o reqris:⁊.c.inqſitioni ar.ꝯ.j.de do.cū dilectus.vbi nō reſpicit oīa ſupiora clauſula illa de foreſta:ſed ꝓximā donationē ⁊ īferiorē.iij.q.v.ꝯſtituimus.⁊ de ꝯſe.di.ii.cū oē in ꝑn.ſed melius eſt ꝙ ad oīa referat̃:⁊ ſic facit ꝑ alia parte.ff.de in rē verſo ſi ꝓ pte.§.pe.

Dilectus filius. ¶ Diuidit̃:q꞉ ꝑmo ponit̃ facti narratio.Jn ſcd̄a dat iudicem ibi:nos igitur.ab.

g ¶ Cā.no.ꝙ nō ſufficit narrare ſeriē facti in lr̃is pape:niſi cā facti adijciat̃.ar.xxiij.q.vi.occidit.j.de teſti.cū cām:⁊ cā facti poti⁹ querēda ē ꝙ̄ ipſum fcm̄.xv.q.vi.c.i.in fin.⁊.ff.de fur.vex:⁊.j.d̄ accu.cū dilect⁹.C.de adop.l.iij.⁊ ēt modus facti.C.de tranſac.vt rn̄ſum.

h ¶ Excōicationis.hic hēs ꝙ ſi excōicatus īpetrat lr̃as:vl̃ reſcriptum tacens de ſua excōicatione:ꝙ nō valēt lr̃e:tuꝫ q꞉ tacuit ꝓceſſum iudicis.j.de re iudi.īter.tum qr tacuit vitiū ſuū tuꝫ ideo:q꞉ īgeſſit ſe cōioni hominum ꝑꝑ quod puniēdus eſt.j.de cle.ex.mi.illud.⁊.xi.q.iij.placuit.vn̄ icōueniēs eſſet ꝙ ex eodē facto cōſeq̄ret̃ penaꝫ ⁊ cōmodum.ff.de ne.ge.l.ſiue.xvi.q.i.legi.§.j.de excep.ſignificauerunt:⁊.c.venerabilē.vbi dr̃ ꝙ excōicati non repellunt̃ a ꝓſecutione appellationis:ſed iſti preſbyteri erant rei:ergo non deberēt repelli:de hoc dicemus.j.de excep.venerabilem:⁊.c.ſignificauerunt.ſol.nō erant iſti rei:ſed actores q petierunt reſtitui:nec appellauerāt:in quo caſu loquunt̃ ꝯria:⁊ ſic eſt ar.ꝙ qd̄ ſpoliationis non ſit ꝑuilegiata.An lr̃e ab excōicato īpetrate valeant eo abſoluto:dic ſuꝑ hoc prout no.j.de excep.pia.lib.vi.in glo.que incipit:ſed mirum.

exequaris.Quod ſi ſuper hoc tibi merito fuerit dubitandum:ad exequendum ſcm̄ mādatū te ꝓcedere non oportet:donec iuxta cuiuſdam nr̃e cōſtitutionis[a] tenorē īter eos huiuſmodi cōcertatio ſopiat̃.⁊ idipſm[b] facere debes ſi ꝑmo mādato recepto ⁊ nonduꝫ executioni mandato tibi forſan inotuerit ꝙ īter ſe ſuper iuriſditione demādata ceperint diſceptare. ¶ Ceterū ī his oīb⁹ puram ⁊ ꝓuidam te cōuenit ītētionem habere:vel ad declinandum mandatuꝫ dubitare te dicas ubi dubitandū nō eſt:vel etiam ad exequēduꝫ te aſſeras eſſe certū vbi certus eſſe non debes.Licet aūt ex his certa tibi detur doctrina qualiter in his te debeas habere:nulla tamen tibi attribuit̃ ptās vt inter delegatos aut partes de iuriſditione debeas iudicare[c].

Idem magiſtro.g.⁊.p.de firmiſca.

¶ Qn̄ ī reſcripto plura narrātur diuerſos effect⁹ operantia non ſufficit īpetranti alterum ſoluꝫ ꝓbare ad vtrūqꝫ effectum cōſequēdum.

Olim ex lr̃is ſācti nichaſij remeñ.ſargineñ.⁊ vallis regie abbatū fuit nr̃is aurib⁹ intimatum ꝙ cuꝫ ad eos ſemel ⁊ iterum a nobis lr̃e ꝓceſſiſſent ſuper eo ꝙ.p.clericus ſancti remigij parochiaꝫ de ſalice quā.r.de clino ꝑ īterpoſitaꝫ[d] perſonā ſibi collatā fuiſſe ꝓpoſuit detinebat:ipſi partes ſemel ſcd̄o ⁊ tertio citauerūt:⁊ dcm̄ .p.q꞉ citatus pluries cōparere noluit per ſe vel per rn̄ſalem aliquē corā eis excōicationis vinculo īnodantes fecerunt fruct⁹ ipſi⁹ parochie ſequeſtari[e].Cūqꝫ poſtmodum idem .p.accedens ad eos ſe iuri promiſerit pariturū:ac obtinuerit ſe abſolui:ipſi abſolutionis lr̃as concedētes diē ei aſſignauerunt ⁊ locū qb⁹ coraꝫ eis quod promiſerat adimpleret:q diē ⁊ locū ex lr̃is illis radens in locum raſure reſcripſit ꝙ ipi ei ſeq̄ſtratos fructus aſſignari mandabāt:qd̄ corā duob⁹ eorū tandeꝫ tertio ſui abſentiam excuſante ꝑ litteras ē confeſſus. ¶ Nos igit̃ cū tāte temeritatis exceſſus falſitatis ſcrupulo non careret:vobis dedimus in mādatis:ut ſi eſſet ita:ipſi preſumptori ſuper dicta parochia perpetuuꝫ ſilentiuꝫ iponētes prefato.r.de clino aſſignaretis eandem cū fructib⁹ ſeq̄ſtratis. ¶ Uerum ſicut vos per veſtras nobis lr̃as intimaſtis:cū dictus.r.raſurā ꝑfataꝫ corā vobis ꝑ teſtes idōeos probauiſſet:⁊ ob hoc poſtulaſſet ſibi dictā eccleſiam aſſignari:vos vtruꝫ clauſula illa ſi eſſet ita:de oībus ſuperioribus:an de articulo tm̄ raſure d̄beret itelligi dubitaſtis.Nos igit̃ rn̄demus:ꝙ clauſula illa ad[f] oīa dꝫ ſuperiora referri:ad hoc ut ipſi.r.prefata eccleſia ꝯferat̃:q꞉ lꝫ vitiū falſitatis ad iponendū ei ꝑpetuū ſilentiū ſuper eccl'ia ipſa ſufficiat q falſitatē huiuſmodi perpetrauit:nō tm̄ propter hoc eadē eccl'ia ē aduerſario aſſignanda:niſi ſuper alijs facta fuerit plena fides.

Idem.epiſcopo imoleñ.

¶ Nō valet reſcriptū ſuper reſtitutiōe bn̄ficij īpetratū qd̄ de cā excōicationis ⁊ amotionis impetrantis non facit mentionem.

Dilectus filius abbas ſcti ſtephāi bonoñ.ꝑ ſuas nobis litteras ītimauit:ꝙ cuꝫ ipſe cui viſitatiōis offm̄ in ciuitate ac dioc.bonoñ.cōmiſimus.b.⁊.a.preſbyteros ab eccleſijs ſuis ꝑꝑ eoꝝ graues ⁊ manifeſtos exceſſus duxerit amouendos:ijdeꝫ ſuꝑ reſtōne ſua noſtras ad te ī cōi forma lr̃as īpetrarūt:de amotionis ſui cā[g] ⁊ excōicationis[h] q̄ tenent̃ aſtricti nullam faciētes penitus mētionē. ¶ Nos igit̃.f.t.mādam⁹:quatenus ſi ē ita:litteras ipſas tanquā per ueri ſuppreſſioneꝫ obtētas uirib⁹[i] carere decernas.

Idem ep̄o veratiſameñ.

¶ Per litteras iuſticie ñ tenet̃ ep̄s ꝓuidere bn̄ti ꝑpetuā vicariaꝫ vel ſufficiens pr̄imoniū.Necvalēt lr̃e gratie ad bn̄ficiuꝫ obtinēdū in qb⁹ impetrans tacuit perpetuam vicariam.b.d.cōprehēdēdo utrūqꝫ intellectum.

Poſtulaſti ꝑ ſedē apoſtolicaꝫ edoceri:utrū alicuius eccleſie perpetuo vicario de ꝓuentibus vicarie boniſqꝫ pr̄nis habēti vn̄ valeat cōmode ſuſtētari:tenearis per illaꝫ formā cōem:cū ſcd̄m apoſtolum[k]:in eccleſiaſtico bn̄ficio ꝓuidere. ¶ Ad quod ſic duxim⁹ rn̄dendū:ꝙ cū per formā predcāꝫ neceſſitatib⁹ pauperuꝫ clericoꝝ q nulluꝫ ſunt eccleſiaſticum bn̄ficium[l] aſſecuti ſe.apo.duxerit ſuccurendum perpetuus vicari⁹:niſi de vicaria fecerit mētionem:commodum reportare non debet de huiuſmodi lr̃is:utpote veritate tacita impetratis. ¶ Non.n.carere beneficio debet dici:cui competenter[m] de perpe

i ¶ Uirib⁹ carere:vt.s.eo.cū dilecta.ſic ⁊ videt̃ ꝙ ſi aliqd factum ſit per lr̃as ſurrepticias:illud debeat reuocari.de hac materia plenius dicetur.j.eo.ad audientiam.⁊ dic carere ſi cōſtiterit de illis exceptionibus.ſ.ꝙ non fecerit mentionē de cauſa ſue remotionis ⁊ excōicationis qua tenebant̃ aſtricti:⁊ merito d̄ cauſa excōicationis tenebant̃ facere mētionē:q꞉ qui petit abſolui ab excōmunicatione tenet̃ exprimere cāꝫ excōicatōis ſue alias nō valēt lr̃e impetrate ſuper abſolutione vel ſi aliam cām exprimeret ꝙ̄ illaꝫ ꝓ qua fuit excōicatus.j.d̄ of.ordi.ex parte:⁊.j.de fi.īſtru.ꝙ ſuper his in illa d̄cre.ex parte notat̃ de hoc in glo.que incipit ex eo.⁊.j.de ſen.excom.cum ꝓ cā.in glo.que īcipit illd̄ tanquam:⁊ in hoc caſu non valēt lr̃e impetrate ab excōicato tacito de cā excōicatiōis:ſecus ſi aliqs īpetrat lr̃as ad agendum ꝯ aduerſarium tacens d̄ ſua excōicatione:q꞉ tunc valent lr̃e eo abſoluto.j.de exceptioni.pia.vbi de hoc in glo.q̄ incipit:ſed mirum.alia etiā de cā nō valuerunt huiuſmodi lr̃e:q꞉ nō fecerunt mentionem ꝙ ꝑ ſniam ſpoliati fuiſſent ꝓpter ſuos exceſſus a qua non fuit appellatum.C.ſen.reſcin.non poſ.īpetrata:⁊ ita duab⁹ de cauſis non valuerūt lr̃e iſtorum preſbyteroꝝ.olim conſueuit decre.iſta allegari ad probandum ꝙ lr̃e īpetrate ab excōicato ad agendum non valebant:ſed hoc non probatur per hanc decre.q̄ nō loquit̃ in tali caſu.b.

Poſtulaſti. ¶ Diuidit̃:q꞉ primo ponit̃ qd̄.ſcd̄o ſolutio ibi:ad qd̄.tertio ratō ibi non.n.ab.

k ¶ Scd̄m apoſtolum.quā habes.j.d̄ preben.cum ſcd̄m.

l ¶ Beneficium.nomine beneficij itelligitur vicaria ſiue prebenda ſiue aliud beneficiuꝫ.i.q.iij.ex multis:⁊.j.d̄ ver.ſi.tua nos.

m ¶ Competenter.illud competenter intelligas ſcd̄m modum illius decre.j.de preben.de monachis.de hoc dictum fuit.s.e.cum adeo.dic vt ibi.