

pride Bishop of Rome having in the time of the Roman Empire, possess'd himself of the Imperial seat of Rome, and by ways and means got all Ecclesiasticks with-drawn from any Laick Jurisdiction, so as they might be accountable to himself only: This usurped Authority arriv'd at it's height in the time of Gregory 7 com-monly call'd St. Isidorus; who in a synod hold at Rome got the Bulls of pope 722 = stream'd to the Bishop of Rome as a particular distinction and prerogative. Having rais'd himself above the patriarchs and bishops, and the first taking more Authority upon him than all the rest, assum'd to himself alone the propri- = legs of sending his Letters to the Fathers and Bishops who had receiv'd for consulting about Affairs of their Churches; which Letters were call'd Decretals, because they had the strength and Authority of Ecclesiastical Decrees without being confirm'd by Councils or Synods and the same fact in spirituals as the Emperor's Rescripts had in civil matters. ^{This was the first time that the Bishop of Rome} He attempt'd to render himself Sovereign of the universe not only in spiritual, but also in temporal Affairs, by assuming power of deposing princes, and putting others in their places: As if St. Peters Chair were to be look'd upon as the Royal Throne of all the Earth.

For Establishing and managing this lofty Ecclesiastical Government, suitable Laws were necessary. To this purpose Gregory the Seventh published a Writing call'd Decretals papa, containing 27 propositions in behalf of the highest pretensions of the Court of Rome. Hence Decretals were made not only concerning points of Faith, Ecclesiastical Rites and persons; but also concerning Law suits & judicial process.

After a body of Ecclesiastical Laws, call'd the Canon Law was hammer'd out and compil'd in parts successively at different times, whereof some have, and some have not papal Authority.

Those parts of the Canon Law which are confirm'd by papal Authority, are 1^o Decretals 2^o Decretals Gregorij 3^o Decretals Liber Decretalium 4^o Clementina 5^o Extravagantes Joannis 22. 6^o Extravagantes Communes.

1^o Gratian a Benedictine Monk of S. Felix, born at Chiusi a city of Tuscany, did under pope Eugen. 3 anno 1151 in imitation of Justinians pandects, compile a Collection out of the writings of the Fathers, Letters of popes and their Confessions of Faith, usually published by them upon their elevation to the papal dignity, canons of Synods or Councils, Fragments of Glosses, and Books of the civil Law; which was by him intitled, Concordia Discordantium Canonum: Because he therein propos'd to reconcile Ecclesiastical Decrees and Canons apparently interfering. But now it commonly bears the name of Decretum (tho' it should more properly be term'd Decreta) because it contains many decisions and Determinations of Councils Fathers and Bishops.

This Decretum is divided in three parts. The first contains what regards the Canon Law in general, and Ministers of the Church, under the Title of Distinctiones, because therein contrary Canons are reconcil'd. It is call'd thus: c. donales the Canon, D. is put for distinction, which is often first set down and the Letter or word marking out the Canon, with the number of the Canon omitted, as 8 Dist. quo jure. whereas otherwise it is, Can. quo jure Dist. 8. The second part contains particular cases, upon occasion whereof several Questions are resolv'd; whence it is intitled Causes. Every case contains Questions and each Question it's own canons. only in Causa 33 the third Question de penitentia concerning penance is divided into several distinctions, and these into Canons. In this part the way of citing is thus: c. 7. c. 25 qu. 2 or thus: can. Institutionis nostrae caus. 25 qu. 2 only in the citations out of the third the causa penitentia is mention'd thus: can. homicidium 28. caus. 33 d. penitentia dist. 1. Whereas they differ nothing from citing Canons in the first part, save in the addition of d. penitentia. The third part of the Decretum bears the Title of Consecration, because it contains what belongs to the Sacraments, Rites and Ceremonies, and consecrations of which it treats under five distinctions subdivid'd into canons. It is call'd thus: can. quia corpus 35 dist. 1. consecrat. so that for the words d. penitentia used in the second part there are substituted d. consecrat.

Some have doubt'd, if these Treatises concerning penance and Consecration were writ by Gratian himself; because not altogether agreeable to papish principles: But seeing the stile and method of Connection is of a piece with the rest of his work, and he mentions them in the cases of his second part, and none of the Antients have question'd their legitimacy; we shall own them as Gratians, till better Reasons be brought for rejecting them as spurious.

To this Decretum there are added by way of Appendix 1^o Canons pantheolici 2^o Canons Apostolorum. The Authority of which apostolical Canons is much question'd. Bellarmine, Baronius &c. will have them to be genuine Canons of the Apostles. Hincmar, de Marca, Peto- = ridge &c. take them to be fram'd by Bishops who were the Apostles disciples in the second or third Century. The Greek Church allow 85 of them, and the Latins only fifty of them as apostolical and reject the rest. Daille &c. reckon them all to be apocryphal and say spurious, and maintain them to have been forg'd and scrap'd together out of Ecclesiastical Rules and Canons in the end of the fifth Century by an obscure Impostor and intell'd = Apostolical to conciliate the more regard to them. Seeing neither the matter words or phrase of these canons favour or breath of the Apostolical Age.

There are in the Decretum 156 Canons of no authority call'd palae, of which some = nation many conjectural Reasons are assign'd by the learned. Some say that a certain ambitious Cardinal to whom Gratian gave his book to peruse in order to be presented to pope Eugene, insert'd these Canons, which were term'd palae, either as being useless, and despicable Additions, like chaff compar'd to good Corn; or from that Cardinal whose name was popalae. Others will have these Canons to have been add'd to Gratians Decree by palae his Schollar, and to owe their name to him. There are also who think, that the pope when he receiv'd Gratians Book mark'd these Canons with a Star to signify their not being approv'd of by him; whence they were call'd palae. Others again doubt the word palae from the Greek παλαια because these were ancient Canons.

Many contradictions and errors were found in this Decretum which pope pius 4. did first use his labours to have correct'd; and afterwards Gregory 13. who shew'd his power in reformation of the Calendar, employ'd Roman Correctors for that end. These subjoin'd their Notes to the particular Canons, with References or marginal References pointing to the former Collections of Canons, where such a Canon is to be found. Gratians Words which are also put after the several Canons are distinguish'd from the observations of the Correctors by parts, to each whereof a number is add'd. V. G. After Can. 35. caus. 16. quest. 7. The Correctors note is, In capitularibus & Legibus Longobardicis, et apud Burchardum et Ivonem, qui et ipsi citant ex Decretis Gregorij papa, sic habetur &c. The Letter t in that Canon points the Reference, which is, lib. 5. cap. 44. et in Legib. Longob. lib. 3. Tit. de Episcopis cleri l. 44. Inf. l. c. Burch. l. 3. c. 41. Ivo p. 3. c. 45. Which imports that the Canon is to be found in lib. 5. Capitularis Caroli Magni cap. 44. et in libro veteri Legum Longobardicarum Tit. de Episcopis & clericis leg. 44. Item apud Anselmum lib. 1. cap. 8. Burchardum lib. 3. c. 41. Ivonem part. 3. c. 45. In the next can. 36. quodam causa 16 et questionis 7 Gratians distinction is subjoin'd thus in these words: 4 pars. ut ordo ex his auctoritatibus colligitur, de manu clericorum Ecclesiarum occupanda non sunt, nisi cum consensu Episcoporum; juxta illud concilij Alaguntini &c. which distinction is continu'd after can. 30. quodam causa 4. questionis, without any new number or mark thus: Sicut ergo Auctoritate Hieronymi, Decimas male possidet a laico Episcopo consensu licet a Monachis recipere &c.

But as the Reformation of the Calendar was reject'd by some as insufficient, so that of Gratians Decree was not so exact, but some discover'd many errors left therein, and found fault with the References for their carelessness; among the rest St. Antonius Augustinus Bishop of Tarragona (lib. de Emend. Gratiiani) was one, and Stephanus Baluzius was another.