

Franciscan Papal Documents

In Latin, manuscript on parchment

Italy, Rome, dated 1504

i (parchment) + 37 folios on parchment, modern foliation in pencil, top, outer corner recto (collation, i-iii¹⁰ iv¹⁰ [-8 through 10, cancelled with no loss of text]), horizontal catchwords, lower, inner margins, quire signatures, a-c, in pencil added at the end of each quire in a modern hand, horizontal rules in ink (?), very faint and invisible on most folios, pricking for the top ruled line remains on some folios, full-length vertical bounding lines in lead, prickings bottom margin (justification 152-151 x 97-95 mm.), written, possibly above the top line, in a running humanistic script in thirty long lines, f. 1, decorative initial, extending half the length of the written space, and opening words copied in a decorative gothic script; remaining letters begin with the Pope's name in decorative capitals, front flyleaf partially detached, text on f. 1 rubbed and slightly damaged, and a hole, bottom margin throughout, but overall in excellent condition. Bound in its original dark brown leather binding, blind-stamped with three sets of triple fillets forming a center panel filled with diagonal fillets and small stamps, and an outer border of palmettes, spine with four raised bands, holes from clasps and catches remain, rebaked, covers are worn and with a few holes, but the binding is in very good overall condition. Dimensions 215 x 143 mm.

This collection of papal documents relating to the Franciscans, from 1283 to 1504, is an attractive manuscript, signed, and preserved in its original binding. The details of its origin and medieval provenance are well documented, and it boasts a distinguished modern provenance, owned by Sir Thomas Phillipps. The protracted struggle between the Observant and Conventual Franciscans resulted in frequent rulings by the Popes; the contemporary notes in the manuscript make this manuscript an interesting window into one aspect of Franciscan history.

PROVENANCE

1. Berandus de Molario, clerk of the diocese of Lyons made a copy of these Papal documents in the Vatican Archives in Rome in 1504 for Brother Francis of Piedmont, Vicar of the Province of the Marches of Ancona (*Marchia*); Berandus's notarial certificate is found at the end of the manuscript, f. 37v.
2. Front flyleaf, f. i, and back pastedown, near contemporary ex-libris, "Loci sancti crucis Macerata," s. XVI; the Observant Franciscan House of the Holy Cross in Macerata, on the East coast in the Marches, was founded before 1506, and was later known as a center for the study of theology and philosophy (see Moorman, *Franciscan Houses*, p. 280).
3. Belonged to Sir Thomas Phillipps (1837-1871); his MS 9482. Phillipps purchased the manuscript at the Thorpe Sale in 1836, where it was MS 706 ("706," inside front cover). Sir Thomas Phillipps has been described as the greatest private manuscript collector of all time, and certainly, his collection of approximately 60,000 manuscripts was the world's largest—so large in fact that it was still being sold in 1977, more than a century after his death. See *The Phillipps manuscripts : Catalogus librorum manuscriptorum in bibliotheca D. Thomae Phillipps, Bt., impressum typis Medio-Montanis, 1837-1871*, with an introd. By A.N.L. Munby. London, Holland Press, 1968, pg. 151.

4. Inside front cover, "1236P," likely from the Phillips Sale; and the number 142 in an English sales catalogue (clipping laid in).

5. Belonged to Harry A. Walton Jr. of Covington, Virginia; his manuscript A-800 ("A800" stamped in purple ink); see C. U. Faye and W. H. Bond, *Supplement to the Census of Medieval and Renaissance Manuscripts in the United States and Canada*, New York, The Bibliographical Society, 1962, pp. 519-520.

TEXT

f. 1rv, incipit, "In nomine sancte et indiuidue trinitatis patris et filii et spiritus sancti Amen. Noverint universi et singuli presentes partier et futurum hec presens publicum tamen sumptum instrumentum ... quod nos Antoniis de monte dei et apostolice sedis gratia electus ciuitatis castelli domini nostri papae eius que camerarii ... Ad venerabilis religiosi uiri fratris francisci pedmontani ordinis minorum de observantia vicarii provincie Marchie instanciam omnes ... ad manus nostras recepimus";

ff. 1v-14, Pope Sixtus IV, 1474, 1 kal. Sept. Pont. nostri 4, incipit, "... Regimini universalis ecclesie meritis licet insufficientibus disponente Domino praesidentes ...";

Bullarium franciscanum : continens constitutiones, epistolas, diplomata Romanorum pontificum : nova series, collegit et edidit Fr. Ulricus Hüntemann, v. 1. 1431-1455 -- v. 2. 1455-1471 -- v. 3. 1471-1484 -- v. 4, 1. 1484-1489 -- v. 4, 2. 1489-1492. Vols. 2-3 compiled by José M. Pou y Martí. Vol. 4 compiled by Cesare Cenci, Ad Claras Aquas (Quaracchi), Ex Typographia Collegii S. Bonaventurae, 1929-1990, volume three, pp. 266-276, no. 626.

ff. 14-18, Pope Sixtus IV, 1479, 7 kal. Aug. Pont. nostri 8, incipit, "... Sacri predicatorum et minorum fratrum ordines instar duorum primorum fluminum ...";

Bullarium franciscanum, volume three, pp. 603-07, no. 1197.

ff. 18-20v, Pope Eugenius IV, 1446, 1 id. Jan. Pont. nostri 6, incipit, "... Ut sacra ordinis minorum religio cuius zeli sinceritas ex suis laudabilibus ...";

Bullarium franciscanum., volume one, pp. 497-501, no. 1007.

ff. 20v-21v, Pope Pius II, 1463, 1 id. Jan. Pont. nostri 6, incipit, "... Circa regularis observantiae professores solitudinis nostrae vices libenter impendimus ...";

Bullarium franciscanum, volume two, pp. 618-619, no. 1193.

ff. 21v-24, Pope Paul II, 1466, 1 kal. Marcii. Pont. nostri 3, incipit, "... Cum sacer ordo fratrum minorum in agro militantis ecclesie tamquan utilis ...";

Bullarium franciscanum, volume two, no. 1408.

ff. 24v-25, Pope Alexander VI, 1493, 3 Kal. Aprl. Pont. nostri 1, incipit, "... Regularem vitam professis ...";

Wadding, Luke. *Annales minorum seu trium ordinum a S. Francisco institutorum*, auctore A. R. P. Luca Waddingo Hiberno ... third edition, accuratissima auctor et emendatior ad exemplar editiones Josephi Mariae Fonseca ab Ebora, Ad Claras Aquas (Quaracchi) 1931- , volume XV, 1933, p. 675, no. LXI.

ff. 25v-26, Pope Alexander VI, , to Hieronymus Torniiellus, vicar general citra montes, 25 July 1501, Pont. nostri 9, incipit, "... Exponi nobis nuper fecisti ..";

f. 26, Pope Alexander VI, 5 February 1501, Pont. nostri 9, incipit, "... Sacrae religionis sub qua deuotum et sedulum ...";

Wadding. *Annales minorum*, volume XV, p. 693, no. LXXIII.

ff. 26v-27, Pope Alexander VI, 16 November 1493, Pont. nostri 2, incipit, "... Exponi nobis fecerunt dilecte in christo filie abbatisse et moniales monasteriorum ordinis sancte clare ...";

f. 27, Pope Sixtus IV, 7 August 1481, Pont. nostri 10, incipit, "... Licet nos dudum ad importunam non nullorum instantiam concesserimus per certas litteras nostra ...";

Bullarium franciscanum, volume 3, pp. 740-1, no. 1458.

f. 27v, Pope Alexander VI, 24 July 1500 [?], Pont. nostri 9, incipit, "... Alias decrevimus uos que pro maiori parte ex elemonis ...";

ff. 27v-28, "Clemens [V]," "Non Novembris" Pont. nostri 4, incipit, "... Statum religionis nostrae tranquillum ...";

Bullarium franciscanum romanorum pontificum : constitutiones, epistolas, ac diplomata continens : tribus ordinibus minorum, clarissarum, et poenitentium a seraphico patriarcha Sancto Francisco institutis concessa ab illorum exordio ad nostra usque tempora jussu atque auspiciis reverendissimi magistri, Fr. Joann's Baptistae Constantii [etc.], Minorum Conventualium... nunc primum in lucem editum ; notis, atque indicibus locupletatum studio et labore Fr. Joannis Hyacinthi Sbaraleae. Romae, Typis sacrae congregationis de propaganda fide, 1759-1804, volume 5, p. 61, no. 144, anno 1309.

f. 28, Pope Nicholas V, 1449, 10 kal. Marcii. Pont. nostri 3, incipit, "... Inter cetera nostrae sollicitudinis studia ...";

ff. 28v-29v, Pope Martin [IV], [year lacking] 15 Kal. Feb. Pont. nostri 2, incipit, "... Exultantes in Domino quod uestri sacri ordinis professores ...";

Wadding, *Annales minorum*, volume 10, pp. 152-153 (anno 1283).

ff. 29v-30, Pope Sixtus IV, 1470, 18 Kal. Jan. Pont. nostri 3, incipit, "... Romani Pontificis providentia circumspecta personas sub religionis habitu divinis vacantes ...";

Bullarium franciscanum, volume three, pp. 37-8, no. 67.

ff. 30v-31, Pope Sixtus IV, 1473, [month lacking] Pont. nostri 3, incipit, "... Sacrosancta Romana Ecclesia sub religionis habitu domino famulantes ex assuetae pietatis ...";

Bullarium franciscanum, volume three, p. 210, no. 521.

f. 31v, Pope Nicholas V, 15 April 1458, Pont. nostri 2, incipit, "... Scimus populos civitatum terrarum et locorum aud que loca habetis ...";

Bullarium franciscanum, 1929, volume 1, pg. 606, no. 1193 (reading 1448).

ff. 31v-32, Pope Eugenius IV to Jacobus de Primatiis de Bononia, 8 July 1446, Pont. nostri 10, incipit, "... Fide digna relatione percepimus in ciuitate litii ...";

Bullarium franciscanum, 1929, volume one, p. 227, no. 476.

ff. 32-33, Pope Sixtus IV, 1480, Kal. Decembr. Pont. nostri 10, incipit, "... Circumspecta apostolicae sedis benignitas salutis operibus semper intenta ...";

Bullarium franciscanum, volume three, no. 1363.

f. 33, "Clemens," "datum perusii tercio kln Julii pontificatus nostri anno primo," incipit, "In quibusdam locis illas pro ut accepimus ...";

ff. 33v-35, Pope Eugenius IV to Jacobus de Primatitiis de Bononia, 1447, Non. Feb. Pont. nostri 16, incipit, "... Ordinis tui presertim familiarum in regulari obseruantia ... Sane cum post concordiam inter dilectos fratres ...";

Bullarium franciscanum, 1929, volume one, pp. 524-526, no. 1045.

f. 35, Pope Sixtus IV, 9 January 1477, Pont. nostri 6, incipit, "... Nuper nobis uestro nomine fuit expositum quod incertis ...";

Bullarium franciscanum, volume three, no. 930.

f. 35v, Pope Sixtus IV, 22 March 1482, Pont. nostri 11, incipit, "... Fecisti nobis nuper humiliter supplicari pro tua ac fratrum tue cura conmissorum quiete e consolatione dignatem concedere ut loca que regulari obseruantie minus ...";

Bullarium franciscanum, volume three, p. 785, no. 1552.

ff. 35v-36, Pope Alexander VI to Hieronymus de Torinhellis, Vicar General circa montes, 15 June 1501, Pont. nostri 9, incipit, "...Cum sicut nobis nuper exponi fecisti intendum contigat ...";

Wadding, *Annales minorum*, volume XV, pp. 699-700, no. LXXVII.

f. 36, Pope Alexander VI, 13 January 1502, Pont. nostri 10, incipit, "... Cum sicut accepimus non nulli fratres ...";

Wadding, *Annales minorum*, volume XV, pp. 708-09, no. LXXXIV.

ff. 36v-37, Pope Julius II to Ferdinand and Isabella of Spain, 25 May 1504, Pont. nostri 1, incipit, "... Exponi nobis nuper fecistis quod uos ex magno deuotionis ...";

Wadding, *Annales minorum*, volume XV, pp. 724-5, no. VII.

f. 37, Pope Alexander VI, 5 April 1502, Pont. nostri 10, incipit, "... Cum intelleximus quam plures fratres uestri ordinis auiditate in bonis ...";

Wadding, *Annales minorum*, volume XV, pp. 709-10, no. LXXXV.

f. 37v, incipit, "Ego Berandus de Molario clericus lugdunensis d dioceses presentes apostolica et imperiali auctoritatibus ..."

The manuscript includes copies of twenty-seven Papal documents relevant to the Franciscan Order; the documents are not arranged in chronological order. The majority of these bulls have been edited in the *Bullarium franciscanum*, or printed in the earlier, less critical edition by Wadding, but six have not been identified in these sources. Included are documents from the following Popes: Martin IV (1281-1285), one document (1283); Clement V (1305-14), two documents (1309, and undated); Eugenius IV (pope 1431-1472) three documents (one with no date, and dated 1446, 1447); Nicholas V (pope 1447-1455) two documents (dated 1449, 1458); Pius II (pope 1458-1464) one documents (1463); Paul II (pope 1464-1471) one document (1466); Sixtus IV (pope 1471-1484) eight documents (1470, 1473, 1474, 1477, 1479, 1480, 1481, 1482); Alexander VI (pope 1492-1503) eight documents (1493 [3], 1500, 1501 [3] 1502 [2]); and Julius II, (pope 1503-1513) one document (1504).

The introductory text at the beginning of the manuscript, f. 1rv, states that it was copied at the request of brother Francis of Piedomont, vicar of the Observant Franciscans of the province of the Marches (*Marchia*); they were certified as authentic by Antonius de Monte Dei, a Papal official. The actual scribe, Berarndus de Molaria, left his name and notarial insignia on the final page of the manuscript. Antonius de Monte Dei's name is found in two other collections of Franciscan documents, Valognes, Bibliothèque municipale, MS 17bis, and Bayeux, Bibliothèque du Chapitre, MS 157.

The majority of the documents included in this manuscript were born from the protracted struggle between different branches of the Franciscan Order. Following the death of St. Francis in 1226, the Franciscan order grew rapidly in both numbers and prestige. As the Order developed, serious questions arose about the interpretation of St. Francis' teachings on absolute poverty. Observant Franciscans argued for a very strict interpretation of their founder's rules; the Conventuals argued for a more relaxed interpretation. The conflict was finally resolved only in 1517. In addition, Papal intervention was frequently necessary to answer criticisms of the Friars by the secular clergy—especially the right of the Franciscans to hear confessions and to organize funerals.

The papal bulls in this collection touch on both issues. The bull "Ut sacra ordinis minorum" dated 1446 by Pope Eugenius IV, for example, granted the right of the Observants to appoint their own vicar general, although the Observants were not to hold their own general chapter. Two bulls of Pope Sixtus IV, "Mare magnum" of 1474 (see ff. 1v-14) and the "Bulla aurea" of 1479 (ff. 14-18) granted both mendicant orders considerable privileges. Other bulls included

regulated the relationship between the Observants and the Conventuals, as well as their relationship with the Poor Clares (ff. 33v-35), and other internal affairs. The Bull of 1480 on ff. 32-33, for example, explored the type of sin involved when the Franciscan statutes were not observed.

Collections of papal documents such as this one are an important aspect of Franciscan history that deserves to be explored further. This manuscript, along with the two related manuscripts now in French collections mentioned above, constitute three examples of papal documents assembled for Franciscan Houses, in this case all mentioning the same Papal official, Antonius de Monte Dei. The notes in several hands that occur throughout the manuscript underline the importance of these texts to the Franciscans of the Holy Cross in Macerata. The legislation was evidently consulted and studied by various Friars. A general study of this type of manuscript would be an interesting exploration, shedding further light on the relationship between the Franciscans and the Papacy. Although other Franciscan manuscripts of Papal documents can be found in institutional libraries, they have been rarely available for sale in recent decades.

LITERATURE

Bullarium franciscanum romanorum pontificum : constitutiones, epistolas, ac diplomata continens: tribus ordinibus minorum, clarissarum, et poenitentium a seraphico patriarcha Sancto Francisco institutis concessa ab illorum exordio ad nostra usque tempora jussu atque auspiciis reverendissimi magistri, Fr. Joannis Baptistae Constantii [etc.], Minorum Conventualium... nunc primum in lucem editum ; notis, atque indicibus locupletatum studio et labore Fr. Joannis Hyacinthi Sbaraleae. Romae, Typis sacrae congregationis de propaganda fide, 1759-1804.

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ONLINE RESOURCES

Chronological list of popes with links to their biographies in *The Catholic Encyclopedia*:
<http://www.newadvent.org/cathen/12272b.htm>

The Vatican Archives, The Diplomatics of Papal Documents:

http://asv.vatican.va/en/dipl/1_papaldocuments.htm

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<http://www.newadvent.org/cathen/03052b.htm>

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