

MANUSCRIPT STUDIES

A Journal of the Schoenberg Institute for Manuscript Studies

VOLUME 3, NUMBER 2

(Fall 2018)

Manuscript Studies (ISSN 2381-5329) is published semiannually
by the University of Pennsylvania Press



The Schoenberg Institute
for Manuscript Studies

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Published by the University of Pennsylvania Press,
3905 Spruce Street, Philadelphia, PA 19104.

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A Dossier of Texts for the Augustinian Hermits of Lucca

THOMAS M. IZBICKI
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THE HISTORIES OF THE mendicant orders, including the Augustinian Hermits, cannot be understood without reference to papal documents. Francis of Assisi and Dominic of Osma, founders of the largest mendicant orders in the thirteenth century, sought approval from the papacy. Pope Innocent III had the foresight to accept them.¹ Innocent's successors continued this support. Only Innocent IV cooled toward the friars, but Alexander IV reversed this.² He favored the mendicants and created a new order, the Augustinian Hermits, by joining existing communities.³ These orders and others faced the challenge of surviving prohibitions of

The University of Pennsylvania and Villanova University kindly provided access to manuscripts and rare books. Christine Meek and Luis Marín, OSA, archivist of the Augustinian Order, provided valuable guidance.

1 John C. Moore, *Pope Innocent III (1160/61–1216): To Root Up and to Plant* (Leiden: Brill, 2003), 177–78, 180, 280.

2 William Hinnebusch, *The History of the Dominican Order*, 2 vols. (New York: Alba House, 1965), 1:39–57, 233–34; John R. H. Moorman, *A History of the Franciscan Order from its Origins to the Year 1517* (Oxford: Clarendon Press, 1968), 18–19, 89–91, 120–22.

3 Frances Andrews, *The Other Friars: The Carmelite, Augustinian, Sack and Pied Friars in the Middle Ages* (Woodbridge: Boydell Press, 2006), 71–98; David Gutierrez, *The Augustinians in the Middle Ages*, 2 vols., trans. Arthur J. Ennis (Villanova, PA: Augustinian Historical Institute, Villanova University, 1984), 1:23–41, 48–54.

founding new orders issued by the Fourth Lateran Council (1215) and the Second Council of Lyon (1274). Only four major orders, the Franciscans, Dominicans, Augustinians, and Carmelites, survived.⁴

These orders documented papal approbation in their *bullaria*, recording the privileges granted to them. Papal documents might be granted to an order, province, congregation of observants, or specific convent, but those for an entire order were the most likely to be collected.⁵ Each order eventually created comprehensive records in print.⁶ Papal privileges for the friars included exemptions from episcopal control and permission for mendicants to exercise ministry. Resentment of these intrusions and internal fights between mendicants and seculars at the University of Paris created a pamphlet war over the right order of the Church. Two critics of the friars, William of Saint Amour and Jean de Pouilli, suffered condemnation by the papacy.⁷ Boniface VIII (1294–1303) attempted to regulate the pastoral conduct of the friars. His bull *Super cathedram*, canceled by Benedict XI (1303–04) but renewed by Clement V (1305–14), entered canon law in the *Clementine Constitutions* (1317) as the canon *Dudum a Bonifacio* [Clem. 3.7.2], the point of reference for future disputes.⁸

4 Andrews, *The Other Friars*, 17–21, 158–62, 173–232.

5 The term was first used by Laertius Cherubinus; see *Magnum Bullarium Romanum*, 5 vols. (Lyon: sumptis Petri Borde, Ioannis & Petri Arnaud, 1692–97).

6 *Bullarium Franciscanum Romanorum Pontificum: constitutiones, epistolae, ac diplomata continens*, ed. Giovanni Giacinto Sbaraglia, 4 vols. (Rome: Typis Sacrae Congregationis de Propaganda Fide, 1759–1768); *Bullarium Ordinis FF. Prædicatorum*, ed. Thomás Ripoll and Antonin Brémont, 8 vols. (Rome: Ex Typographia Hieronymi Mainardi, 1729–1740); *Bullarium Ordinis Eremitarum Sancti Augustini . . .*, ed. Lorenzo Empoli (Rome: Camerae Apostolicae, 1628) [hereafter BOESA]; *Bullarium carmelitanum plures complectens summorum pontificum constitutiones: ad ordinem fratrum beatissimae, semperque Virginis Dei Genitricis Mariae de Monte Carmelo spectantes . . .*, 4 vols. (Rome: Ex typographia G. Plachi, 1715–68).

7 Decima L. Douie, *The Conflict between the Seculars and the Mendicants at the University of Paris in the Thirteenth Century* (London: Aquinas Society of London, 1954); J. G. Sikes, “Jean de Pouilli and Peter de la Palu,” *English Historical Review* 49 (1934): 219–40; Yves Congar, “Aspects ecclésiologiques de la querelle entre mendicants et séculiers dans la seconde moitié du XIII^e et le début du XIV^e,” *Archives d’histoire doctrinale et littéraire du moyen âge* 28 (1961): 35–151.

8 *Corpus Juris Canonici*, ed. Emil Friedberg, vol. 2 (Leipzig: Tauchnitz, 1879–81; Graz: Akademische Druck- u. Verlagsanstalt, 1959), 1161–64. Richard Trexler, “The Bishop’s Portion:

The importance of this documentation is shown by the records of the Augustinian Hermits. They received documents addressed to the prior general, provincials, or individual houses. With the rise of observant friars, often at odds with conventuals, they too received papal letters. Many of the letters have been inventoried,⁹ but some not previously found are noted below. The following study, based on manuscripts at the University of Pennsylvania, illustrates these types of documents, together with rescripts and *vivae vocis oracula* (an oral pronouncement by a pope) favoring the Augustinians.¹⁰ These codices illustrate another phenomenon: authentication by local notaries. Notarization of documents was crucial in canon and Roman law.¹¹ In one case from Lucca, a dossier of papal documents and other materials was created by the diocesan vicar with his notaries, who attested to the fidelity of the copies and the seals attached to individual bulls.

The older University of Pennsylvania manuscript is MS Codex 736, dating from the reign of Sixtus IV (1471–84) in Rome. It was copied for Guillaume d'Estouteville, cardinal protector of the Augustinian Hermits, witnessed by his notary, Marchus Martius, a cleric of Sassoferrato.¹² It contains the bull *Ad*

Generic Pious Legacies in the Late Middle Ages in Italy,” *Traditio* 28 (1972): 397–450; Thomas M. Izbicki, “The Problem of Canonical Portion in the Later Middle Ages: The Application of *Super cathedram*,” in *Proceedings of the Seventh International Congress of Medieval Canon Law, Cambridge 23–27 July 1984*, ed. Peter Linehan (Vatican City: Biblioteca Apostolica Vaticana, 1988), 459–73.

9 *Bullarium Ordinis Eremitarum S. Augustini: periodus formationis, 1187–1256*, ed. Benignus van Luijk (Würzburg: Augustinus-Verlag, 1964) [hereafter BOESA, *periodus formationis*]; *Bullarium Ordinis Sancti Augustini regesta*, ed. Carolus Alonso, 4 vols. (Rome: Institutum Historicum Augustinianum, 1997) [hereafter BOSA, *regesta*].

10 Rescripts originated as *rescripta principum* answering petitions, see Adolf Berger, *Encyclopedic Dictionary of Roman Law* (Philadelphia: American Philosophical Society, 1953), 680. Papal *vivae vocis oracula* have received little attention; however, see Thomas M. Izbicki, “The Origins of the *De ornatu mulierum* of Antoninus of Florence,” *MLN Italian Issue Supplement* 119, no. 1 (2004): 143–62.

11 On the importance of notaries, see Laurie Nussdorfer, *Brokers of Public Trust: Notaries in Early Modern Rome* (Baltimore: Johns Hopkins University Press, 2009); Geoffrey Barraclough, *Public Notaries and the Papal Curia: A Calendar and a Study of a Formularium notariorum curie from the Early Years of the Fourteenth Century* (London: Macmillan, 1934).

12 MS Codex 736, fol. 29r–v. This notary signed himself as Marcus Matius in Harvard University Richardson MS 28, fol. 17v. Roger S. Wieck, *Late Medieval and Renaissance Illuminated*

fructus uberes of Sixtus IV, known as the *Mare magnum*, one of a series of collective privileges granted to the mendicant orders by Pope Sixtus, a Franciscan.¹³ The bull is embedded in a letter of Cardinal d'Estouteville, the *Epistola ad heremitas Sancti Augustini*, and authenticated by Marchus with his notary sign.¹⁴ This artifact was to authenticate the *Mare magnum* should anyone doubt its validity.

The other University of Pennsylvania manuscript was created in the early sixteenth century. It is more complex, witnessing documents benefiting the Augustinian Hermits. It can be divided into five parts. The first part consists of the *Mare magnum* without d'Estouteville's letter, supplemented with other papal letters, including five by Sixtus IV benefiting the convent of Santa Maria del Popolo in Rome, the seat of the Augustinian observants. This section begins with a painted page, including a miniature of a mitred bishop, probably Saint Augustine.¹⁵ The second begins with a

Manuscripts, 1350–1525, in the Houghton Library (Cambridge, MA: Department of Printing and Graphic Arts, Harvard College Library, 1983), 115, 151 fig. 38; *Beyond Words: Illuminated Manuscripts in Boston Collections*, ed. Jeffrey F. Hamburger, William P. Stoneman, Anne-Marie Eze, Lisa Fagin Davis and Nancy Netzer (Chestnut Hill, MA: McMullen Museum of Art, Boston College, 2016), 57–58 at n. 12.

13 The complete *Mare magnum* appears in BOESA, 328B–350A; BOSA *regesta*, 3:274 n. 718 [7 February 1475]. It appears without earlier papal texts in Paulus de Bergamo, *Libellus de apostolia religionis Fratrum Eremitarum S. Augustini* . . . (Rome: In domo Francisci de Cinquinis, 1479), fols. 49rb–50rb. The other collective privileges published by Sixtus appeared in the *Bullarum Diplomatum et Privilegiorum Sanctorum Romanorum Pontificum* (Turin) are *Regimini universalis* [1474] for the Franciscans, 5:217–233; *Regimini efficacis* [1474] for the Dominicans, 5:224–225; *Dum attenta* [1476] for the Carmelites, 5:244–245.

14 Fols. 1r–2v, 28v–29v [University of Pennsylvania]; Harvard University, Richardson MS 28, fols. 1r–2r, 10v–17v.

15 MS Codex 85: fols. 1r–31v, Sixtus IV, *Ad fructus uberes*; fols. 32r–33r, Sixtus IV, *Ineffabilia gloriose virginis*; fols. 33r–34v, Sixtus IV, *A sede apostolica*; fols. 34v–38r, Sixtus IV, *Inter precipuas*; fols. 38r–40r, Sixtus IV, *In specula supreme dignitatis*; fols. 40r–43v, Sixtus IV, *Apostolice sollicitudinis*; fols. 43v–46r, Sixtus IV, *Cum ineffabilia gloriose*; fols. 46r–51v, Paul II, *Diuina dispositione*; fols. 52r–53r, Paul II, *Exposcit vestre*; fols. 53r–54r, Nicholas V, *Sincere devotionis*; fols. 54r–56v, Innocent VIII, *Vacantibus sub religionis*; fols. 56v–57, Innocent VIII, *Cum alias accepissimus*; fols. 57r–58v, Innocent VIII, *Dudum secuti nobis*; fols. 58v–59v, Alexander VI, *Sacrae religionis*. Balbino Rano, “Documentazione lucchese dei secoli XII e XIII attinente all’ordine agostiniano alle origini dell’ordine,” *Analecta augustiniana* 46 (1983): 115–256 at 253–54;

letter of Benignus de Ianua, vicar general of the Lombard Congregation, from Genoa in August 1490, recording an *oraculum vivae vocis* of Innocent VIII (1484–92) favoring Augustinian *mantellati* and *mantellate* (lay affiliates).¹⁶ It also contains rescripts of Innocent VIII granting favors requested by two vicars general, Tadeo d' Ivrea and Bartolomeo di Palazollo, as well as by Paolo da Bergamo, prior of Santa Maria del Popolo.¹⁷ Part three, detailed below, is an extensive dossier of texts concerning the Augustinians of Lucca, beginning with another decorated page. The brief fourth part contains a letter of Gerardus Pigliotti, OP,¹⁸ bishop of Spoleto 1290–95, favoring the sisters at Montefalco, followed by the letter *Dudum vobis* of Pope John XXII (1316–34) authorizing an inquiry into the miracles of Clare of Montefalco. The last part treats a dispute between the observants and conventuals, claiming the church and convent of San Niccolò in Tolentino. The church held the body of Nicholas, one of the order's saints, in an *arca* (monumental tomb) designed for pilgrimage.¹⁹

The third through fifth parts are continuous in writing and decoration, concluding with a notarial record dated to 1506 in the reign of Julius II (1503–13), noting the involvement of Antonius de Meliis in the Tolentino dispute.²⁰ The record of the fight over San Niccolò begins with a bull of

E. Esteban, "De indulgentiis loci S. Maria de Populo (Tempore Clementis V, 30 Maii a. 1309)," *Analecta augustiniiana* 3 (1909–10): 465; Enzo Bentivoglio, *S. Maria del Popolo a Roma con una appendice di documenti inediti sulla chiesa e su Roma* (Rome: Bardi editore, 1976), 196–97.

16 MS Codex 85, fols. 63v–64r; see *Analecta augustiniiana* 10 (1923–24): 202 no. 17. For an *oraculum* by Innocent uniting S. Gallo, Florence to the Lombard Congregation of observants, see Calvi, *Delle memorie istoriche della congr. Osser. di Lombardia dell'ord. Erem. di S. Agostino* (Milan: Francesco Vigone, 1669), 156–58. On Benignus, see Calvi, *Delle memorie*, 79–83, 105–7, 150.

17 MS Codex 85, fols. 64r–69v. Calvi, *Delle memorie*, 93, 96, 100–101, 104–15, 119–25, 132–49, 151–54, 165–69, 178–79.

18 Konrad Eubel, *Hierarchia medievalia*, vol. 1 (Munich: Libreria Regensbergiana, 1913), 461.

19 Julian Gardner, "The *Cappellone di San Nicola* at Tolentino: Some Functions of a Fourteenth-Century Fresco Cycle," in *Italian Church Decoration of the Middle Ages and Early Renaissance: Functions, Forms and Regional Traditions*, ed. William Tronzo (Bologna: Nuova Alfra, 1989), 101–17 at 105.

20 See the notarial attestations at fols. 124v–125r.

Innocent VIII granting a request by the commune of Tolentino that the church be given to the Augustinian observants. Also included is a letter of Raphael Riario (cardinal 1477–1521), d’Estouteville’s successor as cardinal protector, enjoining obedience to the papal command on the Lombard Congregation. A letter of Ambrogio Massari de Cori, prior general of the hermits, was intended to move this effort forward. The first record of the controversy is a letter of Franciscus Villanova complaining that the observants were ejected by conventuals. It is followed by a letter of Julius II denouncing the expulsion and ordering the commune to restore possession to the observants. The remaining documents deal with efforts to restore the observants, prohibiting support for the conventuals.²¹

The manuscript was located eventually at the Augustinian convent in Crema. The coherence of the decoration and script in parts three through five suggests that these texts were copied into the manuscript in a single writing campaign. The most likely moving force behind the manuscript was the aforesaid Antonius de Meliis, who became vicar general of the observant congregation of Lombardy.²²

The third and longest part of MS Codex 85 is copied from a dossier compiled in 1506 in Lucca by command of Georgius Franciotus, vicar general of Cardinal Galeotto della Rovere, and notarized.²³ The documents, most of them papal letters, were copied entire with the notarizations of individual texts. The dossier includes the request of the commune in the time of Pius II (1458–64) that Sant Agostino, held by the conventuals, be turned over to the observants. In many cases, bulls are described down to the threads upon

21 MS Codex 85, fols. 118r–121v. For other documents, including another letter by Riario and one by the episcopal vicar of Recanati attempting resopution of the dispute, see MS Codex 85, fols. 121v–123v. On Riario, see Konrad Eubel, *Hierarchia medievalia*, vol. 2 (Munich: Libraria Regensbergiana, 1901), 19, 76, 148, 231, 238, 250; Konrad Eubel, *Hierarchia medievalia*, vol. 3 (Munich: Libraria Regensbergiana, 1923), 56.

22 MS Codex 85, fol. 1r, “Sancti Augustini Crème ad usum fratris Io. angeli de Crema. Frater Antonius Melius u. g. Con manu propria.” Antonius is mentioned in a document at fols. 123v–125r. Calvi, *Delle memorie*, 207–13. See also Gutierrez, *The Augustinians in the Middle Ages*, 2:161.

23 Galeottus de Franchiottis de Rovere was bishop of Lucca, 1503–07, cardinal priest of San Pietro in Vincoli, 1503–07; see Eubel, *Hierarchia medievalia*, 3:10, 68, 132, 181, 228, 333.

which papal seals had been affixed. Mixed with the papal letters are a few other documents concerning Lucca. Known texts are excerpted, but full copies of previously unknown ones are provided. All show that the papacy was involved with the Augustinian Hermits to the level of the individual convent in Lucca. Antonius de Meliis, when he was in Lucca, obtained these copies and then had them incorporated into this manuscript. Once he had left Lucca, the manuscript was deposited at the Augustinian convent in Crema, where he authorized another friar to use it.

Lucca Texts from MS Codex 85

FOLS. 71R–73R: GEORGIUS FRANCIOTUS, VICAR GENERAL OF
GALLEOTTO DELLA ROVERE IN LUCCA, *EPISTOLA*

[fol. 71r] NOS GEORGIVS franciotus decretorum doctor ecclesie lacteransensis canonicus sedis apostolice prothonotarius ac Reuerendissimi domini domini Galeoti de Ruuere Sancte Romane ecclesie cardinalis tituli sancti Petri ad vincula et Episcopi Lucan. Vicariusque generalis vniuersis presens litteras inspecturis salute In domino sempiternam. Nouerint vniuersitas vestra quod accedens ad nos venerabilis In christo frater Antonius de meliis cremenensis Prior sancti Augustini luce ordinis fratrum Eremitarum sancti Augutini obseruantie congregationis lombardie nobis exhibuit et ostendit quasdam litteras apostolicas videlicet duas felicis recordationis domini Innocentii pape quarti in formis bullarum cum veris bullis plumbeis more sancte Romane ecclesie pendentibus in filis sericis rubei croceique colorum [fol. 71v] Item octo litteras apostolicas felicis recordationis d. Alexandri pape quarti cum veris bullis plumbeis more sancte Romane Ecclesie quinque videlicet in filis sericis rubei croceique colorum et tribus aliis in canepo pendentibus Item quasdam litteras Reuerendissimorum dominorum Ordonii Episcopi Tusculani et Vgonis tituli sancti Laurentii In Lucina presbiteri et Gotifredi sancti Georgii ad velum aureum diaconi cardinalium sancte Romane Ecclesie In forma patente cum sigillis doctorum cardinalium pendentibus Item quasdam litteras fini filii fini de luca Imperialis aule Iudicis ordinarii et notarii cum sigillo Reuerendi domini Iacobi prioris sancti Frediani de Luca

Iudicis ordinarii In sua parochia de suo mandato approbator pendente Item duas litteras apostolicas felicis recordantis D. Bonifacii pape octavi In formis bullarum cum veris plumbeis more Sancte romane Ecclesie pendentibus In filis Sericis ru[fol. 72r]ubei croceique colorum Item quasdam litteras Reuerendi domini Thome Pistoriensis episcopi in forma patente cum sigillo ipsius domini Episcopi pendente Item vnas litteras apostolicas felicis recordationis domini Ioannis vigesimisecondi in forma bulle cum vera bulla plumbea more sancta Romane Ecclesie pendente In filis ex canepo Item tres litteras apostolicas felicis recordationis domini Clementis pape quarti cum veris bullis plumbeis more sancta Romane Ecclesie duabus videlicet In filiis ex canepo reliqua earum in filis sericeis rubei croceique colorum pendentibus Item quasdam litteras Reuerendi patris In Christo fratris Alexandri prioris generalis ordinis fratrum eremitarum sancti Augustini in forma patente cum sigillo officii sui pendent Item quasdam litteras Reuerendi domini²⁴ fratris Henrici Episcopi lucanensis In forma patent cum sigillo ipsius pendent Item vnas litteras apostolicas felicis recordationis domini Nicolai pape quarti cum [fol. 72v] vera bulla plumbea more sancta Romane Ecclesie pendente in²⁵ filis sericis rubei croceique colorum Item vas litteras apostolicas felicis recordationis domini Nicolai pape quinti cum vera bulla plumbea more sancte Romane Ecclesie pendente in filis sericis rubei croceique colorum Item quatuor litteras apostolicas felicis recordationis domini Pii pape secundi In formis breuium sub anulo piscatoris non viciatas non scisas nec in aliqua earum parte suspectas sed omni prorsus vitio et suspicionem carentes Quas omnes et singulas vidimus et palpauimus ac diligenter inspeximus Supplicauitque dictus frater Antonius quod dictas litteras faceremus exemplari et auctoritate qua fungimur transumi et in publicam formam redigi. Nos igitur ipsius precibus annuentes ipsas litteras transumi et exemplari fecimus ac per Ser Mattheum de Camaiore Notarium nostrum in hanc publicam formam redigi ius[fol. 73r]imus quarum tenor de verbo ad verbum sequitur ex. et est talis:

24 domini *add. in marg.*

25 in *corr. ex cu.*

FOL. 73R–V: INNOCENT IV, *CUM A NOBIS PETITUR*

[fol. 73r] INNOCENTIVS episcopus seruus seruorum dei Dilectis filiis priori et fratribus Eremitis in tuscia ordinis Sancti Augustini Salutem et apostolicam benedictionem. Cum a nobis petitur quod iustum est et honestum tam uigor equitatis—illam auctoritate apostolica [fol. 73v] confirmamus et presentis scripti patrocinio comunimus. Nulli ergo. . . . Si quis autem. . . . Datum Lateran. V kalendas aprilis pontificatus nostri Anno primo.²⁶

FOLS. 73V–74R: INNOCENT IV, *VOTA DEVOTORUM*

[fol. 73v] INNOCENTIVS Episcopus seruus seruorum dei dilectis filiis priori et fratribus eremitarum in in tuscia ordinis Sancti Augustini saputem et apostolicam benedictionem. Vota deuotorum Ecclesie que fructum salutis eterne continere perspiciamus—[fol. 74r] et gratiam possint populis preponere verbum dei uobis auctoritate presentium concedimus facultatem. Nulli ergo. . . . Si quis autem. . . . Datum Lateran. X^o kalendas Mai Pontificatus nostri Anno primo.²⁷

FOL. 74R–V: ALEXANDER IV, *CUM QUAEDAM*

[fol. 74r] ALEXANDER Episcopus seruus seruorum dei Dilectis filiis vniuersis Eremitarum Sancti Augustini et Guillelmi ordinum prioribus Salutem et Apostolicam Benedictionem. Cum quedam salubra circa vos et fratres vestros que ad communionem caritatis—[fol. 74v] per dilecti filii nostri R[aphael] Sancti Angeli diaconi cardinalis litteras statutendis. Datum Anaganie Idus Iulii Pontificatus nostri anno primo.²⁸

26 BOESA, *periodus formationis*, 34–35 n. 36 [27 April 1244]. Rano, “Documentazione lucchese,” 235–36 n. 177.

27 BOESA, *periodus formationis*, 33–34 n. 34 [22 April 1244]. Rano, “Documentazione lucchese,” 236 n. 178.

28 BOESA, *periodus formationis*, 109–10 n. 142 [15 July 1255], as *Cum quae*.

FOLS. 74V–76R: ALEXANDER IV, *PIA DESIDERIA*

[fol. 74v] ALEXANDER Episcopus seruus seruorum dei Diliectis filiis Priori generali et fratribus Eremitis ordinis sancti Augustini salutem et apostolicam benedictionem. Pia desideria deuotorum eo debemus benigno [fauore] prosequi—[fol. 75v] In huius uero [fol. 76r] rei testimonium presentes litteras fecimus nostri sigilli munamine roborari. Nulli ergo. . . . Si quis autem. . . . Datum Anagnie Idus Iulii Pontificatus²⁹ nostri Anno Primo.³⁰

FOL. 76R–V: ALEXANDER IV, *SOLET ANNUERE*

[fol. 76r] ALEXANDER Episcopus seruus seruorum dei Diliectis filiis Generali et ceteris prioribus et fratribus Eremitarum Ordinis Sancti Augustini Salutem et apostolicam benedictionem. Solet annuere sedes apostolica piis votis et honestis petentium precibus fauorem—et ratum illud auctoritate apostolica confirmamus et et presentis scripti patrocinio communimus. Nulli ergo. . . . Si quis autem. . . . Datum Anagnie Idus Iulii Pontificatus nostri Anno primo.³¹

FOLS. 76V–77V: ALEXANDER IV, *SOLET ANNUERE*

[fol. 76v] ALEXANDER Episcopus seruus seruorum dei Diliectis filiis generali et ceteris prioribus [fol. 77r] et conuentibus Eremitarum ordinis sancti Augustini Salutem et apostolicam benedictionem. Solet annuere sedes apostolica piis votis et honestis petentium precibus fauorem—[fol. 77r] ratum habentes et gratum Illud auctoritate apostolica confirmamus et

29 Pontificatus *corr. ex* Ponfificatus.

30 BOESA, 15A–16A; BOESA, *periodus formationis*, 114 n. 148 [22 July 1255].

31 BOESA, 14B–15A; BOESA, *periodus formationis*, 110–11 n. 144 [17 July 1255]. Rano, “Documentazione lucchese,” 239–40 n. 182.

presentis scripti patrocinio communimus. Nulli ergo. . . [fol. 77v] Si quis autem. . . Datum Anagnie ii. Idus Iulii Pontificatus nostri Anno Primo.³²

FOLS. 77v, 82v: ATTESTATION OF PAPAL LETTERS BY CARDINALS
ORDONHO ALVARES, GUY³³ OF BOURGOGNE AND GOFFREDO
DA ALTATRI

Miseratione diuina Ordonius Tusculanus episcopus et Hugo Sancti Laurentii in Lucina presbiter ac Gotifredus sancti Georgii ad Velum aureum diaconus cardinalis Vniuersis presentes litteras inspecturis Salutem in domino Sempiternam. Nouerint vniuersitas vestra nos vidisse litteras felicitatis recordationis Alexandri iiii. Ac pie memorie Urbani iiii—nec in aliqua vitiatas vero serico et veris bullis bullatas quarum tenores tales sunt. [fol. 82v] In cuius rei testimonium presentes literas fieri fecimus et sigillos nostrorum munimine roborari. Datum Tibur' iiii° nonas Iulii Pontificatus Domini Honorii pape iiii Anno primo Anno uero Domini Millesimo duecentissimo octuagesimo quinto.

FOLS. 77v–79v ALEXANDER IV, *INTER ALIAS SOLITICUDINES*

[fol. 77v] ALEXANDER Episcopus Seruus seruorum dei. Dilecto filio Ricardo Sancti Angeli Diacono cardinali Salutem et Apostolicam benedictionem. Inter alias solitudi[fol. 78r]nes quibus assidue premimur intendere circa ea—[fol. 79r] Cum post Romanum pontificem iurisdictionem potestatem et auctoritatem in eis habeas potiore. Nulli ergo. . . [fol. 79v] Si quis autem. . . Datum Lateran. iiii° Aprilis Pontificatus nostri Anno Tertio.³⁴

32 BOESA, *periodus formationis*, 105 no. 135 [14 July 1255].

33 The text says Hugo, but Guy was cardinal priest of San Lorenzo in Lucina from 1264 to 1273. Eubel, *Hierarchia medievalia*, 1:8, 10, 39, 43, 50.

34 BOESA, 23B–24B. BOSA *regesta*, 1:9 no. 26 [April 12, 1257].

FOLS. 79V–82V URBAN IV, *LICET ECCLESIE CATHOLICE*

[fol. 79v] VRBANVS Episcopus seruus seruorum dei Dilectis filiis generali Lanfrancho prouincialibus et conuentualibus prioribus ac vniuersis fratribus ordinis Eremitarum Sancti Augustini tam presentibus quam futuris Salutem et apostolicam benedictionem. Licet ecclesie catholice integritatem corporis sui sincera membrorum diuersitas—[fol. 82v] ad satisfactionem condignam appellatione remota immolabiliter obseruari. Nulli ergo. . . Si quis autem. . . Datum viterbii xiii° Kalendas Maii Pontificatus nostri Anno primo.³⁵

FOL. 83R–V: ALEXANDER IV, *VOLENTES OMNE*

[fol. 83r] ALEXANDER episcopus seruus seruorum dei Dilecto filio Ricardo Sancti Angeli Diaconi cardinali Salutem et apostolicam benedictionem. Volentes omne quod dilectis filiis heremitis ordinis sancti Augustini uel eorum sacre religioni scandalum—nuntiari facias artius euitandos in locis vbi vide[fol. 83v]tis Expedire. Datum Anagnie Idus Iulii Pontificatus nostri Anno primo.³⁶

FOLS. 83V–88R: ALEXANDER IV, *RELIGIOSAM VITAM*

[fol. 83v] ALEXANDER episcopus seruus seruorum dei Dilectis filiis Priori et fratribus Eremitarum in tuscia constitutis tam presentibus quam futuris. Regularem³⁷ uitam eligentibus apostolicum conuenit adesse³⁸ presidium—[fol. 87v] et apud districtum Iudicem pecunia Eterne pacis inueniant. Amen. Amen. [fol. 87v–88r] [signatures of nine cardinals]. [fol. 89r] Datum Anag-

35 Rano, "Documentazione lucchese," 242–47 n. 186.

36 BOESA, 13A–B; BOESA, *periodus formationis*, 107 no. 138 [15 July 1255]. Rano, "Documentazione lucchese," 240 n. 183.

37 *Regularem* / *Religiosam* BOESA.

38 *adesse corr. ex adcesse*.

nie per manum Guillelmi magistri scolarium parmensis Sancte Romane vicecancelarii iii^o Kalendas Augusti Indictione xiii Incarnationis dominice Anno Millesimo cc^o lv^o Pontificatus domini nostri Alexandri Pape Anno Primo.³⁹

FOL. 88R–V: ALEXANDER IV, *UT EO FORTIUS*

[fol. 88r] ALEXANDER episcopus seruus seruorum dei Dilicetis filiis generali et prouincialibus prioribus ac vniuersis fratribus Eremitarum Ordinis Sancti Augustini Salutem et Apostolicam Benedictionem. Vt eo fortius diuinis Insistatis obsequiis quo a nobis potioem gratiam vos noueritis—[fol. 88v] aut sumptibus colitis decimas a vobis exigere uel Extorquere presumat. Nulli ergo . . . Si quis autem . . . Datum Lateran. ii Idus Aprilis Pontificatus nostri Anno Secundo.⁴⁰

FOLS. 88V–89V: ALEXANDER IV, *SUA NOBIS*

ALEXANDER Episcopus seruus seruorum dei Diliceto Filio Plebano Ecclesie sancta Innocentie senensis⁴¹ diocesis Salutem et apostolicam benedictionem. Sua nobis priores et fratres eremite ordinis⁴² sancti Augustini Lucane Ciuitatis et diocesis petitione monstrarunt—[fol. 89v] per quam effectus presentium impediri valeat vel differi. Datum Anagnie v^o Kalendas Nouembris Pontificatus nostri Anno quinto.⁴³

39 BOESA 2B–6A [Agnani, iii Kal. Augusti], 6A–9B; idem. BOESA, *periodus formationis*, 115–16 n. 151 [30 July 1255].

40 [13 April 1256]. BOESA, 20B–21A. E. Esteban, “Bullae ab Alexandro Papa IV datae mense aprili an. 1256 Ordini Eremitarum Sancti Augustini,” *Analecta augustiniana* 4 (1911–12): 440–43 at 442.

41 senensis *corr. ex* genen.

42 eremite ordinis *add. in marg.*

43 [28 October 1259]. Rano, “Documentazione lucchese,” 240–41 n. 184.

FOLS. 89V–91R: ALEXANDER IV, *NEC INSOLITUM*, WITH NOTARIAL ATTESTATIONS FROM LUCCA, FOL. 91R–92V

[fol. 89v] ALEXANDER episcopus seruus seruorum dei Venerabilibus fratribus et Archiepiscopis et Episcopis ac dilectis filiis Abbatibus Prioribus de conuentu Archidiaconis Archipresbiteris etiam aliis ecclesiarum prelatiis et ceteris personis ecclesiasticis tam secularibus quam regularibus cuiuscunque ordinis vel professionibus Existant Salutem et apostolicam benedictionem. Nec insolitum est nec nouum que per occupationem [fol. 90r] uel infestantiam fiunt pro eo quod congrue deliberatoris limam preterentur in propensioris consideratoris reducantur examen—[fol. 91r] que continent nihil prorsus agatis cum nullam deinceps efficaciam habeant uel vigorem. Datum Neapoli xi Kal. Januarii Pontificatus nostri⁴⁴ Anno primo.⁴⁵

FOLS. 91R–92V: NOTARIAL ATTESTATIONS]

[fol. 91r] Anno natiuitatis domini Millesimo ducentesimo nonagesimo secundo Indictione quinta die duodecimo mensis Iunii luce in claustro Ecclesie sancti Fridiani scriptum Exemplum per me Finum fini notarium infrascriptum ex [fol. 91v] uero et non cancellato autentico⁴⁶ literis papalibus uera bulla plumbea cum spaco pendenti munita diligenter ac⁴⁷ fideliter de verbo ad verbum per singula sumptum in presentia venerabilis patris domini Iacobi dei gratia prioris Ecclesie sancti Fridiani lucani Iudicis ordinarii in sua parrochia per me eundem notarium lectum fuit et ad dictas autenticas literas papales per infrascriptos Finum et buiamortem notarios ascultatum et demum cum dictus dominus prior vtraque in omnibus cognouerit concordare ad pleniorum fidem predictis exemplis addhibendam et de dictis papalibus bullis vbique perpetuo faciendam ipse venerabilis pater dictum

⁴⁴ nostri *add. sup. lin.*

⁴⁵ BOESA, *periodus formationis*, 96–97 n. 120 [30 December 1254].

⁴⁶ autentico *corr. ex autentico*.

⁴⁷ ac *add. sup. lin.*

exemplum sui sigilli iussit adpensione muniri et dictas literas in hanc publicam formam redigi suam interponendo auctoritatem atque decretum coram domino benuenuto canonici Sancti Fridiani et fratre Donato et fratre Nicolao et fratre Anastasio nouitiis dicte Ecclesie testibus adhiberi rogatis.

[fol. 92r] Ego Finus filius Fini dati Notarii de Lucha imperialis aule Iudex ordinarius et notarius predictas literas apostolicas vidi et legi et suprascriptum exemplum Ex ipsis literis per me fideliter de verbo ad verbum sumptum et manu mea scriptam coram dicto venerabili patre domino Iacobo priore Ecclesie Sancti⁴⁸ Fridiani suprascriptis Fino et Buiamorte notariis ad ipsas literas auscultantibus diligenter legi et quia vtraque in omnibus concordare inueni in pleniorum fidem et testimonium dictis Exemplo adhibendam et de dictis apostolicis literis facienda vbique perpetuo me subscripsi et ~~meum signum et nomen~~ aposui:— in publicam formam redigi. Ego buiamorte filius Ioannis siluestri sartoris Iudex ordinarius et notarius autenticum illud vnde hoc illud vnde hoc suprascriptum est Exemplum bulla plumbea papali bullatum vidi et legi et predicte Exultationi et licentie interfui et hoc subscripsi et meum signum et nomen apposui. Ego Finus dati Imperialis aule Iudex et notarius [fol. 92v] autenticum illud vnde hoc sumptum est Exemplum plumbea bulla papali bullatum vidi et legi et predicte exultationi et licentie concessae interfui Et Ideo hic subscripsi et meum Signum et nomen posui.

FOLS. 92V–94V: BONIFACE VIII, AD CONSEQUENDAM

BONIFACIVS episcopus seruus seruorum dei Dilectis filiis generali aliisque prouincialibus prioribus ac vniuersis fratribus oordinis Eremitarum Sancti Augustini salute et apostolicam benedictionem. Ad consequendam gloriam celestis patrie sic diuina pietas per suam gratiam—[fol. 94v] anno primo— de presentibus⁴⁹ specialem et expressam non fecerint mentionem. Nulli

48 Sancti *add. sup. lin.*

49 presentibus *corr. ex precedentibus.*

ergo. . . . Si quis autem. . . . Datum Lateranensi xi Kalendas Martii Pontificatus nostri Anno Primo.⁵⁰

FOLS. 94R–95R: THOMAS ANDREI EPISCOPUS PISTORIENSIS,⁵¹
EPISTOLA

[fol. 94r] Vniuersis presens instrumentum publicum ispercturis. Nos Thomas permissione diuina Pistoriensis episcopus Salutem In domino sempeternam. Nouerit vniuersitas vestra quod ad cedens ad nostram presentiam—[fol. 95r] de verbo ad verbum presentibus fecimus annotari quarum tenor talis est.

FOL. 95R–V: INNOCENT IV, *PROVISIONIS NOSTRAE*

[fol. 95r] INNOCENTIVS episcopus seruorum seruorum dei Dilicetis filii generali et aliis prioribus ac fratribus ordinis Eremitarum Salutem et apostolicam benediction. Prouisionis nostre cupimus prouenire subsidiis vt religio vestra semper in melius deo propitiante, proficiat—Expedire possitis Auctoritate presentium concedimus facultatem. Nulli ergo. . . . [fol. 95v] Si quis autem. . . . Datum Reate v^o Kalendas Septembris Pontificatus nostri Anno secundo.⁵²

FOLS. 95V–96V: NOTARIAL ATTESTATIONS

[fol. 95v] Ego Lapus filius consilii Imperiali auctoritate Iudex ordinarius et notarius litteras apostolicas vera papali bulla plumbeo cum filo canapino

50 BOESA, 48A–49B; Eric L. Saak, *Highway to Heaven: The Augustinian Platform Between Reform and Reformation, 1292–1524* (Leiden: Brill, 2002), 736–37. BOSA *regesta*, 1:73 no. 181 [19 February 1295]. Rano, “Documentazione lucchese,” 249 n. 189.

51 Thomas Andrei, bishop of Pistoia, 1286–1303; see Eubel, *Hierarchia mediaevalia*, 1:400.

52 A version of this text, dated “anno undecimo,” appears in BOESA, *periodus formationis*, 93 no. 114.

bullatas non abolitas et non cancellatas Vnde hoc Exemplum sumptum est vidi et legi et ipsas superius de verbo ad verbum nil adens vel minuens quod sensum mittet vel variet sensum fideliter transcripsi et exemplui ac coram prefato domino pistoriensi Episcopo abcultantibus et videntibus infrascriptis Ranexi ardouini et Ranexio astuldi notariis Easdem litteras diligenter auscultauit Et quia per me Lapum rite [fol. 96r] ac fideliter exemplatas inueni. Ideoque de mandato et auctoritate supradicti domini episcopi etiam a dicto fratre Daniello rogatus me subscribi et signum meum apposui in testimonium premissorum auctoritate pistorie in palatio Episcopali presente domino Arnuldo plebano plebis Sancti Andree Pistorie et domino Tictio plebano plebis de laiatico tertii regionis sub⁵³ A. D. Natiuitatis M^o cclxxxx^o Indictione tertia die xvi Mensis Aprilis.

Ego Ranerius Ardouini de Sancto Geminiano auctoritate imperiali notarius publicus litteras apostolicas vera papali bulla plumbeo cum filo canapino bullatas non abolitas non cancellatas vnde sumptum fuit exemplum superius per dictum Lapum Notarium suprascriptum vidi et legi et ipsum Exemplum cum suprascriptis litteris vna cum dicto Lapo et Ranerio notariis suprascripto diligenter et fideliter abscultauit et quia facta diligenti⁵⁴ colatione per ipsum Lapum rite et fideliter [fol. 96v] exemplata inueni. Ideoque de mandato et auctoritate predicti domini pistoriensis episcopi me subscripsi et magnum meum apposui in testimonium premissorum Anno mense die et indictione predictis.

Ego Ranerius condam astoldi Iudex ordarius atque Notarius de pistoria litteras apostolicas vera papali bulla plumbeo cum filo canapino bullatas non abolitas et non cancellatas vnde sumptum fuit Exemplum superius per dictum Lapum notarium suprascriptum vidi et Legi et ipsum Exemplum cum suprascriptis litteris vna cum dictis Lapo et Ranerio diligenter et fideliter auscultauit et quia facta diligenti colatione per ipsum Lapum rite exemplata inueni Ideoque de mandato et auctoritate predicti domini piastoriensis episcopi subscripsi et signum meum apposui in testimonium premissorum Anno mense et die suprascriptis.⁵⁵

53 ub *add. sup. lin.*

54 diligenti *corr. ex diligentia.*

55 Rano, "Documentzaione lucchese," 248–49 n. 188.

FOLS. 96V–99R: BONIFACE VIII, *INTER SOLICITUDINES*

[fol. 96v] BONIFATIVS episcopus seruus seruorum dei Dilictis filiis generali et prouincialibus [fol. 97r] prioribus fratrum Eremitarum ordinis Sancti Augustini presentibus e futuris salutem et Apostolicam benedictionem. Inter sollicitudines nostras illa debet esse precipua vt super dominicum gregem—[fol. 98v] Ex quibus a vobis electos presentare debetis ad repulsam prouocetis ipsorum. Nulli ergo . . . Si quis autem . . . Datum lateran. xvii Kalendas februarii Pontif[fol. 99r]catus nostri Anno octauo.⁵⁶

FOLS. 99R–100V: JOHANNES XXII, *ET SI QUIBUSLIBET*

IOANNES episcopus seruus serorum dei Venerabilibus fratribus Archiepiscopo pisano fesulano et uolterano Episcopis Salutem et apostolicam benedictionem. Et si quibuslibet religiosis et personis et locis ex iniuncte nobis seruitutis officio—de verbo ad verbum oporteat in nostris litteris fieri mentionem. Datum Auenione xiii Kalendas Maii Pontificatus nostri Anno primo.⁵⁷

FOLS. 100V–101R: CLEMENT IV, *SUPER HIS QUE PIETATEMI*

[fol. 100v] CLEMENS episcopus seruus seruorum dei Venerabili fratri Episcopo Lucanensi Salutem et apostolicam benedictionem. Super his que pietatem sapiunt et et salutem respiciunt animarum tanto promptum habere te competit—videris construendi ec[fol. 101r]clesiam et et domos ac officinas sibi inibi congruas concedas licentiam sine Iuris preiudicio alieni. Datum Viterbii vii° Idus Iunii Pontificatus nostri anno Secundo.⁵⁸

56 Saak, *Highway to Heaven*, 741–42; Rano, “Documentazione lucchese,” 249–50 n. 190.

57 Cf. “De iudicibus conservatoribus ordinis concessis,” *Analecta augustiniana* 4 (1911–12): 1–2. This version is for the province of Pisa; those in *Analecta augustiniana* are for Rome and France.

58 BOSA *regesta*, 1:37 n. 108 [7 June 1266].

FOL. 101R–V: ALEXANDER DE SANCTO ELPIDIO OESA, *EPISTOLA*

[fol. 101r] Prior Alexander prior generalis ordinis Eremitarum fratrum sancti Augustini. Religiosis viris fratribus Bartolo priori prouinciali pisane prouincie ac prioribus loci de Lucha et loci de Brutia eiusdem ordinis et prouincie Salutem et sinceram In Domino caritatem. Nuper Sanctissimus in Christo et pater et dominus noster dominus Ioannes papa xxii. ex sincera dilectionis affectu quem erga ordinem nostrum et fratres habere donoscitur cupiens et affectans Eundem propter dinini nominis cultum qui tam deuote tam solemniter agitur in Eodem fructuosum et honorabile recipere incrementum suo speciali priuilegio de locis de nouo capiendis dictum ordinem prederauit. Volenter initur nostram prelibatam prouinciam ex uigore prefati priuilegii nobis et ordini indulti prout possumus ampliare tenore presentium vobis et cuilibet vestrum insolidum committimus e mandamus quatuor loco nostri pro or[fol. 101v]dine memorato locis recipere et conuentum Ibidem facere de fratribus nostri ordinis dumtaxat. In ciuitate Lucana in prefata prouincia constituta possitis et etiam debeatis insuper quo ad hec et adea contingentia et dependentia ab eisdem vobis et cuilibet vestrum insolidum committimus vices nostras in predictis taliter vos habentes quod propter retributionum diuine mercedem quam vestre persone debite merebuntur vobis condigne laudes proueniat incrementum. In cuius rei testimonium presentes patentes litteras fieri fecimus et sigilli nostri⁵⁹ munimine roborari. Datum in auinione xi°. die mensis octobris pontificatus domini Ioannis pape xxii. Anno secundo.

FOLS. 101V–102V: CLEMENT IV, *VESTRA DE FACILI*

CLEMENS Episcopus seruus seruorum dei Dilectis filiis potestati consilio et Comuni Lucan. Salutem et apostolicam benedictionem. Vestra de facili ad hoc debet induci sinceritas quod a uobis digne requiritur et pietatis proximum

59 nostri *add. sup. lin.*

esse videtur.—Preces nostras et⁶⁰ mandatum in hac parte taliter impleturi vt priore et fratribus memoratis vos sibi propitius reperisse gaudentibus nos sinceritatem vestram prouide commendare possimus. Datum viterbii x Kalendas Iulii pontificatus nostri anno tertio.⁶¹

FOLS. 102V–104V: HENRICUS DE CARRETTO OFM,⁶² EPISCOPUS
LUCANENSIS, *EPISTOLA*

[fol. 102v] Frater Henricus permissione diuina Episcopus Lucan. Discreto viro Francisco de Casali plebano de sugrumigno vicario nostro. Salutem In domino. Fide Digna relatione Accepimus cum conuentus et loca⁶³ fratrum Eremitarum ordinis Sancti Augustini et Minialium Monasterii sancti Marci posita intra ciuitatem Lucanensem tanta vicinitate fungantur quod eosdem conuentus et loca solus paries separet et disiungat. immo prefatum Monasterium a predicatorum fratrum domibus a pluribus lateribus circumdetur fratres et moniales. Iam dicti cupientes honestati sue salubriter prouidere ac volentes sinistris su[fol. 103r]spicatoribus obuiare. Ille videlicet locum suum dictis fratribus vendere et de pretio participando ex illo alibi monasterium acquirere uel edificare et illi locum ipsum emere pro suo loco ad dei Reuerentia ampliando deliberatione⁶⁴ diligenti prehabita concordarunt comprimittendo Indisretos viros Iohannem del bocella et euichum rapondi mercatores et Ciues Lucanos quibus concesserunt extimandi locum et domos Monialium predictarum et arbitrandi inter eos de pretio potestatem qui huiusmodi potestate receptat extimauerunt domos predictas et locum et de pretio sunt concorditer arbitrate quorum arbitrium tam fratres quam moniales predicti ratum habuerunt et gratum prout constare dicitur

60 et *corr. ex est.*

61 BOSA *regesta*, 1:39 n. 115.

62 Henricus was bishop of Lucca 1300–1323, but long resided in Avignon; see Eubel, *Hierarchia mediaevalia*, 1:313; Christine Meek, “Del Carretto, Enrico,” in *Dizionario Biografico degli Italiani*, vol. 36 (Rome: Istituto della Enciclopedia italiana, 1988), 404–8.

63 loca *corr. ex locum.*

64 deliberatione *corr. ex delliberatidone.*

publicis documentis⁶⁵ super hoc habitis penis pactis et aliis solemnitatibus roboratis. Quare nobis extitit cum Instantia supplicatu vt quod factum fuerat in hac parte approbari et et confirmari nostra auctoritate ordinaria mandaremus et eisdem Monialibus concede de vendendo dictis fratribus [fol. 103v] locum et domos predictas licentiam et liberam facultatem. Nos attendentes si premissa sic se habeant vicinitorum dictorum locorum laicis suspitiosam honestati non congruam et dantem detractoribus materiam obloquendi ac inlure etiam caueatur expresse vt procul esse debeant a Monasteriis monachorum monasteria puellarum tam laudabilis intentionis propositum prosequi cupientes discretion nostre de qua plene confidimus committimus tenore presentium quantum de predictis omnibus inquiras diligentius veritatem inquires etiam diligenter vtrum dicte Moniales sunt vel fuerint de ordine saccorum vel de alio ordine damnata in concilio lugdunensi per Capitulum religionum diuersitatem positum libro sexto quibus perquisitis si inueneris nobis relata veritate falciri nec in aliquot predicto concilio obuiare vel aliis generalibus institutis ad probandi et confirmandi compromissum factum [fol. 104r] in arbitros memoratos et arbitrium latum per eos et quicquid sequentium est ex eis necnon prefatis monialibus locum in dictas domos fratribus predictis vendendi concedendi licentiam locum iam dictum et domos venditione per acta dictis fratribus assignandi eosdem fratres in dictorum loci et domorum corporalem possessionem per te vel alium seu alios inducendi et defendendi inductos contradictores rebelles et impediendes quoscunque per censuram ecclesiasticam compescendi omniaque et singular faciendi que ipsius venditionis et pacifice possessionis merita requirunt et exigent auctoritate nostra ordinaria concedimus plenam et liberam potestatem. Tibi expresius Iniungentes quod diligentius causas vt predictum pretium dictorum Loci et domorum apud personas sufficientes et idoneos facias depositum custodiri curaturus attentius ne dicte moniales ipsum in aliquos alios vsus possint conuertere quam ad alterius loci idonei constructionem uel etiam Emptionem. Hec omnia [fol. 104v] tale impleturus quod quando predictae Moniales sepe nominatum locum venditum uel vendendum exierint non possint aliquantum uagari. In quorum omnium testimonium et

65 prout . . . documentis *add. in marg.*

euidenciam pleniorē presentes litteras fieri Iussimus et nostri Sigilli appensione muniri. Datum Auinione in hospitio habitationis nostre die xxi°. Mensis Martii. Anno natiuitatis domini millesimo trecentesimo vigesimo Inditione tertia Pontificatus Sanctissimi Patris Domini Ioannis pape xxii. Anno quarto.

FOLS. 104v–105r: NICHOLAS IV, *SPLENDOR PATERNE GLORIE*

[fol. 104v] NICOLAUS episcopus seruus seruorum dei vniuersis Christi fidelibus presentes litteras inspecturis Salutem et apostolicam benedictionem. Splendor paterne glorie qui sua mundum illuminat ineffabili claritate pia vota fidelium de clementissima ipsius maiestate sperantium tunc precipue benigno fauore prosquitur cum deuota ipsorum humilitas sanctorum precibus et meritis adiuuatur. Rogamus [fol. 105r] Itaque vniuersitatem vestram et hortamur in domino in remissionem vobis peccaminum iniungentes quatenus ad ecclesiam dilectorum filiorum prioris et conuentus fratrum Eremitarum Lucan. ordinis sancti Augustini imploraturi a domino ueniam delictorum in humilitate spiritus accedatis. Nos enim vt Christi fideles quasi per premia salubriter inuitemus ad merita de omnipotentis dei misericordia et beatorum Petri et Pauli apostolorum eius auctoritate confisi omnibus vere penitentibus et confessis qui dictam ecclesiam In sanctorum Augustini et Columbani confessorum ac beati pauli primi Eremita festiuitatibus et per octo dies festiuitates ipsas immediate sequentes venerabiliter visitauerit annuatim Annum vnum et quadraginta dies de iniunctis sibi penitentiis misericorditer relaxamus. Datum Rome apud Sanctum Mariam maiorem iii Nonas decembris pontificatus nostri Anno quarto.

FOLS. 105r–106r: CLEMENT IV, *SPLENDOR PATERNE GLORIE*

[fol. 105r] CLEMENS episcopus seruus seruorum dei Vniuersis Christi fidelibus presentes litteras [fol. 105v] inspecturis Salutem et apostolicam benedictionem. Splendor paterne glorie qui sua mundum illuminat ineffabili claritate pia vota fidelium—Centum dies [fol. 106r] de iniuncta sibi penitentia mise-

ricorditer relaxamus presentibus post quinquennium minime valiturum. Datum viterbii vi Kalendas Iunii Pontificatus nostri Anno Tertio.⁶⁶

FOLS. 106R–108R: NICHOLAS V, *A SUPREMO PATRE FAMILIAS*

[fol. 106r] NICOLAVS episcopus seruus seruorum dei Dilecto filio Abbati Monasterii Sancti Saluatoris de Sexto extra muros Lucan. Salutem et apostolicam benedictionem. A supremo patre familias In domo domini meritis licet insufficientibus dispensatores effici ecclesiarum et aliorum piorum locorum statim in melius commutari quandoque mandamus prout cause rationabiles persuadent⁶⁷ et id in domino conspirimus salubriter expedire. Sane pro parte dilectorum filiorum Alexandri et Iacobi fratrum filiorum quondam Philippi guidonis de rapondis ciuium Lucanensium nobis nuper exhibita petitio continebat quod licet prefatus guido eorum auus paternus dum viueret quoddam oratorium seu capellam sub vocabulo Sancti Reguli Extra Portam Ciuitatis Lucanensis in contrata Sancti Donati con[fol. 106v]strui et edificari fecerit ac illud nonnullis possessionibus conterraram petiis et comitatu Lucanensi sitis ex pecuniis ipsius Guidonis post eius obitum Iuxta suam Voluntatem emptis pro sustentatione sacerdotum qui ibi diuina officia celebrarent dotauerit. tamen superuenientibus guerris et aliis calamitatibus dictum oratorium et illius edificia penitus destructa sunt adeo quod absque maximis expensis reperari non possent et si tandem reperarentur causantibus. Iterum guerris reperatio ipsa profecto inutilis omnino existeret. Verum si oratorium ipsum omnino supprimeretur ac possessiones et terrarum petie huiusmodi pro dote vnus Capelle in ecclesia domus Sancti Saluatoris in muro lucanensis ordinis fratrum Eremitarum sancti Augustini de nouo construende et edificande pro substentatione illorum qui inibi diuina celebrarent officia applicarentur et assignarentur dicti Ciues capellam ipsam in prefata Ecclesia [fol. 107r] de nouo construe et edificari facerent. Ipsique fratres eiusdem domus missas et officia huiusmodi celebrarent ex

66 BOSA *regesta*, 1:59 no. 114 [27 May 1267].

67 *persuadent corr. ex persuadentur.*

quo cum augment diuini cultus saluti animarum dicti Guidonis et suorum parentum prouideretur. Quare pro parte dictorum ciuium asserentibus oratorium ipsum nemini in titulum perpetui beneficii ab illius fundatione fuisse collatum nobis fuit humiliter supplicatum vt eis in prefata ecclesia vnam capellam sub vocabulo Sancti Reguli de nouo construendi et erigendi licentiam concedere necnon ipsum oratorium penitus et omnino extingui ac possessiones et petias terrarum huiusmodi ipsi Capelle pro illius dote et eorum qui inibi in diuinis deseruient substentatione perpetuo applicari et assignari mandare aliasque in premissis opportune prouidere et de benignitate apostolica dignaremur. Non itaque de expositis huiusmodi supplicationibus inclinati discretion tue per apostolica scripta mandamus [fol. 107v] quatinus si et postquam vocatis qui fuerint euocandi tibi de Expositis eisdem legitime constiterit prefatis Alexandro et Iacobo in eadem ecclesia absque tamen alicuius preiudicio vnam capellam sub vocabulo Sancti Reguli de nouo fundandi et construendi plenam et liberam licentiam auctoritate concedas. Et nihilominus Ipsi Capelle postquam constructa et edificata fuerit vt prefertur possessiones et terrarum petias huiusmodi pro illius dote ac substentatione eorum qui inibu in diuinis deseruierint eadem auctoritate proprio applices et assignes necnon statuas. Et decernas quod ipsa exigenda Capella per fratres dicte domus regi et gubernari ac fratres ipsi in ea prout in eodem oratorio iuxta voluntatem dicti Guidonis annualiter officia proprio celebrare debeant et teneantur. Non obstantibus constitutionibus et ordinationibus apostolicis ceterisque Contrariis quibuscunque prouiso [fol. 108r] quod oratorium ipsum ad prophanos vsus veluti hereditas minime redegetur nec ipsius Guidonis voluntas alias nullatenus defraudetur. Nos enim ex nunc irritum decernimus et inane si secus super hiis a quoquam quauis auctoritate scienter uel ignoranter contigerit attemptari. Datum Rome Apud Sanctum Petrum Anno incarnationis dominice Millesimo quadringentesimo Sexto x Kal. Nouembris Pontificatus nostri Anno Primo.

FOL. 108R–V: PIUS II, *SUPPLICARI NOBIS*

[fol. 108r] Pius papa ii Dilecte filii Salutem et apostolicam benedictionem. Supplicari nobis fecerunt dilecti filii Communitas et populus Ciuitatis luca-

nensis quod cum in eorum ciuitate sit ecclesia Sancti Augustini satis decora et ipsi populo admodum deuota et nihilominus per defectum religiosorum conuentualium qui et pauci sunt in ea et instabiles ac parum curiosi honoris dei et dicte Ecclesie locus [fol. 108v] ipse et eadem ecclesia in omnibus male gubernetur et in pessimum statumbreui redigi dubitetur ac certe conspiciatur. Dignaremur conseruationi dicti loci ac saluti et consolationi animarum ipsius populi opportune prouidere. Iustis itaque et honestis eorum supplicationibus inclinati deuotioni tue presentium tenore mandamus quatenus ecclesiam et locum huiusmodi sub tua gubernatione et regimine debeas acceptare et in eo familiam condescendentem statuere ac ponere ordinis et professionis tue regularis prout tue discretioni videbitur contrariis non obstantibus quibuscunque. Datum Rome apud sanctum Petrum sub annulo piscatoris die x Februarii M cccc lxiii. Pontificatus nostri Anno QVINTo Subscriptio t' de piccolominis. A tergo. Dilecto filio vicario generali prouincie lombardie Eremitarum beati Augustini de obseruantia.

FOLS. 108V–109R: PIUS II, *MEMINIMUS ALIAS SCRIPSISSE*

[fol. 108v] Pius papa ii Dilicte filii Salutem et apostolicam benedictionem. Meninimus alias [fol. 109r] scripsisse deuotioni tue vt conuentu fratrum Eremitarum ordinis tui Ciuitatis lucenensis ad Regimen et gubernationem tuam recipes ac Inibi fratres obseruantes poneres quod nequaquam hucusque factum extitit cum tu certas excusationis superinde feceris quibus ostendisti non posse add presens id commode facere. Quare nos qui votis dicte Ciuitatis quam peculiari caritate prosequimur annuere optamus eidem deuotioni tue⁶⁸ per presentes litteras committimus et mandamus In virtute sancta obedientie vt si sine magno incomodo potes hoc vltius non differas si minus statuas tempus quod breuius poteris et dicte communitati significes quando Id facere voles nec postea quoquomodo deficias. Datum Tibure sub annulo piscatoris Die xix Iulii Mcccclxiii⁶⁹ Pontificatus nostri Anno quinto:– Subscriptio t' de

68 The “ue” in “tue” provided in another hand.

69 Mxxxxlxiii *add. in marg.*

piccolominis. A Tergo. Dilecto filio vicario generali Congregationis lombardie ordinis Eremitarum s. Augustini de obseruantia.

FOLS. 109V–110R: PIUS II, *MANDAUMUS ALIAS*

[fol. 109v] Pius papa ii. Dilecte filii Salutem et apostolicam benedictionem. Mandaumus alias per nostras literas deuotioni tue In virtute sancte obedientie ut Conuentum Sancti Augustini lucensis ad regularem obseruationem reducers et sub cura et gubernatione tua reciperes et retineres scriberesque comunitati illius Ciuitatis que hoc plurimum fieri exoptat quando id facere velles. verum quia vt nuper facti sumus certiores hucusque nequaquam mandato et commissioni nostre obtemporasti de quo satis miramur. Ea propter eidem deuotioni tue per presentes committimus et mandamus ut⁷⁰ sub pena Excommunicationis late sententie locum predictum vna cum aliis locis per generales ordinis tui solites regui et gubernari sub cura et gubernio tuo accipias et teneas et locum ipsum ad regularem obseruantiam reduces prout alias tibi scripsimus omni dilatione et excusatione postposita. Datum Rome Apud Sanctum Petrum sub annulo piscatoris die ii Nouembris Mcccc lxiii pontificatus nostri Anno vi^o. [fol. 110r] Subscriptio. t' de piccolo-minis. A tergo. Dilecto filio generali vicario ordinis fratrum Heremitarum sancti Augustini lombardie de obseruantia.

FOL. 110R–V: PIUS II, *SUPPLICATUM NOBIS*

[fol. 110r] Pius papa ii Dilecti filii Salutem et apostolicam benedictionem. Supplicatum nobis fuit pro parte vestra Quod cum ante reformationem istius Monasterii mandato nostro factam de fratribus Conuentualibus ad vos regulares obseruantes Monasterium ipsum et conuentus consueuerit quotannis soluere prouiciali pisano eiudem ordinis nouem ducatos auri ratione visitationis illi incumbentis cui tunc suberat et quam singulis annis facere teneba-

70 ut *sup. lin.*

tur nunc quoque partier eos petit. Idem prouincialis cum tamen cura et gubernation dicti Monasterii ad eum amplius non spectat sed translate sit et pertineat ad vicarium generalem conuentuum reformatorum Eiusdem ordinis propterea dignaremus indemnitati vestre opportune prouidere. Vestris Itaque supplicationibus [fol. 110v] inclinati cum cessante causa visitationis huiusmodi effectus merito solutionis et oneris predicti debeat cessare. Vos et Monasterium ac conuentum vt nostrorum presentium tenore auctoritate apostolica liberamus atque absoluimus ac liberos et absolutos fore post hac et esse decernimus ab onere solutionis dictorum nouem ducatorum Mandantes harum serie dilecto filio presenti et pro tempore existenti prouinciali pisano vestry ordinis et omnibus et aliis singulis quorum interest. Quatenus non audeant nec presumant vos vllatenus molestare in posterum occasione dictorum nouem ducatorum sed decretum ac mandatum hoc nostrum obseruent et ab aliis faciant iniolabiliter obseruari constitutionibus et ordinationibus apostolicis dicti ordinis et ceteris Contrariis non obstantibus quibuscunque. Datum Senis Sub annulo piscatoris die xvi Martii M cccc lxiiii pontificatus nostri Anno Sexto. Subscriptio. t' de Piccolominis A tergo. Dilectis filiis priori et Conuentui Monsterii Eremitarum Sancti Augustini Lucen.

FOLS. 111R–115R: NOTARIAL ATTESTATIONS

[fol. 111r] Quas quidem literas sic vt premittitur transumptas et exemplatas ad publicas et autenticas literas preinsertas singulas singulis congrue referendo. Et coram nobis per antedictum et insertum Ser Mattheum ad requisitionem et instantiam prefati Veneralis viri fratris Antonii prioris antedicti insinuatatas et presentatas vna cum prefato Ser Mattheum et insertis Egregiis viris Ser Benedicto de franciottis Ser Baptista olim siluestro de Castrucen. Et Ser Michaele olim Ianini de mommio Notariis publicis et autenticis Cum suis propriis originalibus diligenter ausculauimus Et quia per diligentem vidimus et cognouimus dicta transumpta et exempla Cum suis propriis originalibus et autenticis concordari nil adito vel diminuto aut mutata quod sensum mutet aut variet intellectum. Ideo ad ipsorum transumptorum perpetuam fidem adhibeatur et adhiberi valeat In iudicio et extra vbique locorum auctoritem nostram et que fugimur [fol. 111v] virtute dicti nostri vicariatus

officii interposituimus ac per presentes interponimus et decretum illasque per ipsum Ser Mattheum et alios insertos notarios in forma talibus Consuetas subscribi et signari nostrique soliti Sigilli Iussimus et fecimus appensione communiri.

Datum et actum Luce in Episcopali palatio in Camera Suprascripti Domini Vicarii Coram et presentibus Venerabilibus viris fratre Francisco Samliano diocesis Taurinensis ordinis Eremitarum Sancti Augustini Presbitero Mariano Marci de Torciglano et Benedicto vannini de burgo buzani textes ad predicta omnia et singula vocatis adhibitis atque rogatis Anno natiuitatis domini Millesimo quingentesimo sexto Indictione Octaua stilo luce die uero Iouis xv mensis Ianuarii.

Et ego Mattheus quondam Ioannis Antonioli de Camera luce cuius publicus imperiali auctoritate notarius Iudexque ordinarius necnon prefati Reuerendi domini vicarii et Iudicis ac Curie Episcopalis luce scribe quia preinsertas literas vt supra transumptas in earum propriis originalibus [fol. 112r] cum bullis et sigillis de quibus supra sit mentio Vidi legi tetigi et palpau. Ac dicta exempla et transumpta ad requisitionem et instantiam prefati reuerendi patris virique religiosi ac sacre Theologie professoris fratris Antonii de meliis cremensis et de presenti conuentus Sancti Augustini de luca ordinis predicti prioris bene meriti prefato Reuerendo patri domino Georgio de franciotis de luca Reuerendissimi domini domini Galliotti miseratione diuina tituli Sancti Petri ad Vincula presbiteri Cardinalis Et Episcopi Luce in spiritualibus et temporalibus vicario generali insinuau et presentau. Illaque omnia et singula ad sua propria originalia et autentice literas predictas singula uel singulis⁷¹ congrue referendo bullatas et sigillatas ac signatas vt supra atque integras et in aliquo non vitatas et omni suspitione penitus carentes in presentia ipsius domini vicarii et Iudicis vna cum inscriptis Ser Benedicto, Ser Baptista, Ser Michaele notariis publicis et autentice diligenter auscultau. Et quia per diligentem collationibus hu[fol. 112v]iusmodi sumpta predicta cum suis propriis originalibus et autentice literaris predictis singula singulis referendo nil adito vel diminuto aut mutato quod sensum mutet aut variet Intellectum concordare Inueni. Ideo

71 uel singulis *sup. lin.*

ad ipsius transumpti seu transumptorum perpetuam fidem et testimonium et vt ipsis transumptis de cetero vbique lororum et tamquin In iudicio quam extra fides plenaria adhiberi valeat. hic me propria manu de Mandato prefati Reuerendi domini vicarii et Iudicis [*in marg.* ordinarii subscripsi meisque solitis signo et nomine una cum prefati domini Vicarii et Iudicis] soliti signi appensione muniui signum et publicaui.

Ego Michael quondam Ioannis Jannini de mommio⁷² et Luce Cuius publicus apostolica et imperiali auctoritatibe notarius Iudexque ordinarius quia preinsertas literas vt supra transumptas et registratas in eorum propriis originalibus autenticis bullatis signatis et sigillatis cum bullis et sigillis de quibus supra fit mentio singula singulis congrue referendo sanas siquidem et integras non viciatas non abrasas non cancellatas nec in qua [fol. 113r] sui parte suspectas Seu vt in eis prima facie apparebit⁷³ omni propus vivo et suspicione Carentes Vidi legi tetigi et palpauit ad quas literas autenticas bullatas sigillatas et signatas vt supra dicta transumpta in presentia prefati Reuerendi Domini Vicarii Reuerendissimi domini domini lucenis episcopi in spiritualibus et temporalibus Iudicis ordinarii vna cum suprascripto Ser Mattheo iunctis Ser Benedicto et Ser Baptista notariis publicis maioribus meis honorabilibus et in presentia suprascriptorum testium fideliter et diligenter contuli et ascoltaui. Et quia per eandem collationem predicta transumpta cum suis propriis originalibus signula referendo singulis nil adito uel diminuto quod sensum muter aut variet intellectum inuicem concordare inueni. Ideo ad ipsorum transumptorum sicut premittitur coram prefato domino Vicario et Iudice insinuatorum et in cuius presentia auscultorum perpetuam memoriam. Et vt ipsis transumptis in Iudicio extra plena et indubitata fides adhiberi possit ac de mandato ipsius Domini [fol. 113v] vicarii et Iudicis me propria manu subscripsi meis solitis signis et nomine vna cum eiusdem domini vicarii et Iudicis soliti appensione sigilli muniui signaui et publicaui ad fidem robur et testimonium omnium et singulorum premissorum rogatus et requisitus:-

72 For a document Michael executed tied to S. Agostino, see <http://www.archiviodistatoinlucca.beniculturali.it/ips/nodes/810692?open=%2FD%5B01%5D%2FD%5B01%5DD%5B01%5D%2FD%5B01%5DD%5B01%5DD%5B001%5D%2F&tab=Diplomatico>.

73 apparebit *corr. ex* appareit.

Et ego Benedictus quondam ser Ioannis Petri de francionibus lucensis Ciuis publicus apostolica et Imperiali auctoritate notarius et Iudex ordinarius quia preinsertas literas vt supra transumptas et iin eorum propriis originalibus autenticis bullatis et signatis cum bullis et sigillis de quibus fit mentio singulas singulis referendo Sanas et Integras nec in aliqua sui parte suspectas sed omni prorsus vitio et suspitione carentes vt In earum prima facie apparebit vidi legi audiui tetigi et palpauit ad quas literas vt supra dicta transumpta in presentia prefati Reuerendi domini Vicarii Reuerendissimi Domini Cardinalis et Episcopi Lucensis ac Iudicis ordinarii [fol. 114r] vna cum suprascriptis egregiis viris ser Mattheo et ser Michaele et Iuncto ser Baptista notariis publicis honorabilibus et in presentia suprascriptorum testium fideliter et diligenter contuli et auscultauit ac ausculari vidi et audiui et tandem per diligentem collationem predicta transumpta cum dictis originalibus singula singulis congrue referendo concordare vidi et audiui. Ideo ad ipsorum transumptorum sic vt premittitur insinuatorum et in presentia dicti domini vicarii et Iudicis auscultatorum et insinuatorum perpetuam memoriam. Et vt ipsi transumptis in iudicio et extra plena et indubitata fides adhiberi possit et de mandato ipsius domini Vicarii et Iudicis hic propria manu suscripsi meisque solitis signo et nomine vna cum ipsius domini vicarii et Iudicis soliti sigilli appensione signauit rogatus et requisitus a supradictis de priore vt supra In fidem et testimonium omnium et singulorum premissorum:—

[fol. 114v] Ego Baptista quondam Siluestri de Castruciis de Lucha publicus imperiali auctoritate notarius Iudexque ordinarius quia preinsertas literas vt supra transumptas et registratas in eorum propriis originalibus autenticis bullatis et signatis de quibus supra fit mentio singula singulis referendo singula sanas et Integras nec in aliqua earum per parte suspectas sed in omni prorsus vitio et suspitione carentes vt in earum prima facie apparebat vidi et legi et legi audiui et palpauit as quas litteras vt supra dicta transumpta in presentia Reuerendi domini vicarii Reuerendissimi domini d. Cardinalis Sancti Petri ad Vincula Episcopi Lucensis ac Iudicis ordinarii vna cum suprascriptis Egregii viris ser Mattheo ser Michaele et ser Benedicto notariis publicis et in presentia suprascriptorum testium fideliter et diligenter contuli et auscultauit et auscultando vidi et audiui Et tandem per diligentem collationem predicta transumpta cum dictis originalibus sin-

gula singulis congrue referendo concordari vidi et audiui. Ideo ad ipsorum [fol. 115r] transumptorum sic vt premittitur insinuatorum in presentia dicti domini vicarii et Iudicis ordinarii auscultatorum et insinuatorum perpetuam memoriam et vt ipsis transumptis in Iudicio et extra plena et indubitata fides adhiberi possit et de mandato Ipsius domini vicarii et Iudicis hic propria manu subscripsi meisque solitis signo et nomine vna cum ipsius d. vicarii et Iudicis soliti sigilli appensione signaui Rogatus et requisitus a suprascripto d. Priore ut supra in fidem Et testimonium et singulorum premissorum omnium.

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