¶ Modus ſeruādus in executiōe ſeu ꝓſecu
tione g ratie expectatiue.

¶ Prīo habitis bullis plūbatis executor uel iudex: executores ſiue iudices ſi fuerīt in Ro.cu.uel in ꝑtib⁹: vadat uel vadāt cū bullis ꝛ debita cū inſtātia reqrat ſeu requirāt:ꝛ hūiliter petat ſeu petāt ut ꝓcedat ſeu ꝓcedāt ad executionē ſupradicte grē: ſꝫm ei⁹ directā formā ꝛ tenorē lrāꝝ aplicaꝝ deſup dctā grā ſibi ꝯceſſaꝝ. Qui executor ſiue executores ſi ꝓcedere voluerīt: aſſi/ gnēt īpetrāti certū terminū ad ꝯparēdū corā eo uel corā eis ꝓ ducēdo ꝓducendū ꝛ docēdū de vita ſua laudabili ꝛ ꝯuerſatiōe honeſta:ꝛ de oībus neceſſariꝭs faciat plenā fidē ip̄is executori bus ſeu iudici uel iudicib⁹. ¶ Habeat etiā notarios ꝛ tabellio/ nes publicos:lrāſqꝫ executoriales ſeu ꝓceſſus ꝑ dictos executo res ſeu iudices faciēdos uel ſigillādos:ut executores poſſint ī ip̄is legere ſeu ꝓnūciare inhibitiōes ꝛ reſeruatiōes decreta et mādata in ſcriptis ꝓferēda. Et ipſis executorialib⁹ ꝛ ꝓceſſib⁹ ſigillatis ꝛ oībus aliꝭs p̄miſſis ſic pactis fiat notificatio lrārū aplicaꝝ ꝛ ꝓceſſuū inde ſecutoꝝ q̄tocitius fieri poterit collato ribus uel collatricibus in hunc modū.

¶ Modus inſinuādi lrās aplicas collatori.

¶ Impetrās accedat ad collatorē uel collatricē uel eccl'iaꝫ eorū dē:uel ad capl'm cū notario ꝛ teſtib⁹ idoneis:aſſūptis vna ſecū delegato executore uel ſubdelegatis executorib⁹ qui hec ſp̄āli/ ter receperūt in mādatis:ſi eoꝝ copiā uel p̄ntiā hr̄e poſſit. Dei de dictas lrās aplicas ꝛ ꝓceſſus īde ſecutos collatorib⁹ uł col/ latricib⁹ inſinuet ſimul ꝛ ſemel: notificetqꝫ publice ꝛ legat de ꝟbo ad ꝟbū:ꝛ copiā auſcultatā eis tradat:ꝛ reqrat notariū ſu ꝑ hoc ut de notificatiōe publicatōe inſinuatiōe lectiōe ꝛ tradi tiōe hmōi ſibi ꝯficiat publicū inſtrm̄. ¶ Si ꝟo collator uel col/ latrix uel collatores uel collatrices forte īdignati nollēt audire hmōi notificatiōꝫ inſinuatōꝫ lrāꝝ aplicaꝝ ꝛ ꝓceſſuū inde ſecu toꝝ p̄ntationes q̄s executores fingētes:uel eoꝝ ſeu eaꝝ p̄ntiaꝫ ꝯmode hr̄e nō poterīt.uel qꝛ forte habitāt in caſtris:uel ꝓpter

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metū corpoꝝ ex quo dicti ſubdelegati executores notarij teſtes ⁊ alij ad hoc neceſſarij ad dictos collatores ſeu dictas collatrices accedere ſecure nequeāt ad inſinuādū iſtas lr̄as ⁊ ꝓceſſus ſaltē fiat in eoꝝ eccl̄ijs inſinuatio lr̄aꝝ apl̄icaꝝ ⁊ p̄dictoꝝ: ⁊ offerat̄ copia auſcultata de ꝟbo ad verbū dictaꝝ lr̄aꝝ: ⁊ in ſūmo altari ponat̄ ⁊ ſufficit: qꝛ quilibet p̄latus tenet̄ in ſua eccleſia habere procuratorē uel officialē de iure.

¶De prouiſione facienda.

¶Primis vero pactis impetrans acceptet ſicut poſtea dicet̄. q̄ acceptatiōe facta vadat cū notario ⁊ teſtibꝰ ad executores ſubdelegatos: uel ad principales: ⁊ ſi eoꝝ p̄ntias h̄re poterit. Acceptatiōꝫ hmōi per ip̄m factā ⁊ in publicā formā redactā ⁊ ip̄m inſtrumētū notificet ⁊ inſinuet. Inſinuatiſqꝫ reqrat hmōi executores debita cū inſtantia ⁊ hūiliter ab eis requirat ut hmōi beneficiū vacās ⁊ per ip̄m acceptatū ſibi cū oībus iuribus ⁊ ꝑtinētis cōferāt uel aſſignēt: ⁊ principaliter inueſtiāt in corporalē ⁊ realem poſſeſſionē ipſius beneficij inducāt ⁊ defendant inductū: ac faciāt ſibi de hmōi fructibus prouētibus iuribꝰ et obuentionibus vniuerſis integre reſponderi.

¶Itē ſi collator uel collatrix in p̄miſſis aliquo mō ſe opponūt uel ip̄m īpetrātē in aliquo .ſ. poſſeſſione pacifica: uel fructuū ꝑceptiōe uel al̄s quouis mō nitant̄ impedire: extūc executores p̄fati eoꝝ lr̄is ⁊ mādatis faciēt ⁊ mādent monere collatores uel collatrices quoſcūqꝫ ul̄ quaſcūqꝫ: ⁊ alios ſeu alias īpetrātē ip̄m in aliquo impediētes: ut .ī. certū tēpus poſt monitiōꝫ hmōi eis factā ab hmōi īpedimētis ſeu ꝑturbatōibus deſiſtāt. alioquin in ſn̄iaꝫ excōicatōis ſuſpēſionis ⁊ interdicti incidāt ac incidiſſe denūcient̄ eccl̄ijs cathedralibus collegiatis ⁊ ſingulis alijs publice ⁊ māifeſte diebꝰ dn̄icis ⁊ feſtiuis. ¶Si ꝟo collator ul̄ aliqs alius appellauerit ꝯ ꝓceſſus ⁊ mādata ſeu monitiōes dictus īpetrās ꝓteſtet̄ ꝙ hmōi cām cōmitti faciat dn̄is de rota decidendā tractādā ⁊ fine debito terminandā. Poſtea vero ſi collator uel collatrix diceret ſe velle dicto īpetrāti bn̄ficiū ac

ceptatū conferre·impetrās non cōſentiat ſed petat ut eum ad mittant ꝛ ſibi ſint fauorabiles:ꝛ idem executores ſui ſibi confe rant illud·alioquin ſi impetrans cōſentit in collationē collato rū ſtatim gratia ſua expirauit·¶ Itē caueat impetrās ne deci piatꝰ·ſ·ne collatores uel collatrices eū decipiāt mediāte ꝑmiſſi one aliq̄ uel obligatōe:ſed quicq̄d cū ipis placitauerit de eo fa ciat ſibi fieri ſufficiētē cautionē:qꝛ dicunt ſe de iure nō tenere ꝑmiſſiones nec obligationes factas impetranti·

¶ Itē ſi adepta poſſeſſiōe impetrās ſentiat ſe grauatū p ſn̄iaꝫ ſui dioceſani:aut eius officialis:aut collatoꝝ dicētiū ſe hr̄e iu riſditionē ordinariā ſup ipm̄ impetrantē rōe bn̄ficij per eū ad epti.Statī ipſe impetrās a dicto grauamīe cuꝫ ad eiꝰ puenerit noticiā ſup eo habito maturo cōſilio iuriſperitoꝝ: appellet vi ua voce corā notario ꝛ teſtibꝰ:ꝛ ꝓteſtetꝰ ꝙ infra decē dies intē dit appellare in ſcriptis·Et infra illud tēpus vadat ad execu torē uel executores ꝛ requirat eū uel eos debita cū inſtantia: ꝛ petat humiliter ut ipſi eū defendāt ꝛ ꝓuideāt ſibi de remedio oportuno ſicut de iure tenentꝰ·Qđ ſi forte rēnuerint ꝛ cōtēpſe rint:impetrās p̄fatus appellet ad ſedē apl̄icam in ſcriptis ꝯtra collatorē uel collatricē ipm̄ grauātes:uel cōtra executores ſibi iuſticiā denegantes:ꝛ habeat iſtam appellationē in carta ſcri ptam:ꝛ legat eam in hunc modū·

¶ Corā vobis notario ꝛ teſtibus hic p̄ntibus ꝛ aſtantibus ꝛc̄· Ego·A·canonicus ſiue rector ꝛc̄·dico ꝛ ꝓpono ꝙ Ep̄s: prepoſi tus:decanus:ꝛ cap̄lm talis eccl̄ie ꝛc̄·cōtra me tale mādatū emi ſerūt ꝛc̄·ꝛ mihi·deſtinarūt:Cuiꝰ tenor ſequitꝰ ꝛ eſt talis ꝛc̄· In quo quidē mādato diuerſa grauamīa indebite mihi ꝯ iuſticiā inferuntꝰ:ꝛ illata ꝯtinentꝰ·Sup quibꝰ executores mei in gratia mihi facta a ſede apl̄ica deputati:licet per me debita cū inſtan tia fuerint req̄ſiti me defendere ut de oportuno remedio ꝓui dere cōtra iuſticiā denegātes:in oībus ꝛ ſingulis ſentiens me indebite grauatū:timēſqꝫ veriſil̄iter amplius poſſe grauari:ad ſedem apl̄icam in his ꝓuoco et appello: apoſtoloſqꝫ et litteras

dimiſſorias inſtāter inſtātius ⁊ inſtātiſſime mihi dare peto ſi
qs mihi dare voluerit aut etiā poterit·qui ſi mihi denegati fu
erint ex hᵒ iterato ſentiēs me īdebite grauatū ⁊ oppſſuʒ iteꝝ ꝓ
uoco ⁊ appello.ſubmittēs me ⁊ mea oēſqꝫ mihi adherētes ⁊ ad
herere volētes tuitōi ⁊ ꝓtectōi dicte ſedis ⁊c̄.ut moris ē in ap
pellatōibus fieri· ¶ Itē impetrās expectet donec ſibi vacaue
rit ꝯpetēs bn̄ficiū nulli alteri de iure debitū qꝫ ſibi de hmōi va
catiōe ꝯſtiterit·⁊ ſi illud bn̄ficiū vacauerit ſtati poſt notificati
onē lr̄aꝝ ⁊ ꝓceſſuū collatoribꝰ uel collatricibꝰ factā illud acce/
ptet ſub hac forma corā notario ⁊ aliis pſonis ibidē aſtātibus·
Ego·N·dico ⁊ ꝓpono q̄ a·x·diebꝰ citra uel circa ad mei notici
aʒ ꝑuenit q̄ ꝓrochialis eccl'ia·N·ad collatiōʒ ⁊c̄·reuerēdoꝝ reli
gioſoꝝ uel religioſaꝝ abbatis ⁊ ꝯuētus nūc·N·vacauit ⁊ vacat
ad pn̄s ꝑ mortē ſiue obitū:uel per liberā reſignatiōʒ dn̄i.N·ca
nonici·Qua ꝓpter eādē eccl'iaʒ parrochialē ſiue ⁊c̄· tanqꝫ mihi
⁊ nll'i alteri debitā de iure cū oībus iuribꝰ ⁊ ptinētiis ſuis vni
uerſis ī his ſcriptis accepto:⁊ volo mihi qꝫtocitiꝰ fieri poterit
de eadē ꝓuideri vigore ⁊ auc̄te gr̄e apl'ice dudū mihi per ſan/
ctiſſimū dn̄m nr̄m papā ⁊c̄·mihi ⁊ ſuꝑ qꝫuis aliā diſpoſitōʒ cō
iūctim uel ſeꝑatim talis uel talis·ſ·qui in tali uel tali dioc·va/
cat:uel cū vacauerit in futuꝝ ꝓut in lr̄is apl'icis ſuꝑ hmōi gr̄a
ꝯfectis pleniꝰ ꝯtinet̄·Et ꝓteſtor nihilominꝰ q̄ ſi mihi dcm̄ bn̄
ficiū de iure nō debeat ſaluū ⁊ illeſuʒ ſit ⁊ maneat mihi ius ad
aliud bn̄ficiū mihi ⁊ nulli alteri debitū:de iure acceptandū vi
gore gr̄e ⁊ ſupradicta auc̄te ⁊c̄·inuocans ſuper his teſtimoniū
aſtātiū oīm perſonaꝝ:⁊ p̄cipue tui notarii publici hic pn̄tis:⁊
requiro te ſub debito officio ⁊ iuramēto p̄ſtito ſuꝑ his p̄dictis
ut cōficias mihi publicū inſtrumentū·
¶ Nota q̄ poſt citationē executā lis dr̄ pēdere in tm̄ q̄ ſi alter
litigātiū morit̄ in curia uel in partibꝰ lite indeciſa:tūc nullus
papalis pōt bn̄ficiū acceptare·ſed ſolus papa hʒ de iſto diſpo/
nere·Caueat ergo ille collitigās ⁊ faciat ſe in ius illiꝰ defuncti
ſurrogare:ne alter ipm p̄ueniat·Et idē ſi collitigātes ſimul cō

cordāt lite indeciſa:⁊ ſi alter ipſoꝝ moriť ⁊ nō renūciat tunc il
lud beneficiū iteꝝ cenſet pape reſeruatū· Nec cadit ſub grā ex
pectatiua ſeu expectantiū. Hoc ē veꝝ ſi lis pēdeat ī Ro·cu·ſec⁹
tn̄ ſi alibi:etiā. ſi quis renūciat in curia beneficiū ſtatim cenſe
tur pape reſeruatū in eiuſdē diſpoſitione·

¶Modus reſignādi beneficia·

¶Si qs bn̄ficiū libēter vellet reſignare ſiue renūciare ⁊ time-
at papales cū gratijs expectatiuis:cōſtituat ꝓcuratorē in Ro.
cu·ad renūciādū:⁊ videas ꝙ tu hēas illud in ptāte tua:tūc po
tes renūciare qn̄ volueris.⁊ facta renūciatiōe incōtinēti impe
tret tanꝙ per renūciatiōꝫ. Aliter tn̄ pōt fieri. impetrat ille bn̄
ficiat⁹ vnā grāꝫ expectatiuā:poſtea īpetrabim⁹ bn̄ficiū ſuūꝫ ꝑ
aſſecutiōꝫ aucte aplica fiēdā cū clā:etiā ſi ꝑ liberā in Ro.cu· uł
extra eā factā renūciationē:cū clis alijs oportunis:ut ī forma
¶Si qs īpetrauerit bn̄ficiū realiter deuolutū uel reſuatū:uel
alſ debito mō vacās:⁊ poſtea īpetret aliud: uel nō curat ꝓſeq
primū:tūc illud bn̄ficiū ſtat in diſpoſitiōe ſoli⁹ pape per man⁹
appoſitiōꝫ·¶Si aliqs īpetrat bn̄ficiū gn̄aliter deuolutū uel re
ſeruatū:⁊ anteꝙ adipiſcať plenā poſſeſſionē illi⁹ moriť aut re
nūciat:uel nō curat ꝓſequi: adhuc ſtat diſpoſitio illi⁹ bn̄ficij
in manib⁹ ſolius pape· Nec reuertiť ptās ꝓuidēdi ad ordina-
riū ſeu collatorē:niſi vacatio hmōi facta realiter ſit purgata vi
delꝫ:ꝙ impetrās effectualiter ſit adeptus poſſeſſionē illi⁹ bene
ficij:tunc primū reuertiť ad ſuū beneficiū·

¶Habēs grām in cōi forma paupꝝ:ante purificatiōꝫ grē ſue
ordinari⁹ bn̄ficiū cōfert ſm aliquos· Aliq tn̄ dicūt ꝙ nō·ſ·dn̄s
Jo.cal·qui tenet ꝙ ante publicationē grē ſue in cōi forma pau
peꝝ manus ordinarij ſunt ligate: dūmodo eā ·ī·mēſeꝫ poſt va-
cationē beneficij purificet ⁊ acceptet·⁊ ita fuit alias obſeruatū
ſecus tn̄ de gratia ſpeciali·

¶Ordīarij nō pn̄t beneficiū ꝯferre infra mēſem poſt vacatiōꝫ
⁊ hoc ꝓpter decretū pape·Sꝫ ſi fuerit acceptatū infra menſem
tūc iterū nō pōt:qꝛ ſua collatio nō valeret· Pōt tn̄ poſt menſeꝫ

cōferret ⁊ ſic valeret. ¶ Habēs gr̄az in cōi forma pauperꝫ tenet̄ ante vacationē lr̄as ſuas inſinuare ordinario: al's nō pōt acceptare: Sꝫ habēs gr̄az in ſpāli nō tenet̄ lr̄as inſinuare ordīario al's bn̄ pōt acceptare niſi ꝓpter ꝯcurrētē ⁊ maiorē diligentiā.

¶ Siqs hꝫ bn̄ficiū curatū ⁊ aſſequit̄ aliud curatū auc̄te ap̄lica tūc primū vacat ſedi ap̄lice p aſſecutiōꝫ ⁊ ſtat in manib⁹ pape: aut cadit ſub gratijs expectatiuis. ſec⁹ tn̄ ſi aſſecutus ſit auc̄te ordīaria: q2 tūc p̄mū vacat ordiario ſuo: ⁊ papales acceptar̄ nō poſſunt. ¶ Habēs bn̄ficiū curatū ⁊ aſſequit̄ aliud curatū quacūqꝫ auc̄te: tūc primū ſtatī poſtq̄ hūerit poſſeſſionē ſc̄di beneficij tenet̄ dimittere primū infra mēſeꝫ in manib⁹ ordinarij: niſi lis moueat̄ ſup ſc̄do. ꝙ ſi ambo retinuerit ſimul p mēſeꝫ: tunc ipſe eſt ꝑuatus vtroqꝫ. ⁊ cū hoc efficit̄ inabilis ad alia obtinenda: ⁊ ambo bn̄ficia vacāt Cu. ro. iuxta cōſtitutiōꝫ Execrabilis.

¶ Siqs efficiat̄ de familia pape uel ei⁹ officialis: tunc bn̄ficia ſua ſunt ſedi ap̄lice reſuata: etiā ſi moriat̄ anteq̄ de officio familiaritatis ſe intromittat: ⁊ poſtq̄ acceptauerit: nihilomin⁹ ſi poſtea reſignet adhuc ei⁹ beneficia ſunt reſeruata.

¶ Ordinari⁹ ſemp debet cōferre beneficiū ⁊ p̄ntare corā notario publico: ⁊ inſtr̄a collatōis ⁊ p̄ntatiōis cū ſigillis ꝓprijs roborare: q2 lr̄is ordinarioꝝ nō ſemp credit̄ niſi qs doceat: ⁊ hoc de ꝯſuetudīe: q2 ordinarij ꝯſueuerūt tales lr̄as tm̄ ſigillis ꝓprīis roborare. Et hoc in deciſionibus Rote plenius cōtinet̄.

¶ Siquis vigore gr̄e ſue aliqđ acceptet beneficiuꝫ ⁊ faciat ſibi prouideri ſeruatis ſeruādis: ita ꝙ ius ſibi debet̄ in iſto beneficio. poſtea ſibi dat̄ intruſus: uel alias qūolibet impedit̄ uel perturbat̄: ⁊ ſic de iſto beneficio cōcordāt: ⁊ ille alter obtinet beneficiū: ⁊ ipſe aliud vult acceptare vigore gratie ſue. Quero vtrū poſſit? Dico ꝙ nō: q2 per ſolā acceptationē gratia ſua fuit caſſa quo ad alia beneficia: exquo ſibi debet̄ ius in primo: al's cōmitteret̄ fraus in infinitis: q2 papa vult ipſum impetrantē tātum de beneficio prouiſum eſſe.

¶ Itē cadens in penā cōſtitutiōis Execrabilis. eſt inabilis ad

quecūq̧ beneficia obtinēda: ꝛ nō poterit ſine diſpēſatiōe ſpeci ali ad aliqua beneficia promoueri: ꝛ oīa alia beneficia que habet vltra illa duo curata poſſunt impetrari.

¶ Habens beneficiū curatū: ꝛ ſi aſſequit̄ aliud curatū auctoritate ordinaria: ꝛ papales acceptāt illud: ꝛ iſte primus retinet iſta duo curata per menſem ita ꝙ cadit in penaȝ cōſtitutionis Execrabilis. Quero cui debeat̄? Dico ꝙ acceptāti ſemꝑ in litteris dat̄: dūmodo nulli ſit ius queſitū.

¶ Itē vbi plures ſunt collectores in dioceſi uel ciuitate ꝙ beneficia taliū nō ſunt reſeruata: ꝛ hoc ſi ambo vtant̄ officio ſubcollectoris. Si aūt alter eoꝝ vtit̄ tūc bn̄ficia ſunt reſeruata al's nō ut vult regula dn̄i Grego. pape. xi. Sȝ ſi oēs beneficiū acceptauerint lȝ vnus exerceat: tunc nulli⁹ beneficia ſunt reſeruata.

¶ Nota ꝙ lis vertit̄ inter. a. ꝛ. b. ſuꝑ aliquo bn̄ficio: tn̄ ꝙ. a. renūciat beneficiū ꝛ poſtea morit̄. b. venit. a. ꝛ vult rehabere bn̄ficiū: Querit̄ nūqd poſſit? Diſtīguit̄. aut renūciat libere oīb⁹ iuribus ſuis. Aut al's amicabiliter ſe cū ipſo cōponit. Si libere Aut in manibus ordinarij. Aut corā autēticis perſonis. Si in manibus ordinarij: tunc nō poteſt habere regreſſum. Si coraȝ autēticis perſonis: tūc aut medio iuramēto: aut nō. Si medio iuramēto tunc tenet renunciatio: al's nō tenet. ꝛ poterit ſemꝑ habere regreſſum ſcilicet. a. ad beneficiū ſuū.

¶ Nota ꝙ pena cōſtitutionis Execrabilis eſt quando aliquis habēs beneficiū curatū: aliud ꝯſequit̄ curatū quauis aucte tenet̄ primū in manibus ordinarij libere ꝛ realiter infra menſeȝ reſignare: al's elapſo menſe priuatus eſt vtroq̧: ꝛ ambo ipſa beneficia ſtatim ad papā ſunt deuoluta: ita ꝙ nullus expectātiū de illis poteſt ſe intromittere.

¶ Nota ꝙ licet generaliter Ep̄us uel ſuperior regulariter cās poſſit delegare ꝛ eas alijs cōmittere: tamē vbi agit̄ contra aliquē de ſciſmate uel hereſi: cū tales cauſe cenſeant̄ maiores nō poſſunt alteri delegare.

¶ Finis.

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