

subjected to condign penance and be suitably punished, having recourse, if necessary, to the resources of the law. . . .¹

215. The decree
Frequens
passed by
the Council of
Constance
(October,
1417).

A frequent celebration of general councils is an especial means for cultivating the field of the Lord and effecting the destruction of briars, thorns, and thistles, to wit, heresies, errors, and schism, and of bringing forth a most abundant harvest. The neglect to summon these fosters and develops all these evils, as may be plainly seen from a recollection of the past and a consideration of existing conditions. Therefore, by a perpetual edict, we sanction, decree, establish, and ordain that general councils shall be celebrated in the following manner, so that the next one shall follow the close of this present council at the end of five years. The second shall follow the close of that, at the end of seven years, and councils shall thereafter be celebrated every ten years in such places as the pope shall be required to designate and assign, with the consent and approbation of the council, one month before the close of the council in question, or which, in his absence, the council itself shall designate. Thus, with a certain continuity, a council will always be either in session, or be expected at the expiration of a definite time.

This term may, however, be shortened on account of emergencies, by the supreme pontiff, with the counsel of his brethren, the cardinals of the holy Roman Church, but it may not be hereafter lengthened. The place, moreover, designated for the future council may not be altered without evident necessity. If, however, some complication shall arise, in view of which such a change shall seem necessary, as, for example, a state of siege, a war, a pest, or other obstacles, it shall be permissible for the supreme pontiff, with the consent and subscription of his said brethren, or two thirds of them, to select another appropriate place near the first, which must be within the same country, unless such

¹ The rest of the decree relates specifically to John XXIII, who had fled from Constance. The council claims that John enjoyed full liberty at Constance, and orders that he shall not induce the cardinals and members of his curia to desert the council and follow him.

obstacles, or similar ones, shall exist throughout the whole nation. In that case, the council may be summoned to some appropriate neighboring place, within the bounds of another nation. To this the prelates, and others, who are wont to be summoned to a council, must betake themselves as if that place had been designated from the first. Such change of place, or shortening of the period, the supreme pontiff is required legitimately and solemnly to publish and announce one year before the expiration of the term fixed, that the said persons may be able to come together, for the celebration of the council, within the term specified. . . .¹

The council found itself unable to remedy the abuses unaided, so it drew up the following list of evils which the new pope was to be required to abolish, in coöperation with the deputies chosen by the council. This list indicates what were considered the worst defects of the existing system.

The holy council of Constance decrees and ordains that the supreme pontiff who shall next, by the grace of God, assume office, shall, in conjunction with this holy council, or with the deputies of the several "nations,"² reform the Church, before the council dissolves, in head and members, as well as the Roman curia, in accordance with justice and the proper organization of the Church, in all the respects enumerated below, and which are submitted by the "nations" as requiring reform:

The number, character, and nationality of the lords cardinals.

The reservations [of benefices] made by the apostolic see.

¹ The succeeding paragraphs relate to various means for avoiding future schism, and provide an oath to be taken by the pope on his election.

² The council had organized itself, like the universities of the times, according to nations, which served the purpose of committees.

216. List of abuses
drawn up by
the Council
of Constance
just before
its close
(October,
1417).

The annates, both the *servitia communia* and the *servitia minuta*.¹

The collation to benefices and expectative favors.²

What cases are to be brought before the Roman curia and what not.

Appeals to the Roman curia.

The functions of the [papal] chancery and penitentiary.

Exemptions and incorporations made during the schism.

Benefices *in commendam*.

Confirmation of elections.

Income during vacancies.

The non-alienation of the possessions of the Roman church or other churches.

For what reasons and in what manner a pope shall be corrected or deposed.

The extirpation of heresy.

Dispensations.

The means of support of pope and cardinals.

Indulgences.

Tenths.

When the above-mentioned deputies shall have been appointed by the "nations," it shall be free to the others, with the permission of the pope, to return home.

BIBLIOGRAPHY

A. References.

The Papacy in the Fourteenth and Fifteenth Centuries: ADAMS, *Civilization*, Chapter XVI, pp. 392-415; LODGE, pp. 196-201; WALKER, *Reformation*, Chapter I.

Wycliffe: GREEN, *Short History*, pp. 235-244. Documents in *Translations and Reprints*, Vol. II, No. 5. For treatment of the Lollards, see LEE, pp. 209-223.

Council of Constance: LODGE, pp. 206-221.

¹ The annates, or payment to the pope of a half, more or less, of the first year's revenue from benefices to which he appointed, was divided in such a way that the pope and cardinals received the so-called *servitia communia*, while the balance, the so-called *servitia minuta*, fell to the lower officials of the papal chancery.

² Benefices promised by the pope while the incumbent still lived.

CREIGHTON, *History of the Papacy from the Schism to the Sack of Rome*, 6 vols. The first volume of this great work is far the best account in English of the Great Schism, and of the Council of Constance, with a good review of Wycliffe's doctrines.

PASTOR, *History of the Popes*, Vol. I. Gives a brief but excellent review of the effects of the Great Schism and of the results of the council from the standpoint of a learned Catholic.

POOLE, *Illustrations of Mediæval Thought*. Has good chapters on Marsiglio of Padua and Wycliffe.

VAN DYKE, *The Age of Renaissance*. A sketch of the papacy (1377-1527).

Cambridge Modern History, Vol. I, Chapter XVIII.

LEA, *History of the Inquisition*, Vol. II, Chapter VII. Deals with the trial of Huss.

B. Additional reading in English.

Histoire de France, Vol. III, Part II, for Philip the Fair and Boniface.

VALOIS, *La France et le grand Schisme d'Occident*, 4 vols., Paris, 1896-1902. Not confined narrowly to France and constituting the most important treatment of the subject, with references to the sources.

GAYET, *Le grand Schisme d'Occident*, 2 vols., Paris, 1898. Not so good as the preceding, but gives some important sources.

THEODERICUS DE NYEM, *De Scismate libri tres*, edited by ERLER, Leipzig, 1890. Written by one who was associated with the Roman pope Urban VI, and the only source readily obtainable in a modern edition. It closes with 1410.

SCHWAB, *Johannes Gerson*, 1858. The best life of Gerson, one of the most interesting men of the time.

For the Council of Constance the chief collection of sources, pamphlets of the time, proceedings and decrees of the council, is VON DER HARDT, *Magnum oecumenicum Constantiensis Concilium*, six large volumes, 1700.

FINKE, *Acta Concilii Constantiensis*, Vol. I, 1896. The first volume of a new critical collection of the sources; it contains documents relating to the antecedents of the assembly.

HÜBLER, *Die Konstanzer Reformation*, 1867. An excellent little guide to the material.

HALLER, *Papstthum und Kirchenreform, vier Kapitel zur Geschichte des ausgehenden Mittelalters*, Vol. I, Berlin, 1903.

LOSERTH, *Geschichte des späteren Mittelalters*, 1903. Gives a brief but critical account of the events, and remarkable bibliographies for the schism and the councils: see especially pp. 400 sqq. and 462 sqq.

C. Materials for advanced study.