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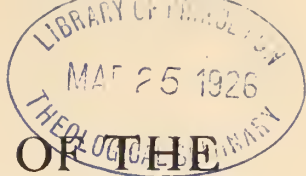
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THE CONSTITUTION OF THE DOMINICAN ORDER

1216 to 1360

BY

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TO
V. H. G.
J. M. G.
J. H. G.

PREFACE.

While writing this book I have met with much kindness. I should like to thank Dr. Ernest Barker, Miss A. E. Levett, Mr. Robin Flower, Professor Laistner, Miss Rose Graham, and Miss E. J. Sanders for help at various stages and in various ways. Professor Tout, Mr. A. G. Little and Father Bede Jarrett, O.P., have read the book in proof, and in each case I have received valuable criticism, both of details and of the book as a whole, for which I am very grateful. Mr. McKechnie has piloted the book through the Press with the maximum of patience and helpfulness.

G. R. GALBRAITH.

August, 1925.

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ABBREVIATIONS.¹

- Constitutiones*=*Constitutiones Fratrum S. Ordinis Predicatorum*, Paris, 1886.
 A.L.K.G.=*Archiv für Litteratur-und Kirchengeschichte des Mittelalters*, ed. H. Denifle and F. Ehrle, S.J.
 M.O.P.H.=*Monumenta Ordinis Fratrum Predicatorum Historica*, ed. B. M. Reichert, O.P., Rome, 1897 *et seq.*
 I.=Gerard de Fracheto.*²
 II.=Galvagnus de la Flamma.*
 III.=*Acta capitulorum generalium* 1220—1303.
 IV.=*Acta capitulorum generalium* 1304—1378.
 V.=*Litteræ Encyclicæ Magistrorum Generalium*.
 VI.=*Raymundia*.
 VII.=*Chronica et Chronicorum excerpta*.
 Douais=*Acta capitulorum provincialium*, ed. Mgr. C. Douais.
 Humbert=Humbert de Romans, *Opera de Vita Regulari*.
Acta SS.=*Acta Sanctorum*, Bollandist.
Bull. Ord. Pred.=*Bullarium ordinis predicatorum*, ed. F. T. Ripoll and A. Bremond.
 Martène=*De antiquis ecclesiæ ritibus*, ed. E. Martène. Vol. iii only.

1. For fuller details as to editions, etc., see Bibliography.

2. The usual difficulty of representing mediæval proper names is augmented in the case of the Dominicans by the fact that it is seldom possible to decide what nationality any friar was. The following convention has been followed. The Christian names have been Anglicised; the place names have been modernised; the Latin *de* has been represented by "of," but it is not intended to convey that the man necessarily came from or belonged to that place. Where it has been found impossible to identify the place-name, or translate the Christian name, or both, the name is given in the form in which it is found, and is starred, *e.g.*, Gerard de Fracheto, Galvagnus de la Flamma, p. 3, Sancho de Arcubus, p. 170, Bellus homo, p. 267.

INTRODUCTION.

The Order of St. Dominic is famous for many things. Nevertheless its chief title to fame is comparatively unknown; namely that in the thirteenth century it produced and lived according to a constitution which was efficient, intricate, and surprisingly *modern*. In this essay an attempt is made to describe this constitution and to give a picture of it as it actually worked.¹

The material available for such a study consists of documents of three types. There are what are called the *constitutiones*. The Friars Preachers were canons and lived according to the Rule of St. Augustine. The exhortatory nature of this Rule making it necessary to supplement it, the *constitutiones* were drawn up. They were based on the Institutions of Prémontré, and are divided into two parts, each part in its turn being made up of several sections; the first part concerned with matters connected with the daily life, such as fasts; the second with the government of the Order. The *constitutiones* were easily modified; any addition, deletion, or alteration passed by three successive annual general chapters immediately took effect. Thus the *constitutiones* changed almost every year. Versions written at various dates have survived. Denifle has printed² those of the years 1228 and 1256. Additional Manuscript 23,935 in the British Museum contains two more. The first, dated 1260, was so near in date to the second of Denifle's and therefore resembled it so closely that it was not considered necessary to print it. The second, written between 1358 and 1363, is printed here as Appendix ii. A detailed comparison of these four versions, together with the

1. By far the best modern work on this subject is P. F. Mandonnet, O.P.'s article on the *Order of Preachers* in the *Catholic Encyclopedia*. See also Bede Jarrett, O.P., *The English Dominicans*, E. Barker, *The Dominican Order and Convocation*, and M. Heimbacher, *Die Orden und Kongregationen der katholischen Kirche*.

2. For all printed sources mentioned see the Bibliography.

Institutions of Prémontré, has been made and is the basis of this essay.

The Order as a whole was governed by the general chapter, and each province by its own provincial chapter; each of these bodies met annually, and each kept records, which were called *acta*. These *acta* represented not the discussions but the final decisions reached. The *acta* of the general chapter exist in a continuous series from 1220 onwards, and are, as far as one can judge, complete, with the exception of those of the very earliest chapters. They have been printed by Father Reichert, O.P. Each province had a provincial chapter, but only the *acta* of certain provinces have survived. For example, not a scrap of those of the English province has so far been found. The province of Provence, on the other hand, thanks to the care of Friar Bernard Gui, has a fine series running in an unbroken sequence from 1230 to 1302. These appear to be complete. They have been printed by Mgr. Douais, who, in the same volume, has also printed what remained of the *acta* of the provinces of Rome and Spain in the thirteenth century. The *acta* of the former province, although not including many of the items found in those of the province of Provence, would seem to be complete for the years 1243 to 1302. Of the *acta* of the provincial chapter of Spain there only remain examples from certain isolated years.

The co-existence of these two types of documents, the *constitutiones* and the *acta*, enables the student of the government of the Dominican Order to test the one by the other. The method followed throughout this essay has been in the first place to discover what was the rule about any given matter in the earliest *constitutiones*, then to show what changes were made down to the year 1360, and finally, whenever possible, to examine how these rules were carried out in the general and provincial chapters. Thus, through the happy survival of these three wholly independent sources, it has often been possible to throw light on questions which otherwise would have remained obscure.

What has been called the third type of document consists really of a variety of more or less contemporary works, chronicles, early histories of the Order, diplomatic documents,

and instructions drawn up for the use of officials. By far the most important of these is the *Instructiones de Officiis Ordinis* written by Humbert of Romans, fifth Master-general of the Order. The motive which inspired this work was a desire to teach newly-elected officers of all ranks, from master-general to sub-prior, to do their duty efficiently. Except for an introductory chapter, which groups the officers into classes, there is very little theorizing but a great deal of practical advice. The book is divided into sections, each dealing with the duties and difficulties of a particular type of official. It has proved extremely valuable, especially for subjects such as the duties and powers of the conventual prior, about which very little is said in the *constitutiones*.

To Bernard Gui, a friar of the province of Provence, the student of Dominican history owes a great debt. He collected at the beginning of the fourteenth century all the *acta* he could find of the Provençal chapter, and it was his manuscript which Mgr. Douais has printed. Besides this, Bernard Gui also drew up a descriptive list of the masters-general, a list of the provinces and houses, and further, he wrote a brief history of the Order. These three works are a gold mine for reliable facts, and are all the more valuable, as, from the nature of the subject, the chronicles do not yield much, though in some cases they can be used to check Bernard Gui. The chroniclers' chief contribution is to be found in anecdotes, written for some quite other purpose, which illustrate the working of the *constitutiones*. There are two chroniclers, both friars, one of whom, Gerard de Fracheto,* lived and wrote in the thirteenth century; the other, Galvagnus de la Flamma,* in the fourteenth, whose work has proved useful. Gerard de Fracheto,* a friar of the province of Provence, who entered the Order in 1225 and died in 1271, wrote a book called the *Vitæ Fratrum* and also two chronicles.¹ The *Vitæ* contain a great deal of matter which is beside the point, but the stories told give a good idea of the ideals of the Order during Friar Gerard's life. His chronicles are exceedingly valuable for the early years of the Order. There is yet another chronicle, the so-called *chronica*

1. See Introductions to *M.O.P.H.*, i and vii.

Fr. Gerardi de Fracheto edited by Father Reichert, which follows those mentioned above very closely down to 1254, and has a continuation to the year 1496. Galvagnus de la Flamma* also wrote a chronicle which has been edited by Father Reichert. Galvagnus* was a Milanese by birth and joined the convent of Preachers in his native place. He was born in 1283 and died about 1340. He wrote some time after 1333. This chronicle is full for the early years of the Order, but for this period it has to be received with considerable caution. It is useful for the early years of the fourteenth century.

In addition to these sources the only other specifically Dominican documents which have been used are the Encyclical letters issued annually by the various masters-general, and the collection of Bulls sent to members of the Order, or to other people relating to the Order's affairs, collected by T. Ripoll and A. Bremond. The latter collection, which would be indispensable for an examination of the relations of the Order with the outer world, as for example with the bishops or parish priests, has not proved very rich in material for this essay.

The Order of St. Dominic has interested students far less than that of St. Francis, and there are still many sides of Dominican life in the middle ages about which comparatively little is known. As this essay proceeded, enticing avenues opened on the one side or the other down which it would have been pleasant to stray. The fact, however, that a detailed examination of the government of the Order was as much as could be undertaken at the moment, and a desire to make this essay to some extent a unity, made it impossible to digress. Thus no apology is offered for the avoidance of such subjects as the curriculum in Dominican schools, the relations between the Dominican houses of study and the universities of Oxford and Paris, and the influence of the Friars Preachers on politics. These matters have no direct bearing on the governmental machinery of the Order and, therefore, no mention of them is to be found here. This essay, in short, is an attempt to answer two questions. In the first place, how much of the *constitutiones* of 1228, that is those drawn up under the direct influence of St. Dominic, is original? Secondly, in the century

and a half which elapsed between the foundation of the Order and the 1360 version, was there any change or development in the *constitutiones* and, if so, in what direction?

It now remains to justify the claim, that has been made, that the constitution of the Order of Preachers was something truly remarkable for its age. In the first place, let us examine the position of the officers. Every officer of any importance was elected by the representatives of the community over which he was to rule. His tenure of office was, with the exception of the master-general, never regarded as for more than a term of years. When he laid down his office he returned to his normal work and position, just as if he had never held office at all. In other words, there was an absolute equality between all professed friars. Precedence was taken according to seniority of profession, but as far as one can judge, ability alone gave promotion and fame. The officer was answerable in a very real sense to the chapter which elected him and to the chapter above him. Both these bodies could and did punish and depose officers with whose work they were not satisfied.

These chapters are themselves noteworthy. The general and provincial chapters were composed in the main of elected members. The elections were carried out on the most elaborate system, a system especially devised to ensure that the real wishes of the constituents should be ascertained. It was this mature system of representation which led Dr. Barker to postulate the influence of the Dominican organisation on the growth of Parliament. It will be found that the present work does not settle the question one way or the other, but it must be pointed out that it is curious that, if the *constitutiones* of the Order of Preachers affected Parliament at all, they affected it so slightly, and that this one feature and no other was adopted.

Many of the characteristics of the Dominican *constitutiones* are to be found in the charters of foundation of other Orders, but habit and the example of the older Orders was too strong. The would-be progressive rules remained a dead letter. For example, the idea which underlay the inception of regular canons had been that these priests should serve the people

while living a common life. Very soon they became as monks living apart from the world. The *constitutiones* of the Order of Preachers on the other hand were obeyed, and during the thirteenth and fourteenth centuries at least, were a living, because a growing and changing body of legislation. Or to take another aspect of the same question, it can be shown that throughout the middle ages the great problem which faced the monastic world was that of centralisation. The independence of the primitive Benedictine house and the growth of local feeling were only two of the forces which fought against this movement. Cluny, Cîteaux, Prémontré—each of them represents an effort towards a central control over scattered units. It is not unfair to say that in each of these cases their failure was more marked than their success. The thirteenth century, which saw in the state the rise of a complex administrative machine, produced the Order of Preachers. This Order achieved centralisation.

Dominic de Guzman was a saint, and further, one with a great fund of common-sense. He was inspired with a burning desire to win back heretics to the Church. He went about this mission with great wisdom. He wanted to organise a company of preachers, a body of men amply fitted to meet the Albigensians on their own ground. Everything, therefore, was to be made of secondary importance compared to the preparation of these missionaries, by study and technical training, to become first-rate preachers. St. Dominic quashed at the outset the current monastic conception that it was necessary for the good of the monk or friar himself that he should do so much manual work each day. This he regarded as merely so much waste of time. His preachers were specialists. Further, from the very beginning he adopted the practice, used in certain other Orders, of having *conversi* or lay-brothers to do all the domestic work. There is no doubt that the effect of this on the efficiency of the Order must have been incalculable. Similarly, there is reason to believe that at the chapter, at which it was decided to adopt complete poverty, St. Dominic proposed, as an alternative scheme, that the administration of all the property belonging to the Order as a whole and to individual houses should be administered

by *conversi*. There is much to be said on both sides, but it is possible that, if this scheme had been followed, the friars would have been doubly free; free from the pre-occupations of poverty, and at the same time free from any interest in wealth. Again St. Dominic decided that the services in the church, which took up so large a part of a monk's day, should be said rapidly. These instances merely serve to emphasize the general principle, already set out, that the Founder of the Order of Preachers was not primarily interested in the souls of his followers. As in Martini's picture in the Spanish chapel he thought of them as dogs—dogs to drive back into the fold those sheep who were wandering to destruction. To be consumed by a noble impatience, to create an efficient machine; so to impose your conception on the minds of your followers that generation after generation merely amplifies your original plan—is a great achievement. The keynote of the Order of Preachers, its life, its government, and its history, is to be found in the prologue to the *constitutiones* drawn up by St. Dominic. *Cum ordo noster specialiter ob predicationem et animarum salutem ab initio noscatur institutus fuisse, et studium nostrum ad hoc principaliter ardentemque summo opere debeat intendere ut proximorum animabus possimus utiles esse.*

CHAPTER I.

THE ANCESTRY OF THE DOMINICAN CONSTITUTIONS.

THE modern craze for originality betrays many biographers into understating the indebtedness of their hero to his time. St. Dominic did not invent the *constitutiones* he gave to his Order of Preachers. It is the use he made of what he borrowed which is noteworthy. An attempt is made, therefore, to describe the sources whence St. Dominic drew his code of laws, so that his modifications of his originals may be more easily seen. In the first place a brief account is given of the current monastic constitutional theory and practice up to the end of the twelfth century, including the institutions of Prémontré, which St. Dominic took as his model, and secondly, of the events of St. Dominic's life. An examination of monastic constitutional history down to the early thirteenth century reveals two outstanding facts. In the first place there was distinct development. As in the secular world at the same time the change was from political isolation and primitive governmental institutions to centralization, a strong executive, and a highly developed machine. The contrast between the administration of Charles the Great and that of Edward I is no more marked than the difference between the government of a Benedictine monastery, prior to the rise of Cluny, and that of the Order of Preachers at the end of the thirteenth century.

Corporations are notoriously conservative, and startling innovations are not as a rule introduced in already established bodies. This general remark is true of the development of the constitutions of religious Orders. Thus it is to the new Orders, which from time to time throughout the middle ages were founded in an endeavour to raise the standard and to return to the early fervour, that one must look for constitutional novelties. Cluny, for example, introduced the system

of general chapters. It is of the very greatest importance to realize, and this is the second fact it is desired to emphasize, that, though these new Orders introduced the novelties, the already-established corporations did not remain in their primitive state. The parent stock, whence the new Order had sprung, was in its turn modified by the ideas and practices of its offspring. Thus, while it is possible to say that such an Order introduced the system of monastic visitation, the appearance of such a system a few years later in the older Orders is not to be wondered at. For example, Hugh V, who became Abbot of Cluny in 1199, borrowed from Cîteaux the practice of an inspection of the mother-house. Cluny was to be visited once a year by two abbots and two priors.¹ By the end of the twelfth century indeed, the difference between the constitutional practices in the various Orders is not great. Hence to determine the contribution which each group of religious made to the constitutional development of monasticism as a whole, it is best to examine the Customs, Institutions, or Constitutions, as they were variously called, drawn up during the first years of the new Order's existence. The residue which is left, when what is known to have already been practised has been subtracted, can be called the peculiarity of that Order. This system has been adopted in the following survey.

For the purpose of this essay the history of monasticism may be taken to begin at the end of the sixth century with the work of Gregory the Great. By that time the Rule of St. Benedict, though by no means the only monastic rule followed in Europe, was well on the way towards becoming *the* monastic rule *par excellence*. The chief constitutional characteristics of this rule were the absolutism of the abbot, and the complete independence and isolation of each Benedictine house from every other. The Benedictines, according to an eminent abbot, were not in the strict sense of the word an Order at all.² The ancient Benedictine house, that is one

1. Rose Graham, *The relation of Cluny to some other movements of Monastic reform*, 195.

2. Cuthbert Butler, *Benedictine Monachism*, 200 seq. See also *Regula S. Benedicti*, ed. Woefflin, 15.

quite uninfluenced by Cluniac reforms, presents the greatest possible contrast to the Order of Friars Preachers. Within the monastery the abbot was supreme. Further, the monastery had no connection with any other house, so there were no external relations to be regulated. A new Benedictine house was founded by sending out a group of monks from some old monastery; but the new monastery, once founded, was quite independent of the old one.

Certain monks from the monastery of St. Martin's at Marmoutier in Touraine came, at the command of William the Conqueror, to start his new abbey of Battle,¹ but the St. Martin's in Touraine did not regard the St. Martin's in Sussex as its daughter-house, nor did its abbot claim any control in the matter of the abbot of Battle's election. This general and categorical statement about Benedictine houses will immediately call to the mind of any student of English history numerous examples to controvert it. English Benedictine houses, such as St. Alban's or Gloucester, had many dependent cells or priories attached to them. In some cases rich benefactors founded these and then handed them over to the care of the abbey. In others the abbey itself sent out a body of monks to form a new community.

The Abbey of St. Alban's furnishes examples of both types of foundation. Robert Mowbray, who had been made Earl of Northumberland by William the Conqueror, brought Black Monks from St. Albans and placed them in the church at Tynemouth, which cell became one of the richest belonging to the Abbey. It was under the control of the Abbot of St. Albans, but the discussions about the exact limits of his power were acrimonious and frequent. On the other hand, Abbot Paul, who took up his duties in 1077,² founded *de motu suo* a cell at Wallingford on new lands acquired by the Abbey. The fact that St. Alban's ruled more or less directly a number of dependent cells and priories does not prove that what has been said above about the independence and isolation of the original Benedictine house is untrue, but is an excellent example of the influence of a new on an old order. The

1. Tanner, *Notitia Monastica*, ed. Nasmith.

2. *Gesta Abbatum Monasterii Sancti Albani*. (Rolls Series.) i., 56.

primitive Benedictine monastery can then be regarded as at one end of the scale of constitutional development, the Order of St. Dominic at the other. The object of this section, therefore, is to show the movement of the thought and practice of the day away from one extreme to the other.

The first modification¹ of the simple Benedictine plan was brought about by what is called the Cluniac movement.² The pious founder of the Abbey of Cluny had nothing further from his mind than to improve or alter St. Benedict's scheme. His cry, as that of every other monastic reformer during the middle ages, was a return to the strict observance of St. Benedict's Rule. What he, or rather the succession of great and masterful abbots, accomplished was to build up a vast association of houses which spread over the whole of Europe, and which looked to Cluny as their head. The reasons for this growth are not far to seek. The stricter life at Cluny, compared to the lax observance of the Rule as seen in most of the houses, attracted a large number of novices.³ It was obviously impossible for all to remain monks of Cluny. Further, it was the fashion in the eleventh century for a pious layman, who founded a house, to put it under the control of the Abbot of Cluny.⁴ Hence Cluny was constantly sending out groups of monks to found priories. These remained under the direct control of Cluny, the prior being appointed and deposed, if necessary, by the abbot. Also a great many houses already in existence applied to Cluny to be reformed,⁵ some of them remaining permanently under the control of the Abbot.⁶ Some, as for example the Abbey of Fleury, had no permanent connection with Cluny and were independent centres of reform. They in their turn controlled dependent houses. This resulted in Cluny becoming the corner-stone of

1. The reforms of Benedict of Aniane under Louis the Pious foreshadowed in many ways the Cluniac movement. They were, however, more limited both in extent and in time. See *Mediæval England*, 348.

2. Rose Graham, *op. cit.*

3. In 931 John XI granted a bill giving monks, belonging to houses where the Rule was laxly observed, the right to pass over to Cluny. Migne, *Patrologia latina*, 132, 1055.

4. e.g., The priory of Lewes, founded by Earl William de Warrenne in 1078.

5. e.g., The Abbey of Fleury, The Abbey of Farfa, etc.

6. Romainmôtier. Charlieu.

a huge building. At the end of the abbacy of Hugh (1109) the number of dependent houses was two thousand.¹

The Abbot of Cluny endeavoured personally to supervise all these houses. It has been truly said that the abbots Odo, Maiolus, Odilo and Hugh would seem to have had the gift of ubiquity.² It is certain that they introduced the practice of visitation by a monastic superior. The supremacy of Cluny was further emphasized by the general chapters,³ held at Cluny, at which the heads of all dependent houses, whether abbots or priors, were bound to be present. It is possible to establish the existence of these chapters from the abbacy of Odilo (994—1049), but there is no sign of their becoming regularized until the beginning of the thirteenth century.⁴ Cluny's contribution to the development of monastic constitutions was twofold; the system of dependent houses, and the practice of monastic visitation.

By the end of the eleventh century Cluny was too much interested in this world to be an inspiration to those who wished to live a religious life. Consequently, many new monasteries were founded, independent of Cluny, in which the life was more austere. Among these was the Abbey of Cîteaux, founded by Robert of Molême and a little band of followers in 1098. Like Cluny, this house founded many daughter houses. Amongst these the most famous was Clairvaux, founded by St. Bernard in 1115. For our purpose, however, the most notable Cistercian was Stephen Harding, the second Abbot of Cîteaux, who may be said in his *Carta Caritatis*, which was confirmed by Calixtus II in 1119, to have formed the Cistercians into an Order. The *Carta Caritatis*⁵

1. Dom Berlière, *L'Ordre Monastique*. E. Sackur, *Die Cluniacenser in ihrer kirchlichen und allgemeineschichtlichen Wirksamkeit bis zur Mittel des elften Jahrhunderts*.

2. Lavissee, *Histoire de France*, ii, part ii, 127.

3. All the members of the Cluniac general chapter, like those of the Dominican general chapter, were called *diffinitores*. Later there was a small inner committee, but there was no trace of this till the late thirteenth century. Besse, *L'ordre de Cluni et son gouvernement*. Then it may well have been due to the influence of the Order of Preachers.

4. Lavissee, *op. cit.*, 128.

5. Ed. Ph. Guignard, *Les Monuments Primitifs de la Règle Cistercienne*, 79 seq.

and the *Liber Usuum*¹ together formed the constitutions of the Order of Cîteaux. The latter are concerned primarily with the saying of the office, and the domestic life of the convent, and are not of any very great constitutional importance. The Charter of Charity, however, bears the stamp of a constructive legislator and deserves a closer examination. It is of special interest in the history of the church as it was the organisation of Cîteaux which Innocent III in 1215 commanded other Orders to copy.

The Charter was divided into a prologue and five chapters. The prologue stated that the Charter had been unanimously accepted by Abbot Stephen and all the other abbots. This shows that from the first Cîteaux had had general chapters of all the abbots, such as Cluny had instituted. The prologue further commanded that the charter was to be observed universally. The first chapter ordained that the same liturgies and offices were to be used throughout the Order, and that all the monasteries were to follow the New Monastery's² interpretation of the Rule of St. Benedict.

The second chapter described the system of visitation.³ Every house was to be visited once a year. The abbot of the mother-house was to visit all the daughter-houses. Cîteaux itself was to be visited by a committee of the abbots of the four chief daughter-houses, La Ferté, Pontigny, Clairvaux and Morimond. Cluny was the direct superior of every dependent house. In the Cistercian Order a monastery was responsible for the houses it founded. The relation between mother- and daughter-abbeyes was close and permanent. While Cluny was like the old woman who lived in a shoe, who had so many children she did not know what to do, the house of Cîteaux was like the founder of any family having descendants to the third, fourth and fifth generations, the number increasing with each stage. Cîteaux itself had no connection with its grandchildren, or its great-grandchildren. It was only concerned with its own children. Though certain houses only were

1. Or *Consuetudines*. Guignard *op cit.* 87 *seq.*

2. *i.e.*, Cîteaux.

3. The Cistercian houses were later divided into provinces for purposes of visitation.

visited by the Abbot of Cîteaux, all Cistercian abbots were expected to come to the annual general chapter held at Cîteaux.

The third chapter of the charter gave rules for the chapter-general. The attendance of the abbots was compulsory. If an abbot could not go, he was to send a substitute with an excuse, which must be a good one. Abbots of some abbeys, however, which were very far away from Cîteaux, were not obliged to come every year, but at fixed intervals settled by the chapter. For example, the fifth distinction of the statutes, collected in 1256,¹ ordained that the abbots of houses in Ireland, Scotland, and Sicily were to come to the general chapter only every fourth year, those of houses in Norway, Greece, Livonia and Syria every fifth year. If an abbot had disobeyed the Rule, or otherwise misbehaved himself, he could be openly accused in the general chapter, but such an accusation must be made by an abbot. In the discussions in the chapter, if the parties were equally divided, the side on which the abbot of Cîteaux voted was to carry the day.

The fourth chapter dealt with the vital question of the election of the abbot. Whenever an abbot of any monastery died, the abbot of its mother-house was to have charge of it until the new abbot was elected. The electors of the abbot were all the monks of the house together with the abbots of all the daughter-houses. This body was presided over by the abbot of the mother-house. The new abbot could be chosen from amongst the monks of the house or from any house within the Order. He was not to be anyone outside the Order. When the Abbot of Cîteaux died, the abbots of the four chief daughter-houses ruled during the interregnum. They, together with the Abbots of Cîteaux's other daughter-houses, and the monks of Cîteaux elected the new abbot.

The fifth and last chapter was called *de correctionibus* and described the method of deposing abbots. Ordinarily, if an abbot asked to be absolved, the abbot of the mother-house was to be very slow to do so and was then to take council with the other abbots. If an abbot was unfit for his post, the abbot

1. *Cistercian Statutes*, ed. J. T. Fowler, 47.

of the mother-house was to admonish him four times. If this failed, a congregation of abbots was to judge him, and in council with the monks of the house to depose him. The Abbot of Cîteaux, if unworthy, was to be admonished by the abbots of the four daughter-houses mentioned above, and if he proved refractory, he could be deposed by a general chapter. In this case the general chapter was not to be held at Cîteaux but at one of the four daughter-houses.

It will be seen at once that the *Carta Caritatis* was the most highly developed monastic constitution then known. Compared with Cluny it showed a great advance in several directions. ~~The relationship of mother-and-daughter-houses was new.~~ The system of visitations was regularized. The general chapters were held annually, attendance at them was compulsory, and there is reason to suppose that the decisions reached by them affected the development of the Order. That many of the Cistercian practices influenced the constitution of the Order of Friars Preachers is obvious, but it seems equally clear that the influence was not exerted directly, but through the medium of the Institutions of the Canons of Prémontré. For the Friars Preachers were not monks but canons. It is necessary, therefore, to examine the development of what has been called the Order of Canons Regular.¹ For the purposes of this sketch the term Canons Regular is only used of those groups which were first established at the time of the Hildebrandine reformation. This does not imply that the thing, if not the name, had not existed before this period. There are examples of canons of a church living according to a rule, and, therefore, being for all intents and purposes Canons Regular, as early as Chrodegang of Metz (742—766), and in the Frankish Empire in the ninth century. There was no continuity of development. The two intervening centuries are a blank.

1. For the Canons Regular see Heimbacher, *Die Orden und Kongregationen der katholischen Kirche* ii., 1-77, Denifle's introduction to the version of 1228, *A.L.K.G.* i. 163-193, J. W. Clark, *The customs of the Augustinian Canons of Barnwell*, E. Speakman, *The Rule of St. Augustine*, but particularly W. H. Frere's brilliant essay on *The Early History of the Canons Regular*. My remarks on this subject are entirely based on his work. I am anxious also to acknowledge my debt to Miss Rose Graham, who most kindly and helpfully discussed these questions with me.

In the eleventh century one of the results of the attempt to enforce clerical celibacy was a recrudescence of groups of Canons Regular. Canon IV of the Council held at Rome in 1059 exhorted the clergy, having given up the married state, to join in sharing a common life, a common table and a common abode at their several churches.¹ There are three very important facts to notice about this movement. In the first place, as in the case of primitive Benedictines, every house was at the beginning separate from every other. There was no Order of Canons Regular. Later, of course, this was not the case. Secondly, as can be so clearly seen from the example of Barnwell Priory, the Canons Regular, who were founded at the outset with the idea of combining a religious life with parochial work, within a very few years gave up the parochial work and were monks in fact if not in name. For the first ten years the Canons Regular of Barnwell served the church of St. Giles in Cambridge. Whether at this time they also served the group of churches round Cambridge granted them by their founder, is doubtful. Ten years after their first foundation, a second founder granted them thirteen acres at Barnwell. There they built a house on the ordinary monastic plan and a new church. They moved to Barnwell and, from that time on, lived a life in all respects similar to that of Regulars. Their latter type of life can easily be judged from their *Customs*.

Thus the actual term Canons Regular changed its meaning within a quarter of a century. If, as it seems, contemporary clergy found it difficult to decide who were and who were not Canons Regular, it is not surprising to find Stubbs² calling the Canons of Waltham, put there by Harold, Secular Canons, while Dr. Frere states that they were Regular Canons. An interesting example of this confusion is to be found in the *Historia Pontificalis*.³ Robert de Sigillo, Bishop of London, died in 1151. According to the *Historia*, Eugenius III wrote to the canons ordering them to elect a suitable candidate

1. Harduin, *Conc.* vi, 1062, quoted by De Frere, 187.

2. *The Foundation of Waltham Abbey*, vi.

3. Pertz, *Monumenta Germanicæ Historica*, xx. 545. cf. Stubbs in his introduction to *Ralph of Diceto* (Rolls Series), xxiv.

et religionis habitu decoratum. The canons not unnaturally feared that this term meant that they must elect either a monk or a regular canon. They sent to Rome to enquire the meaning of the clause and were informed *non modo monachi et canonici regulares, sed etiam illi quos vulgus seculares nominat, intellegantur religionis habitu decorati, quia quando quis attondetur in clericum, sicut ipsius benedictionis edocent verba, tunc habitum sacre religionis assumit.* The difference between regular canons and a group of secular canons living together, as did the Canons of St. Paul's, was not clear even then.

Thirdly, Dr. Frere¹ considers that St. Augustine's 211th (109th) Epistle had been adopted as a Rule for men as early as the eighth and ninth centuries. Chrodegang, however, in his regulations for his clergy referred to other works of St. Augustine's, but never to this letter. It seems more probable that it was not until the eleventh century that this letter was ever called or used as a Rule. The Canons Regular had by about 1090 become so numerous and were so important that they felt the need of some founder and some rule as a counterblast to the monks, who boasted of the Rule of St. Benedict. It is to be presumed that some canon found this letter and saw in it a Rule, which would be an inspiration, and at the same time was so vague as to involve no change in their manner of life. Hence, between the years 1090 and 1100 we find examples of various groups adopting it and becoming Augustinian Canons. One of the best known of these groups and one, from whose constitutions it has been supposed St. Dominic borrowed various arrangements, which he incorporated in the *constitutiones* of the Friars Preachers, was the Order of the Hospital of St. John of Jerusalem. Early in the twelfth century a certain Gerard opened a hostel in Jerusalem, on the model of others already there, for the reception of pilgrims. Raymond du Puy, who succeeded Gerard, added to this institution a hospital for the sick and later encouraged the brothers to take up military duties to protect pilgrims.²

1. *Op. cit.*, 210, note 3.

2. Charles Møller in his article on the Hospitallers in the *Catholic Encyclopedia*.

The Hospitallers were thus only secondarily a military order, while the Templars were so from the first. By the year 1200, groups of these Hospitaller Knights had settled all over Europe. There were some in that part of Spain in which St. Dominic spent his early years.¹ It is possible that he knew of their existence and of their governmental machinery.

Their institutions were very curious. The smallest unit was called a commandery.² It was ruled by a commander or preceptor and was primarily concerned with the administration of the estates belonging to the Order in the neighbourhood. A certain number of commanderies formed what was called a priory ruled by a prior. The prior's chief duty also was to care for the material affairs of the Order. He had to forward to Jerusalem the surplus collected from the various commanderies. The prior appointed the commanders and visited the commanderies. A prior was sometimes the head of two priories. Above the priory came the grand-commandery. These only grew up gradually and do not seem to have been of much constitutional importance in the Order. For example, the priors went to the general chapter and dealt directly with the Grand-Master. The grand-commanderies correspond to what are now countries such as France, Spain and Italy. France was divided into four priories: Saint-Gilles, France, Auvergne, and Normandy. The grand-commanders, when they did exist, exercised some kind of control over the priors. At the head of the whole Order was the Grand-Master, who was appointed for life. He was nominally responsible to the chapter, but this was so merely in name. In fact he was an autocrat.

There were also chapters. Each commander held a chapter for his knights every Sunday. Every prior held a chapter for his priory every year on St. John's day. In theory every knight in the priory had the right to go to this chapter, but in fact only the knights of the chief commandery in the

1. E. Barker, *The Dominicans and Convocation*, 19. Dr. Barker misses one or two of the most important characteristics (from the Dominican point of view) of the constitution of the Order of St. John.

2. J. Delaville Le Roulx, *Les Hospitaliers en Terre Sainte et à Chypre*, 287. His account of the constitution is excellent. I have borrowed extensively from it.

province (*i.e.*, that in which the chapter was being held) and the commander from every other house came. There were no elected representatives. The general chapter was held at the Order's headquarters, wherever they were at the moment.¹ If the difficulty of the journey kept the knights away from the "prioral" chapter, this hindrance must have acted even more strongly in the case of the general chapter. M. le Roulx says of the composition of this chapter: "Le grand maître en dehors du cadre permanent des frères du couvent, qui étaient sous sa main, se bornait à convoquer les dignitaires étrangers, c'est à dire les officiers de Terre Sainte, les prieurs (ou assimilés) d'Occident, et ceux des simples frères dont la sagesse et la discretion, ou le temoignage dans une affaire soumise en délibération du chapitre-general justifiaient le déplacement et la presence."² The chapter-general was then composed of the knights at headquarters, of all the priors of the west, and of anyone else whom the Grand-Master wished to summon. This fact throws an interesting sidelight on the responsibility of the Master to the Chapter. He had to answer to a chapter whose composition he had himself largely determined.

The general-chapter elected the Grand-Master. This was done in a very complicated way. The chapter elected a president. The president chose one knight, one sergeant and one chaplain. These three co-opted a fourth. The fourth co-opted a fifth, and so on until there were in all thirteen. The thirteen elected the master.

The general chapter had the power of legislating for the Order. Its statutes were absolutely binding. The peculiar character of the Hospitallers' legislation is, that from the end of the twelfth century until the fall of the Order it was revised and completed by successive ordinances, introduced gradually from time to time. The general chapter, on the nomination of the grand-master, appointed the priors. The priors

1. The Hospitallers have been driven from pillar to post. At first the Grand Master lived in Jerusalem. After its capture by Saladin in 1187, the Order's headquarters moved to the principality of Tripoli, to be driven thence in 1291. For a few years the headquarters were at Limassol in the kingdom of Cyprus, but the Knights' capture of the island of Rhodes in 1309 secured them a permanent home. This remained the Grand Master's official residence until 1522.

2. J. Delaville de Roulx, *op. cit.*, 316.

appointed the commanders. The general chapter met so infrequently as to have very little control over the grand-master. The chapters of the commandery and the priory did not appoint the commander and the prior, and could not depose them. These officers were, therefore, autocrats, each in his own sphere.

The Order of Hospitallers was centralized because it had a permanent localized headquarters. It was not centralized in the same way as the Order of Preachers. It has been said that the chapter-general was sovereign. No body can exercise sovereign power which meets so infrequently. The general chapters of the Premonstratensians or the Cistercians were more powerful, though they claimed less. It cannot be seriously contested that St. Dominic borrowed the idea of centralization, or that of the sovereignty of the chapter-general, from the Hospitallers. The priories of the Hospitallers may have suggested to him the idea of the province, and the Dominican general chapter may inherit its power of changing the *constitutiones* by passing ordinances, from the similar function performed by the chapter-general at Jerusalem. It still remains to be proved that St. Dominic knew of the Hospitallers' organization. The territorial propinquity argument which has been put forward is, to say the least of it, weak.¹ It is noteworthy that neither St. Dominic nor any one of his followers mentions the Order of St. John. It is a significant fact that the terminology of the two Orders is different. For example St. Dominic's prior bears no relation to the prior of the Hospitallers.

The other² great military Order, that of the Temple,³ founded by Hugh de Payns in 1119, and confirmed by Honorius II at the Council of Troyes in 1128, differed from that of the Hospital in that it was an Order of Regulars living

1. E. Barker, *op. cit.*, 18.

2. The third Military Order, that of the Teutonic Knights, followed the Rule of St. Augustine. Their constitution, however, resembled that of the Templars very closely, while borrowing certain points from the Hospitallers. (de Curzon, *La Règle du Temple*. x.)

3. I am greatly indebted to Miss Agnes Sandys for allowing me to make use of her thesis, "The Knights Templars in England," from which the account here given is largely drawn.

according to the Rule of St. Benedict,¹ but the systems of government in the two Orders were very similar. The Preceptory or Prioral House of the Templars corresponded to the commandery of the Hospitallers. Both the preceptor and the commander seem to have been primarily concerned with the management of estates. With the Templars too the election of the grand-master² was carried out in the same complicated manner. A special chapter appointed a "commander of the election" and an assistant of equal power. They chose two more; these four two others and so on until the number of twelve, in memory of the Apostles, was reached. These twelve should have been made up of eight knights and four sergeants, not chosen from any one country, but from various provinces and nations. A chaplain, as representing Christ, was added. These thirteen then elected the Grand Master.³ It is unnecessary to labour this similarity any further. It is sufficient to say that the differences are so slight that whatever has been said about the lack of indebtedness of St. Dominic to the Hospitallers would apply equally to the Templars.

On the other hand, St. Dominic openly modelled the *constitutiones* of his new Order on the institutions of the Order of Prémontré. This borrowing, far from being at all nefarious, was in fact the price of Papal confirmation. Innocent III, in obedience to the Canon of the fifth Lateran Council, which ruled that no new Orders were to be founded, refused to sanction St. Dominic's plan when it was first laid before him. The saint was bidden to return to his followers, and to choose the rule of some already established Order. After consultation with his followers in Provence the institutions of Prémontré were chosen for this purpose.

The Premonstratensians, like the many groups which have gone before them, were Canons Regular. St. Norbert, it is

1. de Curzon, *op. cit.*, xi. 2. de Curzon, xxxv.

3. A similar, though less clearly defined, system was used by the Canons of St. Victor of Paris. In electing an abbot the whole chapter was to choose six or seven from its number to whom it delegated its power. These six electors were to choose the abbot. If they failed to agree they were to co-opt others. *Antiquæ Consuetudines Canoniorum Regularium Insignis Monasterii S. Victoris Parisiensis*, ed. Martène, iii, 253.

said, did not wish to make his Order monastic, as he himself and several of his followers were Canons. Hence he called his Order an Order of Canons Regular, and chose to live according to the Rule of St. Augustine, but he modelled his institutions, both as regards the strict discipline, the austere daily life, and the system of government on the new Order of Cîteaux. His canons assumed the white habit, the mark of the Cistercian monk. Hence the Premonstratensians combined features both of monastic and canonical orders. The institutions epitomized the most advanced ideas reached along both lines of development. The institutions were divided into four distinctions or divisions. The first gave instructions with regard to the daily life of the convent, the second described the duties of the officers, the third was the penal code, and the fourth gave the constitution of the Order, and regulated such matters as the election of abbots, and the conduct of the general chapter. These divisions represent real differences in the subjects dealt with, and it will be convenient to keep roughly to this arrangement in describing the institutions.

As with all monastic bodies, the service of God formed a very large part of the daily life of the canons. The description of the prayers and order of service at Matins, given in the first chapter¹ of the first distinction, would be of interest to the liturgist, but does not concern us. It is sufficient to say that the institutions of Prémontré enforced upon the canons the saying of the Divine Office. The seven Canonical Hours, namely Matins, Lauds, Prime, Tierce, Sext, None, Vespers and Compline are considered here only as divisions of the day. It would seem that, as in other Orders, Matins and Lauds were said at one a.m.,² after which the canons retired for another spell of sleep. The day then, can be said to have begun properly with Prime³ and the Mass which immediately followed it. Prime was probably said at six or seven according to the season of the year. Immediately after this Mass an opportunity was given to the canons⁴ to make their private

1. Martène, 325.

2. Gasquet, *English Monastic Life*, 111-117.

3. Martène, 325, Cap. i with Cap. ii.

4. The Premonstratensians called themselves Canons. See Martène, 327, Cap. xiv.

confessions if they desired to do so.¹ The most important feature, for our purpose, of the ceremonial regulations is the reverence to be paid to the abbot. When the canons were in the church for Matins, if the abbot passed in front of them, as also if he came in late to the daily chapter, they were all to stand up and bow to him.² Throughout the institutions the attitude enjoined on the canons towards the head of the house is far more akin to that of the Black Monks towards their abbot than that of the Friars Preachers towards their prior.

When the time for private confessions was over, the sacrist rang a bell and the community went into the chapter-house for the daily chapter.³ The canons were expected to confess their faults in the chapter,⁴ and to receive their punishment publicly. No doubt the faults confessed there were not private sins but were transgressions against the community. Further, the canons were exhorted, if they had any grievance against one another, to state it openly in the chapter.

In the summer⁵ the period between the end of the chapter and Tierce was occupied by the canons in work. The kind of work is not specified, but it is probable that it was of the same nature as that which they undertook in the afternoon, namely manual work. One of the objects of this work was no doubt to make a living for the community. Tierce was immediately followed by the High Mass, and it in its turn by Sext. After Sext the convent had its dinner, in summer the chief and in winter the only meal in the day.⁶ After which in the summer⁷ the canons retired to the dormitory for an hour's sleep. When they woke up they went to the church and said None, and then went out and worked till Vespers. After Vespers in summer they had some slight repast, and then read until the common reading-aloud, called the Collation,⁸ at which all were bound to be present. After Collation the canons went into the church, said Compline,⁹ and thus ended the day. They then

1. *Ib.*, 325, Cap. iii.

2. *Ib.*, 325, Cap. i.

3. *Ib.*, 325, Cap. iv.

4. *Ib.*, 325, Cap. iv.

5. *Ib.*, 326, Cap. v.

6. *Ib.*, 326, Cap. v.

7. *Ib.*, 326, Cap. v.

8. For this use of the word see Gasquet, *English Monastic Life*, 152. It was commonly used to mean a light meal. Now it can also mean the granting of a benefice, see *Catholic Encyclopedia*.

9. Martène, 327, Cap. xiii and 327, Cap. xiv.

retired to the dormitory to sleep. This programme was variable. The year was divided into two periods,¹ namely the winter, or to be more exact from the feast of the Holy Cross, 14 September, till Easter, which was one long fast, and the summer from Easter till 14 September. The arrangement of the day differed in these two periods. Also on Sundays the periods assigned to work were occupied with reading. It is noteworthy that the canons contrasted work and reading, and that the most detailed instructions were given with regard to going out to work and other such matters.²

In this first distinction there are also given the rules for receiving novices; for their noviciate;³ for the care of invalids;⁴ for leaving the precincts of the house;⁵ and for blood-letting. A great deal of what is given here, as else-⁶ where in this distinction, is of no importance constitutionally, but there are one or two interesting sidelights on such questions. For example, silence amongst the canons was not absolute. This is shown by the fact that complete silence was insisted upon when they retired to the dormitory for the night.⁷ It is made clear that in the priory were certain *conversi* or lay-brothers⁸ who did the rough work. The order of precedence amongst the officers of the house was indicated. It was as follows: the abbot, the prior, the sub-prior, and, if all these were absent, he to whom had been entrusted the government of the house. But perhaps the chief contribution to our knowledge of the Premonstratensian constitution is to be found in the illustration these regulations give of the power of the abbot. Canons could not drink between meals unless they got special permission from the abbot;⁹ the abbot, however, could drink whenever he liked.¹⁰ No canon could have his blood let at any other season than that appointed by the abbot, and was obliged to have it let at those times.¹¹ The abbot, on the other hand, could choose his own time for this operation.¹² The picture then that is gathered from these regulations with regard to the internal life of a Premonstra-

1. *cf.*, Martène, 326, Cap. v. with Cap. vi. 2. *Ib.*, 326, Cap. viii.
 3. *Ib.*, 328, Cap. xvi. 4. *Ib.*, 328, Cap. xix. 5. *Ib.*, 328, Cap. xvii.
 6. *Ib.*, 328, Cap. xx. 7. *Ib.*, 327, Cap. xiv. 8. *Ib.*, 328, Cap. xvii.
 9. *Ib.*, 327, Cap. xii. 10. *Ib.*, 327, Cap. xii. 11. *Ib.*, 328, Cap. xx.
 12. *Ib.*, 327, Cap. xii, 328, Cap. xx, 335, Additional Clause, No. vii.

tensian abbey, is that of a community governed by an autocratic superior, giving much of its time to the chanting of the Divine Office and the offering of Masses; and spending the intervals in work and reading, the object of which would seem merely to have been a subjective one, that of helping the soul of the individual performing these tasks.

The second distinction is made up entirely of regulations with regard to the duties and rights of the various officers of the convent.¹ Those described were the abbot, the prior, the sub-prior, the *circator*, the cantor, the *hebdomadarius*, the librarian, the sacrist, the master of the novices, the provider of external things (*provisor externorum*), the cellarer, the *vestiarius*, the servant of the sick, the guest-master, the porter and the *lector* of the table. The number of the officials in a large monastery was legion, and the conscientious and efficient fulfilment of each one's duties was of paramount importance to the well-being of the house, and the comfort of the brothers. The great majority of them, however, were not of any constitutional importance. Only the first three will be discussed here.²

The abbot was the head of the house. This fact is symbolized by his saying certain prayers and performing certain rites. He had to preside at the daily chapter and at the Collation. In his hands was the power³ of appointing all the officials and of dismissing them, of laying any special task on any individual canon, and of inflicting punishments for crimes which came into the category of *gravioræ culpæ*. It is true that he performed these functions in the chapter, but it is not to be concluded that he consulted the chapter. It would seem that these matters were in his absolute and sole power. Every month all officials who had the care of material things were to render an account of their charge to the abbot.⁴ The abbot was urged to sleep in the dormitory with the brothers and to eat in the refectory, but it was evidently expected that

1. *Ib.*, 328-331, Cap. xvi. There is one section at the end concerning a ceremonial footwashing. 331, Cap. xvii.

2. The description of the minor officers should be compared with that given by Humbert of Romans, *Opera*, ii.

3. Martène, 328, Cap. 1. 4. *Ib.*, 335, Additional Clause, No. ix.

he would often not do so; whenever, in fact, a visitor of any importance came to the house.

The prior¹ was chiefly concerned with the internal administration of the house. For example, it was his duty to find deputies, if any of the officials were obliged to go out. He rang the bell for several of the occasions on which the convent met. When the abbot was away he was his representative. He was to be careful on these occasions to carry out what he believed to be the abbot's will, and there were certain specified functions pertaining to the abbot which he was not to undertake. He might not, for instance, absolve anyone from a *gravior culpa*, nor might he hear confessions of crimes, unless the offender was dying. He was not allowed to expel a canon, nor to receive a novice except by the abbot's express command.

The sub-prior² was the prior's deputy. When the abbot or the prior was present in the house, his chief duty was to see that their commands were being carried out. When they were both absent, he was to act as head of the house, but he was to be exceedingly careful in what he did. He was not a person of much importance, and the office was probably coveted as being a training ground for the post of prior or abbot rather than being in itself honourable.

The third distinction³ was the penal code. It divided up all the public misdemeanours, faults and crimes which it was possible for a canon to commit into certain groups, *leviores culpæ*, *mediæ culpæ*, *graviore culpæ*, crimes concerning the negligent handling of the Sacrament, conspiracy, libel, apostacy, and *gravissimæ culpæ*. Fitting punishments were suggested, but the sentence was left almost entirely to the discretion of the president of the chapter.

The fourth distinction described the constitution of the Premonstratensian Order.⁴ It is of the greatest interest, both as showing, on the one hand, the striking similarity between this Order and that of Cîteaux, and, on the other, when compared with the constitution of 1228, the changes made by

1. Martène, 329, Cap. ii. 2. *Ib.*, 329, Cap. iii. 3. *Ib.*, 332-333, Cap. i-x.

4. It also contained regulations with regard to food (335, Cap. xii), clothes (Cap. xiv), fasts (Cap. xii), shaving (Cap. xv, and the section called *Terminus Rasuræ*), and such other matters.

St. Dominic in drawing up the constitutions for the Friars Preachers. In 1119 the Pope sanctioned Stephen Harding's *Carta Caritatis*, which introduced the system of daughter-houses and annual chapters.¹ It is not extravagant to suppose that St. Norbert and his successors drew their ideas on this subject from a Cistercian source. As with Cîteaux the cornerstone of the Premonstratensian system was the mother-abbey of Prémontré. Every year on St. Dionysius's day (October 9th) all Premonstratensian abbots were bound to meet in the church of Prémontré for the annual chapter.² No³ one was excused from going to the chapter. If, on account of a severe illness, or for any other good reason, any abbot found himself unable to be present, he was to send the prior or some other fit person. If he neither came nor sent a substitute, he was in the following chapter to be severely punished. This harshness arose from a strenuous effort to preserve the unity of the Order.⁴

The abbot was expected to go in state to the annual chapter. He was to take with him one brother, clerk or layman,⁵ and both he and his companion were to have horses.⁶ If he wished to have other companions they were to go on foot. The attendance at the general chapter must have been a great tax on the abbots of houses situated a long way from Prémontré. This fact was recognized by the statement in the institutions that it was possible for permission for absence to be granted to those who had to come a long way. It is not possible to say how this system of partial exemption worked; whether certain abbeys sent their abbots only every second or third year, or whether groups of abbeys sent one abbot to represent them.⁷ By 1310 it is clear that all the English abbots did not always go to Prémontré, for in that year Adam de Crecy, Abbot of Prémontré, sent them a special summons.⁸

1. See above.

2. Martène, 334, Cap. i. 3. *Ib.*, 334, Cap. ii. 4. *Ib.*, 335, Cap. xvi.

5. *Cum uno fratre clerico vel laico.*

6. Contrast this with the monition of the chapter of 1269 of the Order of Preachers. *Priores et predicatores generales et socii eorum, qui non possunt venire ad capitulum, nisi in equis vel vecturis remaneant in conventu.* *M.O.P.H.*, iii, 148.

7. Cf. the Cistercian system.

8. *Collectanea Anglo-Premonstratensia*, i, 2.

The abbots, relying on Edward I's support, replied by sending the Abbots of Langdon and Sulby to represent them at the general chapter. This quarrel¹ between the English Premonstratensians and the mother-house of Prémontré, which was at bottom concerned with the subsidies which Prémontré claimed from its daughter-abbey, serves as a good illustration of the difficulties which might arise in the working out of the theory stated above. These events, however, do not really come within our sphere, for they occurred a century after the Friars Preachers, having absorbed part of the institutions of Prémontré, had started an independent life of their own.

The Order of Prémontré can be thought of as a family tree. At the head stands Prémontré. In the first generation were those houses which were founded by Prémontré itself; the next, the houses founded by Prémontré's children, which were therefore Prémontré's grandchildren, and so on. It is true that it was the custom in all Orders to found a new house by sending out a group of religious from an old one. It was not the case in all Orders that the connection between the mother and daughter-houses remained for all time. In founding a new house the abbot of the old house had to send out at least twelve clerks.² It was advisable for the sake of peace not to found a new house within four leagues of an old one.³ The mother-abbey could not exact subsidies from its daughter-house,⁴ in fact rich houses are exhorted to help poor ones.⁵

The abbot of the mother-house was to visit every year all its daughter-houses. He was to hold the daily chapter and to correct all faults.⁶ Both in his own house and in the mother-house, whenever he visited it, the abbot of the daughter-house was to do reverence to the abbot of the mother-house. The abbot of the mother-house had certain rights with regard to the election of the abbot of the daughter-house. When an abbot died, the abbot of the mother-house, taking with him two fellow abbots, went to the house and presided over the election of the new abbot.⁷ The voting was in the hands of the brothers of the house. The object of this

1. *Collectanea Anglo-Premonstratensia*, 1-53.

2. Martène, 334, Cap. iii. 3. *Ib.*, 334, Cap. iii. 4. *Ib.*, 334, Cap. vi.

5. *Ib.*, 334, Cap. v. 6. *Ib.*, 334, Cap. vi 7. *Ib.*, 334, Cap. viii.

supervisory committee, it was said, was not to influence the election, but, if the brothers were unanimous, to confirm their choice, and, if they were divided, to endeavour to bring about an agreement and to support the wiser party. As Prémontré had no mother-house, and as the abbot was a very important person, a special rule was made for his election. When the abbot of Prémontré died, the abbots of Laon, Floresse, Cuissy and four other houses, seven in all, were summoned to the abbey of Prémontré and with their help the brothers elected a new abbot.¹

The abbot of the mother-house was supposed to visit all its daughter-houses every year. In the case of a house with a great many daughter-houses this must have taken up too much of the abbot's time. Consequently an arrangement was made that in the different circles or provinces² every year two *circatores*³ or visitors should be appointed to visit the abbeys.⁴ If they found anything amiss they were either to correct it themselves, or to refer it to the fathers at the annual meeting.⁵

The abbots were the ruling power in the Order. Each one was supreme in his own abbey. They were, therefore, urged to observe a uniformity in their practice with regard to clothes, service books, and food.⁶ Amongst themselves, the abbot of an older house had precedence over the abbot of a younger one.⁷ The abbot was appointed for life, but it was possible for a canon, who considered that he was being unjustly oppressed by the abbot, to air his grievances. If such a case arose, the canon was first to appeal to the abbot himself.⁸ If this failed, his next step was to lay the matter before the abbot of the mother-abbey. If this also availed nothing, the canon could bring up the question before the visitor when he was present in the house. He in his turn would reveal the state of affairs to the general chapter. Its decision was to be final.

1. *Ib.*, 334, Cap. viii.

2. *per diversas provincias*. This term was probably used loosely to mean the abbeys in a district. The institutions do not define the provinces.

3. Martène, 334, Cap. vii.

4. The reports on the visitations of the English houses in the 15th century, printed by Cardinal Gasquet in Vols. ii and iii of his *Collectanea Anglo-Premonstratensia*, shew this system in working order.

5. This refers no doubt to the general chapter.

6. *Ib.*, 335, Cap. x. 7. *Ib.*, 335, Cap. ix. 8. *Ib.*, 334, Cap. vi.

It would seem that the general chapter was an advisory rather than an executive body. The number of cases, which the institutions stated were to be left to the decision of the general chapter, were very few in number and were of the kind which would rarely arise. For example an apostate, who during his apostacy had been ordained, might not on his return officiate without the consent of the general chapter.¹ Brothers who, as agitators, had been sent to another abbey, might not return to their own house without the consent of the general chapter.²

Such was the constitution of the Order of Prémontré as seen in the Institutions. It was essentially an aristocratic Order, in tune with the aristocratic tone of the eleventh and twelfth centuries. It strove towards centralization, but even from the institutions it was clear that it was bound to fail. Separate abbeys, no matter how closely linked the mother and daughter-houses may be, which have no other common activity than an annual general chapter, are bound to grow apart. A Premonstratensian was a member once and for all of the abbey where he made his vows.³ He soon came to consider all questions, not as they affected the whole Order, but as they touched his own abbey. It remained for St. Dominic to create a democratic, centralized, and highly organized body, which was an Order, and not a collection of houses.

St. Dominic⁴ was born of the noble family of Guzman at Calaroga in Castile in 1170. From about his fifteenth year onwards he attended the schools at Palencia. In 1194 he was ordained priest and soon afterwards became a member of the cathedral chapter. The Bishop, Martin of Bazan, had just

1. Martène, 333, Cap. ix. 2. *Ib.*, 336, Cap. xi and xii.

3. Denifle, 178, note 2. Gasquet, *Anglo-Praemonstratensia*, i, 250

4. The following sketch of the life of St. Dominic makes no attempt to be comprehensive; it is frankly selective. No mention has been made of the Saint's miracles, nor of his austerities. St. Dominic is here regarded solely as the Founder of the Order of Preachers, and only those events in his life, which have a direct bearing on this side of his work, are referred to. See Bollandist, *Acta Sanctorum*, August. Father Mandonnet O.P.'s article on the "Preachers, Order of" in the *Catholic Encyclopedia*. Denifle's introduction to the *constitutiones* of 1228, *A.L.K.G.* i., D. A. Mortier O.P., *Histoire des Maîtres généraux*, i. C. J. Hefele, *Histoire des Conciles*, v, part ii, and *Cronica Ordinis* of Gerard de Fracheto,* *M.O.P.H.*, i, 321.

reformed his chapter. He reintroduced the Rule of St. Augustine, according to which, it is said, the canons had lived as early as 1179, and appointed a certain Diego of Azevedo prior.¹ Dominic was already recognized as a leader, and he was almost immediately appointed sub-prior. Here he gained valuable experience in the management of a house of canons. In 1203 Diego, who two years earlier had become Bishop of Osma, was sent by Alfonso of Castile on a diplomatic mission to Denmark. He took with him Dominic as his companion. This was the first time St. Dominic entered Languedoc, where at the moment the Albigensians were triumphant. There is a story that on the outward journey the two priests stayed a few nights in Toulouse where St. Dominic gained his first triumph by converting his host, who was a heretic. The Albigensians held various erroneous opinions somewhat akin to the heresy of the Manichaeans. What is more important for our purpose is that in their way of life they affected an austerity and simplicity, very like that of the Puritans of the seventeenth century, which was a glaring contrast to the luxurious lives of the clergy of the day. Missions sent to them had been fruitless for, as the missionaries came with horses and attendants, wearing purple and fine linen and faring delicately, the heretics felt, and rightly so, that they were better men than those who wished to preach to them, and therefore they refused to listen.²

Diego and Dominic saw that the one way to win back these lost sheep was to fight them with their own weapons, viz., austerity, simplicity and argument.³ On their return journey the Bishop sent on his train to Osma, and with Dominic as his sole companion, entered Montpellier on foot. Here, and in the country round, they worked together for some time, but eventually Diego had to return to Spain to continue his episcopal duties. For the next ten years, 1205—1215, Dominic remained in the province of Narbonne, especially near Carcassonne, preaching and teaching. Even

1. Mortier, *op. cit.*, vol. i, 3-5.

2. For the asceticism of the Albigensians see Lea, *History of the Inquisition*, i, 97-106, and N. A. Weber in the *Catholic Encyclopedia*.

3. The Pope wrote approving of this proceeding. Innocent III, *Epistola* lix, no. 185, quoted by Hefele, *op. cit.*, 1278.

when all mediæval exaggeration has been discounted, and when allowances have been made for his disciples' enthusiasm, it is quite apparent that he must have been an eloquent and persuasive speaker. His work met with a large measure of success. For example, he soon found it necessary to find a place of retreat for those young women whose conversion debarred them from returning to their own homes. Thus was founded the convent at Prouille. No doubt during these years St. Dominic came in contact with the members of the Order of Cîteaux,¹ with whom, it is probable, he discussed the constitution of that Order. Moreover his work attracted the notice of the great. The story that he was a personal friend of Simon de Montfort, father of a better known son, may well be true.

During these years St. Dominic attracted various followers. A certain Peter Celanus, a rich man of Toulouse, offered him and his little band a house in that town as their headquarters; and Fulk, the Bishop, provided them with the necessities of life. Here St. Dominic lived with his six disciples, and here occurred to him the idea of founding an Order. This idea would naturally arise in the mind of a man who was ruling a small community of workers, who were living together without any rule, and who were doing work which was more or less of a novelty in the Church. Further, these disciples had come of their own free will and could depart whenever they wished. There is reason to suppose that Dominic thought that a more permanent bond between the work and the man would be better.

When the Bishop of Toulouse asked Dominic in 1215 to go with him to the Lateran Council, he embraced this opportunity of laying his case before the Pope. He was anxious to have his Order confirmed *qui diceretur et esset ordo predicatorum*.² In spite, however, of the eloquence of both Fulk and Dominic, Innocent III was very loath to countenance their suggestion. This reluctance was partly due no doubt to the decision just come to by the General

1. The Pope had sent certain Cistercians to Provence to preach. Hefele, *ob. cit.*, 1277-1278.

2. Gerard de Fracheto.* *Cronica Ordinis*. *M.O.P.H.* i, 323.

Council. Canon 13¹ ordained that as the variety of religious practice led to confusion no one was to found a new Order; *qui voluerit religiosam domum fundare de novo, regulam et institutionem accipiat de religionibus approbatis*. The Pope sent Dominic back to his companions. They were to choose whatever rule already in existence they wished to profess, and then Dominic was to return again to the Pope and lay his scheme before him.

Before continuing the story of Dominic's efforts to obtain Papal sanction for his Order, it will be well to give an account of some of the other canons of the Lateran Council which have a direct bearing on Dominic's work. In the first place this Council promulgated the important canon² that in every ecclesiastical province a chapter-general was to be held every third year in every religious Order. This was to apply especially to such Orders, as for example the Benedictines, who had not been in the habit of holding chapters. These Orders were to be shown how to conduct such a chapter by two Cistercian abbots, and the procedure was to be modelled on that of the Order of Cîteaux. The two Cistercians were to co-opt two members of the chapter and these four together were to preside. Whatever these four and the majority of the chapter approved was to be binding on everyone. Each chapter was to decide where the next one was to be held. Further the chapter was to institute a system of visitors. Canon 24,³ in laying down rules for the election of any ecclesiastical personage, spoke of the appointment of three *scrutatores*, who were to ascertain each person's opinion separately, and to write them down. This canon also described the three ways in which an election could take place, *per viam scrutinii*, *per compromissum*, or *quasi per inspirationem divinam*. These regulations call to mind certain features of the Order of Preachers, the four *diffinitores* in the provincial chapter, the visitors, the three *scrutatores*. It is not extravagant to suppose that some of these ideas now entered St. Dominic's mind for the first time. Again Canon 10, which

1. Hefele, *op. cit.*, 1344.

2. No. 12. Hefele, *op. cit.*, 1342-1343.

3. Hefele, *op. cit.*, 1353.

exhorted Bishops to appoint preachers;¹ Canon 9, which ordered priests to learn the language of the people amongst whom they worked;² and Canon 21, which made annual confession obligatory on all the faithful,³ emphasized the need of just such an Order as Dominic was proposing to found.

Dominic returned to Toulouse to find that the six brothers he had left behind had been joined by ten others, making in all sixteen. In consultation with them he decided to adopt the Rule of St. Augustine as the Rule⁴ for his new Order, and to follow the observances drawn up for the Canons Regular of Prémontré. He was probably led to this decision for several reasons. In the first place it must be remembered that he himself was a Canon Regular.⁵ At the beginning the friars wore the rochet, the peculiar mark of the canon, but it was afterwards changed to the scapula. The Friars Preachers were from the first and are still canons.—Secondly, Humbert of Romans, repeating the tradition in the Order, stated that St. Dominic chose the Rule of St. Augustine because its terms were sufficiently vague⁶ to allow the special type of life, of study and preaching, which he planned for his followers, to be lived without infringing any clause of it. This would not have been the case with such a Rule as that of St. Benedict. It would seem that St. Dominic sat down with the institutions of Prémontré beside him and drew up the *constitutiones* of the Order of Preachers. It is unlikely that it was completed in one year. It has been said that at this moment St. Dominic only drew up the *consuetudines*,⁷ or first distinction of the *constitutiones*, and the second distinction was composed by the general chapter of 1220.⁸ Be that as it may, it can be said with certainty that the *constitutiones*, very much in the form in which they were confirmed by the chapter of 1228, were completed before the end of St. Dominic's life and were very largely his work.

1. Hefele, *op. cit.*, 1340. 2. *Ib.*, 1339. 3. *Ib.*, 1349.

4. Mr. Coulton (*Five Centuries of Religion*, i, 144), calls it "Dominic's Rule."

5. Denifle, Introduction, *A.L.K.G.*, i, 169

6. This vagueness prompted several Dominican scholars to write commentaries on it, amongst whom was Nicholas Trivet. (Ehrle, *Nicholas Trivet*, 12.) Cardinal Ehrle has shown that he stands high among the philosophers, as well as among the historians of the Order.

7. *A.L.K.G.*, i, 194. 8. Mandonnet, *op. cit.*, 355.

In 1216, St. Dominic set out to present to Innocent III his scheme for the Order. While he was still on his way he heard the news that the great Pope was dead. This was a great blow to St. Dominic, as he did not know whether the next Pope, whom the Conclave was even then electing, would be favourable or unfavourable to him. Honorius III, however, received St. Dominic kindly and in a Bull issued on 22 December, 1216, he confirmed the Order.¹ In this the Pope referred to the new Order as an *ordo canonicus*.² A list was given of the territorial possessions of the Order and its rights. What St. Dominic had founded was another Order of Canons Regular very much like the Victorines or the Premonstratensians. St. Dominic had not at this time borrowed from St. Francis the conception of voluntary poverty, which later caused the world to class the Friars Preachers and the Friars Minor together, though the two Orders differed so widely in origin and aim.

Honorius issued two Bulls on the same day. In the second, which is very short, he spoke of the followers of St. Dominic in the following terms: *Nos attendentes fratres Ordinis tui futuros pugiles fidei et vera mundi lumina confirmamus Ordinem tuum*.³ It remained for him in a Bull, issued in the next month, January, 1217, to confirm the name of Friars Preachers,⁴ already suggested, it is said, by Innocent III. St. Dominic then returned joyfully to the little band. In May, 1217, he formally promulgated the Bull of Confirmation, and on the feast of the Assumption all the brothers made their profession, placing their hands between his in the manner of the feudal vassal. From that moment the Order grew by leaps and bounds.

St. Dominic spent the greater part of the rest of his life in Rome, but his doings there do not concern us. What is of vital importance for our purpose is that he was present at the

1. Bull. Ord. Pred., i, 2-3.

2. With one exception, *A.L.K.G.*, v, 533, the word *canonicus* was deleted from the *constitutiones* in 1256, and *clericus* used instead. *A.L.K.G.*, v, 564. Nevertheless, the friars were and are canons. For a full vindication of this contention see Denifle, *A.L.K.G.*, i, 168-172.

3. Balme-Lelaider, *Cartulaire ou Histoire Diplomatique de Saint Dominique*, ii, 71.

4. Balme-Lelaider, *op. cit.*, 92.

two first general chapters of the Order in 1220 and 1221. The chapter of 1220 is noteworthy for several reasons. In the first place it was at this chapter that it was decided to surrender all the possessions held by the Order in Toulouse and elsewhere,¹ and to embrace the Lady Poverty as St. Francis had done. Tradition states that the founder himself was against this change, wishing rather that the Order's property should be held and administered by the lay-brothers.² The chapter did not agree to this amendment, and St. Dominic bowed to the decision of the majority. Later ages have shown the wisdom of St. Dominic's hesitation. It has been said that it was in this chapter that the second part of the *constitutiones* dealing with the governmental machinery of the Order was formally adopted. It arranged that the general chapters were to be held alternately at Bologna and Paris, starting the following year at Bologna, and it substituted the scapula for the rochet. St. Dominic, it is said, tried at this chapter to resign from the office of master-general so that he might be free to preach to the Tartars, but the chapter would not release him.

At Whitsuntide, 1221, a few months only before his death, St. Dominic presided over the second general chapter. It was at this chapter that the Order was divided into eight provinces. It is pleasant to think that Friar Gilbert³ was sent forth with his companions by the founder himself to found the English province. That chapter was held on 30 May. On 4 August the Saint died. He had built well. The work he had begun has stood firm.

1. The house at Prouille belonged to the Second Order which never professed corporate poverty. Douais, xxxii, note 4.

2. *Et ut fratres fortius intenderent studio et prædicationibus voluit dictus fr. Dominicus, quod conversi ejus ordinis illiterati præessent fratribus litteratis in administratione et exhibitione rerum temporalium* John of Navarre, *Acta Sanctorum*, August, i, 634. See also 591.

3. Not William. See B. E. R. Formoy, *The Dominican Order*, etc., 20.

CHAPTER II.

THE CHAPTERS.

THE Order of Preachers was from the first governed by a series of chapters, conventual, provincial, general, and *generalissimum*.¹ The conventual chapter met whenever it was needed. The provincial and general chapters met annually. The *generalissimum* chapter met only on special occasions, ~~as a matter of fact only twice in the history of the Order.~~ The conventual chapter ruled the convent, the provincial chapter the province, the general and the *generalissimum* chapters the Order. While the difference between the conventual, provincial, and general chapters arose from the scope of their activities, and the districts they controlled, the distinction between the general and *generalissimum* chapters lay in degree of power. The general chapter could alter the *constitutiones* of the Order only by passing an ordinance in three successive years. The *generalissimum* chapter represented three general chapters in one, and could by one act give to any rule the full force of being part of the *constitutiones*. The reason that these three bodies worked harmoniously was because each was playing the same air on a different instrument. The general chapter laid down certain rules; the provincial chapter amplified them according to the particular needs of the province; the conventual chapter applied them to individual cases. This broad generalization, however, does not represent the whole truth, for both the general and provincial chapters, especially the latter, both made and executed ordinances. The power was not delegated from the greater to the lesser chapters; the power of the greater chapters was derived from the lesser. The general chapter was composed of representatives of the provinces elected in

1. No references have been given in this introduction, as every point touched on will be discussed more fully later.

the provincial chapter, and invested by it with plenary power. The provincial chapter in its turn included in its ranks representatives of the convent, elected in the conventual chapter, whom the individual friars had invested with the power to deliberate and vote for them. The power exercised by the general chapter in the Order of Preachers, autocratic, universal and without appeal, was not resented because it did not rain on the friars from above, but was drawn up as the dew is from the ground. This is one of the distinguishing marks of this Order that, whereas several other religious Orders, such as the Cistercians, had for many years, been ruled by chapters, no one before Saint Dominic had conceived the idea of a supreme chapter elected in the second degree by all the professed friars in the Order. Not only is he responsible for the idea and the machinery to put it into force, but he gave the whole a mobility and elasticity by which each age was able to mould the *constitutiones* to the needs of the moment.

The chapters set up were each different in nature, composition, and procedure. The conventual chapter was composed of all the professed friars in the house. Its chief business was the control and supervision of the daily life. A large part of its time was taken up with the confession of faults. It had also to elect a representative to go to the provincial chapter, and to send petitions and a statement of the accounts of the house to that body. The provincial chapter in many of the provinces was a large body, numbering sometimes about two hundred friars. The first duty of this chapter was to elect a small committee of four, to whom it handed over the full power of the whole body. With the exception of one or two general functions, such as the election of the representative of the province to go to the general chapter, which were reserved to the whole body, this small committee carried out the rest of the work of the chapter. It drew the attention of the province to certain of the ordinances promulgated by the general chapter; it issued further and complementary ordinances of its own; it admonished erring friars; it appointed *lectores* and preachers-general; it received the resignation of conventual friars. Such were some of its numerous activities. The

members of this small committee were called *diffinitores*, *diffinitores* of the provincial chapter. The *diffinitores* of the general chapter were, on the other hand, not a small committee. Each and every member of the general chapter was called a *diffinitor*. This latter use of the word has led to confusion. It has been said that the general chapter, like the provincial chapter, had a small inner committee. This is not true. The general chapter was always a far smaller body than the provincial chapter. It was made up of one representative from each province. As late as 1360 there were only eighteen provinces.¹ Consequently the general chapter never numbered more than twenty. In two consecutive years the provincial chapters elected representatives to go to the general chapter; in the third year provincial priors acted *ex officio* as *diffinitores* of the general chapter. No regulation was incorporated into the *constitutiones* until it had been passed by three successive chapters. Hence the alternation of two years of elected representatives with a third year of provincial priors, while it gave greater power to the democratic element in the Order, it ensured that the official point of view, inevitably acquired by those in authority, should have the power of vetoing at some point in the process of legislation any suggestion, which seemed to be subversive of order and good government. The chief business of the general chapter was the modification of the *constitutiones*. It is an experience common to all legislators to find that through faulty wording merely a parody of their conception has come into force. It is the privilege of few corporations to be able to rectify this as easily as the Order of Preachers. As the mighty machine of the capitular organization, set up by St. Dominic, began slowly to move, it was found that some of its parts were not perfect. The general chapters, by introducing, approving, and confirming alterations to the *constitutiones*, carried out what had been in the mind of the founder, though, owing to human fallibility, he had failed to allow for all contingencies. Likewise as the years went by new needs arose. These in their turn were met by the wise, liberal, and yet conservative legislation of the general chapter. In addition to this work,

1. See Appendix, vii.

the general chapter frequently exercised its disciplinary power over the provincial and conventual priors.

To the general, provincial, and conventual chapters belonged respectively the duty of electing the master-general, the provincial prior and the conventual prior. For this purpose their composition, president, and procedure were quite different. It is obvious that from the first St. Dominic and the Friars Preachers recognised that a chapter with a different purpose from that of the ordinary general, provincial, or conventual chapter was in question. It remained for a later age to supply the defining terms. Hence, though it is avowedly an anachronism, the expressions "legislative general chapter," and "electoral general chapter," are used here for the sake of greater clarity. If it be thought that to endeavour to codify further the *constitutiones* drawn up by St. Dominic, whose mind was remarkable for its analytic power, is akin to painting the lily, it must be remembered that such a help in explaining his conception to the twentieth century would have met with St. Dominic's full approval. When drawing up *constitutiones*, which, together with the rule of St. Augustine, were to form the code for his new Order, the Order of Preachers, he used the best and most advanced ideas and practices used by other Religious Orders, which his age could produce. He left his Order with power to modify itself to meet new needs in a new world. If he were alive to-day there is little doubt but that he would harness every mechanical invention, every new force in civilization, every new concept in the world of thought to work for his one great aim—the spread of the true faith, the salvation of souls.

THE CONVENTUAL CHAPTER.

The term "conventual chapter," which is never found in Dominican writers, is here used to mean any chapter of the friars living in a house, whatever its purpose. The *capitulum quotidianum* was, as its name suggests, held daily; its chief business was the confession and punishment of faults. The conventual chapter met whenever necessary. It was concerned with anything which affected the house. For example, it examined the accounts, and it elected the electors of the

provincial prior. When the convent had to elect its prior a special conventual chapter met which differed in composition and procedure from either of the others.

In instituting the daily chapter St. Dominic no doubt had in mind St. Paul's injunction to confess faults the one to the other, for this was so much the only business of this daily chapter that it later became known as the *capitulum culparum*.¹ The president of this chapter was normally the prior. If he were absent the sub-prior² would take his place. If both these were away from the house the senior friar present would preside. This chapter was held either immediately after Matins or after Prime. From the first, however, the prior could decide not to hold this chapter daily if he thought it interfered with study.³ Thus though the chapter continued to be called the *capitulum quotidianum*, there is reason to suppose that by the fourteenth century it was normally held only once a week.⁴ Friar Galvagnus de la Flamma*, who wrote between 1330 and 1340,⁵ told a story of an interview between St. Dominic and the devil in the convent of Bologna. Friar Galvagnus* assigned this interview to the year 1219; we may ascribe the practice described in it to the years 1330—1340. St. Dominic took the devil round the whole house, asking him how he tempted the brethren in each room, the choir, the dormitory, and the refectory. When they came to the chapter-house the devil said: "This place is my inferno, for whatever gains I make *during the week* are lost here *in one hour*, for here the friars frequently accuse themselves; they confess and are absolved, whence I hate this house above all others." It would appear from this that the chapter of faults was at this time held only once a week.

At the opening of the chapter of faults there were present

1. *Constitutiones Fratrum S. Ordinis Predicatorum*, Paris, 1886. This is the version in use to-day.

2. St. Dominic ordained that the subprior was not to be accused openly in the chapter of faults, except for some very grave offence. *A.L.K.G.*, i, 222.

3. *Ib.*, i, 196.

4. That the chapter was not held daily is borne out by the *constitutiones*, which presuppose that it would be possible to break silence seven times between one chapter and another. Appendix ii.

5. His chronicle ends in 1333. He died in 1340-1341. *M.O.P.H.*, ii, part 1, 111 and iii.

all the professed friars in the house, and all the novices. The latter went out after certain prayers had been said; they were not present at the confession of faults by the friars. Thus the high-spirited young novices, who listened at the window of the chapter house during the latter part of the *Capitulum culparum*, were giving way to very natural curiosity, but were transgressing the *constitutiones*, and must later have confessed their faults in their own chapter. For besides the chapter of faults for the professed friars, presided over by the prior, there were also chapters of faults for the novices, presided over by the master of the novices¹, and for the *conversi*, presided over by the master of the *conversi*.² The procedure in each of these chapters was the same as that in the chapter of faults of the friars. The novices and the *conversi*, in their respective chapters, confessed their own faults, and accused their brothers if they had anything against them. In both cases their masters acted as intermediaries between the friars and his charges. He told the latter what concerned them in the Rule, the *constitutiones*, and in the *acta* of the general and provincial chapters, also if the conventual or provincial prior or sub-prior had issued any order which affected them. The master of the *conversi* repeated any accusations made by the friars in their chapter against any *conversus*. He was the mouthpiece of any complaint on the part of a *conversus* against a friar, and made the accusation in the friars' chapter of faults. Thus the healthy principle that no social sin,³ that is one against the community, was to be hidden, nor any grievance to be nursed and allowed to grow in secret was applied to all the inhabitants of the house.

The procedure of the friars' *capitulum culparum* is of considerable interest. It is described in great detail by St. Dominic.⁴ First the *lector* announced the stage of the moon and read out whatever had to be read out of the calendar. Then a priest said the versicle, *Pretiosa*, etc. When the friars

1. Humbert, ii, 216-217. 2. *Ib.*, ii, 233. Wrongly translated Master of the Converts. Formoy, *The Dominican Order*, etc., 9

3. An infringement of the *constitutiones* did not constitute a sin. (*A.L.K.G.*, v, 534). Consequently the rules about private confession did not apply, and the prior could not force friars to acknowledge openly in the chapter their non-observance of the *constitutiones*. 4. *A.L.K.G.*, i, 196.

had sat down the *lector*, after repeating a prayer, read the passage appointed, either from the *constitutiones* or from the gospel. The *hebdomadarius*¹ added the blessing. When the absolution of the dead had been pronounced, the president of the chapter said *Benedicite*. The rest replied *dominus* and bowed. A list of benefactors was read, and the prior said *Retribuere dignare*, etc. After various other psalms, versicles and collects were said, the friars sat down, and the president could, if he thought it expedient, give them a short homily. At this point the novices went out. The president then exhorted the friars to confess their faults against the Rule. Any friar who was guilty rose and confessed his fault. If he had committed anything worthy of corporal punishment he at once prepared himself for it. The prior or some other friar to whom he committed the task administered it. A friar could only speak for three reasons in the conventual chapter, to confess his own fault, to accuse another friar, and to answer the president. No friar was to accuse another on suspicion only; he was to say whether he was accusing him from sight or hearsay. Later two clauses were added to these regulations.² One concerned the actual procedure in the chapter. It was that the friar speaking was to stand up, and that, while he was speaking, no one else was to interrupt. The other dealt further with the question of accusation from hearsay. If any friar accused another from a report he was to say who had told him the story. This must effectively have put an end to scandal. Further, the general chapters in 1254, 1255 and 1256 stated that if any friar accused another of a sin which the latter denied, and which the former could not prove, the accuser was to suffer a penalty,³ which a later ordinance said ironically was to be that which would have been imposed upon the accused if the case against him had been proved.⁴ If the president announced a common prayer all the friars bowed. If some office was entrusted to a friar, he humbly cast himself on the ground. When all the con-

1. The priest of the week. 2. *A.L.K.G.*, v, 554.

3. *A.L.K.G.*, v, 546. *M.O.P.H.*, iii, 78. All references to Raymond of Penaforte's redaction are given to Denifle's text. In those cases where the 1260 version differs from it reference has been made to Add. MS. 23.935.

4. Appendix ii, p. 220. *M.O.P.H.*, iii, 265.

fessions had been made, the psalm *Laudate dominum omnes gentes* was said with the verses *Ostende nobis domine* and *Dominus vobiscum*, also the collect *Actiones nostras*. Finally the prior said *Adiutorium nostrum*, etc. and thus dissolved the chapter. It is of interest to notice that a chapter of faults was part of the ordinary procedure both of the provincial chapter and the general chapter¹. Also it was this chapter over which the visitor presided when he came to the house.

The conventual chapter would be held at whatever time the prior considered most convenient, though nominally it would probably have followed straight on after the *capitulum culparum*. The prior or his deputy would again preside and, according to the earlier *constitutiones*, this chapter was composed in the same way, namely, of all the professed friars at that moment in the house. The business done by this chapter was very varied. It had not a great deal to do directly with the domestic affairs of the house, for it elected a small band of councillors, whose advice the prior took on all such matters as the choice of officers.² It also elected another committee which decided which novices were to be received³. Whenever the convent⁴ as a corporation had dealings with the outer world, the whole matter was discussed and settled by the conventual chapter. Whenever the conventual seal was used it had to be affixed in the presence of the whole chapter. This chapter elected the prior's *socius*⁵ to go with him to the provincial chapter.⁶ It also chose the two electors of the provincial prior,⁷ and drew up the two reports which were sent to the provincial chapter, namely, that on the conventual prior,⁸ and that on the state of the house's finances.⁹ These last two functions, the election and the

1. *A.L.K.G.*, v, 558. 2. See also p. 115. 3. *A.L.K.G.*, i, 542.

4. For a full discussion as to what legally constituted a convent in the Order of Preachers see p. 47.

5. The *socius*, who went to the chapter with the prior, acted as his companion and also, if need be, his deputy. This occurred also in the case of the provincial prior and *diffinitor* of the general chapter. There is a modern equivalent to be found in American constitutional practice; the *alternate* corresponds to the *socius*.

6. *A.L.K.G.*, i, 212. 7. *A.L.K.G.*, i, 217.

8. Appendix ii, 238. *M.O.P.H.*, iii, 221. This report was called the *scrutinium*. See p. 129.

9. *A.L.K.G.*, v, 555.

preparation of the reports, were limited by the general chapters of 1293, 1294, and 1295 to those friars who were eligible to be electors of the conventual prior.¹ The preparation of the reports was known as the *Tractatus capituli*.² The conventual chapter could also send petitions to the provincial chapter.³ The reports and petitions were sent by the hand of the prior's *socius*. No copy of these is extant, so it is difficult to say much about them. It is to be supposed that they dealt almost entirely with the affairs of the house and of the friars in it. The sole exception to this would be if a suggestion was sent up as to a suitable site for a new house.

The election of the conventual prior was a very important and a very solemn matter. The membership, procedure, and presidency of the chapter by which he was elected were, therefore, carefully regulated. St. Dominic ordained that conventual priors were to be elected *a conventibus suis*,⁴ but his successors soon found it necessary to define the electorate more clearly. The *generalissimum* chapter of 1236 stated that only friars whose profession was a year old were to take part in the prior's election.⁵ The general chapter in 1259 extended this term to two years, in 1271 to four.⁶ Further, since from the very nature of the Order, friars were constantly absent from the house for several days at a time, it was found necessary to pass an ordinance to the effect that the election belonged to those electors who were present in the house at the moment.⁷ Absentee voting was not permitted,⁸ nor was it allowable for friars who happened to be away on a mission to dispute the result of the election on their return. Later in the century, when friars were often moved from province to province, and from house to house, difficulties must have arisen when a newly-arrived friar claimed the right to vote for the prior. Hence the general chapter of 1282 ordained that for friars coming from another province the year's residence

1. Appendix ii, 228. *M.O.P.H.*, iii, 278.

2. Douais, 117. This expression, while normally meaning the discussion which led to the drawing up of the reports, might also mean the reports themselves. Cf. Douais, 182.

3. *A.L.K.G.*, v, 555-6. 4. *A.L.K.G.*, i, 221. 5. *M.O.P.H.*, iii, 7.

6. *A.L.K.G.*, v, 550. *M.O.P.H.*, iii, 94 and 156.

7. Add. MS. 23, 935, fol. 77 v Margin.

8. It is possible that by 1353 it was allowed in practice. *M.O.P.H.*, iv, 354.

necessary to qualify to be an elector must be continuous, and must immediately precede the election.¹ A declaration of the year 1336² stated that this ordinance was intended to apply only to students, and not to friars moved from one province to another for good. Further, the chapter of Venice in 1357 declared that friars were not to be transferred, and thus disenfranchised, just before an election unless it was absolutely necessary.³

Besides the question of the presidency, which was regulated in detail,⁴ the *constitutiones* have a great deal to say about the procedure of the chapter which elected the conventual prior. To St. Dominic's simple regulation that the prior was to be elected by his convent, the next generation added the qualifying clause "according to the canonical form."⁵ The general chapter of 1242 confirmed an ordinance which defined this expression. The conventual prior was to be elected by a majority of more than half the number of friars present, or *per compromissionem*, which meant the election by the whole chapter of a small committee to whom was delegated the right of choosing the prior,⁶ or by acclamation, when, without any formal election, the whole chapter unanimously chose one man.⁷ By the end of the thirteenth century the *constitutiones* provided a detailed description of the election itself.⁸ When the election was to be decided by voting, the sub-prior, or his deputy, and the two friars present, were senior in the Order,⁹ were to act as *scrutatores* and receive and count the votes. When the result of the election was published, and one friar had received the requisite number of votes, those who had voted for someone else could, if they wished, agree with the majority. In this case, whoever had first voice amongst the electors,¹⁰ stood up and said: "I. M., on my own behalf and that of all the electors present, choose N. as prior of X convent in Y province, if the provincial prior

1. Appendix, ii, 227. *M.O.P.H.*, iii, 216. 2. *M.O.P.H.*, iv, 236.

3. *Ib.*, iv, 380. 4. See below. 5. *A.L.K.G.*, v, 550. *M.O.P.H.*, iii, 8.

6. Cf. the method of electing the abbot in the order of Canons Regular of St. Victor of Paris. Martène, iii, 253, and Canon 24 of the Lateran Council of 1215. See p. 21, note 3, and p. 33.

7. *A.L.K.G.*, v, 550. *M.O.P.H.*, iii, 21. 8. Appendix, ii, 226-228.

9. *M.O.P.H.*, iv, 281. 10. *M.O.P.H.*, iv, 173.

shall will it." If the minority stood out, and refused to transfer their votes, the same friar would say : " I. M., on my own behalf and on behalf of those who voted with me choose, etc., *ut supra*." When the election had taken place, a summary of the result was immediately written down, giving the number of votes obtained by each candidate, and the names of the voters.¹ As in the case of the announcement of the election in the chapter, the formulæ used for unanimous and for a divided election were different. This report was sent to the provincial petitioning him to confirm it.

It is now necessary to decide what legally constituted a convent² in the Order of Preachers. This can most easily be done by studying the regulations with regard to the foundation of new convents. At the outset St. Dominic borrowed the Premonstratensian regulation that at least twelve friars were necessary to form a new convent³ This regulation remained in force to the end of this period. Later it was found necessary to make explicit its application to older convents. The general chapter in 1282 confirmed⁴ the ordinance that the convent, after it had gone forth, was not to have less than twelve friars, and if one was taken away his place was to be filled. This ordinance evidently was not observed, and it was found necessary to enforce it by punishing its non-observance. The general chapters of 1325, 1326 and 1327 stated⁵ that any house which had less than the full complement of friars should not be allowed to send representatives to take part in the provincial chapter. It would still have to obey all the *acta* of the provincial chapter, though it would have no hand in drawing up those *acta*. This stringent regulation, which it was considered would be sufficient to keep up the numbers was to be applied with two exceptions; the provinces of Greece and Jerusalem were exempt from it. Also no convent was to be deprived of its vote if its numbers had been

1. Appendix, ii, 227. *M.O.P.H.*, iii, 43. *A.L.K.G.*, v, 550.

2. For the Friars Preachers, as for other religious orders, the word "convent" always meant the body of men, the corporation, never the house. *In ipso quoque capitulo (i.e., of 1221) conventus fratrum in Angliam cum fratre Gilberto priore scilicet provinciali transmissus est.* *M.O.P.H.*, iii, 2.

3. Cf. Martène, 334, and *A.L.K.G.*, i, 221.

4. Appendix, ii, 225. *M.O.P.H.*, iii, 215.

5. Appendix, ii, 226. *M.O.P.H.*, iv., 168.

brought down to eleven by the death of a friar in the current year.¹ It was allowed a year's grace to find a new friar.

St. Dominic, through clearly modeling his rule on that of Prémontré, makes several significant additions. In the first place his insistence on the inclusion of a doctor of theology in the personnel of every convent shows that one of his first considerations was that the friars should be well taught; his convents were primarily factories of preachers.

An interesting problem, which arises out of another alteration of the Premonstratensian model by St. Dominic, is that of the licensing of new convents. Did that power belong to the provincial or the general chapter? St. Dominic clearly had no doubt. He stated that no house was to be founded without the licence of the general chapter², and this ordinance remained in force to the end of this period. By 1236 it was clear that the decision really lay in the hands of the provincial chapter. The *generalissimum* chapter of that year ordained³ that no house was to be granted (*i.e.*, licensed) unless the foundation of a new house had been petitioned by the provincial prior and *diffinitores* of the provincial chapter, and that when such a foundation had been licensed, the convent was only to be placed where the provincial prior and *diffinitores* thought fit. Thus it was the provincial chapter which decided that a new house was required, and settled where in the province it was to be. The general chapter merely sanctioned these arrangements. No house, however, could be transferred from one province to another without the special licence of three successive general chapters⁴. There is a curious petition from the provincial chapter of Castres in 1279⁵ that the two houses of nuns, which had already been granted by two general chapters might be conceded by a third. From this it would appear that the same rule applied to the licensing of houses as to the incorporation into the *constitutiones* of the ordinances of the general chapter. As there is no other mention of this system, and as the entries with regard to the houses granted by the general

1. Especially if there had been an epidemic. *M.O.P.H.*, iv, 335.

2. *A.L.K.G.*, i, 221. 3. *M.O.P.H.*, iii, 6. *A.L.K.G.*, v, 549.

4. *A.L.K.G.*, v, 549. *M.O.P.H.*, iii, 7. 5. Douais, 233.

chapter to the provinces of Provence, Spain and Rome in the thirteenth century by no means fit in with it, it is to be supposed that it does not represent the normal procedure, It is not easy, however, to explain it away. Perhaps this was not regarded as the foundation of two new houses, but rather the transference of them from another province which, as we know, had to be licensed by three successive general chapters.

In 1245, an attempt was made to introduce a clause into the *constitutiones* which would prevent a province accepting, without special permission from the general chapter, the land on which to build a new house, if the donor granted it with conditions attached to the gift.¹ This attempt failed; the proposal was neither approved nor confirmed. Thus, in theory, the power of creating new convents was divided between the provincial and general chapters. In practice during this period the general chapter sank more and more into the background. If the *acta* of the general chapter and of the provincial chapter of the province of Provence² are compared, it will be found that with regard to the foundation of new houses there is very little correspondence between them. The general chapter continued at intervals of two, three, or four years³ to grant to the province the right to found one, two, or three houses. Between the years 1245 and 1293 the general chapter had licensed the foundation of thirty-nine new houses, but, as a matter of fact, the provincial chapter had only founded twenty-three.⁴ A consideration of the order in which the licences were granted by the general chapter, and the houses founded by the provincial chapter, yields results which will fit in with no theory of co-operation between these two bodies. If, as it would seem from the *constitutiones*, the first move was for the provincial chapter to petition the general chapter to grant the licence, it is curious that having received that licence the provincial chapter should allow so many years to elapse before it founded the house.

1. *M.O.P.H.*, iii, 31.

2. The *acta* of the provinces of Rome and Spain, printed by Mgr. Douais, are too scanty to allow of any conclusive result from their comparison with the *acta* of the general chapter.

3. The intervals vary: the longest being eight years, 1254-1262, the shortest, one, 1262-1263, 1270-1271, etc.

4. Douais *passim*.

Still more curious is the fact that on many occasions the general chapter granted the licence for the foundation of further new houses before those already licensed had been founded. In some cases the provincial chapter founded several houses in two or three consecutive years, the licence having been granted by the general chapter several years before.¹ The provincial chapter received the licences from the general chapter, whether granted at its own initial petition or not is not clear, and saved them up, placing them on the credit side of its account, so that it would always have a balance of potential new convents in case a need suddenly arose in any special place. At the end of the century it had sixteen in hand.

In some cases a town was named by the general chapter as the place in which the new house was to be founded.² In the province of Provence this occurred three times in the last fifty years of the thirteenth century. The general chapter of 1266 granted that a house was to be founded at Aubenas at the request of the lord of the country, Pontius of Montlor, if the provincial prior and *diffinitores* of the provincial chapter considered it expedient.³ The provincial chapter founded a house in Aubenas, which is in the Ardèche, the same year.⁴ In 1268 the general chapter proposed that there should be a new convent at Morlaas, in 1276 one at Albi. The latter was founded in the same year. The foundation of the house at Morlaas was not completed until 1273, five years after it was first mentioned by the general chapter. It is certain that with regard to the convents of Aubenas and Albi the general chapter only named these places in reply to a definite petition from the provincial chapter, for in both these cases the provincial chapter had already begun the process of foundation before the licence was granted by the general chapter.

1. The provincial chapter of Provence founded the convent of Marvejols in 1281, those of Die, Saint-Sever, and Millau in 1282, and that of Rodez in 1284. The general chapter had, in 1280, granted a licence for the foundation of one house only, but in 1278 it had licenced two, and in 1275 three.

2. The general chapter of Barcelona, in 1261, stated that provinces which petitioned the general chapter for houses were to give the names of the places they wanted them for, and their reasons for wanting them. *M.O.P.H.*, iii, 110.

3. *M.O.P.H.*, iii, 135.

4. Douais, 112. The provincial chapter of the previous year had ordered the inspection of Aubenas by two friars. *Ib.*, 110.

Morlaas is an exception. No reason is given by the general chapter for its choice of this place¹ nor when, in the following year, the provincial chapter accepted Morlaas as a "place"² where a convent might be founded, does it refer to the action of the general chapter.

The normal sequence of events leading to the foundation of a new house began, it would seem, either with the report by some missionaries of the suitability of a certain town, or with a request from the local magnate for the foundation of a convent of preaching friars within his territory, accompanied probably by the promise of a gift of land on which to build a house. The provincial prior and *diffinitores* would consider the report. Four courses were open to them. If they disapproved of the whole idea nothing further would happen. If they wished to know more about the place before deciding one way or the other, they sent friars to make an enquiry, as in the cases of Rieux and Valcabrère in 1273.³ The report on Valcabrère must have been unfavourable, for nothing further is heard of it. Rieux, however, was considered a suitable place, and the process of foundation was continued there. The third alternative was for the chapter to decide that the place was suitable and that it should be tried. In this event the formula was *Recipimus locum* and certain friars were sent to the town to stay there for a year or two, but no prior was appointed. For example, in 1263, the chapter of Toulouse received Brive as a "place."⁴ It sent eight friars and three *conversi* there under the care of Friar Ber[nard] de Cella*. This experiment evidently proved a success, for the next year Brive was officially founded as a convent.⁵ A certain friar, Peter de Planis* and not Friar Ber[nard] de Cella* was made conventual prior, though many of the same friars remained as members of the convent. A "place" was clearly recognized as something quite different from a convent; it had a status of its own. Vaucluse is mentioned as a "place" amongst the convents to be visited by Friar Bertrand Quintini* in 1276.⁶ A "place" had no constitutional rights. It did not elect its chief and it did not send representatives to the provincial chapter.

1. *M.O.P.H.*, iii, 144.

2. See below.

3. Douais, 176.

4. Douais, 97.

5. *Ib.*, 101.

6. Appendix, ix. Douais, 209.

Another intermediate stage between the initial enquiry and the final foundation of the convent was the nomination of a vicar. This happened either at the same time as the "place" was received, as at Saint-Gaudens in 1292, or a year or two afterwards, as at Millau in 1280, but never before. Normally this appointment was made the year before the "place" was promoted to the status of a convent, as at Rieux in 1274, or Rodez in 1283, and the vicar was the nominee of the provincial chapter. After this preliminary year the election of the prior was, of course, in the hands of the conventual chapter.

The fourth and last line of conduct which was open to the provincial chapter, when faced with a proposal to found a new house, was to accept the place with joy, to send friars, and to give the house at once the status of convent. The convent of Auvillar was founded in this way in 1275, and that of Puycerda in 1291. This precipitate action was unusual, and it was no doubt owing to the caution with which the foundations were made, that during this period there is no evidence to show that any house was abandoned.

There is, therefore, nothing vague or nebulous about the foundation of a convent. It is true that the history of the earliest years of the Order was sufficiently scanty to allow of doubt with regard to the exact date of the foundation of the primitive convents. Further, this difficulty was accentuated by the fact that, as the seniority of the convent settled its place at the provincial chapter, each convent did a good deal to confuse the issue to its own advantage. By the middle of the century the whole process was cut and dried. It was clear to everyone that a new convent had been created, and, from that moment, it became a distinct constitutional unit with the full rights and powers enjoyed by every other convent. The convent was the smallest constitutional unit known to the Friars-Preachers. On it was built the superstructure of provincial chapter and general chapter.

It only remains now to decide in what sense did a Friar-Preacher *belong* to a convent. The Black Monk became a religious in a certain monastery, and from that moment the bond between him and his house was very close.

At the time of his profession he took the vow of *stabilitas*, and he owed absolute obedience to the abbot, a relationship which corresponded in the secular world to the feudal one of lord and man. The Friar Preacher made his profession in a particular house, and promised obedience, not to the prior, but to the master-general. Nevertheless, that house was regarded as *suus conventus*¹. He was bound to pray for any friar belonging to his house, who died, and on his death every clerk in the house said the psalter, every priest offered three masses, and every layman said fifty Paternosters². That this link was regarded as of great value is seen in the regulations with regard to the transference, when a new house was founded, of friars from other houses. Friars thus sent out belonged for prayers to the houses from which they were taken, and those houses were bound to pray for them, just as for their fellow friars (*conventualibus*), until the new convent was legally established³. Then a new bond was formed and the old lapsed.

This connection between a friar and one particular house did not mean, and was not intended to mean, that he spent most of his life in it. Quite the contrary is true. When he was young he was sent away to study; later he acted as *lector* or prior in various houses throughout the province, or even perhaps in other provinces. There is so much evidence for this in the *acta* of the province of Provence as to put it beyond the need of proof. This constant moving about forced the friars to make two distinctions. In the first place, as has been shown above, a friar was bound to his own house for prayers, in all other respects he was bound to the house in which he was working, and that house was obliged to provide for him. Also a distinction was made between being sent to a house *ad tempus*, and being sent *simpliciter*. By far the greater majority of the appointments were merely for the time.

THE PROVINCIAL CHAPTER.

The provincial chapter in the Order of Preachers is remarkable for several reasons. In the first place it was a novelty in the world of monastic institutions. Other Orders

1. See for leprous friars. Appendix, ii, 211. 2. *Ib.*, 208. 3. *Ib.*, 225.

had had general and provincial chapters, as for example the Templars.¹ These provincial chapters were composed of the heads of the houses within the province. St. Dominic was the first to establish provincial chapters containing elected representatives. Secondly, there is no doubt that the provincial chapter was the driving force in the practical working out of the *constitutiones*. As for these and other reasons the provincial chapter is of great constitutional importance; it has been considered most convenient to discuss it under various aspects: the date; the place; the membership of the legislative² and electoral provincial chapters;³ the president and rank of the members; the procedure; and finally the work done by it.

The *constitutiones* of 1228⁴ appointed Michaelmas, 29 September, as the day on which each year all the legislative provincial chapters in all the provinces should be held. This rule was quickly found to be too rigid. Conditions varied from province to province; circumstances changed from year to year. This uniformity proved to be a hindrance and consequently was abolished. In the constitutions of 1256 it was laid down that the provincial chapter was to be held where and when the provincial prior, with the advice of the *diffinitores*, decided.⁵ The power of fixing the date of the chapter must have been handed over to the provincial before the year 1238, for in that year the English provincial chapter was held on 14 September.⁶

The fact that the decision lay in the hands of individual provincials and *diffinitores*, produced such a variety of practice as makes it impossible to perceive any common rule. Further the evidence is scanty and unsatisfactory.⁷ It is possible to say that the legislative provincial chapter was always held after Whitsuntide, at which season the general chapter was invariably held. In whatever province the general chapter was held the provincial chapter of that province was held

1. The Hospitallers had chapters in their local divisions called priories. These chapters seem to have been concerned with the material interests of the Order rather than with the government of the brethren.

2. For an explanation of these terms, see p. 40.

3. Father Jarrett (*The English Dominicans*, 127), does not point out that the composition of these two is different.

4. *A.L.K.G.*, i, 218.

5. *A.L.K.G.*, v, 555.

6. See Appendix, vi.

7. See Appendix, vi.

immediately following it in the same house. In other provinces the provincial chapters were held later. It may also be said that it was always held *before* the autumn; October 18th is the latest date in the provinces of Provence, Rome, and England before the year 1360, and it only occurs twice.¹ Beyond fixing these limits it is impossible to discover any plan in the arrangements. The earliness or lateness of the date of the provincial chapter was not affected, it would seem, either by the distance away of the general chapter that year, or by the climate of the province in question. The only broad generalization that can be made is that while the province of Provence preferred July, that of England liked August, and that of Rome September, as the month in which to hold its provincial chapter.

The question of the date of electoral provincial chapters is most obscure, although the regulations on this subject in the *constitutiones* are most explicit.² When the provincial prior died or was removed, the prior who was acting in his place, whoever he might be, was bound to summon the electors as quickly as possible, and then the new provincial was elected and would celebrate the legislative provincial chapter, unless it had already been celebrated. It is quite clear from these instructions, which, it must be remembered, were made at the very beginning of the Order's history, when the number of houses was not great, that the election of a new provincial should normally take place within a few weeks of the death of the late one. This regulation was persistently ignored, and the reason is probably not far to seek. Once a working solution had been found to the problem of finding a legal and universally recognised vicar to take the late provincial's place, it caused far less confusion and expense to prolong the vicariate until the date for the ordinary legislative chapter arrived. No doubt the vicar fulfilled his obligation of announcing the coming election to all the houses in the province; he would not summon the electors to a special meeting in the immediate future, but would bid them be

1. The provincial chapter of Rome in 1280, and that of Spain in 1300.

2. *A.L.K.G.*, i, 217-218. These regulations remained substantially unchanged. The *constitutiones* of 1360 (see Appendix, ii, 230) speak of a day appointed for the election. This added nothing to the primitive rules.

present at the season appointed for the coming provincial chapter. This occurred on several occasions in the province of Provence in the thirteenth century. In 1259 Gerard de Fracheto*, the provincial, was absolved by the general chapter held at Whitsuntide. The provincial chapter of 1258 arranged that the chapter of 1259 should be held on the feast of St. Dominic¹ (5th August).² Consequently on 5th August, 1259 the provincial chapter met at Montpellier, and elected Friar Pontius of Saint-Gilles provincial. Whit-Sunday was 1st June, so two months elapsed between the resignation of one and the election of another provincial prior. A similar case is that of the year 1301, when the provincial of Provence, Bernard of Jusix, was elected master-general in the general chapter at Whitsuntide³ (21st May), and consequently resigned the office of provincial. His successor, William Peter of Godin, was elected by the provincial chapter on 22nd July,⁴ the day appointed by the chapter of 1300.⁵ Again, in the records of the provincial chapter of 1299 it is possible to see the whole process at work. Friar Raymond Hunaud de Lanta* died on 9 May⁶ in that year. The chapter of 1298 had chosen Perpignan for the next chapter. Consequently in accordance with the *constitutiones*⁷ Friar Durand, prior of Perpignan, became vicar, and wrote⁸ to all the priors and convents in the province of Provence announcing the provincial's death, and fixing the day for the election of his successor. The provincial chapter had been arranged for the Sunday after the Octave of St. Peter and St. Paul (19 July). The election was to take place on Saturday, 18 July.

There is an example in the early records of the province of Provence of a provincial prior being absolved by the provincial chapter, and of his successor being elected by the same chapter. The chapter of Toulouse of 1249 absolved Friar Pontius of Lesparre and elected Friar Stephen l'Auvergnat,⁹ who was not present at the chapter.¹⁰ This must even then have been an unusual proceeding, for, though the

1. Douais, 73.

2. The feast of St. Dominic was celebrated on 5th August in the thirteenth century. I am indebted to Father Jarrett for pointing this out to me.

3. *M.O.P.H.*, iii, 301, note 3. 4. Douais, 456. 5. *Ib.*, 456.

6. *Ib.*, 431. Not May 13th as Mgr. Douais states (xxxix).

7. See p. 147. 8. Douais, 431-4. 9. Douais, 33, note 5. 10. *Ib.*, 35, note 2.

provincial chapter had to report on the provincial prior, and could by an unfavourable report hasten his dismissal by the general chapter, it did not usually absolve him. Moreover, there would be no means of procuring the attendance of the two electors from each convent. It is possible that in this case the only one known of its kind, Friar Pontius had announced some time before his intention of resigning at the chapter, and consequently an electoral provincial chapter was held.

Still more remarkable, if considered in the light of the regulations in the *constitutiones*, are the elections in the years 1266, 1285, and 1292. Peter of Barrèges was absolved by the general chapter at Whitsuntide 1266.¹ The coming provincial chapter was arranged for 13 July.² It was not held till 5 August.³ In 1285 the general chapter of Bologna absolved Friar Berengar of Nodier, provincial of Provence.⁴ The provincial chapter, which should have been held on 5 August, was postponed till 9 October.⁵ Whit Sunday was 13th May : consequently the province was five months without a provincial. Likewise in 1292 the provincial chapter, which had to elect a successor to Friar Peter of Monceaux, absolved by the general chapter of Rome in that year, was postponed from 22 July⁶ to 15 August.⁷ All these postponements were directly counter to the clear ruling on the subject in the *constitutiones*, and it is difficult to account for this disobedience, for normally the Friars Preachers were most punctilious in their observance of the *constitutiones*. In these cases it is possible that there were cogent reasons for postponement of which no trace is to be found in the *acta*. That this is probably the case is borne out by the fact that in the thirteenth century in the province of Provence there are at least two cases where the regulations in the *constitutiones* were obeyed. If it had been a constant practice to disobey them, or ignore them, these cases would not have occurred. These, then, although so few in number must be regarded as the rule : the postponements were the exceptions. In the provincial chapter of 1290, Bernard Latreille was elected *diffinitor* of the

1. *M.O.P.H.*, iii, 135.2. *Ib.*, 111.

3. Douais, 111.

4. *M.O.P.H.*, iii, 230.

5. Douais, 283.

6. Douais, 357.

7. *Ib.*, 358.

general chapter.¹ On 25 March, 1291, Bernard Gerald, the provincial, died.² The general chapter of Palencia, held at Whitsuntide (June 10th), confirmed Bernard Latreille,³ who was present as *diffinitor*, provincial prior of the province of Provence, to which office he had been elected at Béziers after Easter (22 April). He returned to his province and held the ordinary provincial chapter on 15 August.⁴ This series of events shows clearly that in this year there were two provincial chapters held in the province of Provence, the one in April or May, electoral, the other in August, legislative. In this case, then, the vicar obeyed the *constitutiones* and summoned the electors as soon as he could.

In 1295 the provincial chapter was held on 24 June.⁵ The provincial Peter de Mulceone* died on 29 July. His successor Raymund Hunaud de Lanta* was elected on the feast of St. Martin,⁶ 11 November.⁷ This shows that the vicar summoned an electoral provincial chapter, perhaps not as soon as he could, but certainly within a reasonable time. It was held at Narbonne, the place appointed for the next legislative chapter, the house of which the vicar was prior.

It is unfortunate that the records of only one province remain. All conclusions based on isolated examples must necessarily be very tentative. If the Order as a whole be left out of account for the moment and the province of Provence alone be considered, it is possible to deduce some very general conclusions as to the date of the electoral provincial chapters. The regulation drawn up by St. Dominic himself, confirmed by the *generalissimum* chapter of 1236, and conserved as part of the *constitutiones* to the end of our period, stated that, when the provincial prior had died or been removed, the vicar was to summon the electors as soon as he could. This was the theory. In practice it was found that, if the vacancy occurred only a few months before the time assigned for the ordinary legislative provincial chapter, the most practical arrangement

1. *Ib.*, 338. 2. *M.O.P.H.*, iii, 264. 3. Douais, 348, note 1, small print.

4. *Ib.*, 348. 5. *Ib.*, 394. 6. *Ib.*, 401, note 4.

7. There can be no doubt that it is his feast (11 November) and not his translation (4 July) which is meant. The Order was without a Master. This is true of 11 November, 1295, but not of 4 July, 1296, for Nicholas of Treviso was elected Master on 13 May, 1296.

was to summon the electors for that date, and this held good even if for some reason, probably quite unconnected with the election, it was found necessary to postpone that chapter. The labour of notifying such a number of houses, so widely scattered as those which made up the province of Provence, must have been enormous. When a great part of the year had still to run before the next provincial chapter had to be held, an electoral chapter was specially summoned which chose the new provincial. Such it would seem were some of the considerations which brought about the variety of practice to be met with in the province of Provence.

The place where the provincial chapter was to be held could from the first be fixed in two ways. If the *diffinitores* of the general chapter had chosen some house within the province as the site of the general chapter, the provincial chapter was bound to arrange that the provincial chapter should be held at the same place. So much was this the rule that in the years preceding the coming of the general chapter nothing is said as to the time and place of the following provincial chapter¹.

In other years the choice of the place of the next provincial chapter was left entirely in the hands of the provincial prior and *diffinitores*². The place chosen was announced in the chapter and noted in the *acta*³. As in the question of the date of the chapter it would seem that the decisions as to the places of the provincial chapters were purely arbitrary. A resumé⁴ of the facts known about the provinces of Provence, Spain, Rome and England in this period yields no evidence of any system. There are two very obvious facts which are perhaps worth noting. Whenever a general chapter was held in any house, the province did not hold the provincial chapter again in that house for a considerable number of years. The

1. e.g., Douais, 69-72, 506-508, 145, 154, 529, 530, and passim. There is an exception to this rule in the letter if not in the spirit. In 1291 the general chapter of Palencia arranged that the next general chapter was to be held at Cologne. On 13 August, 1291, Nicholas IV issue a Bull to all the Provincials ordering that it should be held *in loco in quo tunc Apostolica Sedes resederit*. (Mortier ii, 272, note 1.) The provincial chapter of Rome, which was not held that year till 14 September, and thus would have had time to receive the Bull, arranged that its successor should meet *ubi Apostolica Sedes resederit* (Douais, 576).

2. *A.L.K.G.*, i, 218.

3. Douais passim.

4. See Appendix, vi.

shortest interval for which there is evidence is five years, and that is in the forties and fifties of the thirteenth century, when the houses were not as numerous as they became later. Towards the end of the thirteenth century the interval was usually ten years or more. Secondly, the province itself tried to vary its site as much as possible. The amount of variety possible was far greater by the end of the century. During the first twenty years, 1239 to 1259, for which there is evidence in the province of Provence, the chapter met in nine different houses; during the years 1282 to 1302 it met in sixteen different houses. In the province of Rome between the years 1243 and 1263 only eight houses were used, while between the years 1282 and 1302 fourteen different houses were chosen. Thus the chapter in many cases did not visit the same house more than once in twenty years. This effort to extend the number of houses in which the provincial chapter met lessened the burden on any one house.

In some cases the place of the coming chapter was changed during the year. In the province of Rome in the years 1244, 1256, 1268, 1294 and 1302¹ the chapters were held in houses other than those announced in the preceding chapters. No reason for this change is given in any of these cases, and it is to be supposed that the political situation in Italy, the constant wars between the Hohenstaufen and the Pope, and between city and city, made these changes necessary. This supposition is strongly supported by a statement in the *acta* of the chapter of Rome in 1244. It commanded that the chapter of 1245 should be held at Viterbo if there were peace, and if not at Orvieto². That the chapter of 1245 was held at Orvieto shows that this caution had not been unnecessary. Another example of alternative places being chosen and the matter left in the hands of the provincial prior, is to be found in the year 1257 in the same province. The provincial chapter of Florence in that year arranged that the chapter of 1258 should be held at Viterbo, if the Curia was there, and if not at Perugia³. The provincial prior, having ascertained that

1. Douais, 486, 487, 506, 507, 525, 549, 551, 579, 601, 602.

2. *Ib.*, 489.

3. *Ib.*, 509.

the Curia would be at Viterbo towards the end of July, 1258¹, summoned the friars thither. The provincial chapter of Provence in 1284 was due to be held at Condom but on hearing of the death of the master-general, John of Vercelli, at the convent of Montpellier, Friar Berengar, the provincial prior, ordered that the chapter should be held at Perpignan. This chapter chose Condom as the site for the next chapter, so that these negotiations may be looked upon as a postponement rather than an alteration.

Though it is nowhere specifically stated in the *constitutiones* it is clear that the provincial prior had absolute power to change the place of the provincial chapter. The four *diffinitores*, in consultation with whom he would originally have settled the place, would have ceased to be *diffinitores* at the conclusion of the chapter, and moreover having returned to their houses would be scattered all over the province. Consequently the provincial prior was the sole judge of the validity of a reason for a change. In this respect before 1270² the provincial prior had relatively greater power in his province than the master-general had in the whole Order.

The ordinary provincial chapter consisted from the first of the conventual prior and one other representative from each house in the province, together with the preachers-general of the province. It might frequently occur that there would be present from one single convent the conventual prior, the elected representative, and a preacher-general. The conventual prior represented as it were the official view of the spiritual and temporal affairs of the house. He could talk over various problems unofficially with the provincial prior or any of the *diffinitores*; he could be questioned by the provincial prior in the chapter, or be called on to give evidence before the *diffinitores*, but he was not forced to produce any lengthy report. The *socius*,³ or elected representative, on the other hand, was burdened with the business of his convent. He brought with him the report on the conventual prior. He had also to present all petitions and letters,

1. The chapter was to be held on the feast of St. Mary Magdalene, 22 July.

2. See p. 88.

3. Humbert ii, 357-358.

and to carry out all negotiations entrusted to him either by the convent as a whole or by individual friars. So much was he regarded as the mouthpiece of the convent that, if he said anything on his own authority, he was bound to make it quite clear that he was so speaking. Since the *socius* was such an important person it was necessary that he should really represent the majority of the friars in his convent, and not, as might happen, be elected by a small section because the rest of the friars were divided into two parties supporting two other candidates. In 1259 the general chapter¹ laid it down that the *socius* was only legally elected if at least half the electors voted for him. Further the general chapter² of 1277 confirmed an ordinance which said that no friar could be elected as *socius* of the conventual prior nor as an elector of the provincial until four years after he had made his profession. The preacher-general was not to meddle in the affairs of his house which were brought up at the provincial chapter. The most he could do was to wish it well and help in a general way.³

The provincial chapter was a very large body. By 1277 most of the provinces had between thirty and forty houses of friars and some had over fifty.⁴ This number was constantly increasing. By 1303 the English province contained forty-six houses.⁵ This was not including the houses in Ireland and Scotland, which still at this date were united with the English province. It is probable that, by the beginning of the fourteenth century, there were between sixty and seventy houses sending two representatives to the English provincial chapter, about one hundred and thirty friars in all.

In addition to these the preachers-general of the province attended. There is no evidence from which to form any estimate of the number of preachers-general in the English province, but it is clear that in all provinces the number of preachers-general tended to grow out of proportion to the

1. *M.O.P.H.*, iii, 94. *A.L.K.G.*, v, 555.

2. Appendix ii, 227. *M.O.P.H.*, iii, 189.

3. Humbert, ii, 357.

4. See Appendix vii.

5. *De conventibus Provinciæ Angliæ Sacri Ordinis Fratrum Predicatorum*. Privately printed. For my copy of this book I am indebted to the generosity of Father Jarrett.

real needs of the province. In 1257 the Cardinal Hugh of Saint-Cher in his letter to the chapter of Florence complained of the excessive number of preachers-general.¹ Mgr. Douais estimates that at the beginning of the fourteenth century there were about fifty preachers-general in the province of Provence.² There may well have been about the same number in England. Thus the number of members of the English provincial chapter would have been nearly two hundred.

It has been said that the Masters of theology were members of the chapter.³ There is, it is true, in favour of this contention the fact that at the present day the Masters of theology are *ex-officio* members of the provincial chapter. However, the regulations on this question all date from the seventeenth and eighteenth centuries.⁴ In the *constitutiones* 1228-1360 there is nowhere any mention of the Masters of theology as members of the provincial chapter. It is true that in the *acta* of the provincial chapter of Provence a friar is occasionally designated as *Frater N. Magister in Theologia*.⁵ especially in the lists of *diffinitores*, but in every case it will be found that the friar was present in some other capacity, for example as preacher-general or as conventual prior. This is one of the many questions in early Dominican constitutional history which it is impossible to settle definitely one way or the other, but in view of the mass of evidence against their being members it seems that the burden of proof must rest with those who state they were.⁶ The question as to whether the visitors were present in person will be discussed elsewhere;⁷ if they were it is probable that they were amongst the friars who, though present in the house were in no sense members of the chapter. As Mgr. Douais has pointed out, the latter class must have been of a considerable size.⁸ There were in the first place the friars of the house in which the chapter was being held, Secondly, there were friars who had obtained a special licence to be present. This licence could be obtained from the master-general,⁹ the provincial prior,¹⁰

1. Humbert, ii, 509, note.

2. Douais, xi.

3. Douais, x.

4. *Constitutiones*, 575-584, especially 583.

5. e.g., Douais, 237, note 6.

6. Father Mandonnet, O.P., does not agree with Mgr. Douais. Mandonnet,

7. See p. 160. 8. Douais, xi. 9. *Ib.*, 310. 10. Douais, 166, 180, 181, 310.

the conventual prior,¹ the general chapter, and the provincial chapter. There were constant injunctions that it should be sparingly given. Besides those who came with a licence, many friars came hoping to receive a licence from the chapter after they arrived. In many cases they were disappointed, receiving punishment instead of permission to remain.² A curious recognition of the extra-capitular friars is to be found in the ordinance³ which lays it down that if a friar, who is not a member of the chapter, shall be elected as *diffinitor*, he is to become in all respects a member of the chapter. Even when these extra-capitular friars are allowed for the fact remains that the provincial chapter was a large body quite unsuited for the speedy and efficient execution of the business of the province. St. Dominic realised this and arranged that the whole body should only have a few simple duties, while a small committee was to be elected with full power to do everything else.

The *constitutiones* of 1228⁴ stated that the right of electing the provincial prior belonged to the conventual priors, together with two representatives from each convent, elected for this purpose by all the brothers of the convent, if they could be got together.⁵ There is no mention of the masters of theology, the preachers-general or the visitors, and for this purpose it would seem that these were not considered as members of the chapter.⁶

These simple rules were added to during the thirteenth and fourteenth centuries as need arose for clearer definitions.⁷ In 1260 the general chapter ordained that an elector must be chosen by at least fifty per cent. of the friars in his convent.⁸ Again in 1286 the general chapter confirmed the ordinance⁹ that the votes of the chapter should be counted by the sub-

1. *M.O.P.H.*, iii, 139. Douais, 126, 160, 204. 2. Douais, 100, 119.

3. Appendix, ii, 237. *M.O.P.H.*, iii, 131. Father Jarrett has pointed out to me that such friars, brought into the chapter, are not always present in the house. They are sometimes sent for. It is improbable that this took place in the thirteenth century. Communication was so laborious, and moreover, there is no trace of such an occurrence.

4. *A.L.K.G.*, i, 217.

5. They were on no account to be elected before the death of the provincial. *M.O.P.H.*, iv, 329.

6. See p. 62. 7. Appendix ii, 230-231.

8. Appendix ii, 230. *M.O.P.H.*, iii, 102.

9. Appendix ii, 230. *M.O.P.H.*, iii, 231.

prior, or his vicar, and the two other friars in the convent, who were longest in the Order, and the tendency for strong partisans to gain the useful privilege of counting the votes was thus obviated.

The early rule enforced that the electors should be elected by all the friars of the convent if they could be collected. It was quite normal at any time for a number of the friars to be absent from a Dominican house, either studying at a university or school, or preaching at some distant part of the convent's district, or, in the case of a preacher-general, preaching anywhere in the province. It would, therefore, have been very difficult to collect all the friars. When an election was hotly contested messengers would be sent by both sides to scour the countryside to find friars of the convent who could be depended upon to vote the right way. If one party was sure that the majority of the friars in the house at the moment were on its side it might rush through the election to gain its end. The subsequent arrival at the house of friars belonging to the other party would lead to discussions as to the validity of the election. It was to avoid such undignified and shady negotiations that the general chapter of 1331 ordered a rule to be incorporated in the *constitutiones* to the effect that only those friars should be summoned to an election to whom a messenger from the house could travel in one day.¹ This set a definite limit to any searching of the countryside for more and favourable voters. It also prevented a great waste of time for the friars, who would otherwise have had to come long distances to vote.

A further ordinance on this subject was confirmed by the general chapter of 1358, that if more than one election took place the same electors were to act.² This referred to the recount which became necessary if no candidate received a sufficient majority to begin with.

The provincial chapter was presided over by the provincial prior. If the province was without a provincial, the vicar³ held the chapter. The president, whoever he might be, sat at the end of the room and controlled the assembly.

1. Appendix ii, 230. *M.O.P.H.*, iv, 206.

2. Appendix ii, 230. *M.O.P.H.*, iv, 382.

3. See p. 147.

In assemblies, such as the chapters in the Order of Preachers, one of the chief problems to be solved was the precedence of the various members. This question would be even more acute in a body consisting of between a hundred and two hundred friars, such as the provincial chapter, than in the general chapter with under twenty members. No friar in either assembly could speak unless he were granted leave by the president, the master-general in the one case, the provincial prior in the other. He had to catch the Speaker's eye. The friars who sat nearest the president had a proportionately greater chance of doing this than those further away. The seats next to the president would then have been coveted by the ambitious, looked upon as their right by the acknowledged leaders, and seized by the strong. It was to avoid this unseemly rivalry, which was so alien to the spirit of the Order, that the plan in use in the general chapter was introduced into the provincial one. No individual interest or claim had any influence. The rank of the convent which he represented alone decided where any conventual prior sat. The rank of the convent, the all-important question, was decided by its age. The oldest convent in the province had the place of honour, the seat at the president's right hand. The next oldest had the second place, the seat at the president's left hand. The third and fourth next to the first and second respectively, and so on. There is no evidence to show in what order the English houses sat. If a manuscript were ever discovered giving a list of the English houses as their friars sat at the council board of the provincial chapter, it would solve many problems; such as whether Gilbert of Fresnay left some of his little band behind him in London when he went on to Oxford in the August of 1221, or whether he took them all with him and sent some back later; in short whether London or Oxford can claim to be the site of the first English house. Likewise it would settle more nearly than it is possible to do now the date of some of the other English houses. Though this list is missing for England, Bernard Gui has left one for the province of Provence.¹ This shows the convent of Toulouse, founded in 1216, holding the first place on the

1. Quétif and Echard, *Scriptores*, i, also printed by Douais, xiii.

right hand side of the president. Opposite it is the convent of Limoges, founded three years later, holding the place to the left of the president. Next to the prior of Toulouse sat the prior of Montpellier, the convent of Montpellier claiming to date from 1220. In 1221 a house was founded at Bayonne. Its prior sat next to the prior of Limoges and opposite the prior of Montpellier. This alternation goes on to the bottom of the list where we find the convent of Saint-Maximin, founded in 1295. Though the prior of this house might have been the most influential man present, and further might have been acknowledged by all to have been so, he would still have sat in the lowest place.

There is no evidence at all as to how the other members of the chapter, the *socii* of the conventual priors and the preachers-general, sat and until such evidence is forthcoming it is merely waste of time to discuss the various possibilities.¹ To-day the conventual priors sit down the sides of the room nearest the end at which the provincial is sitting. Below them is a group of *socii* and preachers-general, sitting according to the seniority of their profession. This may also have been the case in the thirteenth century.

If it be thought that, in view of the dimensions of the chapter-house in a Dominican priory, it is absurd to speak of seating arrangements for an assembly of over a hundred and fifty, that in fact it was hardly possible for such a number to be crowded shoulder to shoulder into the room, two things should be remembered. In the first place, various well-authenticated examples can be found throughout the middle ages of large meetings, unconnected with the Order, which were held in the houses of the Friars-Preachers. For example, the Mad Parliament of 1258, which was "a full assembly of the baronage and higher clergy,"² was held in the house of the Friars Preachers at Oxford.³ The room in the house is not specified. Likewise in 1382 Archbishop Courtenay held the Earthquake Council, which condemned Wycliffe's teaching, in the London house.⁴ This council was a council of the

1. See Douais, xiv.

2. Stubbs, *Constitutional History*, ii, 76.

3. Matt. Paris, *Chronica Majora* (Rolls Series), v, 695.

4. *Fasciculi Zizaniorum*, ed. W. W. Shirley (Rolls Series), 277-282.

province of Canterbury. Hence if these houses were voluntarily chosen by outsiders for the holding of large meetings, it is to be presumed that they could easily accommodate the provincial chapter.¹ Again, though the chapter house itself might not be a large room, the refectory was as a rule of some considerable size. In a priory built on the normal plan, this hall occupied the entire south side of the cloister. It might very well then have been over a hundred feet long. It is quite possible that it was here that the full meetings of the provincial chapter were held.

The thing which perhaps above all others would be valued by a historian of the Order of Preachers is an account of a provincial chapter by an eye-witness, telling everything from the moment he arrived at the house where the chapter was to be held, to that when he set out to return to his own convent. It would matter little in what capacity he was present if he faithfully described the events in which he took part. No such account is to be found, and our materials seem to obscure the exact nature of the proceedings. The section in the *constitutiones, de capitulo provinciali*, nowhere mentions in what manner the chapter was conducted. The further section, whose title *de solemnī celebratione* promises just the information required, is most disappointing. In the first place, the two chapters, general and provincial, are dealt with together with the result that, as a rule, it is difficult to tell whether the regulations apply to one chapter or the other or to both. Moreover, the phrase² which states that the ordinances are to apply to the provincial as well as to the general chapter, was placed in the *constitutiones* of 1228 at the end of the section *de questionibus*,³ and was incorporated with it by Raymond of Peñaforte in the section *de solemnī celebratione*. It is not clear, therefore, whether Friar Raymund meant this sentence to apply to all that had preceded it in the section, or merely to the paragraph it followed in 1228. On the whole the former is the more probable, but the whole question is un-

1. Rev. H. E. Salter (*Chapters of the Augustinian Canons*, xxxii) believes that the chapter-house in the houses of the Augustinian Canons at both Oseney and St. Frideswide's "would have been large enough to hold one hundred and fifty persons."

2. *Et hec eadem forma in capitulo provinciali observetur.* Appendix ii, 244.

3. *A.I.K.G.*, i, 221. Cf. Appendix ii, 244.

certain and unsatisfactory. What other evidence there is for the manner of conducting a provincial chapter is to be found in other stray notices in the *constitutiones*, in the *acta* of the provincial chapter of Provence, and in the works of Humbert of Romans.

The provincial prior's first duty on reaching the house where the chapter was to be held was to appoint a small committee, probably consisting, amongst others, of the prior and sub-prior of that house, to examine each friar as he arrived as to his claim to be a member of the chapter. There is no trace whatever of such a proceeding in the *constitutiones* or in the *acta*, but we are led to infer it from the fact that, by the time the chapter opened, those who were rightfully members and those who had no business to be present were clearly distinguished.¹ It is probable that the true representatives of each convent, the conventual prior and *socius*, were granted letters with the conventual seal attached testifying to their identity.² There can be no doubt that the appointment of this committee, or something like it, occurred, and that it happened before everything else.

What took place after this is shrouded in mystery. We know that the whole chapter elected four *diffinitores*, who, with the provincial prior, did all the business of the chapter. We know that the whole chapter performed certain specified reserved functions, such as the election of the *diffinitor* to go to the general chapter. We know that another committee was appointed, called the judges, who settled all disputes which had arisen between friars in the province. We know that the ordinances drawn up by the *diffinitores*, together with the findings of the judges, were all read before, and agreed to by, the whole chapter,³ but the order in which these various events happened is lost to us. There is no doubt that, if the chapter had to elect a new provincial prior, it did this first,

1. Appendix ii, 243.

2. Cf. the fact that the *diffinitor* of the general chapter received *litteræ testimoniales* from the provincial prior (Humbert ii, 339). Also the punishment by the provincial chapter of Toulouse in 1254 of all friars who had travelled from house to house without *litteræ testimoniales* (Douais, 6).

3. Appendix ii, 244. Whatever the judges decided *capitulum universaliter et unanimiter et devote suscipiat*. It does not appear, therefore, as if the chapter could disagree with the judges' decisions.

and that then he presided at the succeeding legislative chapter. That the *diffinitores* were elected and had finished their work before the chapter opened is a rash hypothesis.¹ What is far more probable is that a preliminary meeting was held before the solemn opening ceremony, and that it was at this meeting that the *diffinitores* were elected. This suggestion is borne out by various statements. In the first place the *constitutiones* state definitely that the four *diffinitores* were to be elected *a provinciali capitulo*.² In other words the members of the chapter had to meet before, not after, the *diffinitores* were elected. Secondly, the general chapters of 1281, 1282, and 1283,³ probably only regularizing current practice, stated that the *diffinitores* were to be elected on the day before that assigned to the opening of the provincial chapter, and that their power was to date from then. Humbert of Romans in his instructions to provincial priors,⁴ enjoined on them the necessity of preparing the electors of the *diffinitores* (i.e., the members of the provincial chapter) for their task, by causing to be read to them the *acta* of the general chapter and the encyclical letter of the master-general.⁵ What can be gathered from these stray hints is that, when the sheep had been separated from the goats, the true members from the rest, an informal meeting of the members of the chapter was held the evening before the day appointed for the opening of the chapter, at which informal meeting the *diffinitores* were elected. The next morning the chapter was opened with all the solemn ceremonies of which we find an account in the section *de solemnī celebratione*. It is probable that the judges were also appointed at this preliminary informal gathering.⁶ In the chapter-general these judges were appointed by the whole body of the chapter, but in the provincial chapter it is more probable that they were appointed by the provincial prior and *diffinitores*.

1. "*Le travail de cette commission souveraine terminé, le chapitre s'ouvre.*" Douais, xxi.

2. Appendix ii, 234.

3. Appendix ii, 235. *M.O.P.H.*, iii, 221.

4. *Opera*, ii, 200.

5. He was only repeating an injunction of the general chapter of 1257. *M.O.P.H.*, iii, 86.

6. See p 75.

On the day appointed for the chapter, probably some great feast day,¹ all the friars present in the house, after hearing mass in the conventual church, returned to the chapter-house or refectory, or to whatever place had been appointed. A chapter of faults, an integral part of any meeting of the Friars Preachers, was held. The friars listened to a sermon and certain prayers were said. It was at this meeting that the chapter as a whole carried out those elections which it was its duty and right to do. Humbert of Romans² tells us that the chapter as a whole elected the *diffinitores* of the provincial³ and general chapters and the visitors,⁴ and that it drew up the petitions to go to the general chapter. It also elected the two electors of the master-general.⁵ It is not correct to say that Humbert of Romans tells us that the whole chapter elected the provincial prior's *socius*.⁶ It is possible to interpret his statement quite differently.⁷ Further, the *constitutiones* state definitely that the *socius* was chosen by the four *diffinitores*.⁸ Again, it must have been at this meeting of the provincial chapter that the *diffinitor* of the general chapter of the current year was called upon to read aloud the *acta* of the general chapter, at which he had represented the province, explaining them, and, if necessary, defending them.⁹

When this meeting, which was very ceremonious, was over, the *diffinitores* began to discuss and settle the various questions laid before them, and to draw up the *acta* of the chapter. Meanwhile, the rest of the friars were not idle. The *socius* from each convent had to make a copy of the *acta* of the general chapter, the encyclical letter of the master-general, and any other important documents. The conventual prior was busy discussing problems of government with other priors, and the preachers-general were probably exchanging with one another edifying stories which would be suitable to introduce into sermons.

When the *diffinitores* had finished their work the pro-

1. See p. 54 and Appendix vi. 2. *Opera*, ii, 356.

3. The four *diffinitores* of the provincial chapter would have already been elected at the preliminary meeting.

4. See section on Visitors p. 155. 5. Appendix, ii, 232.

6. Douais, xxii and xxvi. 7. *Opera*, ii, 356.

8. Appendix, ii, 242. 9. Humbert ii, 343.

vincial prior again summoned the whole chapter to meet in the chapter-house. The ordinances and appointments, decided upon by the *diffinitores*, were read aloud. To these were added the results of the elections which had taken place in the former meeting of the chapter. Those, together with a formal approbation of the judges' decisions, made up the *acta* of the provincial chapter. The length of time left to the *diffinitores* for their discussions was not settled, and probably depended on the amount of work to be done. The general chapter, however, endeavoured to curtail the discussions by limiting the duration of the chapter itself. This was done in order to reduce the expense to which the house, in which the chapter was being held, was put. In 1252 the general chapter of Bologna, which was a chapter of provincial priors,¹ introduced an ordinance² stating that the provincial chapter was only to last four days. This, however, was neither approved nor confirmed. The rule, introduced by the general chapter of 1276, was more successful, and was incorporated into the *constitutiones*, but this only laid it down that the provincial chapter was not to last longer than the general chapter, that is, not more than a week. Finally, the provincial dismissed the chapter, pronouncing the benediction. This was not the end of the business of the chapter for many of its members; for the *socius* of each convent had to make a copy of the *acta* of the provincial chapter to take back with him to his convent.

If little is known about the procedure of the provincial chapter, owing to the unsatisfactory nature of the records, this is amply compensated for by the flood of light they throw on the actual business performed by the chapter. The series of *acta* of the province of Provence³ extending without a break from 1239 to 1302 shows the chapter as a machine in full working order. Theoretically, the chapter was always one body, hence the *acta* revealed no distinction between those functions performed by the chapter as a whole and those performed by one of its sub-committees. Moreover, this

1. See Appendix, iv. 2. *M.O.P.H.*, iii, 63.

3. The *acta* of the provinces of Rome and Spain are also very useful to test, by comparison, the results obtained from the province of Provence. As there are gaps in the sequence, and as the records of many of the chapters appear to be incomplete, they cannot be used with the same confidence.

distinction was probably not recognised in the *acta* owing to the fact that to the friars, for whom after all the *acta* were primarily intended, this distinction was so clear as to make it unnecessary to mention it. The fact remains that the *acta* represent the work of the chapter as a whole, of the *diffinitores*, and of the judges.

The work performed by the chapter as a whole can be easily described, for it was very insignificant in bulk compared with that done by the *diffinitores*. The whole body, as has been pointed out above,¹ elected the *diffinitores* of the provincial chapter, the *diffinitor* of the general chapter and the electors of the master-general. The records of these two first elections appear almost every year in the *acta*.² Also the whole body drew up any petitions which went to the general chapter in the name of the province. Nowhere in the records of the provinces of Provence, Spain or Rome is there any record of these petitions, but this is not unnatural as they were of no interest to the convents for whom the *acta* were drawn up. It is clear, however, that it was quite normal for these petitions to be sent to the general chapter. In 1291 Friar Salvus de Barga*, who was the *diffinitor*³ of the province of Rome to the general chapter of Palencia, managed to mislay the petitions, together with other documents put into his care for transmission to the chapter. A human agency was suspected to be the cause of this misadventure, and the provincial chapter of that year asked if any friar could throw light on this matter.⁴ We do not know whether or not the thief was discovered.⁵

A theory has been held that when the *acta* of a provincial chapter are complete they invariably end with the formula *Sententias Iudicum Approbamus*. This assertion is rather sweeping. During the fifty odd years 1250 to 1302, of which tolerably full records remain, this formula only appears eighteen times.⁶ Moreover there is every reason to suppose

1. See p. 69. 2. e.g., Douais, 144, 180, 224, 282.

3. *Ib.*, 572. 4. *Ib.*, 575.

5. Besides the petitions, Friar Salvus* is also stated to have lost the scrutiny (*scrutinium*). This represented another activity of the whole chapter. It was a report on the provincial prior. See also p. 129.

6. viz., in the years 1270, 1271, 1272, 1274, 1275, 1276, 1279, 1280, 1281, 1282, 1284, 1285, 1286, 1290, 1291, 1295, 1299, 1301.

that the *acta* of at least some of the years where this phrase is absent, are not incomplete. Those of the years 1273 and 1287 include everything else one would expect, and, further in 1283 the *acta* are immediately followed by a letter from the provincial prior, and those of 1292 by an excommunication. As the editor does not provide sufficient information about Bernard Gui's manuscript to show that the *acta* of these years are incomplete, when they appear to be complete, the question must be left undecided. A decision would be important for, if it could be shown that it was not essential to the completeness of the *acta* of any one provincial chapter to include this formula, one would be led to conclude that the judges were not appointed as a matter of course each year, but only when need arose.

This is all that can be found in the *acta* of the provincial chapter about these judges. It was formerly thought¹ that there was no mention of them to be found elsewhere, and that we were entirely in the dark as to their appointment and activities. It is, however, well to examine from this point of view the committee described by St. Dominic in the section *de questionibus*.² It is not possible to assert that the committee here spoken of, and the judges of the *acta*, are one and the same body, but there is a high degree of probability in favour of it. This section, as drawn up by St. Dominic, consisted of three paragraphs, in each of which there is mention of a body of friars appointed to deal with difficulties. The first paragraph directed all brothers who had enquiries to make, whether of an individual or public character, to make them to those who were appointed to answer them.³ The second paragraph provided for the settlement of disputes, if any (which Heaven forbid), should arise between the friars. These were on no account to be brought before the whole chapter, but were to be laid before friars, who had been chosen as judges, because they were specially fitted for the post. The third paragraph, summing up the first two, stated that the chief prelate, together with those who were appointed for the purpose, should deal with the settlement and ending of disputes, with the correction of brothers, with the manner of

1. Douais, xlili-xliv.

2. *A.L.K.G.*, i, 220.3. *qui ad hoc statuti sunt.*

penance, with preachers and their *socii*, and other matters. Whatsoever they ordained was to be accepted by the whole chapter as a body, unanimously and enthusiastically. These ordinances, it is true, were meant primarily for the general chapter, but at the end there is a statement to the effect that they are intended also for the provincial chapter.

The wording of this section, as it stood in 1228, was so vague as to lead one to think that there were three committees. This on the face of it is improbable, and the use in the redaction of 1260 of the expression "the aforementioned brothers"¹ in the second paragraph, shows that the committee mentioned in the first two paragraphs was one and the same. It is not extravagant to suppose that that mentioned in the third paragraph was also identical. The addition in the 1260 version also makes it clear that in the general chapter this committee was appointed by the whole body of the chapter.² The fact that the provincial and general chapters are here treated together does not by any means prevent the identification of this committee with the judges, for the same formula which in the *acta* of the provincial chapter reveals their existence, is also to be found in the *acta* of the general chapter.³ Thus there emerges from the enigmatic utterance *Sententias iudicum approbamus*, the picture of a small committee of the wiser friars, appointed probably by the provincial and *diffinitores* (though this is not certain), sitting in some other room in the house, hearing and settling any cases which were brought before them. From their decisions there was no appeal.⁴

By far the largest and most important part of the chapter's work was done by the four *diffinitores* and the provincial prior. In the words of the *constitutiones* they treated and settled all things.⁵ The number of their activities was legion: they dealt with anything which affected the province. It is convenient to divide the chapter's activities into five broad

1. See *A.L.K.G.*, v, 558. 2. See *A.L.K.G.*, v, 558.

3. *M.O.P.H.*, iii, 247 and *passim*.

4. To-day there are local benches of judges who sit throughout the year, and only report to the provincial chapter. *Constitutiones*, 221-228. This may, or may not have been the case too in the thirteenth century.

5. *tractabunt omnia et diffinient*. Appendix ii, 238.

sections, though in the first place it must emphatically be stated that these divisions are not to be seen in the *acta*, and that they would have found no parallel in the minds of the Friars Preachers of the thirteenth century. The divisions can be called Legislative, Administrative, Spiritual, Judicial, and Taxative; though it is neither necessary nor desirable to read into these terms the definite and restricted meaning put into them by modern writers.

What has been called legislative work done by the chapter is to be found in those sections which are introduced by the words *Iste sunt admonitiones*,¹ or *Iste sunt inhibitiones*.² These exactly correspond to the paragraphs³ introduced by the word *Admonemus* in the *acta* of the general chapters, and are rather of the nature of exhortations than of laws. They are so diverse in character that any general remark about them is impossible. In so many cases they are of such a local and temporary nature as to make them of little constitutional importance, though of great interest as illustrating the life of the province. The best way, perhaps, of showing the kind of subjects dealt with, is to take a year at random and to give a *précis* of the admonitions passed by the provincial chapter.

The provincial chapter of Toulouse in 1263 drew up ten admonitions.⁴ The first ordained that the names of the friars who had died should be sent to the provincial prior and *diffinitores* of the provincial chapter, and should be circulated by them to all convents. The second warned priors not to allow friars, who were bad preachers, to preach in any important church, and especially in the Friars-Preachers' own churches. If, by chance, a friar who could not preach had been placed in an important position the prior, having taken counsel with the sub-prior, the *lector*, and the two most senior friars, was to remove him. The third combated the opinion that it was not necessary for a friar to reveal all matters to his superior when asked to do so. The fourth urged priors to be very circumspect with regard to visitations of houses of nuns.

1. Douais, 186, 77, 378, 528, 613.

2. *Ib.*, 78. This is the only example to be found in the records of the province of Provence in the thirteenth century.

3. *M.O.P.H.*, iii, 138 and *passim*.

4. Douais, 98.

The fifth stated that no friar was to receive or to send letters without leave and without showing them to his prior. The sixth provided for the punishment of those who confessed and were convicted of having written libellous letters. The seventh was a list of details about which the friars were to be careful; they were to reverence their superiors; to give precedence to other religious; to say the divine office devoutly; to beware of gossip; to behave very discreetly when preaching a crusade; and finally they were not to celebrate nuptial masses. The eighth warned them to be careful to shut up securely those whom it was necessary to restrain. The ninth exhorted all priors who had in their possession anything of the common property of the province to render an account of it in writing to the provincial prior. The tenth and last applied this general principle to the particular case of books of the late Friar Pontius of Saint-Gilles of good memory. This set of admonitions is characteristic. It shows very clearly the variety of the topics dealt with and the practical nature of the ordinances.

The next question is the genesis of these admonitions. Some of the admonitions of the provincial chapters, even some of those mentioned above, are reminiscent of those of the general chapter. For example, the admonition about the censoring of letters is merely repeating the Order's policy on this matter, already laid down by the general chapter of 1234.¹ This similarity is not to be wondered at, for it must be remembered that both the general and provincial chapters had the same end in view, and that there was no clearly defined limit set to their activities. On the other hand the provincial prior and *diffinitores* were influenced in drawing up the admonition by the needs of the province at the moment. It is not improbable that the attention of the *diffinitores* was drawn to the necessity for certain of the admonitions by the petitions addressed to them by the convents. Thus a minute examination of these admonitions would possibly reveal the moral condition of a province at any moment, but this would not lead very far and would in the end be of very little value.

Another of what may be called the legislative activities of

1. *M.O.P.H.*, iii, 5.

the chapter is to be found in the petitions drawn up by the provincial chapter and sent to the general chapter. In the *acta* of the provinces of Provence, Spain and Rome in the thirteenth century there are only two examples, but there is every reason to suppose they were of more frequent occurrence. They would not normally have been recorded in the *acta*, as they did not directly concern the convents. The petitions which are recorded are those made by the chapter of Narbonne in 1250,¹ and by the chapter of Castres in 1279.² In the first case the province petitioned that the provinces might be divided; that Whitsuntide might be alternately the season of the general and provincial chapters;³ that the transference of all friars from one house to another should be announced; and, finally, that a *generalissimum* chapter be called to discuss these and other matters. The petition of the chapter of Castres consisted only of one clause, and was concerned with the foundation of new houses.⁴

The administrative side of the chapter's work was manifold. It can best be considered under three headings; the arrangements for the next chapter, personal appointments, and divisions within the province. The first can be easily dismissed. The provincial and *diffinitores* settled and announced the date and place of the next chapter.⁵ Sometimes this record is omitted⁶ and sometimes only the place is settled.⁷

It has been said above that the chapter as a whole elected the *diffinitor* to represent the province at the general chapter. It was, however, the provincial prior and the *diffinitores* who appointed his *socius*.⁸ The names of the *diffinitor* to go to the general chapter and his *socius* appeared together in the records of the chapters.⁹ Further, every third year when the provincial prior acted as *diffinitor* he, together with the four *diffinitores*, appointed his *socius*.¹⁰ This committee of the whole chapter also appointed visitors to visit certain groups of houses and to report afterwards to the provincial chapter.¹¹ It largely controlled the studies in the province by appointing

1. Douais, 41.

2. *Ib.*, 233.

3. Instead of being monopolised by the general chapter

4. Douais, 233.

5. Douais, 100, 189, 545, 656, and *passim*.6. *Ib.*, 101-105, 145-154, etc.7. *Ib.*, 172.

8. Appendix ii, 235.

9. Douais, 160 and *passim*.10. *Ib.*, 180, 368.11. *Ib.*, 315, 165.

the teachers, called *lectores*¹ and *sub-lectores*, and by sending friars to study various subjects² at various places within the province, and also by sending the abler brothers to Paris.³ Some friars belonging to the province of Provence were, in 1273, sent to study in England.⁴ This committee also decided in which houses certain subjects were to be taught. For example, the chapter of 1262 ordained that there were to be schools of natural science at Bordeaux and Toulouse, and of "new logic" at Avignon, Béziers and Limoges.⁵

This committee could transfer friars from one house to another, not only for purposes of study but for various other reasons. The most usual of these was the foundation of a new convent, as for example that of the house at Orange in 1271.⁶ Sometimes friars were moved without specific reason being given.⁷

The appointment of preachers-general⁸ and of vicars⁹ (*i.e.*, the heads of vicariates), which was in the hands of the provincial chapter, was in reality carried out by this committee. Finally, this body had, in addition to the power of making all these appointments, that of removing conventual priors from their office.¹⁰ The latter might be "absolved" at their own request or at that of the conventual chapter. It was the provincial prior and *diffinitores* alone who had the power of confirming their removal. Thus this committee, which, be it remembered, was composed of the provincial prior and four different friars each year, controlled the movement of every friar in the province.

The third part of the chapter's administrative work has been called "divisions within the province." Under this head are considered the foundation of new houses, the settlement of the "limits of preaching" of each house, and the division of the province into vicariates. It may seem strange to call the foundation of a new house a division of the province, but, if the province be thought of as a tract of country, all of which is divided up amongst the houses existing in it at any

1. *Ib.*, 47, 93, 322.

2. *Ib.*, 46, 219, 404.

3. *Ib.*, 103, 150, 455.

4. *Ib.*, 175.

5. *Ib.*, 93.

6. *Ib.*, 155-6. See also *Ib.* for lists of friars sent to new houses.

7. *Ib.*, 254. 8. See p. 169. 9. See p. 140. 10. *e.g.*, Douais, 217, 348.

one moment, the foundation of a new convent would mean a redistribution of some of the land. It was this which led to the ordinance, that in founding a new house the friars were to be particularly careful not to place it too near an old one; for the friars lived on the charity of the people near them. The alms of a district might support one house of Friars Preachers; they most certainly could not support two. It is at least clear that all the business¹ connected with founding a new house was in the hands of the provincial prior and *diffinitores*.

When once the houses were founded, the next problem which had to be settled was the marking out of the "limits of preaching" of each of the houses in question. The importance of these limits or divisions was, it must be admitted, mainly financial.² It is sufficient to say that no friar had a right to beg outside the "limits of preaching" of his house. It is very difficult to say when these "limits of preaching" were first introduced into the Order. The *acta* of the general chapters of 1243³ and 1244⁴ admonish the brothers from one province not to beg within the limits of another, but nothing is said about preaching. The general chapter of 1249⁵ stated that the friars of one province were not to preach within the boundaries of another, except in passing through it, nor were they to beg, unless they had been given permission by the prior, provincial or conventual, to whom the "limits" belonged. If anyone disobeyed this he was bound to restore to the conventual prior anything he had acquired within the limits. This injunction reveals a state of affairs in which the network of "limits of preaching" was already in existence. Though this system of the surveying and marking out of the land was known in the Order as early as the 'forties, there is no mention of it in the *acta* of the province of Provence until twenty years later. In 1265 the provincial chapter drew up comprehensive regulations.⁶ All the houses in the province were to define their "limits of preaching." As each section of boundary was the concern of two houses, the body which was to settle the limits was to consist of one friar, chosen by each of the convents concerned, and a third friar appointed

1. See p. 165. 2. See p. 48. 3. *M.O.P.H.*, iii, 26.
4. *M.O.P.H.*, iii, 29. 5. *M.O.P.H.*, iii, 46-47. 6. Douais, 109.

by the provincial prior and *diffinitores*. If the provincial prior and *diffinitores* did not appoint a third, the two friars, one from each house, could co-opt a third, but if they could not agree as to whom to co-opt, the provincial prior could *de motu suo* appoint the third friar. In other words, if a discussion about boundaries arose between two houses in the interval between two provincial chapters, the difficulty could be settled at once. The chapter of 1265 besought all those settling such questions to put all private feelings to one side, and it further provided that the committee of three could co-opt other friars if it wished to do so.

Most of the houses in the province settled their boundaries during the year. Some evidently failed to do so, for the chapter of 1266 ordained that those houses, which had not settled their "limits of preaching," were to do so at once. It also stated that the opinion of the third friar, that is the one appointed by the provincial, was final.¹ In 1268 the theory of these limitations was still further developed. If the provincial in the course of his visitations chanced to find a house where the "limits of preaching" were not fixed, he was immediately to take with him a friar from each house elected *ad hoc* and was to settle it straightway. The opinion of any two was to hold good.² In 1269 various difficulties must have been laid before the chapter, for it committed certain problems of this nature to the provincial prior for solution.³ Such may be called the theoretical ordinances of the provincial chapter of Provence on the subject of limitations.

There are various examples to be found in the *acta* of their working. In 1265 the chapter appointed Friar William of Le Puy-en-Vélay the third in the discussion of boundaries between the convents of Limoges, Brive, Figeac, Cahors, and Montauban.⁴ In 1270 the chapter by itself settled the boundaries of the convent of Pamiers, which was founded that year.⁵ It also confirmed all the "limits of preaching," which had been fixed in accordance with the ordinances of former provincial chapters.⁶ Various groups of convents, such as Cahors, Brive, Limoges, and Périgieux, or Alais, Albi and

1. Douais, 118. 2. *Ib.*, 134. 3. *Ib.*, 142. 4. *Ib.*, 108.
5. *Ib.*, 152. 6. *Ib.*, 153.

Le Puy-en-Vélay, were instructed to settle their boundaries and were provided with arbitrators. Moreover they were informed that these uncertainties were to be cleared up before the next general chapter. The provincial chapter of 1275 appointed arbitrators, or limiters as they were called, for the houses of Aix and Morlaas,¹ that of 1276 for Auvillar, Brive, and Grasse.² No doubt once the boundaries of all the old houses were fixed, those of the new convents were settled at the time of their foundation and so quarrels were avoided.

At one period in its history the Order decided to divide the provinces into Vicariates³ after the Franciscan model. This only lasted for a few years. The details of these subdivisions of the province were settled by the provincial prior and *diffinitores*, and no doubt the abolition of these Vicariates was also accomplished by them.

That part of the chapter's work, which has been called spiritual, was concerned with the prayers of the friars. These were much coveted in the thirteenth and fourteenth centuries. The preachers, who had no worldly possessions to give, repaid their benefactors by ordering every priest in the Order to offer one or more masses for them. Almost every year under the heading *Suffragia* the names of one or two men or women, either living or dead, were mentioned, who were worthy of the friars' gratitude, as for example the lord Archbishop of Narbonne and his church in 1250,⁴ Philip de Montfort in 1265,⁵ the King of Sicily,⁶ who was alive, the Queen of England, who was dead,⁷ Friar G. Andree*, the prior of Béziers, who died at the chapter itself, and Friar Bernard of Montauban, the late provincial in 1291,⁸ and finally Boniface VIII, and the Bishop of Sisteron, who was a Friar Preacher⁹ in 1295.¹⁰ This custom of a community praying for certain persons is coeval with the existence of monasticism, and is in no way peculiar to the Friars Preachers. It is mentioned here because it was the small committee, the provincial and

1. Douais, 188. 2. *Ib.*, 200. 3. See p. 4. Douais, 41.

5. *Ib.*, 109. 6. Presumably James of Aragon.

7. Eleanor of Castile died in 1290. She was a great benefactress of the Order, and left sums of money to most of the English houses in her will.

8. Douais, 357. 9. Friar P. de Almano.* 10. Douais, 400.

the *diffinitores*, who settled who were to be recommended to the prayers of the province.

Another custom, which was common to all Orders, was the offering of masses for those members of the Order who had died, especially, of course, for those who had died during the current year. For this purpose each representative was instructed to bring with him to the chapter a list of the friars of his house who had died during the year.¹ These lists were read aloud at the chapter. At first the *acta* merely record the number of friars who have died during the year.² Later we find a full list giving the friar's name and his convent. The first example of this is in the records of the province of Provence in the year 1268, but after that it is comparatively common.³

As has been shown above, the chapter delegated some of its judicial functions to a small committee of judges. The provincial prior and *diffinitores* also acted as judges. The distinction between the cases dealt with by the judges and those which went before the *diffinitores* depended, it would seem, upon two things. Quarrels between friars were invariably dealt with by the judges. On the other hand offences committed by friars against the *constitutiones* were punished by the provincial and *diffinitores*, unless any doubt arose as to the meaning of the *constitutiones*, in which case the matter was referred to the judges. The decisions of the *diffinitores* appear under the title *Penitentia*. They are brief and straightforward. There is no indication of the method of trial, nor of the discussions which led to the judgment. Three things are always given and three things only; the person or persons concerned, the nature of the fault, and the punishment. As Mgr. Douais⁴ points out, the friars punished may be described in general terms, such as *Illis qui venerunt ad capitulum provinciale sine licencia* in 1274,⁵ or by the title of their office, such as the prior of Béziers and the prior of Perpignan in 1285,⁶ or by name, as Friar Peter de Valetica* in

1. Douais, 133.

2. e.g., in 1253, Douais, 57, and in 1254, Douais, 62.

3. e.g., Douais, 144, 200.

4. xxvii-xxx. 5. Douais, 180. 6. *Ib.*, 289.

1266.¹ Further, the punishments inflicted varied in kind and in severity. Some might be called spiritual, such as the repetition of so many psalms. Others deprived the culprit of his constitutional rights, as for example participation in the conventual chapter. Others, again, were purely physical such as fasts, stripes, and imprisonment. There is no doubt that when deciding the type and severity of the punishment to be inflicted, the provincial and *diffinitores* would have consulted the Order's code,² but much was left to their discretion, for the sins mentioned there are, on the whole, individual rather than official, while the cases brought up at the provincial chapter were mostly concerned with official duties.

Lastly, the provincial chapter arranged for the taxation of the province. The province as a whole had certain expenses, the heaviest of which were those connected with the provincial chapter. It was to meet these that, even from the very earliest times,³ the custom was instituted of levying a tax on each convent in the province. In the *acta* of the chapters of the years 1250⁴ and 1252⁵ there are examples of the tax on convents. It is of interest that in the latter year the houses were divided into two groups, each house in the one group paying twenty shillings Tournois, and in the other ten shillings Tournois. There is no other mention of these contributions in the *acta*, but Mgr. Douais considers that they were annual.⁶ The money, derived from this source, was evidently found to be insufficient, for the chapter of Toulouse of 1254⁷ laid a tax on the price of the books belonging to the friars who had died, and which had thereby come into the possession of the house. These two taxes remained the sole sources of revenue of the province of Provence until towards the end of the century when the house at Prouille, which was permitted to hold property, was obliged by the general chapter to make a contribution to the central funds.

The review of the work done by the provincial chapter of

1. Douais, 118. 2. Appendix ii, 218-225.

3. It is first mentioned in the *acta* of Provence in 1246 (Douais, 30), where the custom is spoken of as if it were long established.

4. Douais, 40. 5. *Ib.*, 48. 6. *Ib.*, xxxii. 7. *Ib.*, 61.

Provence shows it as a body, or rather a single body, in name, but several bodies in fact, singularly well suited for the work it had to do. The provincial chapter was in a very real sense the province. At least it can be said to represent the popular opinion of the province, and to include in its ranks the most virile and public-spirited of the friars. There is no doubt that it ruled the province. No subject was too great or too small, no matter was too personal, no topic too wide; the chapter reviewed the whole life of the province and directed its policy.

THE GENERAL CHAPTER.

The general chapter was a small but very important body. It had the power of altering the constitution; it could elect, punish, or depose the master-general. As with the provincial chapter the composition of the general chapter differed according to the function it was performing. There was a *legislative* general chapter and an *electoral* general chapter. In the case of the general chapter a still further complication arose. A new master-general immediately after his election presided over a *legislative* general chapter. This chapter differed from the ordinary *legislative* general chapter. The composition of these three types of chapters, *legislative-general-chapter*, *electoral-general-chapter*, and *legislative-general-chapter-following-an-electoral* one are discussed separately. Likewise the date, place, the president and the rank of the members, the *diffinitor* of the general chapter in his relation to the provincial chapter, the summoning, the procedure, and the business of the general chapter will each be described in turn.

At the first general chapter, held at Bologna in 1220, it was arranged that the general chapter was to be held annually¹ at Whitsuntide. If the master-general were to die or to be otherwise removed before Michaelmas, the general chapter was to be held in the following year as usual, in which case it would act as an electoral as well as a legislative body.² If,

1. *M.O.P.H.*, iii, 1.

2. This occurred in 1241, 1264, 1301, 1304, 1312, 1324, 1342, 1343, see Appendix, iv and v.

however, the master-general died after Michaelmas,¹ the general chapter would be postponed till the Whitsuntide next after the one immediately following his death.² This arrangement was made to ensure that all the provinces were informed of the coming election before their representatives set out for the general chapter.

In the case of the general chapter it is even clearer than in that of the provincial one, that the members of the chapter met informally before the solemn opening ceremony. Further, the regulations with regard to the general chapter put it beyond a doubt that there was one clear day between the informal meeting and the ceremonial opening by the master-general. In the early days the former was held on Whit-Monday, the latter on the following Wednesday.³ An ordinance confirmed by the general chapter of 1255 altered these days to the vigil of Pentecost (*i.e.*, the Saturday before Whit-Sunday) and Whit-Monday respectively. There is no specific business allotted to the informal meeting, as the election of the four *diffinitores* is in the provincial chapter, and indeed it is difficult to discover what was done at this meeting. The general chapter of 1274 stated that the authority of the *diffinitores* was to begin on the Saturday.⁴ Humbert of Romans, in giving instructions to the master-general about his behaviour at the chapter, mentions incidentally that this informal meeting began on the Saturday after Prime.⁵

At first there was no limit as to the length of time the chapter might sit. By 1266 it was found necessary to ordain that the chapter could not be prolonged beyond the Sunday within the octave of Whit-Sunday, that is for more than a week from its beginning, unless the master and *diffinitores* thought this period should be extended for a day or so.⁶ Humbert, however, instructed the master-general that, if he considered the chapter was too great a burden on the house in which it was being held, to dissolve it even sooner.⁷ The

1. *A.L.K.G.*, i, 217.

2. This occurred in 1238, 1285, 1296, 1300, 1346, and 1352, see Appendix, iv and v.

3. *A.L.K.G.*, i, 218. 4. Appendix ii, 242. *M.O.P.H.*, iii, 171.

5. *Opera*, ii, 182. 6. Appendix ii, 244. 7. *Opera*, ii, 183.

trouble caused by a general chapter was augmented by the fact that the provincial chapter was held immediately after it in the same house.

The first general chapter, presided over by St. Dominic, was held in 1220 at Bologna.¹ This chapter settled that in future the general chapters should be held alternately at Bologna and Paris, beginning in the following year at Bologna. This arrangement was strictly adhered to until 1244.² In 1245 the general chapter was held at Cologne. This was not unconstitutional, as in 1243 the general chapter had confirmed a clause giving power to the master and *diffinitores* to alter the place of the chapter, if they considered it advisable.³ Beginning with the year 1245 each general chapter arranged where the next one was to be held. This continued until 1350, after which there is no record in the *acta* of such arrangements. The reason for this omission was possibly to prevent friars arriving too soon at the house where the chapter was to be held. The constant admonitions not to arrive at the place where the chapter was to be held before the Friday before Whit-Sunday⁴ shows that it was a continual grievance. After 1350 a private notice may have been given or sent by each *diffinitor* to his provincial.

Eight times during the period 1220—1360 the ordinary general chapter was not held, namely, in 1237, 1284, 1295, 1299, 1333, 1338, 1345, and 1351. This postponement was in seven cases due to the death or resignation of the master. In 1338 the general chapter was suspended because Benedict XII, wishing to reform the Order, summoned the master-general and many of the most influential friars to confer with him on the matter. The arrangements made with regard to the place of the chapter, with one exception, held good for the following year. In 1337 Metz was named as the place for the chapter of 1338. This chapter was not held and in 1339 the general chapter was held at Clermont. This change of arrangements was probably made while the master-general and provincial priors were conferring with the Pope.

1. *M.O.P.H.*, iii, 1.

2. *M.O.P.H.*, iii, 1-30. See also Appendix iii.

3. *A.L.K.G.*, v, 556. *M.O.P.H.*, iii, 25.

4. *M.O.P.H.*, iii, 242, 317. *M.O.P.H.*, iv, 7, 332, and *passim*.

In some cases the place of the general chapter was changed during the year. In 1267 it was arranged to hold the following chapter at Pisa. In 1268 it was held at Viterbo. To legalize this proceeding it was proposed in this latter chapter to give the master-general power to change the chapter from one house to another within the same province, on condition that it was genuinely necessary, and that he obtained the consent of the provincial prior.¹ In 1273, though Bordeaux was named provisionally, the matter was virtually left in the master's hands because of the approaching General Council. The master arranged for the chapter of 1274 to meet in Lyons, where the General Council was being held. In 1291 it was arranged to hold the chapter of 1292 at Cologne. This chapter, however, was held at Rome in obedience to the Pope's command.² In 1306 the general chapter confirmed a clause granting the master-general power, with the counsel of the wiser friars, to change the chapter from one province to another.³ Accordingly in 1318 it was changed from Vienne to Lyons, in 1325 from Erfurt, in the province of Saxony, to Venice, in 1330 from Cologne to Maestricht, in 1339 from Metz to Clermont, and finally in 1341 from Carcassonne to Avignon. In the latter case it was held at Carcassonne in the following year.

Normally it would seem that the house in which the chapter was to be held was chosen in accordance with the needs of the Order itself. There are, however, various examples of outside consideration determining the choice. The chapter of 1274 was held in Lyons on account of the General Council. Again, during the conflict between Munio Master of the Order, and the Franciscan Pope, Nicholas IV (1291—1292), the King of Castile showed his sympathy with his compatriot Munio by sending pressing invitations to the harassed general chapter of Ferrara to arrange for its successor to be held within his dominions. This invitation was

1. Appendix ii, 240. *M.O.P.H.*, iii, 150.

2. See the Bull of 13 August, 1291. *Dudum certis emergentibus*, printed by Mortier, ii, 272, note 1.

3. Appendix ii, 244. *M.O.P.H.*, iv., 15.

accepted,¹ and the following chapter was held at Palencia. This chapter chose Cologne for the following chapter. In the interval the Pope's anger had been kindled by the contempt with which his letters and messengers had been treated, and he deposed Munio, commanding that the next chapter, which was to elect a successor, should be held *in loco in quo tunc Apostolica Sedes resederit*. This was presumably in order to be able to influence the election. This chapter consequently was held at Rome.

From the first the legislative general chapter was composed for two successive years of elected *diffinitores*,² one elected annually from each province, and of the provincial priors acting *ex officio* as *diffinitores* in the third year.³ In 1228 there were twelve provinces,⁴ each of which could send one *diffinitor* to the general chapter.⁵ They were Spain, Provence, France, Lombardy, Rome,⁶ Hungary, Germany, England, Jerusalem,⁷ Greece, Poland, and Scandinavia.⁸

The question of the sub-division of these provinces was hotly discussed in the general chapters for over thirty years. The growth of the Order was so rapid that, within a very few years many of the primitive provinces became unworkable as units of administration. Many of the provinces, therefore, petitioned the general chapter to be divided.⁹ The general chapter of 1266 replied by exhorting the various provincial chapters to consider how these divisions could best be made.¹⁰ In 1269 a scheme for the division of all provinces, except those

1. *Capitulum generale sequens assignamus apud Palenciam in provincia Hispanie ad petitionem et instanciam domini regis Castelle, qui promisit totum capitulum magnifice procurare. M.O.P.H., iii, 260.*

2. When used in reference to the general chapter the word *diffinitor* means an elected representative from the provincial chapter. Thus the general chapter was composed entirely of *diffinitores*. They are not, as Dr. Barker (15) states, "an effective inner circle" who carry out the business, like the four *diffinitores* of the provincial chapter. See also Little, in *Mediæval England*, 382; Formoy, *The Dominican Order*, etc., 12, 18.

3. *A.L.K.G.*, i, 214.

4. See Appendix vii.

5. These provinces were not, at this date, equally represented on the general chapter, when it acted as an electoral body. See p. 93.

6. Sometimes called Tuscany.

7. The province of Jerusalem was for many years called either Jerusalem or the Holy Land. After 1260 it was normally known as the Holy Land. Cf. *A.L.K.G.*, i, 213, and *M.O.P.H.*, iii, 13, where the two forms appear in the same set of *acta*. See also *M.O.P.H.*, iii, 60.

8. *A.L.K.G.*, i, 212. 9. Douais, 41. 10. *M.O.P.H.*, iii, 135.

of the Holy Land and Greece,¹ was introduced. It was proposed that the details should be left to the master and *diffinitores* of the general chapter following that in which this scheme was confirmed. Provision was also made for the absence of the master and other contingencies. On this occasion, however, the scheme did not even reach the second stage, that of approbation. In 1275 and 1286 identically the same plan was again introduced.² On the first occasion it was approved, on the second it was not. In 1289 a plan very much on the same lines was proposed. The rank to be held in the general chapter by the provincial priors of the new provinces was also arranged.³ The chapter of 1290 did not approve this. Finally in 1296 the old scheme was revived.⁴ It was approved in 1297, but not confirmed in 1298.⁵

As all this general legislation had proved abortive, the general chapter of 1298 proposed to deal with two particular cases: to divide the province of Spain into the provinces of Spain and Aragon, and that of Poland into the provinces of Poland and Bohemia.⁶ This was confirmed in 1301.⁷ In the same year it was proposed to divide the province of Provence into Provence and Toulouse; that of Lombardy into Upper and Lower Lombardy; and that of Germany into Germany and Saxony.⁸ These alterations were confirmed in 1303.⁹ This made in all eighteen provinces; Spain, Toulouse, France, Lower Lombardy, Rome, Sicily,¹⁰ Hungary, Germany, England, Poland, Greece, Scandinavia, the Holy Land, Aragon, Bohemia, Provence, Saxony, and Upper Lombardy. The representatives of these provinces made up the general chapter.

While the twelve or eighteen *diffinitores omnia diffinient, et constituent, et tractabunt*, there were also present at the general chapter all the members of the provincial chapter of the province in which it was being held.¹¹ This curious

1. *M.O.P.H.*, iii, 147. 2. *Ib.*, 179 and 231 3. *Ib.*, 249. 4. *Ib.*, 278.

5. *Ib.*, 282. 6. *Ib.*, 287. 7. *Ib.*, 301. 8. *Ib.*, 302-5. 9. *Ib.*, 317-319.

10. At the request of Charles II, King of Sicily, the province of Rome was divided by Celestin in a Bull, dated 1 September, 1294 (Potthast) into the provinces of Rome and Sicily. This was confirmed by Boniface VIII on 5 August, 1295. (*Bull. Ord. Pred.* ii, 44) and accepted by the general chapter in 1296. *M.O.P.H.*, iii, 279.

11. For the numbers of the provincial chapter see p. 62.

arrangement was made by St. Dominic and remained in force right up to the end of this period.¹ There must, consequently, have been a very great company of friars present in the house where the general chapter was being held.² The reason for compelling so many friars to attend was given by St. Dominic; that there was not to be in the same year another chapter in that province. The provincial chapter was to follow straight on after the general chapter. An interesting illustration of how strictly this rule was obeyed is to be found in the year 1268. The general chapter of 1267 arranged that that of 1268 should be held at Pisa.³ The provincial chapter of the Roman province, held at Lucca later in the same year, arranged that the next provincial chapter was also to be held at Pisa, *circa festum Pentecostes*.⁴ In the interval the general chapter was changed from Pisa to Viterbo.⁵ So, likewise, was the provincial chapter.⁶

In 1250 the general chapter was held in London. Matthew Paris tells us that there was present on this occasion *fratres circiter quadringenti*.⁷ The mediæval chronicler is notorious for over-estimating large numbers, hence the truth is that there were probably more than three hundred friars⁸ in the London House at this time. This number was made up of three groups: (a) the friars of the London House; (b) the members of the English provincial chapter, *i.e.*, the prior and one other friar from every house in the English province, and the preachers-general of the province, and (c) an elected *diffinitor* and his *socius* from each of the twelve provinces.⁹ It is possible roughly to ascertain the numbers in these groups. In 1243 there were eighty friars in the London house.¹⁰ It is improbable that there would have been fewer in

1. *A.L.K.G.*, i, 216-7. Appendix ii, 242.

2. Galvagnus de la Flamma,* *Cronica* 88.

3. *M.O.P.H.*, iii, 140. 4. Douais, 525. 5. *M.O.P.H.*, iii, 140.

6. Douais, 525. 7. Matthew Paris, v, 127.

8. In describing the translation of St. Dominic's body in 1233, Gerard de Fracheto* says that it was done in the presence of *vi episcopis et magistro Jordano et prioribus provincialibus et plus quam CCC fratribus aliis, qui ad capitulum venerant generale*. *M.O.P.H.*, i, 328.

9. The province in which the general chapter was held also sent an elected *diffinitor* to it. Douais, 70, 144, 381, 481, 508. In the case of a chapter of provincials a *socius* was elected. Douais, 106, 211, 300, 525.

10. This was Father Palmer's estimate. *The Reliquary*, vol. 17, 34.

1250. In 1244, when the provincial chapter was held at Lincoln, Henry III gave ten pounds for their support.¹ The provincial chapter usually lasted three days.² The normal allowance for one friar's food for one day was four pence.³ Consequently there were present at the provincial chapter of 1244 about two hundred friars. The provincial chapter would tend to increase in numbers as new houses were founded. There would then be at least two hundred friars present at the provincial chapter of London in 1250 and, therefore, at the general chapter held immediately before it.⁴ In addition to these there would be present the master-general and his *socii*, and the twelve *diffinitores* from the provinces and their *socii*, in all nearly thirty men. Thus the eighty friars of the London house, together with the two hundred members of the English provincial chapter, and the thirty representatives of the provinces, made up a total of over three hundred.

This body has been called the general chapter. It remains to be seen what this expression implies. In other words what part did the friars, other than the elected *diffinitores*, take in the proceedings? There are three possibilities. Either every friar present would have had the right to speak and to vote; or the *diffinitores* would discuss and arrange measures which would be confirmed, that is voted upon, by the whole body; or the friars, other than the *diffinitores*, would take no part at all and indeed might just as well not have been there. The last is the true solution. It is inconceivable that a friar of no standing at all, merely because the chapter was held in his house, would have the same power to speak and vote as a provincial prior or *diffinitor* representing a whole province. Moreover it would give him greater power than he had in his own provincial chapter. Thus while it is possible to divide the general chapter into "a general body and an

1. Liberate Roll, 28 Hen. III, m.7.

2. e.g., Liberate Roll, 31 Hen. III, m.3. Henry III told the sheriff of Lincolnshire to find food for the three days of the provincial chapter held this year (1247) at Stamford.

3. There were about thirty-five friars in the Great Yarmouth House. In 1277 Edward I granted them 23s. and 4d. for two days food, i.e., 4d. per head. Accounts, etc., Exchequer. 350/23.

4. See p. 63. Where an independent calculation confirms two hundred as a probable estimate of the number of friars present at a provincial chapter.

effective inner circle of *diffinitores*,"¹ and there is no desire to quibble as to the application of the name general chapter to the whole body, it must be clearly understood that the general body had no connection with the chapter other than being under the same roof. This fact is of primary importance as it helps to explain the efficiency of the Dominican Order. With a council of twelve men, of the ablest in the Order, as the directing force, progress was possible. In this arrangement, as in many others, St. Dominic showed his good sense.

In the *constitutiones* of 1228 it was laid down that the electors of the master-general should be the provincial priors of all the twelve provinces, together with two representatives from Spain, Provence, France, Lombardy, Hungary, Germany, and England, and one representative from Jerusalem, Greece, Poland and Scandinavia.² In 1241 these latter provinces were granted the right to send two representatives.³ These thirty-six representatives elected the master-general. By 1303 the number of provinces was increased to eighteen⁴ and consequently the number of electors to fifty-four. Nevertheless it is improbable that the full number of electors was ever present. In 1300 Albert of Genoa was elected. At this moment there were thirteen provinces; there should therefore have been thirty-nine electors. There were, however, only twenty-nine present, of whom nine were provincial priors.⁵ Likewise in 1301 at the election of Bernard of Jusix, out of a possible thirty-nine only twenty-nine were present.⁶ By 1304 there were eighteen provinces and, therefore, potentially fifty-four electors, but at the election of Aylmer of Piacenza, in 1304, there were only thirty-six present, and at the election of Berengar of Landorra, in 1312, only forty-five. In the former case the small number may have been partly due to the fact that the new provinces created in 1303 had not had time to hold provincial chapters and send electors.

In the case of an electoral general chapter it is quite clear that the host of friars present were in no respect regarded as members of the chapter. Stephen of Salanhac wrote of

1. Barker, 15.

2. *A.L.K.G.*, i, 215.

3. *A.L.K.G.*, v, 551-552. *M.O.P.H.*, iii, 18.

4. See p. 90.

5. Bernard Gui, *Libellus*, 411.

6. *Ib.*, 412.

Raymond of Peñaforte's election in 1238: *In crastino ergo Pentecostes, sicut tunc moris erat in Ordine ac statutum, invocato devote Spiritu Sancto, duxerunt Fratres tam de Provincia Lombardie quam de aliis Provinciis cum reverentia et timore Electores ad cameram in quo erat instans electio celebranda. Quibus conclusis, omnes ad ecclesiam redierunt et orantes et deprecantes Domino ut eis de pastore idoneo provideret.*¹ And later, after describing a vision seen by a friar in the church, he wrote: "Behold the electors, coming from the chamber, called the brothers to the chapter-house and there they announced that Friar Raymond of Peñaforte had been unanimously elected master of the Order of Friars Preachers."¹ These quotations show quite clearly that while the electors, shut up by themselves,² discussed and voted, the rest, the members of the provincial chapter and the *socii* of the provincial priors, and of the elected *diffinitores* from the provinces, would wait and pray in the church. Thus, though they are summoned *ad capitulum*, the only part they played was that of listeners. This confirms the decision already reached with regard to the legislative general chapter.³

The electors of the master-general were chosen *ad hoc* in their provincial chapters. A difficulty which might easily arise if a master-general died after the provincial chapter in certain provinces had been held,⁴ and yet before Michaelmas,⁵ was that there would be no one qualified to speak for certain provinces. To avoid this dilemma the general chapters⁶ modified the *constitutiones* so that the *diffinitor* and his *socius* had power to act as electors.⁷ If it was a year of provincial priors, the electors were to be the two *diffinitores* of the preceding provincial chapter, who had been longest in the Order, of whom the senior in the Order should act as *diffinitor*, with the provincial prior in the subsequent legislative chapter.⁸ If, however, he did not come to the chapter or if he had been *diffinitor* of the preceding general chapter, the other was to

1. *M.O.P.H.*, vi, ii, 75. 2. Cf. *A.L.K.G.*, i, 215. 3. See p. 92.

4. The provincial chapter of Provence was held as early as June in 1270 and 1295. Douais, 145 and 395.

5. In which case the general chapter would be held as usual in the following year. e.g., in 1301. Appendix iv.

6. Appendix ii, 232 *M.O.P.H.*, iii, 140 and 150.

7. See below. 8. See the following section.

be admitted as *diffinitor*. This was a good working arrangement which allowed for all contingencies.

As has been stated above, the electors of the master-general were the provincial prior and two other representatives from each province. Thus, in the legislative general chapter which followed there were two too many friars from each province, for if the two extra from each province remained in the chapter, it would *ipso facto* become a *generalissimum*¹ chapter. On the other hand, if the two extra friars were excluded so much wisdom and experience was wasted. A middle path was taken and one of the two extra was admitted to the subsequent legislative general chapter. If it were a chapter of elected *diffinitores* the provincial priors were admitted. If, on the other hand, it were a chapter of provincial priors, one of the electors, who in his provincial chapter had also been elected *ad hoc*, was admitted to define equally with the provincials. If by some mischance this elector was prevented from coming to the chapter, could the other elector, who had not been elected *ad hoc* (*i.e.*, had not been empowered to define) act in this capacity? This is the sort of question with which the general chapter was probably faced from time to time in the course of a number of years, and no doubt it settled particular cases as they arose. By the middle of the fourteenth century the need was felt for a general ruling, and it was laid down that if the one elector did not come the other could act in his place.²

Thus in a year when the subsequent legislative chapter would be one of elected *diffinitores*³ each provincial chapter had to elect (*a*) a *socius* for the provincial, (*b*) a *diffinitor*, (*c*) his *socius*, (*d*) two electors. The *socius* for the provincial prior usually acted only in that capacity,⁴ as, if the provincial died, he would have had a vote as an elector, and would have taken part in the legislative chapter. In this case had he been chosen also as an elector or as a *diffinitor*, the province

1. See p. 109. 2. Appendix ii, 233. *M.O.P.H.*, iv., 340.

3. This occurred in 1254, 1264, 1285, 1292, 1296, 1300, 1312, 1318, 1324.

4. *e.g.*, The province of Provence in 1263 elected a *socius* for its provincial in addition to two other men (Douais, 100), as also the province of Rome in the same year (*Ib.*, 518). In 1299 the province of Rome elected a *socius* for its provincial in addition to four other men, to act as *diffinitor*, *socius*, and electors respectively (*Ib.*, 594).

would have been the poorer by one vote for the master and by one voice in the legislative chapter. For the rest the provincial chapters could employ two,¹ three,² or four³ men to fill the other four offices. There was no rule, and it seems that no common practice or custom grew up. It is probable that in each case the provincial chapter was actuated by particular considerations, such as the popularity of the candidates, the distance to the coming general chapter, and the importance of the business in hand. There is not sufficient evidence to judge of such motives.

In the years when the subsequent legislative chapter was one of provincial priors the chapter had only to choose (a) a *socius* for the provincial prior, and (b) two electors. This only occurred twice⁴ in this period. There are no data as to whether in this case the provincial's *socius* was also an elector, but in view of the fact that he never was so when more than three representatives were required from the province, it is improbable that he was so in this case.

The general chapter was presided over by the master-general. This was so invariable a rule that the chroniclers speak of a chapter as being celebrated *sub magistro*⁵ It was laid down, however, in the primitive *constitutiones* that, if by any chance the master were absent, the *diffinitores* were to go on with their work.⁶ By the middle of the thirteenth century this injunction was found to be too vague, and in 1269 provision was made for providing a deputy for the master to preside over the general chapter in his absence.⁷

1. The province of Rome in 1263 elected Friar Lawrence Todi as *diffinitor* and as one of two electors; Friar John, prior of Florence, was chosen to be the other elector, and also *socius* to the *diffinitor*. Douais, 518.

2. The province of Provence in 1284 elected Friar William of Toinz *diffinitor* and elector. The other elector was John Vigorosus* and the *socius* to the *diffinitor* was Peter de Fabrica*. Douais, 282. See also 400 and 442.

3. In 1299 the province of Spain chose Friar Nicholas Salamantinus* as *diffinitor* and Friar John of Saint Gilles, doctor of Saragossa as his *socius*. The two electors were Friar Bernard de Boxados,* prior of Barcelona, and Friar Luppus*, doctor of Compostella. Douais, 655. See also 584.

4. In 1301 and 1304. Appendix iv.

5. See Galvagnus de la Flamma,* *passim*.

6. *J.L.K.G.*, i, 214.

7. Appendix ii, 240. *M.O.P.H.*, iii, 145. The last two sentences were in the *Inchoatio* and *Approbatio*, 137 and 141, but were omitted in the *Confirmatio*. As they are to be found in the *Constitutiones*, it was obviously the intention of the chapter to enforce them. See also *M.O.P.H.*, v, 382.

The general chapters were held around a long narrow table.¹ The master-general sat at one end and the representatives of the provinces along the two sides. The places near the master-general were the most coveted and were held by the senior provinces. The other provinces were ranked according to the date of their creation. When, in 1221, all the convents then founded were divided into the eight provinces of Spain, Provence, France, Lombardy, Rome, Hungary, Germany, and England, Spain and Provence were regarded as the senior, the first being the place of St. Dominic's origin, the second the scene of his work. These eight were arranged in the following order:—

Master-general.²

Spain	Provence
France	Lombardy
Rome	Hungary
Germany	England

In 1228 the provinces of Poland, Scandinavia, Greece and the Holy Land were created. These were added as follows: Poland and Greece after Germany, Scandinavia and the Holy Land after England. In the abortive scheme of 1289,³ before any actual division of provinces had taken place, a most ingenious arrangement was suggested. It was proposed to divide six of the twelve provinces, namely, Spain, Provence, Lombardy, Rome, Germany and Poland. When each province was divided, that part of it in which was situated the oldest house in the province, would retain that place in the general chapter, which had been held by the original province. The other part would take a place after Greece or after the Holy Land, in accordance with the side on which its parent province was placed, and would retain, in relation to the other five new provinces created at the same time, the same respective relation held between the old provinces.

1. Cf. the seating arrangements of the Premonstratensians in the choir. Martène, 328.

2. This is the order given by Bernard Gui in his *Notitia Provinciarum* for the year 1277. *Recueil des Historiens des Gaules et de la France*, xxiii, 183-4.

3. *M.O.P.H.*, iii, 249.

Thus, if this scheme had been carried out, the rank of the provinces in the general chapter would have been as follows :

Master-general.	
Spain (a)	Provence (a)
France	Lombardy (a)
Rome (a)	Hungary
Germany (a)	England
Poland (a)	Scandinavia
Greece	Holy Land
Spain (b)	Provence (b)
Rome (b)	Lombardy (b)
Germany (b)	
Poland (b)	

No comprehensive scheme of division was passed, and in the piecemeal divisions which did take place the rank of the new provinces was quite different from that proposed above. The province of Rome was divided by the Popes Celestin V and Boniface VIII, at the request of Charles of Sicily, into the provinces of Rome and Sicily, and, to please the king still further, the Pope ordered that the new province was to rank immediately after its parent province. The general chapter of 1296, which accepted this, was merely recognizing a *fait accompli*. In 1301 the general chapter¹ divided the province of Spain into those of Aragon and Spain, and that of Poland into Poland and Bohemia. In each case the old name was given to the part which contained the senior house. The new province of Aragon was placed after the province of Greece. As by this arrangement there were eight provinces² on one side and only six³ on the other, the other new province Bohemia was placed after the province of the Holy Land. In 1303 the provinces of Provence, Lombardy, and Germany were divided into the provinces of Toulouse, Provence, Upper and Lower Lombardy, Germany, and Saxony. The provinces containing the senior houses were Toulouse, Lower Lombardy and Germany, and these retained the places of the original

1. *M.O.P.H.*, iii, 317-319.

2. *i.e.*, Spain, France, Rome, Sicily, Germany, Poland, Greece, Aragon.

3. *i.e.*, Provence, Lombardy, Hungary, England, Scandinavia, the Holy Land.

provinces at the general chapter. The new province of Provence was placed after the province of Aragon, that of Upper Lombardy after the new province of Provence and that of Saxony after the province of Bohemia. Thus the final arrangement was—

Master-general. ¹	
Spain	Toulouse
France	Lower Lombardy
Rome	Hungary
Sicily	England
Germany	Scandinavia
Poland	Holy Land
Greece	Bohemia
Aragon	Saxony
Provence	
Upper Lombardy	

which continued till the end of this period.

The *diffinitor* of the general chapter,² who was elected by the provincial chapter and was also a full member of the general chapter, was the most important link between the two bodies. A consideration of his duties will serve to show this.

The *diffinitor* was elected by the provincial chapter of his province held some time during the summer. His *socius* was appointed by the provincial prior and the four *diffinitores* of the same provincial chapter. The general chapter at which he was to act was held at the following Whitsuntide. He had, therefore, at least six months, and probably almost a year, in which to prepare himself. His immediate duty was to obtain from the provincial and *diffinitores* testimonials for himself and his *socius*, and to arrange a meeting place with the latter, so that they might travel to the general chapter together. If one or both were not present at the provincial chapter these arrangements were made for them.

Next the *diffinitor* had to prepare himself to be an efficient representative of his province, and an able and well-informed counsellor. He studied the *acta* of the last general chapter and consulted the more discreet friars about them. He was

1. This list is corroborated by Quétif and Echard, i, xv.

2. For this whole section see Humbert ii, 339, and Appendix ii. 234.

ever willing to listen to complaints and to hear what anyone had to say, but he was careful to lay more weight on what the older and wiser brothers said, and on the petitions from convents, than on the advice of individuals and the complaints of informers.

When the time came to go to the chapter he met his *socius* and they travelled on foot together. They were to be careful always to behave so as to be an example to the friars in the houses in which they stopped, and to the laity they met on the road. They were not to linger on the way but were to go as quickly as possible, so as not to keep the other *diffinitores* waiting.

Once the *diffinitor* arrived at the convent where the chapter was to be held his duties fell into two parts, those during the sessions of the chapter, and those at other times. In the first place everything was to be sacrificed to the convenience of the chapter as a whole. He was to say his hours and his masses whenever he could best fit them in. On all questions concerning his province he was to consult his *socius*. If he had letters for the master-general he was to present them to him before the chapter in the following order, first those concerning the province, secondly, those concerning one or more convents, thirdly, those concerning friars, and lastly those about outsiders. When the chapter was over he was to finish up all the business for his province.

In the chapter itself the *diffinitor* was to be careful to keep an open mind on all questions until he had heard them discussed. If he was appointed judge he was to judge impartially. If any duty was laid upon him, such as reading a letter or writing down something, he was to do it carefully. When questions about his province arose, the *diffinitor* was to see that his *socius* was brought in, and together they were to present the letters in the same order as to the master-general.¹ Also the *diffinitor* was bound to introduce into the chapter any brother from his own province, or from elsewhere, with business for the chapter.

At the following provincial chapter the *diffinitor* and his *socius* had to give an account of their stewardship.² If any

1. See above.

2. Humbert, ii, 343.

of the friars were annoyed at the proceedings of the general chapter the *diffinitor* was to explain to them the reason for such an ordinance or such a decision. He had also to present all the documents, such as the master's letter, and a copy of the *acta* of the general chapter, to the provincial chapter. After which he was absolved from his office and was ineligible for re-election for the following year.¹

In normal years each legislative chapter arranged the time and place of its successor. The time was invariable, namely, Whitsuntide. The place varied from year to year. If the master-general died before Michaelmas the duty of informing the provinces fell upon the convents of Paris and Bologna.² The prior of the convent in which the master had died was with all speed to send the news to Paris or to Bologna, whichever was the nearer. The one first informed was bound to send the news to the other, and then between them they were responsible for telling all the provinces. In 1228 the prior of Paris had to inform the provincial priors of Spain, Provence, England and Germany. In 1242 Scandinavia was added to this list and in 1301 Aragon.³ When the original provinces of Germany and Provence were divided in 1303 the four new provinces were left in this group.⁴ Thus Paris had finally to inform eight provinces, Spain, Toulouse, England, Germany, Scandinavia, Aragon, Saxony and Provence.

The primitive *constitutiones* made the prior of Bologna responsible for the provinces of Hungary, Rome *et aliis*.⁵ In 1242 were added the provinces of Poland, the Holy Land and Greece. In 1296 the province of Sicily was added. In 1301 the provinces of Poland and Lombardy were divided and the four new provinces were inserted in this list. Hence in 1360 the prior of Bologna had to send messengers to the provincial priors of Hungary, Rome, Sicily, Poland, the Holy Land, Greece, Bohemia, and Upper Lombardy.

It is noticeable that the provincial priors of the provinces of which these two houses were respectively regarded as the oldest convents, were not mentioned, *i.e.*, of France and

1. Appendix ii, 236. *M.O.P.H.*, iv, 236. 2. *A.L.K.G.*, i, 217.

3. *M.O.P.H.*, iii, 301. Appendix ii, 232.

4. *M.O.P.H.*, iii, 317 and 319. Appendix ii, 232. 5. *A.L.K.G.*, i, 217.

Lombardy or later Lower Lombardy. The announcement made to the house was in this case considered sufficient. These notifications of the master's death were announcements that an electoral general chapter was to be held at the following Whitsuntide.

The procedure of the legislative general chapter was as follows. On the Saturday¹ before Whit-Sunday after Prime all the brothers came to the chapter house. The calendar and other announcements were read. Then the master-general, or someone appointed by him, gave a short address for the edification of the chapter. This was followed by prayers to the Holy Ghost,² such as *Emitte spiritum tuum* and the collect *De Spiritu Sancto*. As an alternative a mass might be said for the chapter. Mention was then made of friars who had died during the year and a common absolution granted them, whereupon certain psalms, such as *De profundis* were said for them. Any letters addressed to the chapter were read and the answers to them decided upon. Whereupon all who were not members of the chapter went out.

Next, those who had come with excuses for the absent were heard. Confessions of faults, especially by the friars appointed to visit, who had failed to do so, were listened to. Judgment was given and penance prescribed. Also accusations from convents, from provinces, and from individuals were heard and judged. Next, the master and the *diffinitores* turned to the business of legislation. The chapter had to consider whether it would confirm and approve those ordinances approved and introduced in the previous chapter. The master, who was the only person present at both chapters, had to explain the aim of the last year's *diffinitores*. He had, as far as he could, to direct the legislation of the chapter and see that it tended towards the good of the Order. He was to give them any information they needed. Finally,³ when all the discussions were at an end and all the questions solved, both the *diffinitores* and the master said a common confession. Whereupon the master pronounced an absolution, a blessing

1. After 1255. See p. 87.

2. The *Constitutiones* place these before the sermon, Humbert after it. The latter is more likely to have been the practice.

3. The chapter lasted over several days.

for the persevering, and a curse on apostates and fugitives.

In an electoral general chapter, however, when all the electors had come together in the convent, where the general chapter was to be held, the conventual priors of the province and the other brothers present shut up all the electors in a room apart.¹ No one of the electors could go out, nor could any food be handed in to them until the master was elected. Any friar, either of the electors or of those outside, who disobeyed this rule was *ipso facto* excommunicated.

The duty of counting the votes fell to the three provincial priors present, who were longest in the Order. They took each of the electors in turn a little way apart, out of the hearing, but not out of the sight of the rest of the chapter, and asked him his opinion. At first the three *scrutatores* added up the votes mentally, but some time between 1228 and 1260 it was ordained that they should write them down.² This no doubt was to avoid there being any danger of a miscount. If the electors were not unanimous, it was necessary for more than half of the total number of electors present to vote for one man before he could be accepted as master. In cases where there were three or more candidates this rule often necessitated two or three counts.³ The custom was, when a sufficient majority had voted for one man, for the rest to agree and thus to conclude with a quasi-unanimous election.⁴

The electors then emerged from their retreat and calling the rest of the friars present to the chapter house announced the result of the election. Whereupon the new master, if he were present, immediately held a legislative chapter.

The general chapter and the provincial chapter were two very different bodies, but the work they did was, in several cases, of a similar nature. It is convenient, therefore, to discuss first the functions performed by the general chapter, which resembled those of the provincial chapter, and secondly,

1. Appendix ii, 233. Bernard Gui's phrase about the election usually was *ubi inclusis, ut moris est, electoribus in conclavi*. *Libellus* 411. *re* the election of Albert of Genoa see also 403 and 412.

2. Cf. *A.L.K.G.*, i, 216, and *A.L.K.G.*, v, 552.

3. *e.g.*, In the election of Albert of Genoa in 1300 there were two counts. (*M.O.P.H.*, ii, 105). As also in that of Aylmer of Piacenza in 1304 (*Ib.* 106).

4. *e.g.*, In the elections of Bernard of Jusix in 1301 and of Berengar of Landorra in 1312. Bernard Gui, *Libellus*, 412.

the duties and powers of the general chapter which were peculiar to it.

In the first category were such matters as admonitions, punishments, appointments and absolutions, prayers, and the choice of the place for the next chapter. The general chapter was *par excellence* the legislative body of the Order but, as well as the power of changing the *constitutiones* by passing an ordinance through three successive chapters, it shared with the provincial chapter the right to issue admonitions, inhibitions, or *ordinaciones* as they were indifferently called. These had the full weight of the chapter's authority behind them, but were only quasi-laws. This allowed the chapter to deal with a variety of topics, which were not of sufficient importance to create a change in the *constitutiones*. Further, the chapter often took this opportunity of calling the Order's attention to ordinances which were already part of the *constitutiones*. As with the provincial chapter the subjects dealt with in the monitions were many and various. If, for example, the monitions for the year 1259 be examined, it will be found that they are thirty-five in number and have to do with subjects as various as legible handwriting, scapulas for lay-brothers, the official life of St. Dominic, Humbert's revision of the liturgy, and the seeking out and sending to the Schools of any young brothers who showed any aptitude for study.¹ It is of interest to notice that the legislative nature of the monitions was recognised by the general chapter in that, as the years went by, it tended to head the section *Iste sunt moniciones et ordinaciones*.² Sometimes indeed they were called *ordinaciones* alone.³

Like the provincial chapter, the general chapter acted as a disciplinary body. It also divided this part of its work into two sections. Disputes between friars and doubtful questions were settled by the judges;⁴ other matters came before the whole chapter. This matter is of interest in the general chapter as it seems probable that the friars chosen as judges were other than the *diffinitores* of the chapter. If the judges were members of the chapter, either the business of the whole chapter

1. *M.O.P.H.*, iii, 97-100.

2. *Ib.*, 305.

3. *Ib.*, iv, 56.

4. See p. 74 and p. 83.

was held up while this committee met, or certain questions were discussed and settled, without the knowledge of the representatives of some of the provinces. In view of the limited membership of the chapter, and of the haste with which the whole meeting was conducted, both these suggestions seem improbable. We are, therefore, led to assume that the whole chapter chose a small committee of the wiser friars amongst those who were in the house at the time of the chapter, and that it was before this body that the cases were brought up.¹ The chapter itself, however, frequently judged and punished provincial priors,² conventual priors,³ and other officers.

Like the provincial chapter, the general chapter frequently absolved or deposed executive officers. In fact the *absolutiones* became a recognised part of every chapter's *acta*. The general chapter was the body which normally absolved provincials. It could also absolve conventual priors. The general chapter, like the provincial chapter, could appoint officers. The officers which it was customary for the provincial chapter to appoint were the visitors, *lectores*, and preachers-general of the province. In the fourteenth century the *acta* of the general chapters show that body appointing vicars of provinces and *lectores*. These vicars of provinces⁴ were appointed by the general chapter, either to set right what had been done amiss by an evil provincial, or merely to fill in a gap. As far as the appointment of *lectores* went the general chapter concerned itself chiefly with the large and important School in Paris. In the thirteenth century the chapter handed over the power of appointing the teachers to the master-general, but in practice it soon claimed it again. Thus when in 1311 the chapter absolved the master-general, Berengar of Landorra,⁵ and the Order was, consequently, without a master, the general chapter itself appointed certain *lectores* for the Parisian schools.⁶ This experiment was evidently found to be a success, and during the following half century there are many examples of appointments by the general chapter.⁷ Thus, both in the case

1. Humbert's statement that the *diffinitor* might be called upon to act as judge does not agree with this. See p. 100.

2. See p. 132. 3. See p. 121. 4. See p. 149. 5. See Appendix v.

6. *M.O.P.H.*, iv, 55. 7. *M.O.P.H.*, iv, 69, 118, 150, and *passim*.

of the appointment of vicars of provinces and of *lectores* the same tendency is seen, namely a transference of the exercise of this function from the master-general to the general chapter.

Very little needs to be said about the recommendations by the general chapter of certain people to the prayers of the brothers. The only difference in the two bodies in this respect is that the provincial chapter usually only mentioned those men and women who had done good to the province, while the general chapter gave the names of benefactors of the whole of the Order. Prayers were asked for the Pope and the College of Cardinals almost every year.¹ It must be remembered that every Pope almost immediately after his coronation issued a Bull recommending himself to the prayers of the Friars Preachers.² The general chapter also arranged for the offices or litanies to be said on Saints' days. For instance, the general chapter of 1277 ordained that July 29th was to be kept as the feast of the blessed Martha, Lazarus' sister, and hostess to Our Lord.³ It was to be a feast of three lessons, *trium lectionum*, and the chapter provided three passages to be read.

The date of the general chapter was invariable, namely Whitsuntide.⁴ Likewise, in the earliest times the chapter regularly alternated between Paris and Bologna, but after 1244 it peregrinated from house to house. Hence, from 1244 onwards the *acta* of each chapter announced the name of the town in which the next chapter was to be held. The chapters were always held in houses of the Friars Preachers.⁵

Before discussing those functions which were peculiar to the general chapter, it might be well to give some account of how the form of the *acta*, which later became stereotyped, developed. The records extant of the earliest chapters are very scanty and the various forms of the chapter's activities, confirmations, monitions and such like are not clearly distinguished. Gradually the different divisions became labelled. In the *acta* of the chapter of 1233 the heading *admonitiones* first appeared.⁶ The chapter of 1240 made a great advance.

1. e.g., *M.O.P.H.*, iii, 188, 323, iv, 126.

2. See *Bull Ord. Pred.*, passim

3. *M.O.P.H.*, iii, 192. 4. See p. 85.

5. e.g., *M.O.P.H.*, iii, 30, 101. See also p. 67. 6. *M.O.P.H.*, iii, 3.

In this year punishments,¹ suffrages,² and concessions³ of houses, each appear in their proper place. Two years later the triple nature of the legislation became distinct,⁴ but it took the friars some years to realize that in order to negative an approbation it was not necessary specifically to revoke it.⁵ In 1247 appears the first example of the absolution of a provincial prior by the general chapter.⁶ In 1244 the notice about the next chapter first appeared at the end of the *acta*.⁷ Thus, by 1250 the form of the *acta* was fully developed, and remained identically the same till the end of this period. First in order came the *confirmationes*, *approbationes*, and *inchoationes*. Next were the *monitiones*. After them came the concession of houses, the suffrages, the absolutions, the penances, and finally the arrangements for the next chapter. These last mentioned records could be arranged in any order amongst themselves, though it was most usual for the arrangements for the next chapter to come at the very end of the *acta*.

The general chapter was, under the Pope, the sovereign of the Order. It could, by passing an ordinance through three successive chapters, add to, alter, or remove clauses or sections from the *constitutiones*. The *constitutiones*, together with the Rule of St. Augustine, regulated the friars' lives. Consequently, the general chapter can be said to have had supreme power over every individual in the Order and over the Order as a whole. The three readings automatically divided this section of the chapter's work into three parts. In the first place the chapter had to pass in review all those ordinances which the last chapter had approved. The present chapter had to decide whether it would or would not, by confirming them, make them law. The master-general, the one person present who had heard the discussion in the two preceding chapters, laid before the *diffinitores* the reasons which had led the brothers to introduce and approve this change. No doubt each *approbatio* was read out, discussed, and voted on separately. These discussions were no mere form as is shown by the fact that, though many ordi-

1. *M.O.P.H.*, iii, 17.2. *Ib.*, i, 18.3. *Ib.*, i, 18.4. *Ib.*, 21-23.5. *Ib.*, 13, 21, and 26.6. *Ib.*, 40.7. *Ib.*, 30.

nances were introduced, approved and confirmed, almost as many never reached the final stage.

When the last chapter's *approbationes* had been dealt with, the present chapter would then turn to its *inchoationes*. Here again they were not approved as a matter of course.¹ Many *inchoationes* died young. Finally, each chapter discussed the changes which it would like to see made in the *constitutiones*. No doubt most of the members of the chapter had their own ideas on this subject, but every suggestion had to be put to the vote, and only those which the majority of those present agreed were adopted as *inchoationes*.

The general chapter for two successive years was composed of elected representatives from the provinces and the third year of the provincial priors.² It is as if Parliament was obliged to have a Labour majority for two years and a Conservative one every third year. St. Dominic was afraid that in his Order the chapter of one type might work against the chapter of another and negative the legislation introduced by it just for the sake of being disagreeable. He especially exhorted the *diffinitores* of the general chapter to beware of this pitfall. It is pleasant to be able to point out that St. Dominic's fears were groundless. On the contrary it is significant that the chapter which confirmed the ordinance establishing the scrutiny of executive officers was composed of provincial priors.³ Whatever were the private feelings on the matter, these in no way influenced the performance of their public duty. In fact, a careful examination of the legislation negatived by both types of chapters has revealed no instance of a sinister motive. Elected *diffinitores* appear to have been as willing to give their approval to ordinances introduced or approved by provincial priors as to those introduced by other elected representatives. Similarly the provincials nowhere showed any bias against the doings of their elected predecessors. The best test of this statement is to be found in the fact that it is impossible to tell from internal

1. The *inchoatio* that only friars of *five* years' standing could elect the conventual prior was never approved. See B. E. R. Formoy, *The Dominican Order*, etc., 6; but cf. *M.O.P.H.*, iii, 128 and 132.

2. *A.L.K.G.*, i, 214. 3. See p. 129 and Appendix iv.

evidence of the *acta* of any chapter whether that chapter was composed of elected representatives or of provincial priors.

Throughout the thirteenth century and during the early years of the fourteenth century this threefold process was the only one known for legislating for the Order. The *acta* of the first century of the Order's life (1220-1320) are largely made up of *confirmationes*, *approbationes* and *inchoationes*. By 1320 it had been found that when merely a slight change or an interpretation of some passage in the *constitutiones* was in question this process was unwieldy. Consequently the chapter formed the habit of issuing what is called *declarationes*,¹ which were in fact glosses on the *constitutiones*. At first these merely explained certain points. Later, like all glosses, while pretending to agree they altered and in fact contradicted the *constitutiones*. There is one instance of a curious proceeding, namely, of a declaration being repeated three times.² It is because these declarations became so important between the years 1320 and 1360 that the *inchoationes*, *approbationes* and *confirmationes* sank into comparative insignificance. In some years in fact they did not appear at all. These *declarationes*, though acting as a temporary substitute for the threefold method of legislation, were not of the same importance, as they did not affect the form of the *constitutiones*. It was the *constitutiones* by which later generations of friars lived.

The general chapter, as has been said above, was the sovereign body in the Order. It alone could legislate for the whole Order. It controlled all the officers from the master-general down. Upon its efficiency depended to a large extent the welfare of the Order.

THE GENERALISSIMUM CHAPTER.³

A *generalissimum*⁴ chapter was held only twice in the history of the Order, in 1228 and 1236. In the former year the *constitutiones*, which hitherto had been scattered and un-

1. *M.O.P.H.*, iv, 117, 145, 153, 173, 207, 217, 245, 281, 335, 345, 363, 380, 387.

2. In the years 1350, 1352, and 1353. *M.O.P.H.*, iv, 335, 344, and 353.

3. Matthew Paris in describing a Parliament, held in 1246, composed of "prelates both abbots and priors as well as bishops, earls and barons," described it as *generalissimum*. Quoted by Professor A. F. Pollard. *The Evolution of Parliament*, 46.

4. See Appendix ii, 244.

certain, were collected and issued as a whole. They became the official rule of the Order. In 1236 Jordan of Saxony held a *generalissimum* chapter to round off his legislative work before his departure to the Holy Land. Though, in point of fact, a *generalissimum* chapter was only held twice, there was always a possibility that it might be held again, and various regulations were laid down for it.

The composition and powers must have been clearly understood in the Order from the first, but it was not until the *generalissimum* chapter of 1236 that these facts were recognised in the *constitutiones*. A *generalissimum* chapter was composed of a provincial prior and two elected *diffinitores* from each province. In short it was composed of three successive general chapters in one. Consequently, as a single unit it had the power which these three together would have had. Its ordinances did not need to be approved or confirmed. By one single process they were incorporated into the *constitutiones*.

The most vital question naturally with regard to such a powerful body was the right of summoning it. The earlier ruling laid it down that it could be summoned either by a petition from a majority of the provinces, or by the master-general. This was felt to give the master too much power, and in 1262¹ his initiative in this matter was limited by the obligation to obtain first the consent of the majority of the provinces. The provinces which petitioned for a *generalissimum* chapter had to send in writing the reasons for which they wanted it summoned, not in order that the general chapter to which the petition was sent might judge of whether the reasons were sufficient or not, but so that the brothers might discuss the question at issue beforehand. The holding of a *generalissimum* chapter was to be announced two years ahead, except in a case of urgency. In 1250 the provincial chapter of Provence petitioned for a *generalissimum* chapter.² We do not know whether or not the matter was ever laid before the general chapter. If it were, the proposal evidently did not receive the requisite majority of votes, for nothing more is heard of it.

1. Appendix ii, 244. *M.O.P.H.*, iii, 113. In the 1260 version these words are added in the margin, f. 79 v. 2. Douais, 41.

CHAPTER III.

THE OFFICERS.

To a student of monastic institutions an examination of the position of the officers in the Order of Preachers reveals two startling novelties. The officers were answerable to the chapters. Their tenure of office was only temporary.

Within the convent all the officials were controlled directly by the conventual prior, but indirectly by the conventual chapter. The conventual prior, together with all the other officers in the province, were judged by the provincial chapter, while the provincials and the master-general alike had to give an account of themselves to the general chapter.

No office was held for life. Even the master-generalship, which came in practice to be a lifelong appointment, was held at the pleasure of the general chapter. The only consideration was what was best for the Order. This, and not the claims or wishes of any individual friar, decided how long he could act in any position. The officers were the servants of the Order. This was the theory and, in the thirteenth century at least, this was the practice.

The principle of selection, which has here, as elsewhere, determined what was to be examined and what was to be ignored, has been that only that which has a direct bearing on the government of the Order comes within the scope of this enquiry. Hence, the officers of whom an account is given in this section are the conventual and provincial priors, the master-general, the vicar, the visitor and the preacher. Many other officials, such as the *cantor* and *infirmarius*, borrowed directly from current monastic practice, are referred to, but their duties are not described in detail.

THE CONVENTUAL PRIOR.

The conventual prior was elected by the conventual chapter,¹ and his election confirmed by the provincial prior.

1. For a full discussion of the election and confirmation of the conventual prior, see p. 45.

As soon as this confirmation reached the house, the new prior entered office. In this section an attempt is made to give an account of the conventual prior's position. This is no easy matter for, although in the history of the Order there is no doubt that it was the humdrum work done by many an obscure prior, which made for the successful completion of St. Dominic's object, no record remains of these everyday doings. Beyond one or two stray references in the *constitutiones* and in the *acta* of the general or provincial chapters, all that is known of the rights and duties of the conventual prior has to be gathered from the instructions given to them by Humbert of Romans.¹ Very little of this is useful for our purpose, for Humbert is naturally and rightly interested in spiritual rather than in constitutional questions, so that the latter are only referred to incidentally.

The conventual prior's constitutional position in the Order can best be ascertained by examining his rights and duties with regard to the various groups of people and individuals with whom he came in contact. They may be treated in two broad divisions; those belonging to the convent of which he was prior, and those from outside. In the first division were the sub-prior, the other officers, and individual friars. Those who affected the prior most from without were the visitor, the provincial prior, the provincial chapter and the master-general.

The most important aspect of the domestic life of the prior was his relations with the convent.² In a Benedictine house the abbot, endowed with all the authority of the Roman *pater familias*, was absolute. This was not at all the case in the Dominican convent. Though it is true that the prior had very great powers, such as of arbitrarily deciding the punishments to be borne by those who were convicted of crimes in the *capitulum culparum*,³ though no doubt he was influenced by the list of punishments allotted to the various types of faults in the criminal code,⁴ and in a smaller matter of arranging for more than two cooked meals a day, if the resources of the

1. *Opera*, ii, 201-209.

2. The word convent is used here, as elsewhere, to mean the body or group of men who composed the corporation. For a full discussion of what legally constituted a convent in the Order of Preachers, see p. 47.

3. *A.L.K.G.*, i, 207 and 208. 4. Appendix ii, 218-225.

house made it possible,¹ his duties were sometimes very irksome, and it was made quite clear that he was not to consider himself more important, nor in any way different from the rest of the friars. He was to have his meals with everyone else in the refectory, and was to eat what they eat;² he was not on any account to have special dainties. Further, he was to have his blood let and to be shaved with the rest of the convent;³ if he was ill he was to be nursed in the common infirmary.⁴ Likewise he was warned against a temptation, to which he would have been very susceptible, that of dining outside the house, and thus probably eating better food.⁵

Again, if the prior went away from the town in which his convent was, he was obliged to explain the reason of his journey to the sub-prior and, if the case was sufficiently important, to the whole convent.⁶

The conventual prior always presided over the conventual chapter, except when the subject to be discussed was the report on himself to be sent to the provincial chapter.⁷ The system of scrutiny for the conventual and provincial priors was introduced by the general chapters of 1281, 1282 and 1283.⁸ A vote was to be taken in the conventual chapter as to whether or not the convent wished the prior to continue in office or to be absolved. The sub-prior and the two brothers present, who were *most* senior in the Order, were to count the votes. The voting was to be done in the chapter house, but no one but the *scrutatores* was to know how any individual friar had voted. They were to write down the result, seal it with the conventual seal, and send it, with the other documents intended for the provincial chapter, by the hand of the prior's *socius*. It was clearly of paramount importance that voting on such a subject should be secret. Hence if one of the senior friars was garrulous and told which way certain of the convent had voted, it was something worse than a minor offence. It was in order to avoid this that the general chapters of 1286, 1287 and 1288⁹ modified the regulations on this subject, stating that if

1. Appendix ii, 210. 2. *Ib.*, 210. 3. Humbert, ii, 203.

4. Appendix ii, 211. 5. Appendix ii, 210. 6. Humbert, ii, 204.

7. The prior was not to settle which day the report was to be discussed. *M.O.P.H.*, iv, 145.

8. Appendix ii, 238. *M.O.P.H.*, iii, 213, 216 and 221.

9. Appendix ii, 239. *M.O.P.H.*, iii, 232, 237, and 242.

the majority of the chapter thought that any friar who, through his position as sub-prior, or as being one of the senior in the house, was acting *scrutator*, was unsuited for the position, they could depose him and elect another friar from amongst them to take his place. Thus the provincial chapter was enabled to know what the convent really thought of its prior; knowledge which was invaluable when the question of his absolution or retention came up.

There were a variety of matters which the prior could only do in conjunction with the chapter. Besides the making of important decisions on matters connected with the material state of the house, the prior was bound to collaborate with the chapter in drawing up the report on the debts¹ of the house, which he took with him to the provincial chapter. Likewise no petition could be sent to the provincial chapter except by the conventual chapter.²

It is important to remember that in practice the prior was seldom a member of the convent over which he ruled,³ which fact would tend to heighten any resentment felt against him for being autocratic. He was thus obliged to walk warily, and it is probable that he consulted the chapter on more topics than those specified in the *constitutiones*. In one matter, which affected the convent very intimately, and would continue to affect it long after the prior had been sent elsewhere, namely that of receiving novices, the decision lay altogether in the hands of the chapter. The primitive *constitutiones*⁴ ordained that if a man, who desired to enter the Order of Preachers, already belonged to another religious Order, he was not to be received without the express consent of the general or provincial chapter; Cistercians, moreover, were not to be received without the special licence of the Pope.⁵ The conventual prior was not to receive anyone as *conversus* or canon (*i.e.* friar), unless he had already obtained the consent of the whole or major part of the chapter. The general chapters of

1. *A.L.K.G.*, v, 555. *M.O.P.H.*, iii, 7.

2. *Ib.*, 555. *M.O.P.H.*, iii, 7.

3. Bernard Gui, describing Friar Bertrand de Rupe Amatoris,* said of him, *in multis conventibus prior*, quoted by Douais, 173, note 7.

4. *A.L.K.G.*, i, 202.

5. The province of Provence decided in 1299 that no Carmelite was to be received without the provincial prior's permission. Douais, 441.

1249, 1250 and 1251 caused this to be deleted and replaced it by the following ordinance¹: that no one was to be received as a canon except by the provincial prior, or by him to whom he had given a special licence for this purpose, or by the conventual prior with the consent of the whole or greater part of the chapter. Neither the provincial prior, nor anyone licensed by him, could receive anyone as *conversus*, without the consent of the convent to which he was to belong, nor on the other hand could the convent receive a *conversus* without the licence of the provincial prior. This complicated series of regulations left the real power on these matters in the hands of the conventual chapter. The trend of these injunctions and the tone of Humbert's instructions go together to show that in the Order of Preachers, though it was necessary to have someone to represent the convent, and to have authority over individual friars, the prior was not the master but rather the servant of the community.

The conventual chapter was not the only body which the prior was bound to consult and which acted as a check to his movements. By the latter half of the thirteenth century at least, it was customary to have a recognised body of councillors in every convent.² These are the more discreet or wiser brethren mentioned so frequently in the *constitutiones*. They were chosen by the prior, presumably from the conventual chapter, so that they might be always at hand if the prior needed advice. Another object was attained in that the large class of questions were dealt with by the councillors which were not of sufficient importance, or were too detailed to be submitted with advantage to the conventual chapter. Thus a great saving of time was effected. The functions of this body were clearly defined by Humbert.³ They were to listen with the prior, sub-prior and *procurator* to the accounts, so as to know exactly where the convent stood, how much it owed, and how much was owing to it. The councillors were to give advice about building, about appointing, changing and absolving officers, about nominating friars to receive orders, to preach or to hear confessions; about the sending out of friars

1. *A.L.K.G.*, v, 542. *M.O.P.H.*, iii, 44, 49, 55.

2. Humbert, i, 284.

3. Humbert, ii, 285. *M.O.P.H.*, iii, 47.

to preach or beg, and about which friars should be sent together; about appointing, dismissing or keeping servants; about procuring the necessities of life; about the distribution of dead friars' books; and about similar things in which it was not necessary to consult the convent.¹ There were, however, certain matters, such as the sealing of any letters or charters with the convent's seal, the alienation or purchase in large quantities of fixed or movable goods,² the reception of friars, in which the councillors were to be chary of expressing an opinion. These matters could be decided only by the convent, unless the convent specifically granted the councillors a commission to act in the matter. The conventual prior's liberty of action was thus very circumscribed, but this insistence on the co-operation between the head of the convent and its members ensured that to the outer world it presented a united front, and that a real harmony was obtained within.

It has been pointed out above, that the fixing of the conventual seal was one of those functions which had to be done in the presence of the whole chapter. On the other hand the chapter could not affix the conventual seal without the consent of the prior. Certain friars, who had not obtained this permission, were punished by the provincial chapter of Limoges in 1253.³ When an important deed was drawn up it was usual to send both for the convent and for the prior to seal it. There is an interesting deed in the Public Record Office⁴ which is the conveyance of the Holborn site, which was sold to Henry de Lacy, Earl of Lincoln, by the Friars Preachers of London in March, 1287. This had three seals on it. The first, which has gone, was presumably the provincial's. The second is a pointed oval seal⁵ in red wax. It represents the Crucifixion, with the Virgin on the right and St. John on the left. The legend round the outside is *S' Con. Predicatorum Lundoniensis*. This was clearly the conventual seal of the London house.

1. *in quibus necessario non requiritur de jure consensus conventus.*

2. See *M.O.P.H.*, iv. 188. 3. Douais, 55. 4. Ancient Deeds. L.S. 62.

5. This was the usual shape of the conventual seals of the Order of Preachers. The subject varied from house to house. It often represented the Virgin with the Infant Jesus in her arms. The legend was similar to that of the London House. See W. de G. Birch. *Catalogue of Seals in the Department of Manuscripts in the British Museum*. The Black Friars convents at Norwich, Gloucester, Ipswich, Derby, and Beverley.

The third seal, in green wax, is considerably smaller, though the same pointed oval shape. It represents St. John the Evangelist standing on an eagle holding in his right hand a scroll and in his left a palm. Across the background is written I O H S. It has round it the legend ‘. . . rum . . . rum . . . Lundon’.¹ There is very little doubt that this was the seal belonging to the prior of the London House. Thus this transaction was considered so important that it was vouched for, not only by the provincial prior and convent of London, whom it concerned, but also by the provincial prior, who went in May to give an account of the proceeding to the general chapter of Bordeaux.²

A similar deed drawn up by the convent of Tarascon in 1266 is extant. It is a concord between the convent and Alfonso, Count of Poitou.³ It is sealed with two seals. Both are pointed oval and represent the Virgin holding the Child. One⁴ bears the legend *S’ Conventus frm Predicator’ Tarascon’*; the other⁵ *S’ Prioris frm Predicator’ Tarasconencium*. It was evidently quite usual for a conventual prior to have a seal as prior.⁶ Douët d’ Arcq gives another example of a document sealed with the prior’s seal alone, namely the Prior of Montrelais.⁷ It is presumed that he used this seal for all official letters. This seal would probably remain in the house and be handed down from prior to prior. He would probably use his own private seal, which he had as a preacher-general, for any personal letters he wrote.

The appointment of all the officers within the convent was in the hands of the prior, though he is adjured by the *constitutiones* in the case of the sub-prior,⁸ and by Humbert in the case of all other officers,⁹ to choose them in consultation with the councillors. Humbert gives a full list of these conventual officers.¹⁰ He classified them in a very interesting way. The conventual prior himself, together with the master-general and

1. Probably *Sigillum prioris fratrum predicatorum Lundoniensium*.

2. See Appendix iii. Whit-Sunday was 25 May this year.

3. Douët d’ Arcq, *Collection de sceaux* (Paris 1863), iii.

4. No. 9737. 5. No. 9738.

6. All conventional priors had seals in the fourteenth century. Appendix ii, 222. *M.O.P.H.*, iv, 127, 139, 144.

7. No. 9732. 8. Appendix ii, 228. See also *M.O.P.H.*, iv, 157.

9. Humbert, ii, 204. 10. *Ib.*, ii, 179-180.

the provincial prior, have a cure of souls, in a greater or lesser degree according to their office. Within the convent certain officers have this cure delegated to them; these are sub-prior, the master of novices, the master of the *conversi* and the corrector of the staff.¹ The first of these had a general charge, the others were concerned only with certain groups. Some officers were concerned with divine worship, namely the cantor, the sub-cantor and the sacristan; others with study, namely the *lector*² the master of students, the librarian, and the buyer of books. Besides these there were certain other officers who had the care of various matters; the examiners of those who wished to make their profession, the *circator*,² whose duty it was to move about quietly amongst the brethren at odd and unexpected moments, in order to find out if any were growing lax, the custodian of the dormitory, the porter and the *depositarius*,² who kept a kind of left-luggage office. Other groups of officers cared for certain special interests of the friars. The *procurator*² was the spiritual son of the Benedictine cellarer³ and performed the functions of a domestic bursar in a modern college. It was the almoner's duty, amongst other things, to distribute to the poor whatever food remained at the end of each day. Those whose duty was in the refectory were the *refectorarius*,² the server of the table, the *lector in mensa*,² and the *corrector in mensa*.² The *infirmarius*² and the *infirmorum custos*² cared for the invalids, the receiver of guests for visitors, and the cook and the keeper of the cellar cared for all. The brethren's clothes were made and mended by the *vestiarius*,⁴ the tailor and the cobbler. For all other works there was also a general supervisor. Agricultural work was done under the direction of the gardener. Humbert also mentions the councillors as officers. Apart from them, there were in all thirty-two officers under the prior. These posts could be, and no doubt normally were, held in plurality. It is clear that a great part of the prior's time must have been spent in instructing and supervising these officials. The *constitutiones*

1. A literal translation. He was in charge of the servants.

2. There is no obvious English equivalent for these; their meaning is quite clear.

3. Humbert, ii, 280-281.

4. The *vestiarius* was in charge of the tailor and the cobbler.

and Humbert's instructions between them give a considerable amount of information on the subject.¹ As is to be expected, the prior was exhorted to choose suitable men, and to teach them how to do their respective duties. He had the power to grant whatever dispensations were necessary to the efficient carrying out of their duties, as of not keeping the silence,² or of staying away from some of the Offices. Each of these officials, according to an ordinance of the *generalissimum* chapter of 1236,³ was bound once a year to render an account to the conventual prior of any money entrusted to him in his official capacity.⁴ This financial responsibility was still further emphasized by the general chapters of 1261, 1262 and 1263.⁵ This enabled the prior to keep a very tight hold over his subordinate officers.

Over individual friars the prior's power was considerable. He could on occasions be tender-hearted, like the prior of whom Gerard de Fracheto* spoke,⁶ who, seeing that a young friar newly come into the Order was bored, sent him out on an excursion with a preacher to see if the change of scene would cure his weariness. Likewise, the prior could give one friar, whomsoever he would, permission to speak with him at a meal.⁷ The sphere in which there was the greatest scope for loving-kindness was in the infirmary. Here he could cheer the sick, see to it that they were properly cared for and, if need be, give them leave to eat meat.⁸ The prior could also be the avenger. If a friar had proved unamenable to mercy and to kindly persuasion, the prior was to subject him to stripes, to imprisonment, to the deprivation of the sacraments and finally, if he remained obdurate, to visit him with the worst possible punishment—to drive him out of the Order.

Most of the conventual prior's rights and duties in relation to members of the Order outside his convent have been pointed out elsewhere. They were briefly the right to be *ex officio* a

1. Humbert, ii, 204-5.

2. With certain exceptions, the Friars Preachers were always silent.

3. *M.O.P.H.*, iii, 7. *A.L.K.G.*, v, 543.

4. He could have no money as an individual.

5. Appendix ii, 216. *M.O.P.H.*, iii, 108, 114, 118.

6. *Vitæ. M.O.P.H.*, i, 39.

7. Appendix ii, 213.

8. Appendix ii, 211.

member of a legislative provincial chapter;¹ the right, likewise, to be *ex officio* an elector of the provincial prior;² the duty in certain circumstances of acting as vicar of the province;³ and the duty, together with his sub-prior and the provincial, of counting the provincial chapter's votes, if the chapter was being held in his house.⁴ In going to the provincial chapter he was not to take with him any friar other than those, such as his *socius* or any preacher-general of the convent, who had a legal right to be present.⁵ Beyond these the sum total of his duties was comprised in a readiness to assist by all means in his power the master-general, provincial prior, or visitor appointed by the provincial chapter, who came to inspect his house.

These were his duties : if they were fulfilled all was well ; if he neglected them or transgressed the rule or the *constitutiones*, punishment did not long tarry. It is impossible to say whether the executive officers, the master-general and the provincial prior actually themselves imposed penalties on the conventual priors. There is no record of any such proceeding, but one would not expect to find any mention of it. What probably happened was that the master-general or provincial prior sometimes passed the judgment and saw to it that the punishment was borne ; sometimes they referred the matter to the general chapter or provincial chapter. There are numerous instances of both these bodies inflicting penalties on erring priors. Both the general and provincial chapters passed general sentences on all priors who committed certain general offences, and particular sentences on individual priors mentioned by name. Examples of the former can be found in the *acta* of either the general or provincial chapter for almost any year. For example, a condemnation which occurs over and over again in the *acta* of the general chapters is that of three days on bread and water, the repetition of three psalms, and three disciplines,⁶ for all priors who had given friars leave to come to the chapter without sufficient reason.⁷ Similarly in the *acta* of the provincial chapters there often appeared the

1. See p. 61. 2. See p. 64. 3. See p. 146. 4. See p. 188.

5. *A.L.K.G.*, v, 555. 6. Corporal chastisement.

7. e.g., *M.O.P.H.*, iii, 139 and 55.

injunction that all priors who have sent friars out of their limits-of-preaching without necessity or without taking counsel, are to say one mass and one *quinquagesimam*.¹ These sentences were almost equivalent to monitions, which affected everyone, and are not, therefore, of very great interest or importance.

The occasions when the chapter condemned an individual prior, serve better to show the real responsibility of the officers to the chapters. In 1250 the general chapter was held in London, and the English province was unmercifully dealt with. Amongst the other culprits, the prior of the very house in which the chapter was held was, in front of all his friars, condemned to two days on bread and water, two psalms, and two disciplines.² Again the general chapter of Strasbourg in 1260 absolved the prior of Trèves, and ordained that he should fast for three days on bread and water and should celebrate three masses.³ The general chapter of Bologna in 1285 deposed the priors of Montauban, Bergerac and Brive, because they came to the chapter without permission, bringing with them a vast crowd of attendants.⁴ No other punishment than this was inflicted on them. Moreover, a crime of this kind, once atoned for, was soon forgotten, for the prior of the convent of Bergerac, who was thus summarily dismissed, was Peter of Monceaux,⁵ who was elected provincial in 1292⁶ and died in 1295 *vir mulcedine pietatis et misericordie plenus erga miseros peccatores et afflictos*.⁷ These and other instances⁸ show that the general chapter dealt with individual cases of recalcitrant conventual priors, both when the chapter was being celebrated in the province to which the convent belonged, and when it was being celebrated elsewhere.

The body whose business it was particularly to supervise the conventual priors, and punish them if necessary, was the provincial chapter. A short account of some of the penances inflicted on conventual priors by the provincial chapter of Provence during the thirteenth century will serve to show how closely the provincial chapter enquired into the lives of the

1. *e.g.*, Douais, 81, iv. 2. *M.O.P.H.*, iii, 54. 3. *Ib.*, iii, 106.
 4. *Ib.*, iii, 230. 5. Douais, 283, note 11. 6. *Ib.*, 358, note 6.
 7. *Ib.*, 394, note 2. 8. See also *M.O.P.H.*, iii, 111, 117, 139, 171.

conventual priors, and to indicate the type of punishment inflicted.¹ In the provincial chapter of Limoges in 1253, the prior of Arles was punished for having received into the Order four boys,² by being forced to fast for one day in every month for a year on bread and wine alone.³ At the same time the prior of Le-Puy-en-Vélay received three days on bread and wine for having received one boy.⁴ In 1266 the priors of Toulouse, Montpellier, Avignon, Alais and Castres were much more severely punished for a similar offence. They had admitted as novices boys under fifteen years old, and were in expiation to fast four days on bread and water, to say the psalter four times, and to receive four disciplines, or corporal punishments.⁵ The prior of Cahors, disobeying the *constitutiones*, rode a horse; the chapter of Sisteron in 1270 made him fast for four days on bread and wine, say four masses, and suffer four disciplines. These were sins committed through slackness and laziness. On the other hand, some conventual priors were ambitious, headstrong and Machiavellian in their methods. The prior of Auvillars took it upon himself to accept a *locus*⁶ in Lectoure. For this he was severely punished.⁷ He had every month to fast on bread and water, and one day on bread and wine. He had to read the psalter twelve times, to say twelve masses, and to receive twelve disciplines. Likewise, Friar Bernard of Clermont, prior of Bergerac, was found trying to interfere with matters which did not concern him. He seized a letter meant for the provincial, opened it, read it, and had it copied. The chapter of Perpignan in 1284 absolved him from his office of prior and stated further that he was not to hold such an office for the next two years.⁸

Two further problems with regard to the conventual prior remain to be solved; notably the length of his tenure of office, and the method and agency of his absolution. All that can be said about the former is that in the thirteenth century at least, and judging from the evidence before us, which is not at all

1. The apparent lightness of the sentences is due to the fact that in most cases it was a first offence. If an ex-prior insisted in wrong-doing he would be thrown into his convent's prison and severely punished.

2. *i.e.*, under the statutory age of eighteen.

3. Douais, 55.

4. *Ib.*, 56.

5. *Ib.*, 119.

6. See p. 51.

7. Douais, 203.

8. *Ib.*, 280.

exhaustive, there is no rule whatever. If the appointments and absolutions in the province of Provence during the years 1266-1286 be examined it will be found that one prior ruled his house for fifteen years,¹ another for seven years,² four others for four years each,³ four for three years,⁴ two for two years,⁵ one for one year. This variety of practice is not surprising, when it is remembered that the conventual prior could be absolved by a number of different officials and bodies and for a number of different reasons. It was in the power of any one of the conventual prior's superiors, the master-general, the general chapter, the provincial prior or the provincial chapter to remove him. It is true that there is no record of an absolution of a conventual prior by the master-general, but this can be accounted for by the fact that the masters-general left no record of their activities. There is no doubt that it was within the master-general's power to do so. He would probably only have exercised it if he personally came across a flagrant case of incompetence or guilt on the part of a conventual prior. Otherwise he would leave matters to take their normal course.

It is important in this connection to emphasize the fact that, though there were numerous examples of conventual priors who committed faults against the *constitutiones*, the rule of St. Augustine and sins against the Decalogue, what may be called the average prior was not of this type. In other Orders the head of a house would only have been removed if he had proved a failure. This was not the case in the Order of Preachers. No prior regarded his appointment as permanent. Usually a man with administrative ability was elected a prior of a house, ruled it for two or three years, was absolved by the provincial chapter, was elected prior to another house, and so on; the whole process being repeated several times over. For example, Friar Peter of Monceaux was absolved from the priorate of Limoges in 1280.⁶ In 1285 he is mentioned as

1. Douais, 130, note 3. 2. *Ib.*, 162, note 6.

3. *Ib.*, 206, note 1; 225, note 4; and note 6. Friar Raymund Sycredi* was prior of Castres for four years in all. He was absolved by the provincial chapter held in that house in 1279, but was immediately re-elected. 237, note 9.

4. *Ib.*, 123, note 10; 137, note 6; 191, note 3; and 265, note 1.

5. *Ib.*, 112, note 8; and 162, note 7.

6. Douais, 238.

being prior of Brive¹ and in 1289 he was prior of Montpellier.² Thus what may be called the normal manner of a prior's retirement was his absolution by the provincial chapter.³ From 1252 onwards in the *acta* of the province of Provence a list is given every year of the priors absolved by the chapter. There are only four years in which this does not occur, 1277, 1287, 1294 and 1300; in each case this omission was due to the fact that the general chapter, which was held in the province that year, carried out the absolutions.⁴

Absolution by the provincial chapter has been called the normal manner of retirement for a conventual prior. It might, however, be said that it was almost as usual for the general chapter to relieve him of his office. There are many instances of the general chapter intervening to dismiss a conventual prior, because it considered that the provincial chapter had been slack in the matter, or because it felt that the state of affairs was so bad that it could not be allowed to continue until the provincial chapter met. For example, the general chapter of Lucca in 1288 dismissed the conventual prior of Foggia because he had not shown hospitality to the *diffinitor* from the Greek province.⁵ In the *acta* of the general chapters, as in those of the provincial chapters, there are numerous examples of conventual priors being absolved without comment and, therefore, without reproach.⁶ The general chapter found that these depositions were often of no avail, for the conventual chapter promptly re-elected the absolved prior. The chapter of 1272, therefore, added a clause to its absolutions stating that the priors hereby absolved were not to be elected to the same office within a year.⁷ This phrase was so often repeated as almost to become a formula.⁸ It would seem that by the middle of the century the absolution of conventual priors, especially of the province in which the chapter was being held, was regarded as so usual, as to call for explanation if it was omitted. In 1252 and 1255 the chapters of Bologna and Milan

1. *Ib.*, 283, note. 2. *Ib.*, 322, note

3. Douais, 47, 56, 58, and *passim*.

4. *M.O.P.H.*, iii, 193, 240, 276, 298.

5. *M.O.P.H.*, iii, 246. See also 54, 106, 117, 139.

6. *Ib.*, 59, 121, 131, 254, 259, 264.

7. *Ib.*, 165. 8. *Ib.*, 171, 205, 220, 264, 267, 270, 281.

left the absolution of the conventual priors of the province of Lombardy to the provincial prior and *diffinitores* of the provincial chapter.¹ Likewise, in 1258 the general chapter of Toulouse left the absolution of priors to the *diffinitores* of the provincial chapter, though it did not specify of which provinces.²

The chapters, general and provincial, left records of their activities. The officers, master-general, and provincial prior left none. It is, therefore, only by chance that we hear of a provincial prior absolving a conventual prior. Bernard Gui,³ who gave lists of the priors of the various convents of the province of Provence in the thirteenth century, in speaking of the second prior of Brive, Friar Aylmer de Barrio,* said that he was absolved about Christmas, 1269, by the provincial, Peter de Valetica.* There is also an example of a conventual prior being absolved by a vicar.⁴ The lack of evidence in this subject makes it very difficult to say whether such absolutions were usual. It may be safely inferred from the great number of priors absolved by the general and provincial chapters that they were not common. This supposition points to one of the most important facts in the Dominican *constitutiones*, namely, that the administrative officers, such as the conventual prior, were responsible to the chapters rather than to another officer. The provincial prior and the conventual prior can be regarded as fellow-servants.

THE PROVINCIAL PRIOR.

The provincial prior was elected by the provincial chapter,⁵ and his election confirmed by the master-general. When the news of this confirmation reached him, he immediately took over from the vicar⁶ the government of the province. In order to ensure continuity of policy Humbert of Romans urged the newly elected provincial to consult the *socii* of the late provincial and to be slow to introduce changes.⁷ The provincial prior could exercise a good deal of control over the personnel

1. *Ib.*, 65, 77.

2. *Ib.*, 93.

3. Quoted by Douais, 137, note 6.

4. Douais, 257, note 6. This was contrary to the *constitutiones*.

5. See p. 64.

6. See p. 145.

7. *Opera*, ii, 195.

of the conventual priors of his province. Humbert told him to make sure that the convents had good priors;¹ for while he was to be very ready to absolve bad and inefficient priors, he was to urge good ones to continue in office. He was also to look ahead and to enquire in each house if any of the young friars appeared to have administrative ability, and if such was the case, he was to see to it that they were trained in the art of ruling.² More important than this preparation was his control over the elections taking place at the moment. A convent elected its prior, but it could not choose a friar from another house without the provincial's permission.³ Further, if the convent had still not elected a new prior a month after the death or absolution of the late one, the provincial had the right to appoint one.⁴ Even when the election was carried out in the normal way, the friar elected did not legally become prior until his election was confirmed by the provincial.⁵ That this confirmation was not merely nominal is shown by a monition of the provincial chapter of Provence, asking the provincial to refuse to confirm elections of people whom he considered unsuitable.⁶ Further, during a prior's absence, or while the house lacked a prior, the provincial could appoint a vicar other than the sub-prior, if he considered him unsuitable.⁷

The provincial's control over the conventual prior did not cease with this confirmation. It was the provincial's duty to visit himself, or by deputy, every house in his province once every year.⁸ These visitations gave him the opportunity of supervising the conventual prior's activities. While he was staying in the house any friar, who considered that his prior had been unjust to him, could complain to the provincial.⁹ Further, the conventual prior had to give an account to the provincial of all the money affairs of the house, and of any other material things with which he had been trusted.¹⁰ The provincial chapter of Provence amplified this regulation in 1262¹¹ by laying it down that, except for absolute necessities,

1. *Ib.*, ii, 197-198. 2. *Ib.*, ii, 199. 3. *A.L.K.G.*, i, 221.

4. *Ib.*, 222. 5. *Ib.*, 221. 6. Douais, 196.

7. *A.L.K.G.*, v, 550. *M.O.P.H.*, iii, 25.

8. *A.L.K.G.*, v, 551. 9. *A.L.K.G.*, i, 210.

10. Appendix ii, 216. Confirmed by the general chapter of 1263. See also Douais, 99. Humbert, *Opera*, ii, 199.

11. Douais, 92.

such as clothes and food, no conventual prior was to contract a debt larger than twenty-five pounds without the consent of the provincial prior.

There were certain other functions which were specifically reserved to the provincial. He alone could receive into the Order a bastard,¹ and his consent was required in certain other cases.² Apostates from one house were not to be received into another house in the province without his special licence.³ The provincial chapter of Provence in 1267 stated that no conventual prior was to receive any boy under fifteen years of age,⁴ nor anyone whom it would be necessary to instruct in grammar, without the provincial's special licence.⁵ This same province ordered later that no Carmelite could be received into the Order without the provincial's leave.⁶ Likewise, he could exercise a wider discretionary power with regard to preachers than could the conventual prior. The provincial of Provence could give a friar leave to preach or beg outside the "limits-of-preaching" of his house.⁷ Also any friar who was only beginning to preach and had been sent out by his prior to preach in the small villages, could go elsewhere if the provincial gave him permission.⁸ The provincial could move friars from one house to another.⁹ The *constitutiones* mentioned this function when they spoke of leprous friars.¹⁰ The chapter of Provence added that he could also appoint the friars of a new house, thus giving him the power to move a friar from any house in the province,¹¹ He alone could give friars permission to leave the province,¹² or to go to the Curia.¹³ Friars going to the general or provincial chapters had to carry with them letters from their provincial prior as a warrant for their right to go to the chapter, and to be outside the "limit-of-

1. Appendix, ii, 215. 2. *Ib.*, 214. 3. *Ib.*, 224. *M.O.P.H.*, iii, 221.

4. Though it is true that at this date a clause in the *constitutiones* stated that *no one* was to be received into the Order under eighteen years of age (*A.L.K.G.*, v, 542) a declaration of 1323 (*M.O.P.H.*, iv, 145) ordained that this rule was only to apply to lay brothers. (*cf.* Appendix ii, 215,) and it is probable that this restricted application was the rule as early as 1267.

5. Douais, 126 and 424. 6. *Ib.*, 441.

7. *Ib.*, 28 and 120. 8. *Ib.*, 77.

9. The provincial chapter had still wider powers in these matters. See p. 78.

10. *A.L.K.G.*, v, 539. *M.O.P.H.*, iii, 38.

11. Douais, 142. 12. *Ib.*, 425. 13. *Ib.*, 205.

preaching" of their house.¹ If one of the visitors appointed by the provincial chapter was unable to visit, the provincial had to provide a substitute.²

Such were some of the detailed questions which it was the provincial's duty to settle.³ The fact that he was bidden by the *constitutiones* to visit every house in the province once a year, must have entailed endless journeys. In his province he represented the master-general when the latter was absent, and was to be treated with the same respect.⁴ He was, however, to eat and sleep with the friars.⁵ The master-general could, in whatever house he was, give as many friars as he wished leave to speak during the meal.⁶ A conventual prior's power only extended to one friar. The provincial came in between these two. In his own province he could licence several friars to break silence, in another only one.⁷ The reverence paid to the provincial is illustrated by the injunction of the provincial chapter of Toulouse in 1239,⁸ that when the provincial was in the house, the conventual prior was not to celebrate the chapter without his consent. It is of interest to notice that St. Dominic did not wish the provincials to be autocrats. When a question was put to the vote of the small inner committee of the provincial chapter, consisting of the provincial and four *diffinitores*, his vote was only to count as one and the majority was always to carry the day.⁹ The provincial's work in his province was chiefly to do with the exceptional. When all was going well, when a convent was prosperous and the friars were all living a normal and satisfactory life, the provincial fully did his duty by displaying interest and sympathy. Anything out of the ordinary, however, immediately called for him, as he alone in the province had the power to deal with it.

1. Humbert, *Opera*, ii, 200. Douais, 166.

2. *A.L.K.G.*, v, 560, *M.O.P.H.*, iii, 79.

3. The provincial's work as president of the provincial chapter has been described elsewhere. See p. 65 *seq.*

4. *A.L.K.G.*, i, 218. 5. Humbert, *Opera*, ii, 199.

6. Edward II petitioned Pope John XXII in 1321 to allow his confessor Robert of Duffield, to converse at table, and to give leave to as many of his Dominican brethren who were present, to talk during the community meals. Roman Roll, No. 5 (15-18 Edw: II. m 13 d.).

7. Appendix ii, 213. *M.O.P.H.*, iv, 8.

8. Douais, 10. 9. *A.L.K.G.*, i, 213.

Apart from the curious list of actions given above, to perform which it was necessary first to obtain the provincial's permission, the most interesting constitutional question with regard to this officer was the machinery created for getting rid of him. St. Dominic, learning from the experience of the other monastic Orders how difficult it was to get rid of an official who held an important post and who was inefficient and perhaps vicious, provided a way out of the difficulty in the *constitutiones*. He vested in the four *diffinitores* of the provincial chapter the power to hold a chapter of faults for the provincial.¹ His faults could be proclaimed either by himself or by others, and were to be heard and amended by the four *diffinitores*, who were to impose his penance. If he remained incorrigible, these four could suspend him from his office and appoint as vicar the prior of the house in which the chapter was being held. This suspension was to last until the next general chapter, when the whole matter was to be referred to it. The case was to be put in writing and sealed. This ordinance remained in force to the end of this period.

In some cases the *diffinitores* must have felt that the prior of the house in which the chapter was being held was not the best person to act as vicar. Hence the general chapters² of 1249, 1250 and 1251 deleted the words "prior of the place in which the provincial chapter was being held," and substituted the words "some suitable person." Thus the *diffinitores* were left a free choice. This mode of procedure only came into force if the provincial had proved incorrigible. The general chapter felt that, apart from such an extreme case, it would be very useful to know what the province really thought of its provincial; the general chapters of 1281, 1282 and 1283 accordingly introduced the system of the scrutiny.³ Every year after the chapter of faults had taken place in the provincial chapter, a vote was to be taken on the retention or absolution of the provincial prior. The voting was to be done publicly, in that everyone was to vote in the presence of the rest, but the ballot was to be secret, in that only the *diffinitores* were to receive the votes, and were to make a list of the voters,

1. *A.L.K.G.*, i, 213. 2. *A.L.K.G.*, v, 555.
3. Appendix ii, 238. *M.O.P.H.* iii, 221 and 242.

giving each man's name, office and opinion. This document was then to be sealed by the four *diffinitores*, and was to be given to the *diffinitor* of the general chapter or his *socius*, or the provincial prior's *socius*, to take to the general chapter. The same system was extended to the conventual prior.¹ It is interesting to notice that the chapter which introduced this ordinance and that which approved it were both of them chapters of elected *diffinitores*. The provincial priors meeting in 1283 confirmed the introduction of this scrutiny, but one wonders what were their feelings as they did it.

The scrutiny was handed over to the general chapter, probably to the master-general in person. The general chapter decided whether the provincial was to remain in office or to be absolved. It would seem probable that both the master-general and the general chapter would have the power of absolving a provincial prior, but neither the *constitutiones* nor Humbert mention this as one of the master's prerogatives, and there is no example in the thirteenth century of a provincial being absolved by a master-general. Consequently, one is driven to suppose that the general chapter alone did actually absolve provincials. Of the eleven friars² who were provincials of the province of Provence in the thirteenth century, five died in office,³ one was elected master-general,⁴ and six were absolved by the general chapter.⁵ Only in two cases is no indication given by the *acta* of the general chapter of the method of absolution.⁶

Similarly, the English province had nine provincials be-

1. Appendix ii, 238.

2. There are, however, fourteen cases of absolutions. This is due to the fact that Peter of Barrèges was elected provincial twice, and Bernard Gerald of Montauban three times.

3. Stephen l' Auvergnat in 1250, Pontius of Saint-Gilles in 1263, Bernard Gerald of Montauban in 1291, Peter of Monceaux in 1295, and Raymund Hunaud in 1299.

4. Bernard of Jusix in 1301.

5. Pontius of Lesparre in 1249, Gerard de Fracheto* in 1259, Peter of Barrèges in 1266, Bernard Gerald of Montauban in 1269 and 1281, and Bernard of Latreille in 1292.

6. Peter de Barrèges in 1276. (*M.O.P.H.*, iii, 186-189). All the absolutions were omitted from the *acta* of this chapter; and Berengar of Nodier in 1285. (*M.O.P.H.*, iii, 230). This case is very curious, for Berengar of Nodier was provincial in 1284 (Douais, 274, note); in 1285 he was one of the *diffinitores* of the provincial chapter (*Ib.*, 283, note); and in 1286 he was appointed *lector* in theology at Marseilles (*Ib.*, 294).

tween 1242 and 1304,¹ of whom two died² in office and six were absolved by the general chapter.³ The only two doubtful cases were the second absolutions of Robert Kilwardby and William of Hotham. Robert Kilwardby was absolved by the general chapter in May, 1272, but was re-elected by the provincial chapter in September. In November Gregory X appointed him archbishop of Canterbury. It is probable that this appointment *ipso facto* absolved him from the office of provincial. William of Hotham was elected provincial for the second time in September, 1290. In 1296 he was made archbishop of Dublin, which office he held till his death in 1299. There is no trace in the *acta* of the general chapters of 1296 and 1297 of William of Hotham's absolution.⁴ Perhaps in this case, too, the appointment to the archbishopric was in itself an absolution. These few uncertain cases do not mean that it was not the normal thing for the general chapter to absolve the provincial priors; that it was so is amply proved by the *acta* of the general chapter. For example, the general chapter of 1247 absolved the provincial priors of Lombardy, Tuscany, Hungary, Poland and Greece,⁵ and that of 1272 those of Germany, Hungary, England, Dacia⁶ and Greece,⁷ adding for the first time the injunction that they were not to be re-elected immediately to the same office,⁸ which later became a formula and was inserted automatically.

It is quite clear that for the provincial prior, as for the conventual prior, there was no fixed term of office. In the province of Provence one provincial held office for twelve years, one for eight, one for seven, one for six, one for five,

1. Bede Jarrett, O.P., *The English Dominicans*. Appendix i.

2. William of Southampton in 1278, and William of Hereford in 1290.

3. Matthew in 1254, Simon of Hinton in 1261. He was deposed because he refused to receive foreign students at Oxford. Robert Kilwardby in 1272, Hugh of Manchester in 1282, William of Hotham in 1287, and Thomas of Jorz in 1304.

4. *M.O.P.H.*, iii, 281 and 285. 5. *Ib.*, 40.

6. *i.e.*, the Scandinavian countries.

7. *M.O.P.H.*, iii, 165. See also 54, 59, 71, 77, 89, 101, 110, 121, 126, 131, 135, 139, 144, 150, 171, 177, 193, 199, 205, 210, 214, 220, 230, 236, 242, 246, 254, 259, 263, 267, 270, 285, 291, 306, 315, 322.

8. It is an amusing commentary on the troublesome nature of the English province that this injunction seems to have put it into their heads to re-elect their provincial, which they do in their chapter in September, 1272, for the first time in the history of the province.

two for four, five for three, one for two, and one for one.¹ In the English province between 1242 and 1305, one friar was provincial for twelve years, one for eleven, two for seven, one for six, one for five, one for four, and two for three² The tendency in the Provençal province was for the terms of the tenure of office to become shorter as the century advanced. In the fourteenth century the general chapter ordained that, unless his superiors made some other arrangement, the provincial, when absolved, was to return to the house in which he had been when he was elected provincial.³

The provincial could only be absolved by the general chapter; he could be punished both by the provincial and general chapters. Further, he was answerable to the *diffinitores* of the provincial chapter for all money matters, and had to submit his accounts to them.⁴ The provincial chapter of Limoges in 1253 evidently considered that the provincial, Gerard de Fracheto*, had grown slack in punishing breaches of discipline, for it imposed on him three days on bread and water, one repetition of the psalter, and the saying of three masses.⁵ He evidently reformed, for he continued to rule the province for six years after this. The provincial, Bernard Gerald of Montauban, was more severely punished by the chapter of 1267. He had to say four masses, and to repeat the psalter once; he had also to receive four disciplines.⁶ His fault evidently lay in some general prohibitions he had laid upon the friars of the province, which they very much resented. However, they did not think any the worse of him for it, for he continued to rule until 1269 and was re-elected twice. The provincial chapter sometimes forced the provincial to alter his policy. The chapter of 1254 commanded Gerard de Fracheto* to revoke their licences "to beg and confess" he had granted to various people.⁷ The general chapter also judged and punished provincials. Apart from the well-known case of the provincial of England, who tried to keep his province in splendid isolation,⁸ the general chapter punished the

1. See p. 130.

2. See Jarrett, *supra*.3. Appendix ii, 231. *M.O.P.H.*, iii, 200.4. *Ib.*, 216; *Ib.*, iii, 118.

5. Douais, 55.

6. *Ib.*, 126.7. *Ib.*, 59.8. *M.O.P.H.*, iii, 54.

provincial of the Holy Land in 1251.¹ Also in 1265 the provincial of Germany received twelve days on bread and water for sending back to his province certain students.² The chapter of 1265 was composed of provincial priors. It made no difference to a provincial who disobeyed the *constitutiones* or his superiors, whether he was judged by his peers, the other provincial priors, or by the elected *diffinitores*.

THE MASTER-GENERAL.³

The master-general⁴ was elected by an electoral general chapter.⁵ There was nobody in the Order higher than the general chapter to confirm the election. If the friar chosen was present in the chapter, he could be said to have entered office the moment the electors came out of the room into which they had been shut, and announced the result of the election. If the master-designate was not in the chapter, as was the case at the election of the third master of the Order, Friar Raymond of Peñaforte,⁶ it is difficult to say at what time his assumption of office should be dated. The fact that Raymond's refusal of the office was regarded as a possibility, and that consequently a deputation of some of the most important men in the Order was sent to beg him to accept it, seems to show that the friars of the thirteenth century would have dated the beginning of Raymond's master-generalship from the moment he accepted the office.

The new master's first care was to choose his *socii*. There is no mention of these officials in the *constitutiones* but, when it is remembered that no friar could travel alone, and also that the daily routine provided more work than the master-general could manage by himself, it is clear that they must have existed from the first. Humbert of Romans gives a detailed description of them.⁷ The master was obliged to have two *socii* and could, if he wished, have a third.⁸ Of the two he had to have, one was to be a lay brother. It was his duty to keep

1. *M.O.P.H.*, iii, 59. 2. *Ib.*, iii, 130.

3. For a list of the masters-general of the Order up to 1360 see Appendix v.
4. Mr. Coulton, *Five Centuries of Religion*, i, 124, 379, and index, erroneously calls Humbert of Romans minister-general.

5. See p. 93. 6. *M.O.P.H.*, vi, Fasc. i, 9.

7. *Opera*, ii, 193. 8. *Ib.*, 194.

the master's seal,¹ to seal letters and keep in readiness the things necessary for this process. He was to carry the master's books and clothes, and to care for the master's bodily needs. The other *socius* was to be a competent notary who knew how to write briefly and well. The third *socius*, whom the master could appoint or not as he wished, was to be a man of learning and of sound opinions, with whom the master could discuss both the Scriptures and the knotty questions.

These *socii* were always with the master and lived with him in the most intimate manner. If they felt he was not doing what was right, they were humbly and modestly to upbraid him. If they saw something in him which they thought was doing great harm to the Order, they were not to keep silent about it, but were to refer the matter to the *diffinitores* of the general chapter. It was their duty to remind him of things which he had forgotten. Likewise, when any friars wished to speak with him, they were to receive them pleasantly, especially nervous and shy friars, to lead them to him, and tell him who they were.² If they heard any murmurs against the master they were to inform him.³ Needless to say, an absolute discretion was required of them with regard to the private matters which they heard in their official capacity.

The notary had charge of all the master's correspondence. He was to see to it that suitable letters were written, the right mode of address being employed. The master himself usually looked them through before they were sealed. No letter was to remain unanswered. The tone of the letters sent out in the master's name was to be merciful and gracious. No violent language was to be used.⁴ In short these two *socii* might be described as the master's valet and private secretary. The third was his father-confessor.

The description of these *socii*, and the fact that one of their most important qualifications was that they were to be physically fit, is a good indication of the life led by the master-general. He was indeed always travelling, for he spent most

1. Only the Master was allowed to have a seal with a crucifix on it. *M.O.P.H.*, iii, 17.

2. Humbert, ii, 193.

3. *Ib.*, 194.

4. *Ib.*, 191.

part of the year going from province to province, visiting the houses of the brothers. Once a year he went to whatever house had been chosen for the meeting of the general chapter. As no friar was allowed to ride, these journeys were all done on foot. According to the late Father Palmer, Robert Kilwardby, ex-provincial of the English province, ex-Archbishop of Canterbury, Cardinal-elect of Oporto when over seventy walked all the way from London to Rome.¹ This is a feat which to-day would secure him a paragraph in the penny press. The master then, travelled from convent to convent visiting each house while he was in it. He was to find out about provinces he had not recently visited, by questioning the friars who came thence to the general chapter.² Further, if he and the *diffinitores* of the general chapter thought the state of affairs required it, if, for instance, the provincial was slack, special visitors were to be sent.³

It is indicative of the master-general's place in the Order that in the oath administered to novices making their profession they promised obedience to him personally.⁴ The master-general was the most powerful individual in the Order. He could do anything that a provincial could do and other things besides. The *constitutiones* mention a variety of functions which only the master could perform. For example, though the provincial could receive a bastard,⁵ only with the master's permission could he serve as prior.⁶ An apostate from one province was not to be received in another without his leave.⁷ Also he and the *diffinitores* of the provincial and general chapters alone could make delinquent preachers-general,⁸ conspirators,⁹ and apostates,¹⁰ again capable of holding office. He alone could confirm the election of a provincial prior;¹¹ and he

1. *Archeological Journal*, xxxv, 138. He does not give his reference for this statement.

2. Humbert, ii, 184. 3. *Ib.*, 183. 4. *A.L.K.G.*, i, 202.

5. Friar Bartholomew, an illegitimate son of King John, was given leave by the Pope to become a Bishop. (*Bull. Ord. Pred.*, i, 220.) This was evidently beyond the Master's power.

6. Appendix ii, 215. *M.O.P.H.*, iv, 307.

7. Appendix ii, 224. *M.O.P.H.*, iii, 221.

8. Appendix ii, 221. *M.O.P.H.*, iv, 1.

9. Appendix ii, 223. *M.O.P.H.*, iii, 144.

10. Appendix ii, 225. *M.O.P.H.*, iv, 2.

11. *A.L.K.G.*, i, 217. *M.O.P.H.*, iv, 177.

alone could give permission for the holding of a *generalissimum* chapter.¹ As has been said above, the provincial shared with him the right of giving friars permission to go to the *Curia* but the appointment of the Procurator-general lay in the master's hands.² This officer, who lived permanently at the *Curia*, acted as does an ambassador to a foreign power. It was his duty when some matter to do with the Friars Preachers came before the Pope to put their point of view before him.

The master then had full and general power in the Order.³ He had supreme power over every friar. This power was limited in two ways. A most interesting passage in Humbert of Romans⁴ shows that a good master-general was himself to limit the exercise of his prerogative. For example, if a friar appealed to him for a licence, which the conventual or provincial prior could easily have granted him, the master was to refer the matter back to them. Also he was to tell these officers of any licences he had granted to friars under their jurisdiction. The second limitation of the master's power was, perhaps, a more real one, namely, his responsibility to the general chapter. The relationship between the master-general and the general chapter was a complicated one. On the one hand, the master-general presided at the general chapter and endeavoured to keep its discussions to the point.⁵ Each year a different set of *diffinitores* composed the general chapter. All they had to go on with regard to their predecessors' intentions were the *acta* of the last chapter. Hence it was the master's duty⁶ to explain to the chapter the reasons which had influenced the *diffinitores* of the two previous years in introducing and approving the *inchoationes* and *approbationes*. He had the stored-up experience of many general chapters. On the other hand, in spite of his position as president, he could not control his chapter. In it his vote was only to count as one.⁷ Further, he was to render an account to the chapter of any money matters entrusted to him.⁸ The general chapter could also punish him and depose him.

1. *A.L.K.G.*, v, 559. *M.O.P.H.*, iii, 7.

2. Humbert, ii, 187.

3. *Plenam et generalem potestatem in ordine*. Humbert, ii, 192.

4. *Ib.* 192.

5. *Ib.*, 183.

6. *Ib.*, 182.

7. *A.L.K.G.*, i, 214.

8. Appendix ii, 216.

Before describing the regulations with regard to this most drastic proceeding, it might be well to show that even in his every-day life he was constantly reminded that he was still a friar, and was to live like an ordinary and humble brother as possible. Though he might, if the size of the house permitted it, be given a separate room in which to sleep,¹ he was on no account to eat apart. He was not to allow any individual (probably his lay-*socius* is referred to) to provide him with special food. He was rather to share whatever was being provided for the brethren in the house in which he was,² and to conform to its life. For example, he was to celebrate whatever masses the *cantor* directed him to do.³ Finally, wherever he was, he was to receive any brother he met *cum laeto vultu et ad osculum pacis*.⁴

According to the Rule of St. Benedict the Abbot was responsible to no earthly power,⁵ but St. Dominic ordained that the master-general had to answer year by year to the *diffinitores* of the general chapter. The primitive *constitutiones* stated that the *diffinitores* of the general chapter were to correct and amend the excesses of the master.⁶ He was only to be deposed for heresy or some criminal act, which could not be passed over without very great injury to the Order. If he was legally convicted of such an offence, or if he confessed it, he was to be persuaded to retire so that someone else might be elected in his stead. The whole business was to be managed with the very greatest caution.⁷ The general chapters of 1240, 1241 and 1242 altered the wording rather than the sense of this regulation. They laid greater emphasis on the fact that the chapter had full power to depose the master.⁸

The general chapter of Bologna in 1240 accepted Raymond

1. Humbert, ii, 185. 2. *Ib.*, 185. 3. *Ib.*, 189. 4. *Ib.*, 186.

5. *Regula S. Benedicti*. ed. Woefflin, 11. *Sciatque quia qui suscipit animas regendas, paret se ad rationem reddendam, et quantum sub cura sua fratrum se habere sciet numerum, agnoscat pro certo quia in die iudicii ipsarum omnium animarum est Domino redditurus rationem sine dubio addita et suae animæ.*

6. Gerard de Fracheto* states that Jordan, the second master, used charitably to give his clothes away and go naked, and that the brothers *accusaverunt eum in capitulo generali*. *M.O.P.H.*, i, 103.

7. *A.L.K.G.*, i, 214.

8. *Cf. A.L.K.G.*, v, 556. *M.O.P.H.*, iii, 22.

of Peñaforte's resignation¹ of the master-generalship. This caused a great outcry in the Order.² It was felt that the *diffinitores* had taken too much upon themselves. Consequently the general chapter of the following year introduced an *inchoatio*,³ which laid it down that the *diffinitores* were not to accept the master's resignation unless he was a heretic or a criminal, or unless he suffered from some defect or weakness which permanently disabled him from carrying out his duties. The same year as this ordinance was being confirmed, the general chapter introduced a clause to give weight to such a decision.⁴ During this period only two further additions were made to the legislation about the relations between the general chapter as judge, and the master-general as the judged. The first, confirmed in the year 1255, stated that the master was first to cast himself before the *diffinitores*, and was then to stand up and confess his faults and hear himself accused.⁵ The second added that when he had heard the accusations he was to leave the chapter, so that the *diffinitores* could confer more freely about his penance.⁶

There can be no doubt that the conception of the master-generalship, which inspired these regulations, was that of an officer, elected by the general chapter, answerable to it at every point of his life, and finally obliged to continue to serve until death, or to lay down the office at any moment in accordance with the general chapter's decision. This is not the picture of an autocrat. Further, it must be remembered that the members of the general chapter were elected by the various provincial chapters, which in their turn were composed of preachers-general, conventual priors, and one representative from each convent elected by all the professed friars in the house. Thus it might be said that the body which controlled the master-general was elected in the second degree by all the professed friars in the Order, a truly democratic arrangement.

1. *M.O.P.H.*, iii, 18. *A.L.K.G.*, 556.

2. *M.O.P.H.*, vi, Fasc, i, 10.

3. *M.O.P.H.*, iii, 20, 22, 24.

4. *A.L.K.G.*, v, 557. *M.O.P.H.*, iii, 30.

5. *M.O.P.H.*, iii, 109. *A.L.K.G.*, v, 556.

6. Appendix ii, 241. *M.O.P.H.*, iii, 145.

It now remains to see what examples there are of the working of this theory in this period. The practice¹ with regard to the absolution of the master-general would seem to have suffered a change at the close of the century. In 1299 the master, Nicholas of Treviso, resigned his office on being made Cardinal. Later he became Pope as Benedict XI. No master-general had before this resigned his office to become a prince of the Church, but after this it was comparatively common. In 1317 Berengar of Landorra was made Archbishop of Compostella,² in 1342 Gerald of Domaro became Cardinal,² and in 1350 John of Moulins became Cardinal.² In each case this promotion led to a resignation of the former office.

In the thirteenth century there were, besides Nicholas of Treviso, eight masters-general. Of these, five died in office. The remaining three were Raymond of Peñaforte, Humbert of Romans, and Munio of Zamora. There is no doubt that Raymond was absolved at his own request by the general chapter of 1240. It has been said that Humbert of Romans was forced to resign, but the *acta* of the chapter itself,³ the expressions used by Gerard de Fracheto*, his contemporary,⁴ and the fact that he was clearly held in great honour by the Order for the rest of his life effectively disprove this. Munio of Zamora was deposed, against the wishes of the Order, by Pope Nicholas IV.

In the fourteenth century Aylmer of Piacenza resigned the master-generalship immediately after the chapter of 1311. Father Mortier⁵ considers that Friar Aylmer did this voluntarily in order to avoid being deposed by the Pope. He and Clement V were not agreed about the Templars. Be that as it may, these examples serve to show that in practice the general chapter could and did accept a master-general's resignation. None of the men who filled this office during this period behaved so as to require deposition, but there is no doubt that such an act would have been within the capacity of the chapter.

1. See Mortier, i, ii, and iii, *passim*.

2. See Appendix v.

3. *M.O.P.H.*, iii, 121.

4. *M.O.P.H.*, vii, Part i, 14.

5. *Histoire de Maîtres généraux*, ii, 468.

VICARS.

The word "vicar," as is the case with other terms in the Dominican *constitutiones*, is used with two meanings. It can mean the head of a sub-division of a province, and also in the more common sense a deputy, whether of the master-general, of a provincial prior, or of a conventual prior.

The history of the vicar, head of the vicariate, is an interesting example of the experimental nature of Dominican legislation. The sequence of events leading up to their establishment was as follows. In 1221, at the last general chapter before his death, St. Dominic divided up the sixty convents, which were then in existence, into eight provinces.¹ The primitive province was, therefore, a very small unit, containing approximately eight or ten houses. A provincial prior was set over each province, whose right and duty it was to be a guardian to the conventual priors, and, indeed, to every friar within the province. As he had no fixed abode, he would move about from house to house, and would thus know intimately all the affairs of every house within the province, acting as a consultant and, in some cases, as an arbitrator on questions even of the smallest detail. The tradition, which was thus established of the relations between the provincial and the houses under his charge became, as the century advanced, increasingly difficult to live up to. The number of houses in a province increased tenfold. For example, in the province of Provence in 1221 there were six or seven houses, in 1250 eighteen, in 1270 thirty-two, and by 1295 forty-nine.²

From the middle of the century, therefore, one of the most burning questions discussed by the general chapter was the method of delegation of the provincial's duties. Many were in favour of the formation of new provinces,³ but for many years these proposals were vetoed by successive chapters. By 1273 the problem was so acute that another plan was proposed, namely, the division of each province into six vicariates. Over each vicariate was to be placed a vicar, who was to represent the provincial prior, and, except for certain reserved functions such as the confirmation and dismissal of conventual priors

1. *M.O.P.H.*, iii, 2.

2. Douais, xiii, xiv. 3. See p. 89.

and *lectores*, was to exercise all the powers normally belonging to the provincial. This plan was confirmed in 1275 and came into force in that year. In 1276 an *inchoatio* was passed by the general chapter abolishing the vicariates. This was confirmed in 1278 and these subdivisions of the province passed, for this period, out of Dominican history. Two questions immediately spring to the mind on this subject; in the first place, whether the vicariates were avowedly a temporary expedient; and in the second place, whether during the three years during which the vicars functioned, the provincials entirely abandoned their visitatorial duties. No answer can be given to the first question, but if the history of the rest of the Dominican legislation be examined, it will be found that it was no uncommon matter in the Order to experiment. Many clauses were introduced into the *constitutiones* only to be deleted a few years later. The only reason that can be assigned to these numerous *volte-faces* is that the alterations had, when put into practice, been found unworkable. It must be supposed in this case that the experience of the working of the scheme in the single year 1275 was so unfortunate as to force the chapter of 1276 to set in motion the process of abolition. Neither is there any evidence about the second question. The vicariates were about the same size as the primitive provinces and it is probable, though this is nowhere stated, that it was one of the vicar's chief duties to visit the houses in his vicariate. If this is the case, each house would be visited every year by the vicar and by the visitor. It is reasonable to suppose that the provincial, except where a case of exceptional difficulty arose, which required his personal attention, would not also visit the convents; three visitations in one year would be excessive.

This system of vicariates was obviously not primitive in the Dominican Order. It is very probable that it was borrowed from the Order of St. Francis. From the earliest times the provinces in the Order of Friars Minors had been divided into custodies.¹ The custodian held office for a number of years, and can best be described as a "localized provincial minister and permanent visitor." The custodians

1. A. G. Little in the *English Historical Review*, xxxiv, 205—209.

of each province elected one of their number to represent them at the general chapter; and it is probable that all custodians had the right to attend the provincial chapter in person or by deputy. There is a strong family resemblance between the Dominican vicar and the Franciscan custodian, though they differ in certain respects. The vicar was appointed only for one year, his power expiring on the day immediately preceding the provincial chapter.¹

Like the custodian the vicar might be described as a "localized provincial prior and a permanent visitor," but in the Order of Friars Preachers at least this description must not be understood to mean that the vicar had any connection with the visitor. Whatever may be the case in the Order of St. Francis, it is wrong to presume that in the Dominican Order the expressions visitation and vicariate are interchangeable.² Annual visitors³ were instituted by St. Dominic himself, and there are records of their appointment every year down to the end of the thirteenth century⁴ without intermission, even during the period when the vicars were also appointed,⁵ and further, during this period the two remain quite distinct. This system of vicars, borrowed from the Friars Minors, was instituted in 1275 and abolished in 1278. It is true that the arrangements of convents in the visitations and vicariates in the province of Provence were not dissimilar.⁶ To account for this it is not necessary to establish a connection between the vicar and visitor. It was natural in forming both the vicariate and the visitation to group together convents which

1. *M.O.P.H.*, iii, 177.

2. "It seems natural to connect these organic visitations or nations with the decree of the general chapter of Bologna in 1275, authorizing the provincial priors to divide their provinces into *vicariæ*. At the head of each *vicaria* was a vicar, who, though appointed every year, had a more permanent connection with the *vicaria*, *visitatio* or *natio* than the visitor appointed for the express purpose of visiting. Though the vicar, in this sense, is not much in evidence, it is clear that the permanent groups of convents were not merely the sphere of action of a visitor, but were associated for other purposes, and developed characteristics, rights, and powers of their own." A. G. Little. *E.H.R.*, xxxiv, 205-209.

3. See p. 155.

4. And probably further, but it is at this point that the records of the provinces of Provence, Rome, and Spain, published by Mgr. Douais, stop.

5. Douais, 193, 196, 207, 209, 212, and 214.

6. Appendix x. In the case of the vicariate of Toulouse, the vicariate and the visitation were identical.

lay near one another. In short, in the Order of Preachers the vicariate did not develop out of the visitation, as has been thought. They were from the start quite distinct, and at no period was there any connection between them.

As the vicars and vicariates existed in the Order of Preachers for so short a time,¹ there is naturally very little evidence of their work. The records of the provincial chapter in the province of Provence for these three years showed the annual appointment of six vicars for the six vicariates of Marseilles, Avignon, Montpellier, Toulouse, Limoges and Bordeaux.² In two cases the same friar is appointed vicar in two succeeding years; in 1276 Friar William of Puy-en-Vélay was appointed vicar of Toulouse, in 1277 vicar of Bordeaux, and in 1276, and again in 1277, Friar P. de Cumbis* was vicar of the vicariate of Montpellier. This re-appointment of the same friar over the same vicariate shows a tendency which might have developed still further, if the office of vicar had continued in the Dominican Order, for the appointments to be for life, or at least for a number of years. Beyond this fact nothing can be gleaned from the records of the provincial chapters as to the work of the vicar. We do not know either what he actually did, how he and the visitor agreed, or why the office was abolished.

The Friars Preachers were governed by a triple series of executive officers: the conventual prior, the provincial prior and the master-general. The work of any one of these was so essential to the well-being of the sphere over which he ruled that his absence, which at times was unavoidable, was bound to cause great confusion. From the very first arrangements were made for deputies. The description, therefore, of vicars or deputies, can best be divided into three parts: the deputy of the master-general, or vicar-general as he was called; the vicar of the provincial prior; and the vicar of the conventual prior. In each case there are two questions to be considered; firstly, the method of his appointment; secondly, the extent of his power.

1. This accounts for Mr. Little's finding them mentioned so seldom. *M.O.P.H.*, iii, 194. See also Appendix ii, 228, where there is no mention of vicars as heads of vicariates.

2. Douais, 193, 207, 212.

St. Dominic, at the outset, made no provision for replacing the conventual prior, if he died or was absent¹ at the provincial chapter, or on some other business. As he instituted the office of sub-prior it is to be supposed that he expected that the sub-prior would normally replace the prior.² This lack of a definite statement on the question evidently led, in some cases, to the sub-prior's authority being questioned, and the general chapters of the years 1241, 1242 and 1243 stated authoritatively that, if the prior died or was removed, the sub-prior took his place until the new prior was elected, and confirmed, and was actually present in the house.³ They also inserted the saving clause guarding the higher authority "unless the provincial prior ordained otherwise." Shortly after this a case must have occurred where the prior died or was removed, before he had appointed a sub-prior, or the sub-prior died almost immediately after the prior. As the appointment of the sub-prior was vested in the conventual prior's hands, the house was left without any recognised head and without any means of appointing one. It was to meet this contingency that the general chapters of 1249, 1250 and 1251 provided that, if the conventual prior died or was removed, when the convent lacked a sub-prior, the three friars present in the convent, who were senior in the Order should choose a friar from the convent, who should replace the conventual prior, until the house had either a prior or sub-prior, or unless the provincial prior ordained otherwise.⁴

Later in the thirteenth century the general chapter ruled that, if these three senior friars were not unanimous, the friar, for whom two out of the three voted, should be considered to be elected vicar, whether the friar chosen was one of the three themselves, or some other friar belonging to the house.⁵ The general chapter of 1323 confirmed a further regulation with regard to the appointment of the conventual prior's deputy. To qualify to be one of the three senior friars who chose the

1. The conventual prior could, if need be, appoint a friar from another house as vicar. *M.O.P.H.*, iv, 187.

2. *A.L.K.G.*, i, 222.

3. *A.L.K.G.*, v, 550. *M.O.P.H.*, iii, 25.

4. Appendix ii, 228. *M.O.P.H.*, iii, 46, 51, 56. This was stressed by a declaration in 1319. *M.O.P.H.*, iv, 117.

5. Appendix ii, 228. *M.O.P.H.*, iii, 287.

vicar, a friar had to be actually present in the house at the moment, and had also to be eligible to be an elector of the conventual prior.¹ This regulation settled various dubious cases which might arise, such as the objection of some senior friar to recognise the vicar's authority, if, as might easily occur, he were absent at the moment of the prior's death, and returned to find some vicar of whom he disapproved already installed. Again, some friars of long standing, who knew nothing about the personality or ability of the members of a convent, might have been sent to a house, as *lectores*, or for some other purpose, shortly before the death of the prior. Owing to their seniority in the Order, the appointment of the vicar would devolve on them, though they were in no way suited to make the choice. No friar was eligible to be an elector of the conventual prior until he had spent at least a year in the house.² This regulation, then, put these friars on the same footing with regard to the choice of the conventual prior's vicar, as the ordinary friar, coming in from the outside, with regard to the election of the conventual prior. Further, the general chapter, to ensure that there should be no delay in the appointment of the vicar, made the drastic regulation that the three senior friars should be forced to choose him before they had either eaten or drunken,³ and that no obstacle should be allowed to stand in the way.

As the powers of the conventual prior were never extensive, and as the exercise of them was essential for the daily well-being of the house, the vicar was invested with all the powers of the conventual prior. The chroniclers do not tell us sufficient about individual houses to allow us to judge how this system worked, but as it remained in force to the end of this period, it may be supposed that it was effective. The power of the provincial prior, on the other hand, was very great, especially as president of the provincial chapter. For this reason it was all important that his vicar's authority should be unquestioned. Although, throughout the thirteenth century, the general chapter drew up rule after rule on this subject, until it would seem that every contingency had been

1. Appendix ii, 228. *M.O.P.H.*, iv, 145. 2. *Ib.*, 227. *M.O.P.H.*, iii, 216.
3. *Ib.*, 228. *M.O.P.H.*, iv, 145.

foreseen, the unexpected would again happen and a further decision be required. The piecemeal nature of the legislation on this subject is writ large over the *constitutiones* as they stood in 1360, especially if the date of each addition is noted.

This subject can be considered in three parts : the arrangements made to supply a vicar, if the provincial prior was absent ; secondly, the arrangements made if the office of provincial prior was vacant ; and thirdly, the imposition on the provinces from above of what may be called disciplinary vicars. The first of these was comparatively simple. From the beginning it was recognised that the provincial prior supplied a deputy when he left the province.¹ This power was left with the provincial prior right up to the end of this period, and was mentioned by Humbert of Romans² as one of the provincial prior's duties. If he omitted to do this, it was ordained that the prior of the convent, in which the next provincial chapter was to be held, was to be vicar, and was to act as president of the chapter. This can be said to be all the legislation on the subject of a president in the provincial prior's absence, with the exception of certain of the regulations with regard to the vicar after a provincial prior's death, which applied also in this case. The general chapter of 1278 still further complicated the question of the provincial prior's deputy by using the word "vicar" to mean "visitor." An ordinance passed this year recognized a practice which had been going on for many years. Every year the provincial chapter appointed visitors to visit certain groups of convents and to report on them to the provincial chapter. The provincial prior, however, was also supposed to visit the whole of his province, that is to say every house in it, every year. This very soon became impossible owing to the number of houses in the province, and the provincial prior delegated part of his work to suitable vicars or deputies. This delegation was a personal matter between the provincial and the trusted friars he chose for this work. The provincial himself would probably have visited a different part of his province each year. It is improbable that for this purpose there was any formal division of the convents in the province into groups. Thus no con-

1. *A.L.K.G.*, i, 213.

2. *Opera*, ii, 199.

fusion arises between these visitors or vicars and the visitors sent out by the provincial chapter on the one hand, and the heads of the vicariates during the short time they existed, on the other.

The primitive *constitutiones* had made the same arrangements in the case of the provincial prior's death as in the case of his absence;¹ the conventual prior of the house in which the next provincial chapter was to be held was to preside over the chapter which elected the new provincial prior, and, if the ordinary legislative chapter had not already been held that year, to preside over that also. The election of a provincial prior had to be confirmed by the master-general before it was legal; so an interval usually occurred between the election of a provincial and his assumption of office. Thus the provincial designate could not preside over a legislative chapter, if his confirmation had not yet arrived.

There were two possibilities which might upset this arrangement. In the first place, the convent at which the next provincial chapter was to be held might, at the moment, be without a prior, or the prior might die soon after his appointment as vicar. In this case, unless some other clear rule was laid down, confusion would reign in the province. No one would have the right to exercise some of the functions of the provincial, which were daily in demand, and many would claim this right. In 1248 the general chapter stated that if such a case arose, the prior of the convent at which the last provincial chapter was held, was to act as vicar and preside over the chapter.² In 1278 this arrangement, which had hitherto applied only in the case of the death or removal of the provincial, was applied also in the case of his absence.³

The second difficulty with which a province might be faced would be the removal, during a vacancy in the office of provincial prior, of the provincial chapter from one house to another. If the prior of a convent was acting as vicar, because his house was the site of the next provincial chapter, and if for some reason this site became ineligible, and it was

1. *A.L.K.G.*, i, 213.

2. *A.L.K.G.*, v, 550. The inchoatio was introduced in 1248. *M.O.P.H.*, iii, 42.

3. Appendix ii, 229. *M.O.P.H.*, iii, 194.

arranged to hold the provincial chapter in another house, the question arose as to whether the prior, who was already acting as vicar, or the prior of the other house was the rightful vicar, and should preside over the chapter. The general chapter of 1275 decided that the prior of the house in which the chapter was actually held, was the true vicar.¹ It still further abolished all claims the prior of the house in which the chapter was to be held, might be considered to have to the position of vicar, by stating that if the house, where the chapter was held, was without a prior, the friar who had to replace him, was not the prior of the house in which the chapter-in-being might have been held, but the prior of the house in which the last year's chapter had been held.

Various examples of the working of these ordinances are to be found in the *acta* of the province of Provence. In 1266 the provincial prior, Peter de Valetica,* was absolved by the general chapter.² The provincial chapter, held at Limoges,³ in September, was presided over by Stephen of Salahnac, conventual prior of Limoges. This proceeding was therefore quite regular. A marginal note tells us that the master-general, who was at Bordeaux, immediately sent back a messenger, who arrived before the chapter dispersed, with the confirmation of the new provincial's election. As soon as that message arrived Stephen of Salahnac retired from the presidency of the chapter, Bernard Gerald, the new provincial taking his place. Again, in 1292 Robert Lestrangle, prior of Brive,⁴ where the next provincial chapter was to be held, became vicar when Bernard of Latreille, provincial prior, was absolved by the general chapter.⁵ He presided over the chapter which elected as provincial prior Peter of Monceaux, the inquisitor, and also over the subsequent legislative chapter, for the confirmation of Peter's election did not come until the end of October. The chapter itself was held in August. These instances show the rule working as regularly and automatically as a mechanical process. From the first, however, in provinces where the provincial was bad or in-

1. Appendix ii, 229. *M.O.P.H.*, iii, 178.

2. *M.O.P.H.*, iii, 135.

3. Douais, III.

4. *Ib.*, 358, notes.

5. *M.O.P.H.*, iii, 269.

different these arrangements were overridden, and the matter decided by the general chapter.

It was the custom in the provincial chapter to send out visitors every year to examine the state of the houses and to report on them. This was never done by the general chapter. Instead the course of events was as follows: if a provincial prior was found to be unsuitable he was deposed, and a vicar was appointed by the general chapter to set right whatever he had allowed to get out of order. This proceeding was, as far as one can judge, usual from the earliest times. In 1261 Simon, provincial of the English province, was deposed by the general chapter, because he refused to allow foreign friars to study in Oxford. Stephen of Salahnac, prior of Toulouse, was sent to "visit" Scotland, and to carry out whatever negotiations in England the master-general laid upon him.¹ This was virtually the appointment of a vicar in the English province, though it had not that name. There are also examples in the thirteenth century of the master-general appointing a vicar during an interregnum, when there was no question of any delinquency on the part of the late provincial. This occurred in the province of Provence in the years 1282, 1285 and 1301. In the fourteenth century the appointment of vicars in provinces, some as disciplinary vicars² and many as deputies,³ is constantly found in the *acta* of the general chapter.⁴ This type of vicar was "a glorified visitor," he performed the same functions but he had more power.⁵ For example, in 1282⁶ and 1285⁷ the province of Provence was without a provincial. In each case the chapter was presided over by Arnold Seguerii,* prior of Pamiers, vicar of the province, "by the authority of the master."⁸ Otherwise, in 1282 the prior of Carcassonne, and in 1285 the prior of Condom would have been vicar. It is possible that these

1. *M.O.P.H.*, iii, 112.

2. *M.O.P.H.*, iii, 298, 323. *M.O.P.H.*, iv, 28 and 53.

3. *M.O.P.H.*, iv, 50, 118, 172, 222, 242, 336, etc.

4. Father Mortier supposed that a new institution was introduced by the chapter of 1303 (vol. ii, 389). As a matter of fact a vicar was appointed to the province of Germany in 1300. (*M.O.P.H.*, iii, 298.) Further, the *acta* of the year 1303 reveal no sign of any such action. As has been shown above, only the name was new.

5. Cf. *M.O.P.H.*, iii, 322, and *M.O.P.H.*, iv, 28.

6. Douais, 256. 7. *Ib.*, 282. 8. *Ib.*, 283, note 1.

houses may have been without priors, but there is no evidence to prove this, and the fact that the appointment of Friar Arnold is stated specifically to be by the authority of the master proves that, if matters had been left, the result would have been different. Likewise, in 1301¹ the master exercised his prerogative and appointed Arnold John, prior of Prouille, vicar over the head of the prior of Agen, where the chapter was held.

In theory the vicar of the province assumed all the powers normally belonging to the provincial prior, but there is not sufficient evidence from which to judge how this worked in practice. The provincial's chief duty, as regards his influence in the Order, was his representation of his province at the general chapter every third year. Though, in theory no doubt, the vicar was competent to fulfil this function, in practice, at least in the thirteenth century, there is no example of his having done so. Beyond this there is every reason to suppose that the vicar exercised all the powers belonging to the provincial prior.

The problem of supplying a deputy for the master-general was a grave one, as the powers attached to the office were so great. Also, owing to the nature of the office, the question differs in some important respects from those discussed above, of supplying deputies for provincial priors and conventual priors. The sphere of the provincial prior's power was his province, that of the conventual prior was the "limit of preaching" of his house. It frequently happened that a provincial or a conventual prior left his charge, and provision had to be made to supply a deputy to discharge all the ordinary executive functions pertaining to his office in his absence. The master was the head of the Order throughout the world. Corporeally, therefore, he could never be absent from his charge, and was always in a position to exercise his executive powers. From the first it was recognized that, although the master-general could not, in theory, be absent,

1. Douais, 456. In this case the master was Bernard of Jusix, late provincial, whose election to the master-generalship in the general chapter at Agen in 1301 caused the vacancy. No one can have been better informed than he, both as to the circumstances of the case, and to the personalities of those concerned.

he could, in practice, be unable to come, at the time fixed for the general chapter, to the place where it was to be held. The *diffinitores* were bidden to hold the chapter in spite of the master's absence.¹ In 1269 the procedure on such an occasion was regulated by an ordinance, which stated that the *diffinitores* were to choose from amongst themselves one to act as master. If they were divided into two equal parties, they were to choose another friar from outside, who was to have the casting vote. This vicar was to act as master as far as the discussions and the *acta* were concerned. He was to have but one vote, and outside the chapter-house was to hold only his ordinary place as *diffinitor*. In 1358 his powers were extended. He was granted the right to hold the master's place everywhere, to say the *Fidelium*, to give licence for speaking, and to give letters for the benefits of the Order, as master.²

As a matter of fact this contingency arose only once within this period. At Easter, 1317, Berengar of Landorra was sent by Pope John XXII to endeavour to avert war in France.³ Consequently he was unable to be present at the chapter of Pamplona at Pentecost, and wrote to the *diffinitores* to tell them so.⁴ In this case the provisions, mentioned above, must have come into force.

Though the difficulty of the enforced absence of the master-general from the general chapter had not arisen in primitive times, that of supplying a deputy in the event of the master's death or resignation, had been met by St. Dominic himself. It must be acknowledged however, that the regulations made by St. Dominic on this subject were neither clear nor practical, and his followers very rightly altered them later in the thirteenth century. St. Dominic ordained⁵ that when the master-general died or resigned, the provincial priors, each in his own province, should wield the full powers of the master-general until the next master was elected. If, he went on to state, the provincial priors differed amongst themselves, the opinion of the majority was to prevail. If they were divided into two equal parties, one of the electors of the master was to be brought in and was to have the casting vote. These

1. *A.L.K.G.*, i, 214. 2. Appendix ii, 240. *M.O.P.H.*, iii, 145, and iv, 382.
3. *Brevis Historia*, 341. 4. *M.O.P.H.*, v, 218. 5. *A.L.K.G.* i, 215.

latter provisions presuppose a council of all the provincial priors. Such a meeting, unless it took the form of an electoral general chapter, would be irregular and, in that case, not only the provincial priors, but two other friars from each province would have been present. It is difficult, therefore, to see St. Dominic's intention in this matter, and it is not improbable that the friars of the thirteenth century were also mystified. Hence the general chapters of 1274, 1275 and 1276 abolished this arrangement altogether, and substituted another.¹ This reform followed exactly the lines laid down by St. Dominic for filling the vacancy caused by the death or resignation of a provincial prior.² This arrangement had evidently been found to be workable, and it was, therefore, in accordance with the spirit of St. Dominic's legislation, if not in fact, with the *constitutiones* of 1228 that it should be applied also to the master-generalship. On the death or resignation of the master-general, the provincial prior of the province in which it had been arranged to hold the next general chapter, became vicar-general, and, except for one or two special functions, exercised the full powers of the master-general. If that province was without a provincial prior at the moment of the master's death, or, if the vicar-general died while acting as vicar, the office devolved on the provincial prior of the province in which the last general chapter had been held. If this province also lacked a provincial prior, the office went to the provincial prior of the province in which the general chapter of the year before last had been celebrated, and so on until a vicar was found. It is interesting to notice that the general chapter of 1274, which introduced this reform, was composed of provincial priors. They showed a great zeal for the good of the Order, for by this change they were deprived of much of their power.³

Not the least important of the vicar-general's duties was to preside at the "electoral" general chapter, where the new master-general was chosen. The general chapter of 1300 initiated further legislation on this subject, which is of the very greatest interest, as fortunately, enough is known about

1. Appendix ii, 232. *M.O.P.H.*, iii, 182.

2. *A.L.K.G.*, i, 213.

3. Appendix iv.

the Order at this moment to see the exact train of events which led up to this *inchoatio*. In January, 1299, the master-general, Nicholas of Treviso, received the Bull raising him to the Cardinalate and consequently resigned his office.¹ The next general chapter was to be held at Marseilles in the province of Provence. Consequently Friar Raymond Hunaud de Lanta,* provincial prior of Provence, became vicar-general, and wrote a letter on January 20th announcing the master's resignation.² As the master's resignation had taken place after Michaelmas the general chapter was not held at Whitsuntide 7 June, 1299, but was postponed until the following year. Meanwhile Friar Raymond died on May 9th, 1299.³ The general chapter of 1298 was held at Metz in the province of France.⁴ Therefore, in accordance with the *constitutiones*, the prior of the province of France became vicar-general. The province of Provence held its provincial chapter on 19 July, 1299,⁵ and elected Friar Bernard of Jusix provincial. He was duly confirmed by the three electors senior in the Order. As early as 1269 Bernard of Jusix had been appointed *lector* at the convent of Limoges.⁶ In 1282 he had been made a preacher-general.⁷ In 1290 he was absolved from the priorate of Bordeaux.⁸ In 1291⁹ and 1293¹⁰ he was one of the four *diffinitores* of the provincial chapter of Provence. Both in 1294¹¹ and 1297¹² he was chosen by the province to represent it at the general chapter. In short Bernard of Jusix was a very great man in the Order. That he was recognized as such by his contemporaries is clearly proved by the fact that after the death of Albert of Genoa in August, 1300, he was elected master-general by the general chapter of 1301. It must, therefore, have been peculiarly galling to him that at the electoral general chapter held in 1300 at Marseilles in his own province, he should merely rank as a provincial prior amongst the others, and that Friar William of Cayeux, the provincial of France, should, as vicar-general, preside. No doubt he yielded place with good grace, but it is not stretching the evidence too far to suppose that it was due to his

1. Appendix, v. 2. Douais, 429. 3. *Ib.*, 431, note 9.
 4. *M.O.P.H.*, iii, 286. 5. Douais, 434. (Wrongly dated by Mgr. Douais.)
 6. *Ib.*, 140. 7. *Ib.*, 260. 8. *Ib.*, 332, note 4. 9. *Ib.*, 348, note 4.
 10. *Ib.*, 372, note 3. 11. *Ib.*, 390. 12. *Ib.*, 417.

action that the subsequent legislative chapter ordained¹ that, though the province where the next general chapter was to be held lacked a prior at the moment of the master's death, and, consequently, another provincial became vicar-general, if that province elected and confirmed a provincial prior before the next electoral general chapter was held, the vicar-generalship should come to him. This *inchoatio* met with no opposition in the succeeding chapters, possibly owing to the fact that Bernard himself presided over them, and was included in the *constitutiones* in 1302. If it had been law in 1300, Bernard of Jusix, and not William of Cayeux, would have been vicar-general. Bernard, however, had his revenge. In 1302 he presided over the general chapter which absolved William of Cayeux.²

A year or two later another modification was made to the legislation about the vicar-general. For some time past³ it had been the rule with regard to the provincial prior's vicar that, if during the interregnum the next provincial chapter were transferred from one house to another, the office of vicar should also go from the prior of the first convent to that of the second. It was so arranged, no doubt, to secure that the conventual prior should preside over any chapter in his own house. In 1305 the general chapter decided to apply this rule to the vicar-generalship also. If the next general chapter was transferred from one province to another the provincial prior of the first province ceased to be vicar-general, and the provincial prior of the other province took up the office. This ordinance was confirmed in 1307.

Unlike the conventual prior's and the provincial prior's vicar, the powers of the vicar-general were limited. He could not absolve provincial priors, nor conventual priors of provinces other than his own. Except in case of a friar from another province being elected provincial prior, the vicar-general could not transfer a friar from one province to another. With these exceptions, the vicar-general was for all intents and purposes, master-general. The intervals between the

1. Appendix ii, 232. *M.O.P.H.*, iii, 296, 302, 311.

2. Douais, 391, note 1.

3. Since 1272. See Appendix ii, 229. *M.O.P.H.*, iii, 162.

death of one master and the election of the next, which were sometimes very long, were thus tided over successfully and a certain continuity maintained in the Order.

VISITORS.

That a visitor should be sent annually to every house was part of St. Dominic's original scheme¹ for his Order of Preachers. The *constitutiones* of 1228 ordained² that the provincial chapter should elect four friars, to each of whom should be committed the duty of visiting certain houses. Each visitor acted as an individual, and not as a member of a commission, and was to visit the houses put under his charge sometime before the next provincial chapter. No visitor was to spend more than three days in any one house. He was to correct all errors, whether of the conventual prior or of any friar within the house, and was to report on them to the provincial chapter; but he was on no account to alter the status of the house. If the state of affairs in any house was very bad, it was, with the consent of the majority of the provincial chapter, to be reported to the general chapter, notwithstanding that the abuses might in the meantime have been removed.

St. Dominic also added several regulations about the visitor himself. No prior or doctor of theology was to be elected visitor. The visitor, while present in the house he was visiting, was, except when he was actually presiding over the chapter of faults,³ to remain in his place; he was not to assume a more honourable position than rightly belonged to him in accordance with his length of service in the Order. If, by any chance a visitor failed to visit a house which had been assigned to his care, he was at the next provincial chapter to confess his fault and submit to his punishment. Not the least important part of the visitor's duty was to report on his work to the provincial chapter. According to the *constitutiones* of 1228, he could do this either in person, or by letter. He was to report on the following points: whether in the houses visited by him the brothers were living in peace; whether they were ardent in study and fervent in preaching; what was

1. For his debt to the Order of Prémontré, see p. 29.

2. *A.L.K.G.*, i, 219.

3. See p. 44.

reported of them, what fruit their work was bearing, and whether the spirit of the Order was obeyed in such matters as food and clothes. If the visitor's report accused anyone present at the provincial chapter, he was immediately to rise and seek forgiveness.

These primitive regulations give a very clear idea of the system. Every year the provincial chapter elected four visitors and assigned to each visitor certain houses. During the year the visitor visited these houses and drew up a report on them. This system remained the same throughout this period, though certain minor alterations were made.¹ As the number of houses grew in each province it became impossible for four visitors to manage the whole province. Consequently the general chapters of 1242, 1243 and 1244 added the clause,² that four visitors should be appointed, or more, according to what the provincial chapter decided. Consequently in the province of Provence as early as 1253 we find eight visitors appointed.³

Certain questions, however, were left for succeeding generations to settle, notably whether it was to the *diffinitores* or to the whole chapter that the visitors made their report; the procedure, if by any chance a visitor were elected conventual prior, and, finally, the exact method of the visitors' appointment.

It is evident that in the early years the friars themselves were not clear as to whether the visitors reported to the whole chapter or only to the *diffinitores*. From St. Dominic's injunction, quoted above, that if any friar was accused by name in the visitor's report, he was to ask for forgiveness, it would seem that St. Dominic intended that the visitor should read his report before the whole chapter. This procedure would obviously be very inconvenient, in that it would give undue publicity to certain private concerns of convents, which were better unrevealed. It is probable that very soon this custom was given up and the report made to the *diffinitores* alone. It is certain that in 1255 the general chapter ordained

1. Grossteste highly approved of the Friars Preachers system of visitation. He considered that the high standard maintained by the Order was largely due to it. *Epistolæ*, (Rolls Series). 378.

2. *A.L.K.G.*, i, 560. *M.O.P.H.*, iii, 23, 25, 28.

3. Appendix x.

that the visitors were to report to the *diffinitores* of the provincial chapter, or, if the general chapter was held that year in the province, to the *diffinitores* of the general chapter.¹ A case evidently occurred in the province of Provence of a visitor being elected conventual prior, probably through ignorance of the *constitutiones* on the part of the electors. This exercised the minds of the people concerned, for one of the questions laid before the provincial chapter of Montpellier in 1240² was whether a visitor elected to be prior should visit. The chapter replied in the affirmative. The general chapter of 1256, however, decided otherwise.³ They ordained that if any one of the visitors before he had visited, was elected and confirmed prior, or died, the provincial prior was to find a deputy, who was to visit for him. Later in the century the general chapter added the words "or during the visitation itself."⁴

The manner of the visitor's appointment was not very satisfactory, and several experiments were made until the method finally adopted was found. The primitive regulations⁵ merely said that the four visitors should be elected in the aforementioned manner. As no account of any method of election had been mentioned for at least eight sections before, this injunction is, to say the least of it, vague. Nor was it clear whether the visitors were to be elected by the whole chapter, or merely by the four *diffinitores*. The chapters of 1259, 1260 and 1261 erased these words and substituted an injunction,⁶ that the visitors were to be elected in the same manner as the *diffinitores* of the provincial chapter, that was to say by the whole provincial chapter, its votes being counted by three *scrutatores*. This explicitly put the election into the hands of the whole assembly, a decision of which the general chapter evidently immediately repented, for in the next year

1. *A.L.K.G.*, v, 560. *M.O.P.H.*, iii, 73. 2. Douais, 16.

3. *A.L.K.G.*, v, 560. *M.O.P.H.*, iii, 79.

4. Appendix ii, 246. *M.O.P.H.*, iii, 162. 5. *A.L.K.G.*, i, 219.

6. *M.O.P.H.*, iii, 96, 102, 106. This injunction and that confirmed in 1262 (see note 3), do not appear either in the 1256 version of the *constitutiones*, printed by Denifle (*A.L.K.G.*, v, 560), nor in the 1360 version, owing, in the latter case, to the fact that they were deleted by an ordinance confirmed in 1266. See p. 158 and 246. The 1260 version, however, includes both these clauses. The first is written partly in the text and partly in the margin. See Add. MS., 23,935, Fol. 79, v.

1260 it added the words "unless they (*i.e.*, the members of the provincial chapter) wish to commit the matter to the hands of the provincial prior and the *diffinitores*."¹ The processes of legislation for the injunction, and for its amendment, ran concurrently for the years 1260 and 1261. Only in the latter year was the election expressly in the hands of the whole chapter. Unfortunately there are no records of any visitatorial elections for this year.² In the following year, 1262, it was legally possible for the general assembly to leave the matter in the hands of the inner committee, and no doubt great pressure was put on them to do so. The general chapter of the years 1264, 1265 and 1266 removed the power altogether from the general assembly, and put it finally and completely into the hands of the inner committee.³ There it remained until the end of this period. No doubt also the power to increase the number of visitations was in their hands, though this is nowhere specifically stated. It is interesting to note that Humbert of Romans, who retired from the mastership, and, therefore, from an active part in the political life of the Order in 1263,⁴ the year before this last ordinance was first introduced, stated that the election of the visitors was in the hands of the whole chapter.⁵

Though the appointment of what may be called the ordinary visitor was always in the hands of the provincial chapter, the right of appointing visitors was by no means confined to the provincial chapter. The provincial prior's right to appoint visitors is implied in the admonition to him to visit the province, or if more convenient to him, to send deputies to do it. This was first stated somewhat vaguely by the *generalissimum* chapter of 1236.⁶ Later the general chapters of 1276, 1277 and 1278 substituted a more explicit ordinance,⁷ that the provincial prior was bound to visit the whole of his province every year, either in person or by suitable deputies, here called vicars, to whom he was to commit his authority.⁸ Further there is no doubt, though it is nowhere definitely stated in the *constitutiones*, that both

1. *M.O.P.H.*, iii, 104, 108, 114. See p. 157, note 6.

2. Appendix x. 3. Appendix ii, 246.

4. Appendix v.

5. *Opera*, ii, 356.

6. *A.L.K.G.*, v, 551.

7. Appendix ii, 231. *M.O.P.H.*, iii, 194.

8. See p. 146.

the master-general and the general chapter had the right to send a visitor to any convent to examine into and report to them on its condition. As disciplinary authorities the master-general and the general chapter could over-ride both the provincial prior and the provincial chapter, and it was quite natural that the right of visitation, the greatest weapon of authority, should belong also to them.

The provincial prior's right to visit in person is confirmed in a passage in Humbert of Romans *de officio visitatoris*,¹ where he urged the visitor to be careful lest his visitation coincided with that of the provincial.² This same source also gives information, quite incidentally, on several other interesting, if minor, points about the visitor. If by any chance the visitor was prevented by illness, or any other reasonable cause, from visiting he was to inform the provincial on whom devolved the duty and right of supplying a substitute.³ This arrangement was made no doubt for the sake of convenience, for when the provincial chapter was over and the four *diffinitores* had dispersed to their various convents, the provincial prior alone could be easily found and consulted. There is no doubt that this injunction considerably increased the provincial prior's power. Another very interesting suggestion⁴ of Humbert's is that the visitor, if he is not quite sure as to what line to follow in visiting any specific house, may consult the provincial prior and the *diffinitores*. This shows a close co-operation between what may be called the permanent authority, that is the provincial prior, and the temporary one, that is the visitor. The visitor was not to initiate legislation for the houses he visited; he was to see that the friars were obeying the rule of St. Augustine and the *constitutiones* as modified by the latest general chapter. He was also to see that the injunctions of the provincial chapters were observed. For this reason he always carried with him the most up-to-date copy of the *constitutiones* and the *acta* of the latest general and provincial chapters.⁵ The visitor, in other words, was one of the most important links between the headquarters of the Order and the outlying posts. These

1. *Opera*, ii, 350-356.

2. *Ib.*, 351.

3. *Ib.*, 350.

4. *Ib.*, 352.

5. *Ib.*, 351.

instructions also give us information as to the details of the actual enquiry, and show very clearly the spirit in which it was conducted. The visitor was to preside over the chapter of faults.¹ All the friars belonging to the house were to be present.² If the visitor heard an accusation against some friar privately, he was not to act upon it, nor to condemn the friar, until the accusation had been made publicly in the chapter.³ This wise injunction entirely did away with all fear of conspiracy. Beyond this Humbert's injunctions, which are full of sound common sense, might refer to the visitors of any Order.

The difficulties mentioned above were solved before the end of this period. There remain two questions to which the answer is not plain; namely whether the visitor was present in person at the provincial chapter; and secondly whether, within this period, the group of convents making up a visitation became fixed. It has been thought that after 1260 the visitors were normally not present in person.⁴ Those who hold this view base their belief on the monition forbidding visitors to appear at the chapter, passed by the provincial chapter of Marseilles⁵ in that year. This, in any case, only applies to the province of Provence. On the other hand there is a good deal of evidence which goes to prove that in other provinces visitors did attend the chapter, and indeed they may even have done so in Provence. In the first place some monitions were pious exhortations rather than commands, and there is no doubt that they were frequently disobeyed. That this was so in this case is clearly seen from the fact that this monition was merely repeating what had been said before in other words.⁶ Repetition presupposes non-observance. Secondly St. Dominic definitely stated in the *constitutiones* of 1228⁷ (an injunction which remained in force to the end of this period) that the visitor, who had failed to visit during the year, was to apologise in person.⁸ It is probable, therefore, that the visitor, who *had* visited, reported in person. There

1. *Opera*, ii, 353. 2. *Ib.*, 351. 3. *Ib.*, 353.

4. "Mais jusqu' en 1260 les visiteurs avaient eu la faculté d'y prendre place." Douais, xii.

5. Douais, 80. 6. Douais, 60.

7. Appendix ii, 243. Cf. *A.L.K.G.*, i, 219. 8. *culpam suam dicant.*

is no doubt that this was the opinion of Humbert of Romans,¹ for he said that if the friars or the convent he was visiting desired him to make representations for them, which seemed reasonable to him, either to the provincial prior or to the *diffinitores* of the provincial chapter, or to the master, he was to draw up a report on them and bring them forward at a suitable moment. Thus though it is not stated in so many words that the visitor was present in person it would seem to be implied.

The question of the grouping of the houses into visitations has been discussed by Mr. A. G. Little in his note in the *English Historical Review*, where he publishes a summary of the visitations of the English province of Friars Preachers in the fifteenth century.² By that time it is quite clear that the grouping of the houses into visitations was quite definite and invariable. Mr. Little considers, however, that this was not the case in the thirteenth century; he thinks that the records of the province of Provence, Rome and Spain go to prove that the divisions of the provinces were entirely arbitrary, and varied from year to year. It seems to me that a different interpretation might be drawn from the evidence.³ While it is true that up to 1275 neither the number of visitations nor the group of convents in each visitation was fixed, they were tending to become definite. It might be said that throughout these years the provincial chapter was experimenting in order to find out what would be the best arrangement to adopt as a permanency. After 1275 the number of visitors appointed each year was, in twenty cases out of twenty-three, eight, and what is still more significant, in 1278, when the names of the visitors were omitted eight blank spaces were left. It is true that in 1284 and 1292 nine visitors were appointed, and in 1287, seven, but it is quite possible that these variations were due to special circumstances, of which no trace has remained. In 1299 eleven visitors were appointed, which number was repeated in the year 1399 and 1301. There had evidently been in the former year a redivision of the province.

1. *Opera*, ii, 356. He probably wrote about 1270.

2. *English Historical Review*, xxxiv (1919), 207.

3. See Appendix ix and x.

However, from the year 1275 onwards the group of houses in each visitation remained more or less constant. Thus, though as Mr. Little has pointed out, the Dominican visitations were never organic units, in the same sense that the Franciscan custodies were, in that they sent representatives to the chapters and felt themselves to be a whole, the territorial extent of the visitations did tend through the years to become fixed and then to remain constant.

PREACHERS.

The years following the Council of Montpellier in the summer of 1206,¹ were spent by St. Dominic in an endeavour to quell, by persuasion and argument, rather than by force, the heresy then rampant in the south of France. It was while he was thus occupied that he conceived the idea of founding the Order of Preachers. His example, his teaching, and the fact that he founded the first house of the Order in Toulouse, a hot-bed of heresy, all show quite clearly that he meant his followers to devote their lives primarily, not to confirming the faithful, nor to converting the heathen, but to re-conquering for the Church, those who within the bounds of Christendom had been led away from the true faith. The Albigensians could be called erring, they could not be called ignorant.² To the Churchman the only criterion was the body of doctrine revealed to the Church, and officially explained by the Pope. The Albigensians set up another criterion, human reason, the individual understanding. They were then, not so much uninformed as overinformed. They were suffering, according to the Catholic views of the day, from an overweening pride in their own intellect. They were formidable adversaries. It was essential, therefore, that the Catholics who set out to vanquish them should be well-armed. They should know what the heretics believed, what questions they would probably ask, and above all be sure of the answers given by the Church. The faith as explained by them must be self-consistent, and must be put forward in a reasonable way.

1. Labbe, *Concilia*, vol. xi, col. 32, quoted by Hefele, *Histoire des Conciles*, 1278.

2. For an account of their doctrines, see Lea, *History of the Inquisition* (1889), i, 89-94.

The preachers must be well educated, eloquent, cool-headed in an argument, but fervent and ready to stand by their faith even unto death. This was a high calling, and to become in any way worthy of it a man needed both great natural qualities and a strenuous course of preparation.

Though the conversion of heretics was St. Dominic's original intention, after December 1216, when the Pope issued the Bull confirming his foundation, the Order increased so rapidly and spread over so much of Christendom that this single aim was somewhat forgotten. The thirteenth century shows a succession of ardent Dominican missionaries who went to the East to convert the infidels. Further the Friar Preacher became a familiar figure in many places where heresy was unknown. Though these followers of St. Dominic preached to less critical audiences than those who stood up to the heretics in the south of France, the same high standard of preaching was required of them all. Thus though an ardent young Christian might become a Soldier of Christ,¹ it might be many years before his superiors would allow him to expound the word of God to the people. In this matter, which is in reality the pivot round which the whole life of the Dominican Order revolves, the practicability and common sense of the founder are clearly seen. St. Dominic realised that to be filled with a fervent desire to serve God and his fellow men did not necessarily make a friar a good preacher. Consequently he ordained there should be three successive stages in the life of a preacher. He should first preach to his fellow friars. Next he should become what Humbert of Romans called a *predicator communis*.² Lastly, if he were worthy, he should receive the greatest honour, which at the same time was the greatest responsibility, of becoming a *predicator generalis*.³

At first there were no regulations as to the rate at which these stages could be passed. St. Dominic commanded that

1. The Friars Preachers liked to call themselves *milites Christi*.

2. *Opera*, ii, 369-371.

3. The preachers general were, of course, licensed by the bishop in whose diocese they were working. In 1300 Robert Winchelsey, Archbishop of Canterbury, gave eight Friars Preachers and eight Friars Minor the right to preach and hear confessions. *Annales Monastici* (Rolls Series), iv, 546.

no one under the age of twenty-five years should be allowed to preach outside the convent.¹ Many of those, however, who joined the Order in the early times were already over that age, such as John of St. Gilles, who joined the Order in 1222. Being already in orders he was preaching, in the Friars Preachers' Church in Paris, a sermon to persuade the clergy to adopt voluntary poverty. Feeling that example was more eloquent than words, he came down from the pulpit in the middle of his sermon, donned the habit of the Friars Preachers, returned to the pulpit, and finished his sermon.² It is incredible that a man with such powers would be obliged, even for a short while, to preach only to friars. No doubt he was granted the rank of preacher-general at once; but as the Order grew, and many quite young men were admitted, the wisdom of this rule became very evident. No special rules were laid down by St. Dominic for those friars who preached only to the brothers.

Once a friar was raised to the rank of preacher-in-ordinary,³ he was to be relieved of all duties concerned with material things.⁴ The one duty incumbent upon him, as indeed it was upon all the friars without exception, was to study. The *constitutiones* enforce that a friar should have studied theology, for at least three years before he was made a preacher-general, but that those friars from whose preaching no scandal was to be feared, might be allowed to preach after they had studied theology for one year only. This latter provision applies clearly to the preacher-in-ordinary. At first, no doubt, this ordinance was made so that the directors of the Order might be convinced of a preacher's knowledge of his subject, before sending him out to convert heretics. Later, when the men entering the Order were younger, more inexperienced and more ignorant, it was found to be insufficient. In 1251 the general chapter ordered the priors to be exceed-

1. *A.L.K.G.*, i, 224.

2. Trivet, *Annales*. 211.

3. I am told by Father Bede Jarrett, O.P., that *predicator communis* should be translated preacher-in-ordinary. As I can find no authority for the more obvious translation, preacher-common, I have adopted this gratefully. The officer exactly corresponds to M. Mortier's *prédicateur terminaire* (i, 501), an expression apparently devised by himself.

4. *A.L.K.G.*, i, 224.

ingly careful when appointing preachers to ascertain that the friars they thus licensed were fit for the work.¹ They must especially have sufficient learning, for otherwise the Order was brought into disrepute and souls endangered. This was merely a pious exhortation, and the ordinance with regard to the single year of theology remained in force. In a few years it was found that the conventual priors sent out many friars to preach, who were not fitted to do so. In 1260, therefore, this provision was removed from the *constitutiones*.² A few years later, in 1267, the appointment of preachers-in-ordinary was removed from the sole control of the conventual priors. No friar was to preach to the people, or to hear the confessions of those from outside his house, without the licence of his conventual prior, which was to be given in the conventual chapter with the advice of the councillors. This ordinance checked any attempt at favouritism.³

The preacher-in-ordinary remained completely under the control of his conventual prior.⁴ He appointed a friar as *socius* from whom the preacher, while he was outside the house, was never to be parted. This was in many cases a severe trial, but one that had to be borne. The *constitutiones* laid down several general rules for the guidance of all preachers. Those friars, who were forced by their work to mix so freely in the world, were on no account to take part in any legal proceedings. Further, preaching and begging were not to go together. The preachers were to collect no money for their house, nor for any special person. An exception to this rule is to be found in the preaching and collecting for the crusades. This mixture of functions was ordered and sanctioned by Papal Bulls. Otherwise the normal proceeding would be for two friars to go out on a spiritual errand, the one as preacher, the other as *socius*, and for two others to be sent on a material errand, to beg.

The question of begging brings up at once the difficulty of boundaries. The preacher-in-ordinary was on no account

1. *M.O.P.H.*, iii, 45, 51, 56.

2. *M.O.P.H.*, iii, 101. 3. Appendix ii, 247.

4. Clement IV granted the Friars Preachers the right to preach and hear confessions anywhere without receiving the permission of the parish priest. The bishop or legate's licence was, of course, necessary. *Bull Ord. Pred.*, i, 455.

to go outside the limits-of-preaching¹ of his house. When new houses were founded, and appropriated some of the territory hitherto included within the limits of an older house, difficulties arose. Except for a few general rules laid down by the general chapter, these problems were solved, each case on its merits, by the provincial chapter in each province.²

Humbert of Romans in his advice to the preacher-in-ordinary³ as to how to preach and what to say, gives us an excellent picture of the average preacher. When the preacher was propounding the word of God, he was to be very careful of what he spoke, for the subject matter for sermons was God, the angels, man, heaven, the devil, the world, hell, precepts, counsels, the sacraments, the scriptures, virtues and vices. He should always preach with the end in view of making his work bear fruit. Hence he should always notice the kind of congregation to which he was preaching, and should suit his sermon to them; to some it should be subtle, to others plain and simple, to others again instructive, moral, terrifying or cheering. He should consider what was suitable for clerks or laymen, for monks or secular clergy, for soldiers or country-folk, for the healthy or for the sick, for the young, for the old, for the hard-hearted, the humble and the devoted. He should be ready to preach, not only to large congregations, but also to a few people; he should preach, not only in towns and cities, but also in villages. He should be careful to preach briefly, fervently, to some purpose, fluently and with decency. None of this would avail anything unless he spoke sufficiently slowly and distinctly to be heard easily. This should, therefore, be his first care. If he met either Friars Minor or Papal messengers, he should endeavour to be on good terms with them. He should never preach without preparation, unless he already knew what he was going to say, that is, unless he preached an old sermon over again. He should avoid, if he could possibly do so, preaching directly after the midday meal, for this time is least fitted for a discourse, both for the listeners and for the preacher. If, however, he had to preach at this time he should be very

1. See p. 79.

2. See p. 80 *seq.*

3. *Opera*, ii, 369-371. What follows is a free translation of the passage.

temperate both in food and drink. He should never be angry at any hindrance put in the way of his preaching. Even if people went to sleep during his sermon, he should merely admonish them good-temperedly! He should be careful not to gesticulate excessively. Such gestures as making faces, wagging the head, waving the hands or feet, were particularly to be avoided! He should abstain from speaking too quickly, from repeating himself, from unnecessary remarks, from refinements and from shouting; in short, from everything which might make his hearers less amenable, good-tempered and attentive.

In his sermons he should avoid making fun of those present, and from speaking ill of the absent, especially he should never discuss the lives of the clergy or the monks in front of the laity, nor refer to them even indirectly, as such would not lead to edification and often brought about scandal and an uproar. He should be very careful never to let his private affairs influence his public utterances; he should never avenge a personal spite in a sermon. He should never include vain fables and tales, or scurrilous stories, as they would give him a bad name as a preacher. He should be unwilling to preach often, and should at once announce the fact if his *socius* was also a preacher. He should always remember, both in private conversation and in public preaching, the following line, *Respice, quid, cur, ubi, cui, quomodo, quando, loquaris*. Such admonitions against the faults to which, in his experience, Humbert of Romans had found the preachers most liable, shows them wandering over the country-side preaching whenever and wherever they could get a small body of people to listen to them; speaking in the vernacular and appealing to the emotions. The nearest approach that can be found in England to-day to an episode, which must have been a daily occurrence in the life of a preacher, is to watch in the crowded part of some city a Salvation Army preacher standing¹ on a stool preaching, at first merely to ten or twenty people, and gradually attracting a larger crowd, until he has more than a hundred listening to his impassioned description of the

1. Cf. Francis Thompson's comparison between the Friars Minor and the Salvationists (*Works*, iii, 52-65).

sinner's fate. The people were often unwilling to listen, and the preacher frequently had to amuse his congregation for long enough to get them into a good humour, before he could speak to them on more serious matters. For this purpose he collected edifying tales of an interesting nature. Soon the greater preachers, to help both themselves and their successors, began to write down these stories. Of these books so many have survived that the number in existence in the thirteenth and fourteenth centuries must have been very great. Father Mortier gives a list of over seventy friars preachers who compiled these collections, whose works are extant.¹

The preacher-general was a far more important person than the preacher-in-ordinary. He differed from the latter in being allowed to leave the limits-of-preaching of his house, and to preach anywhere within the province. The preacher-general was, however, as much attached to a house as any other friar. The provincial chapter of Perpignan in 1275, in answer to petitions from various convents, allotted certain friars to particular convents as preachers-general.² There is little doubt that the conception of such a preacher originated with St. Dominic himself. It has been erroneously said that the earliest mention of the preacher-general is to be found in the records of the general chapter of Paris in 1235.³ The expression *Predicator generalis* occurs at least twice in the *constitutiones* passed by the *generalissimum* chapter of 1228,⁴ and as these were drawn up under the inspiration of St. Dominic, if not by his own hand, the institution of the preacher-general can be said to be primitive. These earliest *constitutiones* stated that no friar could be made a preacher-general until he had studied theology for three years,⁵ which ordinance remained in force till the end of this period, and indeed to the present day.⁶

1. Mortier, i. Appendix B, 666-672. 2. Douais, 195.

3. Mortier, i, 506. As a matter of fact, he misquotes his reference. His quotation is from the records of the general chapter of Paris in 1234.

4. *A.L.K.G.*, i, 215 and 223.

5. *A.L.K.G.*, i, 223. For the courses of studies pursued by the Friars Preachers, see Jarrett. *op. cit.* 50-56. See also A. G. Little in the *English Historical Review*, xxxvii, 117, with regard to the existence of grammar schools in Dominican convents.

6. *Constitutiones Fratrum S. Ordinis Prædicatorum.* 479.

The *constitutiones* of 1228 state baldly that the provincial chapter was composed of the conventual friars and their *socii*, and the preachers-general.¹ In 1255 the general chapters defined this further by adding the comment that preachers-general were those who were appointed such by the provincial prior and *diffinitores* of the provincial chapter.² The preacher-general had then to be an administrator as well as a preacher. The general chapter of 1251 super-imposed on the statutory three years of theology, the necessity that a friar should be mature and business-like in treating of the Order's affairs. Humbert of Romans, in his chapter on the office of preacher-general,³ says very little about the preaching, and a great deal about the preacher general's conduct at the provincial chapter. The preacher-general, like the executive officers, the master-general, and the provincial prior, had the right to have a private seal, which argues that he was intended to take his part in the administration of his province.

Within the thirteenth century the office of preacher-general underwent a transformation. At first a man was appointed preacher-general, whose eloquence was such, that it was a waste of good material to confine his preaching to the limits-of-preaching of his house. He was made a preacher-general so that he might go throughout the province preaching to those whose need was the greatest. By the middle of the century, when the Order had grown to such an extent that the problem of government was most pressing, the fact that the preacher-general was a member of the provincial chapter came to be regarded as his most important function. The preacher was lost in the administrator. By the end of the century the office of preacher-general had become an honour, which was conferred on the leaders of the Order, although it was impossible, because of their other duties, so much as to pretend to fulfil the original function of the preacher-general—to travel in the province and preach. The Spanish provincial chapter, held at Barcelona in 1299, appointed forty-three

1. *A.L.K.G.*, v, 555.

2. *M.O.P.H.*, iii, 72. A declaration of the general chapter of 1323 stated that a preacher-general's appointment must be registered in the *acta* of the chapter. Otherwise his tenure of office was not valid. (*M.O.P.H.*, iv, 145.)

3. *Opera*, ii, 356.

preachers-general,¹ so many for each of the national divisions of the country. Of these, six were conventual priors or sub-priors, five were teachers in Dominican Schools, one indeed, Friar Sancho de Famusco,* appointed such in the very chapter.² To another, John de Stremoscia*,³ this chapter committed the care both in temporal and spiritual matters of a house of sisters. It is clear that none of these twelve friars would have had much leisure to go out on missions. Friar Sancho de Archubus* and Friar Michael Roderici* were both appointed preachers-general while apparently still students.⁴ In the latter case this is recognized as something strange, for it is stated that he was made preacher-general *propter reverentiam provincialis*. The provincial prior of Spain at this time was Friar Dominic,⁵ and it is to be supposed that he used his influence to have this youth appointed preacher-general. Even if the other preachers-general were at liberty to fulfil the functions proper to that office (a fact which cannot be proved one way or the other from the evidence before us) it is clear that at this time, in many cases the title preacher-general was merely an honorary one.⁶

The preacher-general was appointed by the provincial prior and *diffinitores* of the provincial chapter. No doubt the general chapter could, if it had so wished, have appointed any individual friar preacher-general in any particular province. There is no example of this happening, however, for the tendency of the provincial chapter was rather to appoint too many preachers-general than too few. In fact the question of the number of preachers-general was the source of many differences of opinion between the general and the various provincial chapters. For example in 1288 the general chapter at Lucca "absolved" all the preachers-general in the province of Lombardy, and urged the provincial prior and *diffinitores* to appoint preachers-general impartially.⁷ The provincial

1. Douais, 654. 2. Douais, 642. 3. Douais, 637.

4. Douais, 640, 643.

5. Absolved by the general chapter of 1301. *M.O.P.H.*, iii, 306.

6. The general chapter of Barcelona, in 1323, made an interesting declaration (*M.O.P.H.*, iv, 145). If a preacher-general was deprived of the right to vote and use his seal, it did not mean that he was not to exercise the other powers pertaining to his office.

7. *M.O.P.H.*, iii, 247.

chapter of that year, nothing daunted, appointed fifty-two preachers-general.¹ Likewise, in 1281, the general chapter felt called upon to absolve all the preachers-general in the province of Tuscany.²

This tendency of appointing too many preachers-general is seen, in a very aggravated form, in the province of Provence. The sequence of events is of great interest, not only as illustrating the relations between the general and provincial chapters, but also as throwing light on the question of the length of tenure of the office of preacher-general. In 1283 the general chapter was held at Montpellier.³ The provincial priors⁴ assembled there were evidently surprised by the large number of preachers-general who came to the chapter.⁵ They, therefore, absolved all the preachers-general appointed in the two preceding years, 1281 and 1282, of whom there were thirty-one.⁶ No general chapter was held in 1284, because of the death of the Master, John of Vercelli, in November, 1283.⁷ When the chapter met at Bologna in 1285, it was still more horrified to learn that the provincial chapter of Provence had appointed eighteen more preachers-general in 1283 at the provincial chapter immediately following the general chapter,⁸ and eighteen others at the provincial chapter of 1284.⁹ The provincial chapter of Provence was apparently incorrigible. The general chapter took the matter in hand, and declared that the appointment of these thirty-six extra and unnecessary preachers-general was null and void.¹⁰ The provincial chapter of Provence regarded this rebuke from the general chapter sufficiently to refrain from appointing any more preachers-general in the same year. However, by 1286 it was practically forgotten, and at the chapter in this year they appointed fourteen more preachers-general, three of whom were amongst those appointed in 1283 and 1284, and

1. *M.O.P.H.*, iii, 103. 2. *M.O.P.H.*, iii, 214.

3. *M.O.P.H.*, iii, 221. 4. See Appendix iv.

5. Taking the number appointed during the last ten years, 1273-1282, as a rough estimate of those who might have been present, there would have been between eighty and ninety. See Appendix viii.

6. Douais, 250, 261. 7. See Appendix v. 8. Douais, 260.

9. Douais, 278. 10. *M.O.P.H.*, iii, 230.

dismissed by the general chapter.¹ By 1287 the gravity of the general chapter's rebuke had been brought home to the provincial chapter, probably by representations made to them by the new Master-General, Munio of Zamora, and that body not only refrained from appointing any new preachers-general but ordained, on account of the immoderate multitude of preachers-general, for which the province was notorious, that no more preachers-general should be appointed during the two following years, and this no matter how suitable the candidates offered might appear.² This ordinance, they stated, had the approbation of the late general chapter. There is, however, no trace in the *acta* of the general chapter of 1287 of any ruling on this matter. This command was obeyed during the years 1287 and 1288. In 1289 at the end of the two years the provincial chapter appointed fifteen preachers-general. This problem of the excessive number of preachers-general was solved in 1327. In that year the general chapter of Perpignan obtained for certain of its "admonitions" the force of "confirmations" through the authority of the Pope.³ It commanded that these "admonitions" should be written in full at the end of the book of the *constitutiones*.⁴ One of them laid it down that the number of preachers-general in any province was not to exceed the number of houses in the province.⁵ If, however, some of the preachers-general were so old or ill that they could not come to the chapter others might be appointed in their place. This ordinance evidently presupposed two facts; first that in spite of Humbert's exhortation to the contrary, the preachers-general were coming to represent their convents at the provincial chapter, the other that the appointment of a preacher-general was for life.⁶

The question of the duration of a preacher-general's appointment is somewhat complicated for the thirteenth century by the procedure of the provincial chapter of Pro-

1. Notably P. de Lamanone,* Bernard of Jusix, Pontius Fulconis.* See Appendix viii.

2. Douais, 310.

3. *M.O.P.H.*, iv, 170.

4. The *constitutiones* of 1360 as found in Add. MS. 23,935, lack these admonitions. (See Appendix ii.) This may be accounted for by the fact that the end of the *constitutiones* is on the last folio of the book. The admonitions are printed at the end of the *constitutiones* as used to-day. (612-616.)

5. *M.O.P.H.*, iv, 169.

6. *M.O.P.H.*, iv, 188.

vence.¹ To-day a preacher-general is appointed for life. The reasonable and normal procedure is that such an office should be so held. The fact that the general chapter of 1327 regarded the office as one which might be held by a very old and infirm man, seems to show that this was also the case in the middle ages. The records of the provincial chapters of Rome and Spain fit in with this theory. In the *acta* of the province of Provence in the latter half of the thirteenth century there are, however, several examples of preachers-general being appointed more than once. If the office was held for life, this would, of course, be unnecessary. A man, once appointed, would never need re-appointment. There were altogether thirty cases of preachers-general who were re-appointed, two of them three times, six of them twice, and the rest once, making in all forty-one re-appointments. This list would seem to be a formidable argument against the theory that the office was held for life, but if the intervention of the general chapter is taken into account, many of the difficulties vanish. The absolution of the general chapter of 1283 of the preachers-general appointed in 1281 and 1282 accounts for all re-appointments of men originally made preacher-general in either of these years. The same holds good of the action of the general chapter of 1285 with regard to the appointments of 1283 and 1284. This completely explains twenty-two, or over half of those re-appointments. The general chapter of 1287 obliged the provincial chapter to undertake not to appoint any more preachers-general for two years. It may very well be that they also absolved all the preachers-general appointed in 1285 and 1286. This would have been in accordance with their former practice. If this is the case, four more re-appointments are accounted for. It is true that this still leaves fifteen, but it is not unreasonable to claim that either there was another general absolution by the general chapter of which no trace has remained, or that the individual friars merited dismissal. In one case this is known to be so. Arnold of Prato was appointed preacher-general in 1274. In 1294 the general chapter ordered him to be punished. It is not specifically stated, but no doubt the first penalty he underwent was to be deprived of his office.

1. See Appendix viii.

By 1295 he was evidently penitent, for in that year the Provençal provincial chapter re-appointed him. Thus the action of the chapter of Provence, though it is frankly regarded as a difficulty, cannot be held to outweigh the other evidence, which goes to show that the office of preacher-general was held for life.

CHAPTER IV.

ORIGIN AND DEVELOPMENT.

Having passed briefly in review the monastic constitutions, which preceded that of the Order of Friars Preachers, and having examined in some detail the governmental machinery of that Order, it is now possible to attempt an answer to the two questions asked at the outset, namely, how much of the *constitutiones* as drawn up by St. Dominic were original, and how much was borrowed, and secondly whether within the period 1228-1360 there was any change or development and, if so, in what direction?

As has been shown elsewhere, the Dominican *constitutiones* were based on those of Prémontré. Whole sections were copied word for word. But, while in one sense they were so very much alike, in another there was all the difference in the world. In the institutions of Prémontré the regulations with regard to the chapter and other constitutional matters only occupy a small place. By far the greater part of the institutions were taken up with minute regulations of the daily life of the canons and of the officers. Every moment was to be occupied. The manner of getting up, of going to bed, of eating, of working, of going out to and coming back from work, of reading and of praying, were each described with meticulous care. The institutions of Prémontré having borrowed largely from monastic constitutions and books of observances, regulated the lives of the canons as if they were monks. Moreover, the object of these institutions seems to have been what may be called a self-regarding rather than an other-regarding one. These rules were to help the canons of Prémontré to be holy men. St. Dominic wanted his friars to convert heretics. With this desire in his mind and that of his followers, the *constitutiones* of 1228 were drawn up. They are the institutions of Prémontré transformed. Everything became automatically subservient to this

one object. The friars were to preach, and in order to preach they were to study.

The alterations that this changed point of view brought about were many. In the first place the object was clearly to leave as much time as possible in each day free for study, rather than to fill up each moment.¹ The office was to be said quickly.² There was no mention of manual work.³ St. Dominic did not believe in wasting his highly trained friars' time on the necessary domestic work. Consequently he borrowed from other orders the system of having a sufficient number of *conversi* or lay-brothers in every house to do all the household duties.⁴ Nothing was said about a special time for reading. It is interesting to note that St. Norbert contrasted work and reading.⁵ This contrast was not perpetuated by St. Dominic. St. Dominic added a great deal on the subject of study and about preaching.⁶ The prior could arrange that the daily chapter should not be held if it interfered with study.⁷ Likewise the head of the house could dispense any of the friars from the observance of any particular rule, if he considered it was necessary for his studies.⁸ Students, that is, those who were sent to recognized schools, were highly favoured in this way.⁹ Even fasts could be broken if they interfered with a friar's work.¹⁰ For instance, friars on a journey during the long fast stretching from autumn until Easter, when only one meal a day was allowed, could eat two meals.¹¹

It must be recognized, however, that there were certain important features in the daily life of Prémontré which St. Dominic retained. For example, the Friars Preachers copied the Premonstratensian chapter of faults.¹² They each had two meals in summer¹³ and one in winter¹⁴ but in both cases the

1. Cf. Martène, 326. 2. *A.L.K.G.*, i, 212. 3. Cf. Martène, 326.

4. *A.L.K.G.*, i, 226. Later there were *servientes* as well, e.g., Henry III, in May, 1266, granted to the Friars Preachers of Northampton safe conducts for their men and servants (*homines et servientes*), carrying timber, etc. Pat. 50. Hen. III, m.15.

5. Martène, 326-327. 6. *A.L.K.G.*, i, 194. 7. *Ib.*, 196.

8. *Ib.*, 194. 9. *Ib.*, 223. 10. *Ib.*, 198. 11. *Ib.*, 198.

12. Cf. Martène, 325, Cap. iv, and *A.L.K.G.*, i, 196

13. Cf. Martène, 326, Cap. v, and *A.L.K.G.*, i, 197

14. Cf. Martène, 326, Cap. vi, and *A.L.K.G.*, i, 198.

prior could, if he wished, increase the number of meals.¹ Neither community eat meat.² Such matters as the ringing of the bell,³ and the washing of hands before meals,⁴ the procedure for drinking out of hours,⁵ the rule that both the canon and the friar had to sleep fully clothed,⁶ that no boy was to be received under eighteen years of age,⁷ were very much the same for both. The two penal codes were almost identical.⁸

When the systems of government of the two Orders are compared, the advance made by St. Dominic is seen in true proportion. His method of government marks a revolution in the world of monastic constitutions. In the first place the Friars Preachers were a centralized Order with a single head. Each friar lived in a house of Friars Preachers, but he did not belong to that house, in the sense that he could not be moved from house to house, from province to province.⁹ This characteristic of the Order is seen in the form of the profession. "I, N. make my profession and promise obedience to God and the Blessed Mary and to thee N. master of the Order of Preachers and to thy successors, according to the rule of the Blessed Augustine and the institutions of the Friars of the Order of Preachers, and I promise that I will be obedient to thee and thy successors even unto death."¹⁰ If it was not the master himself but some prior who was receiving the novice, the latter specifically stated that he promised obedience to the prior *vice N. magistri ordinis predicatorum*.¹¹ Thus the Order of Friars Preachers was an army with a G.H.Q., which was itself not fixed. They could be used wherever they were most needed. As a recruiting force for the Church they were infinitely more useful in being mobile. Not everyone, however, was to be allowed to enlist. There were several classes of persons who had to obtain special permission,¹² and even

1. Cf. Martène, 335, Cap. xii, and *A.L.K.G.*, i, 199.

2. Cf. Martène, 335, Cap. xii, and *A.L.K.G.*, i, 199.

3. Cf. Martène, 327, Cap. x, and *A.L.K.G.*, i, 198.

4. Cf. Martène, 327, Cap. x, and *A.L.K.G.*, i, 198.

5. Cf. Martène, 327, Cap. xii, and *A.L.K.G.*, i, 199.

6. Cf. Martène, 327, Cap. xiv, and *A.L.K.G.*, i, 200.

7. Cf. Martène, 334, Cap. iii, and *A.L.K.G.*, i, 202.

8. Cf. Martène, 332-333, and *A.L.K.G.*, i, 205-212.

9. See p. 52. 10. *A.L.K.G.*, i, 202.

11. *Ib.*, i, 203. 12. *A.L.K.G.*, i, 202.

the ordinary man had to undergo a searching examination¹ before he was allowed to join up.²

The newly received friar would have found that the attitude of the Order towards its officers was different from that in any other Order. In a Premonstratensian house there were many regulations about bowing to the abbot as he entered the church for Matins and at other times. St. Dominic did not even command that the friars should bow to the master-general. This change of outward attitude from the subservient to the upright is indicative of a far more radical change. The executive officers of the Order of Friars Preachers were elected by their respective chapters, the master-general by the general chapter, the provincial prior by the provincial chapter, and the conventual prior by the conventual chapter. This was only extending the system of election which had been known in many other Orders. What is new is that St. Dominic made these officers responsible to their constituents. The chapters, not the officers, were supreme.

St. Dominic ordained that there should be three chapters in his Order, general, provincial and conventual. The general chapter, which was to be supreme, was to be composed for two years running of elected members, one from each province, and in the third of the provincial priors. The general chapter could change the *constitutiones* by passing an ordinance to that effect through three successive general chapters. That the members of the chapter were elected, that the elected members alternated with the official members, and that all legislation required three readings, were all novelties of the first importance.

Furthermore, St. Dominic divided his Order into provinces for governmental purposes. The Order of Prémontré was divided into provinces for the sake of the annual visitation, and the Hospitallers had divisions called priories and grand-commanderies. St. Dominic entirely remodelled the province and the provincial chapter. He showed his grasp of the difficulties of governing by means of large assemblies, by

1. *A.L.K.G.*, i, 202.

2. This rule was laxly administered in the thirteenth and fourteenth centuries.

instituting the small committee of four *diffinitores* elected by the whole chapter, who did most of the work. The conventual chapter was so closely modelled on the corresponding body in other Orders as to require no comment. As has already been pointed out, the Order of Prémontré was divided into provinces for the annual visitation. The visitors reported to the general chapter. In the Order of Preachers the visitors were appointed by and reported to the provincial chapter. Each province was responsible for its own discipline.

No account of St. Dominic's work in founding the Order of Preachers is complete without some mention of his adoption of absolute and voluntary poverty. Many Dominican writers have sought to prove that this conception was as original with St. Dominic as with St. Francis. This is almost certainly an error. Moreover, in saying so they distort the saint's character. As has been shown above, the Pope confirmed the Order in 1216, as an Order of Canons Regular holding property. In the first general chapter of 1220 the property was surrendered and the poverty embraced. This was clearly due to the influence on the minds of St. Dominic's followers of the great advance made by the Friars Minor during these years.¹ Though the Friars Preachers copied the Friars Minor in this respect, their attitude to the matter was not the same. With St. Francis the wedding of the Lady Poverty was an object in itself. St. Dominic consented to the surrender of temporal goods only because he thought it would make his followers more free to study and to preach. If he had reached the conception that wealth, when properly used, is a liberator, not a tyrant, he would have refused to consent to this change.

St. Dominic borrowed the idea of poverty, but he borrowed nothing else from St. Francis. St. Francis' first Rule drawn up in 1220 "was extremely simple, and was composed especially of passages from the Gospel."² His second Rule, drawn up in 1221, and his third in 1223,³ were composed after the Dominican general chapter of 1220 had put its seal to a version of the *constitutiones* which, with certain changes, is

1. There is a legend that St. Dominic and some of his followers were present at the general chapter of the Franciscans in June, 1218. Sabatier, 218.

2. *Ib.*, 89.

3. *Ib.*, 252.

that which is printed as the version of 1228. Moreover, while organisation was as the very breath to St. Dominic's nostrils, we know that St. Francis feared any conventionalizing of his work, and was driven to it against his will. It is improbable that St. Dominic, the legislator, would seek help in drawing up *constitutiones* from St. Francis, the poet, the author of the Canticle of the Sun. Both these men knew what was best for their work. Their objects were very different. In both cases they were driven against their better judgments to imitate the other, St. Dominic to adopt poverty, St. Francis to draw up a Rule. In both cases these actions led to great difficulties. It is unfortunate for both the Friars Minor and the Friars Preachers that these two great Orders were always classed together. They were and are very different from one another. Both suffer from comparison.

It may seem to some that to call the *constitutiones* of 1228 St. Dominic's work is an anachronism. The *constitutiones* of 1228 were collected, written down in one volume, and authorized by the *generalissimum* chapter of 1228, seven years after St. Dominic's death. Further, as Father Denifle¹ has pointed out, this version of the *constitutiones* exists only in one manuscript. This is due no doubt to the fact that it was authoritative for such a short time. The manuscript, written evidently later than 1236, includes some of the alterations made by the general chapters up to that year. Thus a double veil hides the veritable and undisputed word of the founder from us. Nevertheless it is held that the statement is justified. In the first place there is every reason to suppose that St. Dominic did himself draw up the first distinction. Secondly, he presided over the chapter of 1220, which is said to have confirmed the second distinction.² Finally, whatever changes were made before 1228, and even before 1236, were made by men who had known St. Dominic personally, who had talked

1. *A.L.K.G.*, i, 167.

2. Friar Francis Pippin of Bologna (1322) stated that Pope Honorius III approved the *constitutiones* of the Order of Preachers in the third year of his pontificate. (1218-1219.) (*Parva Legenda S. Dominici*, published in the *Analecta Ordinis Predicatorum*, Maio-Augusti, 1921, 197.) If this is true it bears out the theory that the 1228 version was St. Dominic's work. This statement, however, is unconfirmed by any other writer. I am indebted to Father Bede Jarrett, O.P., for drawing my attention to this story.

over with him these and similar questions, and whose first object was to find out and do his will. This version of the *constitutiones*, therefore, was composed under his immediate influence and can justly be called his work. They introduced many novelties. They were suited for the purpose for which the Order was founded, but they were by no means perfect. For example, the arrangement of the version of 1228 leaves a great deal to be desired, and there were several points, such as the appointment of a vicar when the master-general died, which were muddled and unsatisfactory. St. Dominic left his followers power to change the *constitutiones* if need arose. They availed themselves of this inheritance and the version of the *constitutiones* of 1256 is different from that of 1228, and that of 1360 still more different. It is important to grasp at the outset that the main lines of the life and government, as laid down by St. Dominic, remained the same. As in the case of some of the frescoes in the Florentine churches, it is said that the master came and sketched in the outline of the picture, leaving it to his followers, pupils taught in his school, to do the detailed work, so St. Dominic, using a large brush, made his conception clear and complete but merely in outline. The painter's followers had room for their own initiative in the details, the little flowers and the dress, but they would not have dared to alter the grouping. So St. Dominic's followers merely filled in and elaborated his conception.

The difference between the version of 1256 and that of 1228 is threefold. In the first place the *constitutiones* were re-arranged. This codification was Raymond of Peñaforte's work. Raymond of Peñaforte¹ was master-general of the Order for two years (1238-1240). At the moment of his election he had retired to the house of the Friars Preachers at Barcelona to rest after a long and strenuous life. He was one of the first lawyers of his day. Before joining the Order he had taught civil and ecclesiastical law at the university of Bologna,² which throughout the Middle Ages was the home *par excellence* of legal studies.³ Later, when he had become a

1. *M.O.P.H.*, vi, Part i, ix and x. 2. Mortier, i, 250.

3. He taught at Bologna for about three years, but he taught both before and after this at Barcelona.

friar, Gregory IX made him penitentiary,¹ and chaplain,¹ and appointed him his confessor. While he was at the Curia he had, at the Pope's command, composed a *Summa de Casibus*, and had collated and edited the Decretals. It is not surprising then that when, as master-general, he came to administer the *constitutiones* of the Order his first care was to re-arrange them. Gerard de Fracheto* said of him, *Per eius industriam constitutiones nostre redacte sunt ad formam debitam sub certis distinctionibus et titulis, in qua sunt hodie que sub multa confusione ante habebantur.*²

The *constitutiones*, as they were handed to Raymond on his assumption of office, were divided into sixty-two sections; twenty-five in the first distinction and thirty-seven in the second. These sections were merely misleading, for regulations on one subject were divided into various sections, while one section was often composed of several paragraphs which had no connection the one with the other. Moreover, except that the first distinction was composed chiefly of those sections which deal with the daily life, while the second consisted of those parts which described the system of government, the sections were arranged in no order amongst themselves. Sections dealing with the general chapter, for example, were scattered throughout the second distinction. What was called the thirty-sixth section of the second distinction is typical of the whole. It had no heading, and was composed of disjointed sentences on various topics having no relation to one another. This lack of method of arrangement was due to the manner in which the version of 1228 had been composed. There was, therefore, plenty of scope for the work of a legal mind such as Raymond of Peñaforte's.

It was not in the master-general's power, even if it had been his wish, to alter one word of the *constitutiones* without the sanction of three successive general chapters. Hence all that Raymond attempted was a re-arrangement.³ He reduced the number of sections to thirty-five in all, twenty in the first distinction and fifteen in the second. Each section had a

1. Mortier, i, 275, where the significance of these titles is explained.

2. *M.O.P.H.*, vi, Part i, 3.

3. Raymond drew up a table of contents. *A.L.K.G.*, v, 534.

heading which gave a true idea of its contents. The long introductions to the *constitutiones* of 1228, which narrated how they had been composed, were removed thence and incorporated with some regulations in a new section called *De capitulo generalissimo*. The regulations with regard to the daily chapter which in the version of 1228 had come in the first distinction, merely because the chapter was part of the daily routine of a convent, were removed to the second distinction, where they logically belonged.

The first distinction, as arranged by Raymond, falls into four parts. The first three sections were concerned with spiritual matters, the office of the church, the ritual, and prayers for the dead. Secondly, all the regulations with regard to the daily life were collected together. Fasts, food, the evening meal, the sick; blood-letting, beds, clothes, shaving, and silence, are the headings of these sections. Next the problems with regard to a new member of the Order were described; the manner of joining the Order; the life to be led by a novice, and, finally, the ceremony of making his profession. The first distinction was finished off with the penal code.

The second distinction likewise can logically be divided into four parts. The first consists of one section only and gives the regulations with regard to the founding of new houses. Next Raymond put together all the rules dealing with the election of the administrative officers, conventual prior, provincial prior and master-general, and also of the *diffinitores* of the provincial and general chapters. Following this come the regulations for the chapters, the daily chapter, the provincial chapter, the general chapter, the *generalissimum* chapter, and a description of the formal procedure of a meeting of a chapter. Finally, Raymond placed in a group the sections describing the rights, powers and duties of a number of classes of people in the Order; of visitors, of preachers, of friars when out of the house, of students, and of lay-brothers. Each section included only the regulations in the *constitutiones* which were to do with the subject of the heading, but it included all those regulations. This re-arrangement must have made a vast difference to the usefulness to any adminis-

trative officer, such as the provincial prior or the visitor, of his copy of the *constitutiones*.

A comparison of the versions of 1228 and 1260 shows that the alterations made by the general chapter were many and various. The *diffinitores* of these thirty years would seem to have been mainly preoccupied with two questions, namely, to make and keep the daily life austere, that is to regulate all matters connected with it which St. Dominic had left vague, and secondly, to emphasize the importance in the Order of the provincial and general chapters. Silence was to be strictly observed. Friars who spoke were to confess their fault in the chapter of faults and the penalties they were to receive were prescribed. At a meal the senior person present could speak and could licence one friar to speak with him. Certain powerful persons could give the friars leave to speak at other times.¹ The food was more strictly regulated. More fast days were added.² No friar was to have a meal in any town where there was a house of Friars Preachers.³ There were only to be two places in the house where an invalid could eat.⁴ There was to be no laxity in dress. Dress was added to the list of subjects about which the visitor had to enquire.⁵ The friar's habit was of importance as a symbol. The formula for blessing novices' habits showed this aspect of it.⁶ There was to be simplicity even in priestly clothes. Only the weekly priest was to wear a silken cope.⁷ The friars were all to sleep together. Only the master-general could, if the accommodation of the house allowed it, have a room to himself.⁸ A *lector* might have a separate room, if the prior thought it would help his work.⁹ Further, such regulations as that no house was to have more than one bell,¹⁰ and the heavier penalty imposed on any friar who carried money or had it carried for him,¹¹ show how simple the life the general chapter wished to impose on the friars. By 1260 the daily life was as fully regulated as was desirable. After this the general chapter turned its attention to other things. The version of 1260 then

1. *A.L.K.G.*, v, 541. 2. *Ib.*, v 538. 3. *Ib.*, v, 539.

4. *Ib.*, v, 537.

5. *Ib.*, v, 560.

6. *Ib.*, v, 544.

7. *Ib.*, v, 536. This interpretation is doubtful.

8. *Ib.*, v, 540. No friar was to ask for a mattress.

9. *Ib.*, v, 540.

10. *Ib.*, v, 536.

11. *Ib.*, v, 546.

marks the complete development of the series of domestic regulations.

There are numerous additions in the version of 1260 concerning the chapters, especially the provincial chapters. The changes are the outward sign of a great struggle in the Order which continued, it would seem, up to the very end of this period. St. Dominic had made the provincial and general chapters supreme. The provincial priors and the master-general were their agents and were responsible to them. The example of autocracy and oligarchy in other religious Orders, combined with the ambition of various individual officers, would have tended to make St. Dominic's quasi-democratic regulations irksome. Throughout this period the general chapter fought tooth and nail to retain its hold over the higher officers. Up to 1260 it did this in three ways. It confirmed St. Dominic's system of legislation. It regulated very carefully the membership of the general and provincial chapters, and finally it attacked the root of the matter, and made rule after rule to limit the power of the master-general and the provincial prior.

St. Dominic had introduced the system of three readings. The 1260 version of the *constitutiones* reiterated that no statute was to hold good unless it had been passed three times¹ and added that no house could be transferred from one province to another unless the transfer was confirmed by three general chapters.² No interpretation of the *constitutiones*, or "declaration" as it was called, was to have the force of law unless it had been passed three times.³ Regulations were introduced controlling the *generalissimum* chapter.⁴ The *acta* were the records of the provincial and general chapters. The master-general and the provincial prior were on no account to alter them.⁵ An infringement of the *constitutiones* did not constitute a sin.⁶

The version of 1260 introduced many detailed rules for the composition of the conventual, provincial and general chapters. For example. friars did not gain the right to be a member of the chapter, which elected the conventual prior, until two years after their profession.⁷ Absentee voting was not

1. *A.L.K.G.*, v, 558

2. *Ib.*, v, 540.

3. *Ib.*, v, 534.

4. *Ib.*, v, 559.

5. *Ib.*, v, 558.

6. *Ib.*, v, 534.

7. *Ib.*, v, 550, see p. 45.

allowed; only those present had the right to vote.¹ This applied also to the election of the master-general.² The conventual prior had to be elected by at least fifty per cent. of those present.³ A friar was not to be a member of the chapter of his convent which drew up the *tractatum*, the report sent to the provincial chapter, until three years after his profession.⁴ In the case where a legislative provincial chapter immediately followed an electoral one, one of the two electors, who would have accompanied the conventual prior to the former meeting, was to act as his *socius* at the latter.⁵ If the Order was without a master-general at the moment of a provincial's election, the three senior friars amongst the electors were to act as master and confirm him.⁶ In the legislative provincial chapter, when the names of the four *diffinitores* were read out, the names of those who elected them were also to be announced.⁷ It was the members of the general chapter, however, who were the most important people. No province was to elect the same man two years running.⁸ If the general chapter was not held owing to the death of the master, there was to be a fresh election of the province's representative in the provincial chapter in the following year.⁹ If the *socius* of the *diffinitor* fell ill on his way to the chapter, the next convent reached by the *diffinitor* was to provide him with another companion.¹⁰ It is clear from this collection of detailed regulations that it was the general chapter's object to prevent any dispute as to who was or who was not rightfully a member of the chapter. Such discussions would have weakened the chapter's power.

This power, which was so jealously guarded, was only rivalled by that of the executive officers, the provincial prior and the master-general. St. Dominic had made the officers answerable to the chapters, and had ordained that they were to be elected by them. The general chapters between 1228 and 1260 drove home this doctrine in a variety of ways. Neither the master-general nor the provincial prior could found a new house. This could only be done through the agency of the

1. Add. MS. 23,935, f. 77v. 2. *A.L.K.G.*, v, 552. 3. *Ib.*, v, 550.
 4. *Ib.*, v, 555. 5. Added in the margin. Add. MS. 23,935, f. 78.
 6. *A.L.K.G.*, v, 551. 7. *Ib.*, v, 553. 8. *Ib.*, v, 554.
 9. *Ib.*, v, 553. 10. *Ib.*, v, 554.

general and provincial chapters.¹ Again, the visitors reported, not to the provincial or master, but to the chapter by which they were appointed.² The master-general could not receive the care of a house of nuns, unless the proceeding was legalized by three general chapters. The provincial prior could not even choose his own companion to go with him to the general chapter; he was elected by the provincial chapter.³ The crux of the matter lay in the fact that the provincial chapter could depose a conventual prior, and the general chapter a provincial prior and the master-general. The general chapter was to hold a chapter of faults for the master-general. He was to stand and make his confession.⁴ The *diffinitores* were warned to refuse to allow a good master-general to retire.⁵ This ordinance was the result of the action of the chapter of 1240, which created a *furor* in the Order by allowing Raymond of Peñaforte to resign. They could, however, admonish and, if need be, depose a bad master.⁶ Even the master general, then, the head of the whole Order, was no irresponsible agent.

This struggle was not over by 1260. In fact, that the *constitutiones* were included in the copy of Humbert's revised liturgy in 1260, which continued to be used until the end of this period and after, was, as far as the *constitutiones* themselves were concerned, merely a fortuitous event. It marks no milestone in the constitutional development. It is to be expected, therefore, that the same type of change which was taking place before would continue to do so afterwards. This proves to be the case. The general chapter's struggle to establish a real supremacy for itself and the provincial chapter over the master-general and the provincial prior went on, but the battle ground changed. It is true that the general chapter continued to pass detailed regulations defining the composition of the electoral general, and provincial chapters, but it also sought to control the executive officers by other means. It mentioned a host of acts for which it was necessary to obtain a licence. In almost every case the licence could be obtained from an executive officer *or* a chapter. Secondly, the general

1. *A.L.K.G.*, v. 549. 2. *Ib.*, v. 560. 3. *Ib.*, v. 557.
4. *Ib.*, v. 556. 5. *Ib.*, v. 556. 6. *Ib.*, v. 556.

chapter regulated in great detail the appointment of vicars for the master-general or for the provincial. In doubtful cases the matter was to be referred to the chapter. Lastly the system of scrutiny was introduced. Hitherto the general chapter may be said to have ridden the executive officers on the snaffle alone. Henceforth the curb was added.

The general chapters of these years passed several regulations concerning the conventual and provincial chapters. For instance, a friar was not to be a member of the body which elected the electors of the provincial prior, nor was he to take part in the discussions as to what reports were to be sent to the provincial chapter unless he had a vote for the conventual prior.¹ The votes in the conventual chapter were to be counted by the sub-prior or his deputy and the two senior friars present.² The *scrutatores* of the provincial chapter, when voting for its representative to go to the general chapter, were settled. They were to be the provincial prior and the prior and sub-prior of the house in which it was being held.³ The version of 1360 spoke as if there were a day fixed for the election of the provincial prior.⁴ It is not quite clear what was meant by this. The friars chosen by the convents as electors of the provincial prior could act in that capacity a second time if a recount was necessary.⁵ If one of the electors or the prior's *socius* died before he set out for the chapter the convent could elect another to fill his place.⁶ If an electoral general chapter was held before the next meeting of the provincial chapter, the *diffinitor* and his *socius* were to act as electors.⁷ Finally, when a provincial was absolved he was to return to the house where he was at the moment when he was elected provincial.⁸

As the Order grew, more and more special cases arose which did not come within any known category. Consequently arrangements had to be made for them. Thus there were a number of situations in which it was necessary to obtain a special licence. The interesting fact about this procedure is that these licences could be obtained indifferently from the master-general or the general chapter, from the provincial prior or the provincial chapter. The chapters were

1, Appendix ii, 228, see p. 45. 2. *Ib.*, 227. 3. *Ib.*, 235. 4. *Ib.*, 230.
5. *Ib.*, 230, see p. 65. 6. *Ib.*, 231-232. 7. *Ib.*, 232-233. 8. *Ib.*, 231.

endeavouring to seize some of the administrative functions. The type of situation which required this special procedure arose if a religious of another Order desired to enter the Order of Preachers,¹ or if any friar wished to accept a bishopric or other ecclesiastical position outside the Order.² The exceptions to this rule that these licences could be granted by the chapter, as well as by the officer, are insignificant and are of the kind one would expect. For example, the question of giving permission to speak at table lay solely in the hands of the officer.³ An apostate from one house was not to be received in another house in the same province without the provincial's permission, nor in another province without the master's permission.⁴

The general chapter was determined, on the one hand, that there should be no confusion with regard to vicars during an interregnum, and, on the other, that in the last the decision was to rest with the chapter itself. Even the election of the conventual vicar was further regulated. The vicar was to be elected before the three senior brothers, whose duty it was to choose him, had either eaten or drunk.⁵ This effectively prevented delay. If these three were not unanimous, the decision of any two of them was to be binding.⁶ The provincial prior's vicar was not to have the power of appointing preachers-general. It was, however, in the vicar-general that these chapters were chiefly interested. A special arrangement was made for the election of a vicar to preside over the general chapter, if it so happened that the master-general was unable to be present.⁷ Detailed regulations were made for filling the gap when a master-general died.⁸ The provincial prior of the province, in which the next general chapter was to be held, was to take his place. There were one or two functions belonging to the master-general which he could not perform, such as the absolution of conventual priors of provinces other than his own, and the translation of friars from one province to another. The general chapter was as anxious to control the deputies as the officers themselves.

1. Appendix ii, 215. 2. *Ib.*, 248. See also p. 139. 3. *Ib.*, 213.
 4. *Ib.*, 224. See also 214. 5. *Ib.*, 228. 6. *Ib.*, 228.
 7. *Ib.*, 240. 8. *Ib.*, 232.

The innovation, which shows the keenness of the struggle, was the scrutiny.¹ This was to be applied both to the conventual and to the provincial prior. The conventual chapter, presided over by the sub-prior, was to draw up an entirely candid report on the conventual prior, which was sent by the hand of the prior's *socius* to the provincial chapter. The conventual prior himself never saw the report. The same thing was to be done by the provincial chapter about the provincial prior and was sent to the general chapter. This enabled the chapters to check, at the very outset, any signs of rebellion on the part of the officers. It was a chastening thought for any official, that those whom he was ruling were even then considering the wording of the report on his ability, to be sent to the assembly, which could depose him. There was no scrutiny for the master-general, but the general chapter ordained that he was to leave the room, when he had confessed his faults, so that the discussion about the penance to be imposed on him might be freer.²

That this constant hammering on the one note was not unnecessary can be shown by one illustration. The general chapter of Clermont in 1339 absolved in the normal way, without any comment at all, the provincial of England.³ The provincial was at this time Richard of Winkley, who was Edward III's confessor. Edward III took up the cudgels on Richard's behalf and wrote to the master-general, protesting at what he considered to be the provincial's deposition.⁴ One cannot imagine that this letter was written without the provincial's knowledge and approval. Richard evidently regarded his office, not as a burden which he was anxious to lay down, but as an honour which he wished to retain. He was master of the English province rather than the servant of the Order. It was this attitude and the insubordination which resulted from it, that the general chapter was doing its best to suppress.

Though there is no doubt that the master eventually did become an autocrat, and that the provincial priors came to regard local loyalty as more important than a conformity with

1. Appendix ii. 238.

2. *Ib.*, 241.

3. *M.O.P.H.*, iv, 254.

4. *Calendar of Close Rolls*, 1339-41, 467.

the general policy of the Order, this tendency was held in check by the general chapter down to the middle of the fourteenth century. Even after that, officialdom never quite assumed the gigantic proportions in the Order of Preachers that it did in other Orders.

plus iusto forte corrigitis. q̄nta bñi uolūta diligati.
 Non aū carnal' s̄i spūal' inē uos debet de dīno. p̄p̄o
 suo tanquā iuri obediat: m̄to magis p̄b̄s q̄ om̄iū
 ur̄m curā gerit. Et ergo cuncta ista seruatur: si quid
 seruati min' fuerit non negligat' p̄teratur: si ut em̄
 dandū corrigendūq̄ autur: ad p̄senti p̄p̄ue p̄tine
 bit: ut ad p̄b̄m cuius apud uos est maior auctoritas
 referat qd̄ modū ut uos et' excedit. Ip̄e uō qui uos
 p̄est: n̄ se exstatet potestate dñante. s̄i caritate ser
 uiente felice. honore corā uob' stat' sic uob'. timore
 corā deo s̄bstatu sit p̄edib' ur̄s. Curā om̄s: scriptū
 bonoy op̄erū p̄beat creplū. s̄i occupat inq̄etos. gl̄ole
 tur pusillanimes: si sapiat infirmos: p̄tenti sit
 ad om̄s. Disruptā libens habeat: metuendus im
 p̄onat. Et q̄uis utrunq̄ sit nōum: tam plus ama

ri a uob' appetat qua timet. Temp' cogitans deo se p̄
 uos reddi turū esse rōnam. Vñ uos magis obediē
 to. nō solum ur̄ s̄i i ipsius misere mini: qui inē uos
 quanto in loco superiore. tanto in p̄nculo maiore uer
 satur: donec dñs ut obsecratis hec om̄ia tanquā
 spūalis pulchritudinis amatores. et bono xpi edo
 re de boni gūlatione fr̄gantes: n̄ sicut seruū sub le
 ge. s̄i sicut liberi sub gr̄a ḡstati. Vñ aū uos in libel
 lo h̄e tanq̄: in spūalo p̄senti uos insp̄are. ne p̄ obliu
 onē aliquid negligatur: semel in septimana uob' le
 ganur. Et ubi uos inuenieritis ea q̄ scripta s̄t fanen
 tes: agite gr̄as dño bonoy om̄iū in laip̄ion. Vñ
 aū sibi quinq̄ ur̄m uidet aliquid deesse: dolere de
 p̄tento. caueat de futuro: oras ut sibi debiti dimit
 tat: in p̄tationē si inducat. Explic' reglā bi aug' ep̄i.

U qui legunt constitutio
 nes in conuenti. legant in
 breuas siue titulos singul
 caplis prenotatos. et nūc
 caploy: hec mōdo. Distinct
 p̄ma. de officio carē: p̄mū ca
 pitulū: de inclinationib'.
 s̄dm caplm: Et sic in ceteris
 hec aut rubrica non ser
 uatur: nisi in margine.



Pincipiunt constitutio
 nes in conuenti. legant in
 breuas siue titulos singul
 caplis prenotatos. et nūc
 caploy: hec mōdo. Distinct
 p̄ma. de officio carē: p̄mū ca
 pitulū: de inclinationib'.
 s̄dm caplm: Et sic in ceteris
 hec aut rubrica non ser
 uatur: nisi in margine.
 Inapunt constitutio
 nes in conuenti. legant in
 breuas siue titulos singul
 caplis prenotatos. et nūc
 caploy: hec mōdo. Distinct
 p̄ma. de officio carē: p̄mū ca
 pitulū: de inclinationib'.
 s̄dm caplm: Et sic in ceteris
 hec aut rubrica non ser
 uatur: nisi in margine.
 p̄fessione uoto uinimus. uniformes
 in obseruantiis canonice religionis in
 ueniatur: quā n̄ unicuiq̄ q̄ in ueris
 seruanda ē in cordib'. foueat et replen
 tet uniformitas exercitijs seruata i mo
 rib'. Ad p̄fecto eo p̄p̄erit et plenū p̄t̄
 obseruatiō: si ea q̄ agenda s̄t scripto fue
 rit commendata: si om̄ib': quālibet sit vi
 uendū. scriptura teste innotescat: si
 mutare. ut addere. ut minuere. nulli
 q̄q̄: p̄a uolūta te liceat: ne si minima
 negligem'. paulatī defluam'. Ad hec
 t̄m p̄relatis in conuenti suo discretin
 dum fr̄atib' habeat p̄tatem. cū sibi
 aliq̄ uidetur expedire: in se sapie
 q̄ studium ul' p̄dicationē ul' aliarū fru
 ctum uidebuntur impedire: cum eod' n̄
 p̄tali ob p̄dicationē et alium salutē
 ab initio notatur institutis fuisse: et
 studiu nr̄m ad hoc debeat p̄ncipalē
 intendere. ut p̄moy alib' uolimus
 utiles esse. In otis etiam utantur di
 le. sp̄sationib': sicut alii fr̄s. Vt ergo
 un itati: p̄a totius ordinis p̄ntem.
 uolum' et declaramus ut obseruaciones
 n̄e non obligent uos ad nul p̄a. s̄i ad p̄
 nā: nisi p̄p̄e p̄ceptū ul' p̄ceptum. Et ut
 multitudo obseruatiōnū uideat: p̄hibe
 mus ne decreto aliq̄ statuatur: nisi p̄
 duo capitula p̄nna fuerit approbatū.
 Et in tertio caplo immediate sequente
 p̄tenti ḡstari ul' delecti: siue p̄ p̄moy
 p̄nnaales. siue p̄ alios distinctores. u
 triaq̄ illud eam caplm celebratur.
 Interpretationes regule ul' obseruatiōnū
 facte a ḡnali caplo. n̄ h̄nt uim obseruati
 onis: nisi p̄ p̄a capitula approbentur.
 libnū aut' ubi diligenter con scriptum.
 in quo duas distinctiones annotauim'.
 Simy distinctio: p̄net uiginti ca
 pitula. Pr̄mū de officio carē: ad
 de inclinationib': s̄dm de suffraganis

meritorū: Quam de ieiunijs: a p̄mū
 de abo: s̄dm de collatione: Septimū de
 infirmis: octauū de munitione: nonū
 de lectis: Decimū de uictu: undecimū
 de misera: duodecimū de silentio: Terc
 undecimū de recipiendis: Quarta dec
 imū de nouitijs et eoz instructiōne: An
 tu decimū de p̄fessione. Secunda decimū
 de leui culpa: Tercia decimū de gra u
 culpa: Quarta decimū de gra uon' et p̄a.
 Decimū nonū de gra uissima culpa: et
 de. octimū de apostatis. Secunda distin
 ctio: p̄net quindē capitla. Pr̄mū de do
 mibi ḡcedendis ul' obseruendis: Ad: de
 electione unonis ḡuenat: et instructiōne
 sup̄p̄onis: Tercia de electione p̄ns pro
 uincat: Quarta de electione magi: An
 nū de electione distinctoy capli p̄nnaat
 et ḡal: Sextū de caplo cotidiano: Sept
 imū de caplo p̄nnaali: Octauū de caplo
 ḡnali: Nonū de sollempni celebratione
 capli: Decimū de caplo ḡnali sumo:
 undecimū de iustitatorib': duodecimū
 de p̄dicatorib': Tercia decimū de iane
 rantib': Quarta decimū de studentib':
 de. octimū de conuatijs. Distin
 ctio p̄ma. de officio carē: p̄mū caplm:
 ubi to p̄mo signo sup̄nat fa
 ctis: dicendo matutinas de de
 ara uigine p̄ ep̄o. Secunda
 nas aut' et missa et om̄e hora
 canonicis siml' audiant fr̄s nr̄: nisi ai
 aliquib' p̄tatis alie dispensat' uoluerit.
 h̄nt om̄s in cetera breuiter et succinco ta
 lit' dicantur: ne fr̄s deuotiōnē amitt
 tant: et eoz studiu minime impediāt.
 Ad ita dicamus esse faciendū: ut in me
 dio uersus metry cū paula senescat: q̄
 p̄taliendo uocē in paula ul' in fine a
 sus: s̄i sicut dictū est. breuiter et succinco
 tūmetur. H̄c t̄m magis et minus pro
 te. xpi obseruatur. Tempore quo his re
 ficiuntur fr̄s. legantur an' p̄lectorum
 in ecclā lecto: sicut s̄dm dicit: Et fr̄a
 p̄fessione: et dicit p̄lectorio: det qui p̄tenti
 b̄n dictionē: et ebdonarijs aqua asp
 get b̄n dicitam. Postea dicatur p̄a nr̄
 et t̄m in deum: qd̄ ead' debet fieri an te
 p̄mā. et an matutinas. Totum officiu

Iste constituciones fuerit scripte
 anno dñi millo et lxx. post
 caplm ḡnali illo anno in
 argemina celebratum.

le.

APPENDIX I.

A DESCRIPTION OF ADDITIONAL MANUSCRIPT 23,935 IN THE BRITISH MUSEUM.¹

The British Museum Additional Manuscript 23,935 is a Dominican service book.² In size it is a small folio, a page measures 10.4 inches by 7 inches. It is bound in skin with thong clasps. It is written in double columns on exceedingly fine vellum, which in many places is so transparent as to show the writing on the other side of the folio. The thinness of the vellum can be further illustrated by the fact that, although the book contains 579 folios, when shut up its depth is only 1.8 inches.

The book is made up of twenty-one parts :—³

- (1) Officium sacramenti altaris; followed by special services for St. Thomas Aquinas, St. Louis the confessor, the eleven thousand virgins, etc. f.3.
- (2) Lectiones de corpore Christi et de Sanctis. f.15.
- (3) Ordinarium. f.23.
- (4) Martyrologyum. f.47.
- (5) Lectiones evangeliorum legende cum Kalendis per totum annum. f.70v.
- (6) Regula beati Augustini episcopi. f.72v.
- (7) Constitutiones ordinis fratrum predicatorum. f.74v.
- (8) Kalendarium. f.81.
- (9) Libellus iste qui collectarius eo quod propter collectas sive orationes habendas in promptu principaliter scriptus est, vel quia in unum sunt in eo collecta que dicenda sunt a sacerdote extra officium misse f.83v.
- (10) Processionale. f.98v.

1. I have incorporated into this section parts of my note "An attracted script" in the *English Historical Review*. xxxvi, 420-422.

2. For a tabular analysis of the book see below, p. 201.

3. *British Museum, Catalogue of Additions* 1854-1860, 920.

- (11) Ordo responsoriorum et versiculorum ad horas et modus psaltendi (?) et intonationes. f.107.
- (12) Liber lectionarius ordinis fratrum predicatorum. f.141.
- (13) Antiphonarius. f.249.
- (14) Ymnarius. f.371.
- (15) Graduale. f.378.
- (16) Sequentia. f.435.
- (17) Pulpitarius. f.444.
- (18) Missale conventuale maioris altaris. f.480.
- (19) Epistole. f.526.
- (20) Evangelia. f.545,
- (21) Constitutiones. f.572.

The writing of parts 3 to 20 inclusive (*i.e.*, ff. 23-571) appears to be of one date; that of parts 1, 2 and 21 (ff. 3-22 and 572-579) of another.¹ It is possible to date both these divisions of the manuscript within a few years. Ff. 23-571 or A was probably written between the years 1255 and 1263. Ff. 3-22, 572-579 or B, between the years 1358 and 1363.

The dating of A is simplified by the fact that in the margin of f. 74v. is found the following inscription: *Iste constitutiones fuerunt scripte anno domino millesimo CCLX post capitulum generale illo anno in Argentina celebratum.*²

The fact that the series of the *acta* of the general chapters, complete from 1240 onwards as far as one can judge, have been preserved, makes it possible to date almost to a year any copy of the *constitutiones*. If the *confirmationes*³ of one year's chapter have had their effect on the version of the *constitutiones* in question, while those of the next have not, it may be confidently stated that that version was written between the two chapters. This test, when applied to the

1. *British Museum. Catalogue of Additions (op.cit.)* is here in error; it considers that Part 2 belongs to the main part of the book. An examination of the writing does not bear this out and, moreover, Part 2 is written on the same quire as the end of part 1: while with Part 3 begins a new quire. Further, the first three quires are irregular, 8. 8. 4. while with f. 23 the beginning of part 3, begins a series of quires of 16, of which the main part of the book is mostly composed. (See p. 201.)

2. See Facsimile.

3. For a full discussion of the system of legislation in the general chapter see p. 107.

version of the *constitutiones* (f. 74v—80v) bears out the date in the margin. The general chapter of 1260 confirmed seven clauses (additions, alterations or omissions). Without exception these changes are recognized and incorporated in this version.¹ On the other hand the general chapters of 1261 and 1262 confirmed in all twenty clauses. The alterations in the text made necessary by this have in each case been made after this version of the *constitutiones* was completed.² This copy, then, was written after the general chapter of 1260, and before that of 1261.

These *constitutiones*, however, comprise only six folios out of the 548 which make up the main part of the book. It now remains to decide whether the bulk of it was written before or after the *constitutiones*. Sir George Warner's opinion³ was that it was written between the years 1260—1275, that is, that the *constitutiones* were amongst the first parts of it to be written, but the very evidence which he puts forward to prove this seems rather to point the other way. At the top of f. 2 is a very faded inscription which Sir George Warner revived and transcribed. It runs: *Iste liber factus est pro magistro ordinis quicumque fuerit pro tempore ut quicumque dubitaverint in aliquo de officio possint per eum rectifari. Non est (recurrendum) ad exemplar quia facile dest (ruitur) propter operis subtilitatem.*⁴ As Dr. Wickham Legg points out, this inscription no doubt refers to the revision of the Dominican liturgy, which was undertaken by the master-general, Humbert of Romans, at the command of the general chapter of 1254.⁵

Moreover A was written by at least three hands.⁶ X wrote ff. 23-80 249-382, and probably 383-479; Y wrote ff. 81-106, 480-571; and Z wrote ff. 107-116 and 117-248. The importance

1. For example, compare a) *M.O.P.H.*, iii, 101, line 26, with f. 80, col. 1, line 9. b) *M.O.P.H.*, iii, 102, line 1, with f. 77, v, col. ii, line 62.

2. For example, compare a) *M.O.P.H.*, iii, 106, line 3, with marginal note f. 75. b) *M.O.P.H.*, iii, 112, line 15, with marginal note f. 76.

3. Wickham Legg, *Tracts on the Mass* (1904), xxi-xxiv

4. The words in brackets are illegible. The suggestions put forward above were made by Mr. A. H. Wilson. Legg, *op. cit.*

5. *Committimus magistro ordinis totam ordinationem ecclesiastici officii diurni quam nocturni, et eorum que ad hoc pertinent et correctionem librorum ecclesiasticorum et quod corrigat litteram regule.* *M.O.P.H.*, iii, 68.

6. I am indebted to Mr. A. G. Little for pointing this out to me.

of this in dating the manuscript is two-fold. The fact that several scribes were at work shows an endeavour was made to complete the book as soon as possible. Further f. 74v. to f. 80 come at the end of one of the sections written by X.¹ They may, then, have been amongst some of the last folios he wrote.

As has been said above, the general chapter of 1254 ordered Humbert to revise the liturgy, but it made no provision for copies of the revised version to be written. It is probable that the Paris house undertook this work, for the general chapter of 1256² levied a tax to bear the expense. Each provincial prior was ordered to collect twenty pounds *tournois* and to send them to the prior of the convent of Paris.³ These twenty pounds were required to pay for the making of copies of service books, and for certain expenses of the procurator at the Curia. The method employed to collect this tax is seen in the *acta* of the provincial chapter of Avignon held in that year. Here it is enacted that every convent is to contribute sixteen shillings *pro communibus exemplaribus que fiunt Parisius de officio ordinis*.

It would seem tolerably certain that this manuscript was written by professional scribes, and not by friars. In the first place, as the whole tendency in the Order of Preachers was to relieve the friars themselves of all duties, except those of studying and preaching, it is improbable that they would have had this task imposed on them. Mr. A. G. Little has pointed out to me that this disinclination to use members of the Order for the mechanical work of writing is to be seen also amongst the Austin friars and the Friars Minor. Secondly, if the work was to be done by the friars of the Paris house, the expenses would have been comparatively small, and such a large levy would have been unnecessary.⁴

1. See p. 201. 2. *M.O.P.H.*, iii, 81.

3. This bears out Sir George Warner's contention that it was a French hand. Herr Heimbucher (*Die Orden und Kongregationen etc.* ii, 109), says: *Das Brevier der Dominikaner, welches 1252 von den späteren Ordens general Humbert in Pariser Kloster St Jacques redigiert wurde, ist das damals fast allgemein gültige altrömische mit Beifügung der Pariser Gebraüche*. He thus corroborates Sir George Warner's opinion.

4. That B. was written by scribes, who were not Dominicans is borne out by a scribal error on f. 577 v, where it is stated that the general chapter was to be held alternately in Paris and *Boemie* (for Bologna), a curious mistake for a Friar Preacher.

Further, the general chapter of 1257¹ ordained that no one was to give any version of the office to be copied unless it had been revised and collated with the books which were at Paris. This, surely, seems to show that by 1257 more than one copy was in existence, and that several were to be found in Paris. An entry in the *acta* of the general chapter of 1259² proves conclusively that at this date Friar Humbert's work was finished, and that several copies of the authoritative text were in existence. All priors were bound to see to it that they had a new version of the office and that their books were carefully corrected by it. It was this revised version and this only which the brothers were to say. *Sciant omnes quod magister ordinis nichil de cetero immutare proponit*. Humbert had made his last changes; the version as it was then, was to be considered final and definite. Further, between the year 1259 and 1275³ there is no trace in the *acta* of the general chapters of a repetition of the command to the priors to revise the service books. In other words, by the end of 1260 almost every convent had obtained a copy and was using the new office. An indication of the date at which the book was finished may perhaps be found in the fact that the *constitutiones*, written in 1260, were corrected in 1261 and 1262, but not in 1263. It was, perhaps, during the year 1262-3 that all the parts were completed, brought together and bound. This, together with the other evidence brought forward above, seems to show conclusively that Sir George Warner is mistaken in making 1260 the earliest date and 1265 the latest. It is more probable that A was begun, written, and bound between the years 1255 and 1263.

B (ff. 3-22 and 572—579) containing as it does a copy of the *constitutiones* can be tested as to its date by the same method as that applied above to A.⁴ In this case it proves that B. was written between the years 1358 and 1363. The general chapter of Strasbourg in 1358 confirmed two additions

1. *M.O.P.H.*, iii, 88.

2. *M.O.P.H.*, iii, 98-99.

3. And perhaps after 1275. I have not looked for any example later.

4. See p. 194.

to the *constitutiones*; the one to the section *de capitulo generali*, the other to the section *de electione prioris*.

Confirmamus hanc: In Capitulo de capitulo generali, ubi dicitur: qui durante capitulo vices magistri ordinis (gerat in omnibus) dumtaxat, que ad tractatus et acta capituli pertinebunt deleatur illud quod sequitur; et extra capitulum locum suum teneat, et dicatur sic; et locum magistri ordinis ubique teneat, fidelium dicat et licenciam loquendi tribuat et possit concedere litteras de beneficiis ordinis ut magister, et statim sequatur prout ponitur ibi; sed in difficionibus unam habeat vocem. Et hec habet iii capitula. M.O.P.H., iv, 382.

Item. Confirmamus hanc: In capitulo de electione prioris provincialis ubi dicitur: volumus quod electio predicta spectet tantum ad priores conventuales et duos fratres ad hoc idem electos (de quolibet conventu) addatur sic: pro qualibet electione de priore provinciali fienda si pluries fieri contigerit noviter electos. Et hec habet iii capitula. M.O.P.H., iv, 382.

Both are included in the text of B.¹ Moreover every change in the *constitutiones* made by the general chapter prior to the year 1358 has had its effect.

The *constitutiones* in part B of the manuscript differ from those in part A in accordance with the confirmations of the general chapters 1260—1358. B then cannot have been written before 1358. After 1358 the first confirmation to be found in the *acta* is in the year 1363, when an addition is made to the section *de capitulo provinciali*.² This addition is not included in B. The date of B is, therefore, somewhere between the years 1358 and 1363.

Though the manuscript as a whole has hitherto been discussed, it is only the two versions of the *constitutiones* (ff. 74v—80v and ff. 572—579v) with which we are directly concerned, and the latter of which is printed as Appendix II. The decision as to the dates of the two versions of the *constitutiones*, which has been come to quite independently of any paleographical considerations, is of the very greatest interest when a comparison is made between the two hands.³ Like the rest of the book both versions are written in double columns. In A, the columns are alone 1.6 inches and together 3.6 inches wide, and 6.75 inches long. There are sixty-six lines in a column; that is, there is approximately a line to every tenth of an inch. The margin at the top of the page is 1 inch wide, that at the bottom is 2.65 inches, that on the

1. See Appendix ii, 240 and 230.

2. *M.O.P.H.*, iv, 398.

3. See facsimiles of f. 74v and f. 574.

inner side is 1.4 inches, on the outer 2.1 inches. This version runs from a quarter of the way down f. 74v to 80v, covering $12\frac{3}{4}$ pages.

In B, on the other hand, the columns are alone 2 inches and together 4.35 inches wide and 6.8 inches long. There are only fifty-seven lines per column. The margin at the top is 1 inch wide, that at the bottom 2.5, on the inner side it is only .75, and on the outer 1.85 inches wide. This version goes from f. 572 to f. 579v, thus covering sixteen pages, compared with the $12\frac{3}{4}$ pages of A. This discrepancy can be accounted for in two ways. Each scribe writes approximately the same number of letters, namely 32 or 33 in each line, but the scribe of A writes 66 lines to the page, that of B only 57. The scribe of B would, therefore, require more pages than the scribe of A. Also during the century which had elapsed between the *constitutiones* a great many additions had been made, so actually *constitution* B is longer than *constitution* A. In short, as can be deduced from the above analysis, and as can be seen by a glance at the facsimiles, the writing of B is larger than that of A.

If the facsimiles are examined several points of interest arise. A is written in an extremely beautiful hand, characteristic of the book hand of the middle of the thirteenth century. It is very regular. The same form of abbreviations are kept throughout. The chief interest, however, is in the writing of B. It is a great deal more like A than the century between them in date would lead one to expect. In dating from writing alone the paleographer would be led to place it in the early fourteenth century, about 1310, but certainly not as late as 1360. A close examination of the writing reveals several interesting differences between A and B. In A the top stroke of the a is usually open, as in *Quoniam* in the third line of the first column in the facsimile; moreover the lines of it are curves. In B the top stroke of the a is always joined up to the bottom part and the letter is composed of a number of straight lines, thus making a series of angles. This angularity is throughout a marked feature of B as compared with A. In B the top strokes of the b are more clearly forked than in A; c, e and o are almost identical in the two hands.

Both scribes distinguish clearly between n and u; in A m, n and u are more upright than they are in B. The downward stroke in B is often curved. A does not distinguish between u and v; for example the v and u in the word *vestitu* in the fourth line of the second column of the facsimile are identical. B, however, does sometimes distinguish; the v and u in the word *vagus*, in the eighth line from the bottom of the second column, are quite different. It would seem that v and u are never distinguished medially. An initial v is sometimes written as such. In both cases tall *f* is used at the beginning or in the middle of a word and small s at the end. *f* and *f* in A end in a plain downward stroke; in B they have a small upward tail. In A the i is rarely marked with a stroke. For example in the word *distinctio* in the third line from the bottom of the first column of the facsimile none of the i's are stroked. When two ii's come together, or in some cases where i is preceded or followed by u or n, the i is stroked. For example, the two ii's in *sobrii* in the sixth line from the bottom of the second column of the facsimile are stroked. The i in *officium* in the last line of this column is stroked, while the i in *studium*, about fourteen lines up, is not. In B the stroking of the i is very much more common.¹

This analysis is sufficient to show that the differences between these two hands are very real. The writing of B still remains remarkable for the writing of 1360. An explanation of this phenomenon, which has been put forward, is that the writer of B imitated A either consciously or unconsciously. This is a possible explanation, but there may no doubt be others.

The ornamentation of A, the quiet regular capitals of a very perfect shape, is characteristic of the date of the writing about the middle of the thirteenth century; that of B, which is more ambitious, and takes the form of exceedingly fine line drawing round the capitals and at the bottom of the pages, is difficult to date. It is common in the late fourteenth century and in the fifteenth century. It may well have been done at a considerably later date than the writing.

1. Mr. A. G. Little kindly drew my attention to the difference of the two hands with regard to the stroking of the "i."

Certain signs or marks found in that part of the book which is here printed present great difficulties. The earlier version (ff. 74v. to 80) is clearly divided up into fairly equal divisions to be read in the chapter or refectory. This was done by writing *lc* in the margin, and in the text by giving the first word of the new portion a rubricated capital-letter.¹ The case of the later version is more difficult. There is sometimes a sign *l* in the margin, accompanied by an oblique line in the text, or the *l* can appear alone, or the oblique line alone.¹ The first question is whether these three all mean the same thing. One would regard the marginal signs as lectionary-marks, if it were not that the intervals between them are so uneven. No other solution of their meaning, which meets all the facts, has been found. The marks have been noted in the transcript.

A TABLE SHOWING THE FOLIOS, PARTS AND WRITINGS OF
ADD. MS. 23,935.

1	Fol. 3-10	8	Part 1.	Fol. 3	} B.f. 3-22.
2	11-18	8	Part 2.	" 15.	
3	19-22	4			
4	23-38	16	Part 3.	" 23.	} X.f. 23-80v.
5	39-54	16	Part 4.	" 47.	
6	55-70	16	Part 5.	" 70v.	
7	71-80	10	Part 6.	" 73v.	
			Part 7.	" 74v.	} Y.f. 81-106v.
8	81-90	10	Part 8.	" 81	
			Part 9.	" 82v.	
9	91-100	10	Part 10.	" 98v.	} Z.f. 107-116v.
10	101-116	16	Part 11.	" 107.	
11	117-124	8			} Y.f. 117-248v.
12	125-140	16			
13	141-156	16	Part 12.	" 141.	
14	157-172	16			
15	173-188	16			
16	189-196	8			
17	197-212	16			
18	213-228	16			
19	229-244	16			
20	245-248	4			

1. See Facsimiles.

21	Fol. 249-264	16	Part 13. „ 249.	}	X.f. 249-382v.
22	265-280	16			
23	281-296	16			
24	297-312	16			
25	313-328	16			
26	329-344	16			
27	345-360	16		}	
28	361-377	18	Part 14. „ 371.		
29	378-393	16	Part 15. „ 378.	}	X.f. 382-479v.
30	394-409	16			
31	410-435	16	Part 16. „ f435v.		
32	426-443	18	Part 17. „ f444.		
33	444-459	16			
34	460-475	16		}	
35	476-479	4			
36	480-495	16	Part 18. „ f480.		
37	496-511	16		}	Y.f. 480-571v.
38	512-527	16	Part 19. „ f526.		
39	528-539	12			
40	540-559	20	Part 20. „ f545.		
41	560-571	12		}	B.f. 572-579v.
42	572-579	8	Part 21. „ f572.		

induat ut ad professionem recipiat. **E**t no-
 uis et communis uisitatione. xiiij. **E**t no-
 uis nouis magis diligenter ut
 cor uisitatione ponat qui eos de or-
 dine dicit in eadem exatet. ubi dicitur: se negli-
 gent hinc uisito uisito ul' signo quantum potit
 eos studiat emendare uisita. put potest debet
 is parare de apus negligens cum ant
 cum pccatit uenit potest pnam dicit
 uel eos i suo caplo pccatit. humilitatem
 in omnibus obseruare. Quomodo ubiq; i oib
 se hinc debet ipos instruere debet. de locum
 ubi potit fuerit ubiq; teneat. Quomodo s
 anti aliq; ul' auctoritati male ul' bn dicit
 idem dicit qualib; ad amorem se teneat
 ut aulos salutes non frangat. Quo ul' quid
 oient. qm' dicitur. ut alijs rugiam il' faciat
 Quomodo uenit in caplo ul' ubi dicitur: respice
 si fuerit a pccato sit facienda. Si q's aut
 fuerit in aliquo modo scandalizauerit:
 tunc diu ante pccos eius prostratus iacet.
 quousq; placatus erigat eum. Instructio
 si nouis ut am' nentit. pccatit pccu-
 mant i omnibus magis suo obediunt et in p-
 cessione locum s' collatorem attendat nec
 loquantur locis et temporibus ita dicitur. nemine
 penitus uideant. s' si qua ab ullo se uideant
 uice mala uideantur bona suscipiant. uel bo-
 na in uisitatione sua. sepe ei humani fallitur
 iudicium. no loquntur de absente nisi q' bona
 sunt. discipulus frequenter suscipiat. eum
 duabus manibus bibant et secundo. diligenter
 libros et ueltes i res et alias monasterij o-
 rdiant. si quid pccatit fuerit ab uno po-
 te non pccatit ab alio nisi causa ex poli-
 ta. sed nec si a maiore pccatit uadant
 ad minorem. Item confessiones nouis
 cum ante pccationem recipiantur et dilige-
 ter de modo confessionis et alijs istuatur.
 Item nouis ante professionem de debitis
 se expendant et omnia alia ante pccos pccu-
 ponant ut se eo toto absoluatur. Al' omis
 fias singulis annis semel omnia s' cum ulla
 pmonibus suis exponat pccatit et exhibeat
 cor disposicoe reliquato. Quicunq; uero
 fuerit pccatit uel alia quocunq; recepit
 ul' hinc ul' expenderit uel dispensauerit.
 uel dispensari fecerit reddat singulis annis
 suis maioribus tunc semel uel plures si
 fuerit requisitus. videt magis ordis disti-
 ntionibus capli generalis. prior pccatit
 distinctionibus capli pccatit. prior conuer-

tialis pccatit pccatit. ul' uisitatione. **E**t fias
 prior conuentionali. Item nouis in pccatit
 pccatit sue in pccatit et officio diuino
 studiat diligenter. Item ista am' ad legias pccatit
 si ob causam necessariam non mutatur. nec
 in aliquo officio occupatur. nec ueltes conum
 an pccatione alienetur. nec ipi ante pccatio-
 nem ordinentur. Item nouis no' inter sint ca-
 pitulo. nec i dormitorio cu' alijs fratrib; ra-
 ceant ubi comode obseruata potit. sed ma-
 gister eor' pccatit caplin' culpas eor' audiat
 ipos diligenter quantum potest in moribus
 frangat et amantur compiat. de pccatit. xij.
Modus faciendi professionem talis est.
 Ego. n. facio professionem et promitto
 obediendam dō et bē marie et dō dominico et
 n. magis ordinis s'm' pccatit et suc-
 cessoribus eius s'm' regulam b'i augustini et
 instituciones ordis fratrum pccatit q'
 ero obediens et tuisq; successoribus usq; ad mor-
 tem. Cum aut' sit alij priori anamq; sic
 facienda est. Ego. n. facio pccationem et pro-
 mitto dō et bē marie et beato dominico
 et tibi. n. q. non talis loci uice. n. magis
 ordinis fratrum pccatit. et successoribus eius s'm'
 regulam b'i augustini et instituciones s'm'
 ordis pccatit q' ero obediens tibi tuisq;
 successoribus usq; ad mortem. Nouis aut'
 ueltes in eor' pccatione b'ndicantur. hinc
 modo. **O**stende nobis d'nic' misericordiam tua'
 et saluare tuum da nob'. Dominus nob'. et dicit'
 Omne ihu xpe q' regnum ozo
 me mortalitatis induerit dig-
 natus es. obsecramus imense
 sue largiantis h'ndicantur ut
 hoc genus ueltes eor' qd' s'm'
 pccatit ad uisitationem et humilitatis uisita-
 tione sanctorum. ita bene. **H**ic dicitur digni-
 tate qui hoc uisus fuerit te inducere merita-
 rum dominum n'm. pccatit dum aspexerit
 aqua benedicta. **H**ic dicitur. xij.
Hic dicitur. **H**ic dicitur. **H**ic dicitur.
 quis culpa est si quis mor' ut sig-
 num factum fuerit no' relicto oi-
 bus am' manna festinatate disse-
 nit i pccatit ut ad eccliam ordinare et co-
 polite quando debent ueniat. Si quis ad
 eccliam pccatit pccatit no' affuerit. si quis i
 d'pccatit male legendo uel cantando offendens.
 no' statim se coram omnibus humiliauerit.
 si q's diuino si m'entis officio vagus ocul'
 et moni religioso leuitate mentis ostende-
 at si quis in ecclia ul' dormitorio uel cellis
 aliquid iniquitatis fecit. si quis in d'pccatit
 uel alios ridere fecerit. si quis lectio-
 nem statuto tempore non pccatit si quis
 cantare uel legere aliquid pccatit
 q' communis uisus probat. Item leuis cul-

APPENDIX II.

ADDITIONAL MANUSCRIPT 23,935 IN THE BRITISH MUSEUM.
ff. 572-579v The *Constitutiones* of the Order of Preachers,
1358-1363.

CONVENTIONAL SIGNS.

||=folio.

|=column.

††=lc in the margin and | in the text.

†=| in the text alone.

§=l in the margin alone.

i has been used throughout for i and j; v and u, t and c have been used in accordance with modern practice; places, feasts, *deus*, saints' names have been given capital letters, but *sanctus* has been written with a small s except in the cases *Sancta Crux* and *Omnes Sancti*. In short, modern spelling, inverted commas, and modern punctuation have been used.

(f. 572) Quoniam ex precepto regule iubemur habere cor unum et animam unam in Domino, iustum est ut, qui sub una regula et sub unius professionis voto vivimus, uniformes in observantia canonice religionis inveniamur, quatinus unitatem que interius servanda est in cordibus foveat et representet uniformitas exterius servata in moribus. Quod profecto eo competentius et melius plenius poterit observari, si ea que agenda sunt scripto fuerint commendata. Si omnibus qualiter sit vivendum scriptura teste innotescat et si mutare vel addere vel minuere nulli quicquam propria voluntate liceat, ne si minima negligimus paulatim defluamus. Ad hec tamen in conventu suo prelatus dispensandi cum fratribus habeat potestatem cum sibi alteri videbatur expedire. In hiis precipue que studium vel predicationem vel animarum fructum videbitur impedire, cum ordo noster specialiter ob

(f. 572) predicationem et animarum salutem ab initio noscatur institutus fuisse, et studium nostrum ad hoc principaliter debeat intendere ut proximorum animabus possimus utiles esse. Priores etiam utantur dispensationibus sicut et ceteri fratres. Ut ergo unitati et paci totius ordinis provideamus, volumus et declaramus ut constitutiones nostre non obligent nos ad culpam sed ad penam, nisi propter preceptum vel contemptum. Et ut multitudo constitutionum evitetur, prohibemus ne decetero aliquid statuatur, nisi per duo capitula continua fuerit approbatum et tunc in tertio capitulo immediate sequente poterit confirmari vel deleri, sive per priores provinciales sive per alios diffinitores, ubicunque illud tertium capitulum celebretur. Interpretationes etiam regule vel constitutionum facte a generali capitulo non habeant vim constitutionis nisi per tria capitula approbentur. Hec ordinatio et correctio et additio constitutionum nostrarum ab omnibus universaliter observetur. Librum autem istum diligenter conscripsimus in quo duas distinctiones annotavimus, et prima distinctio continet viginti capitula

De officio ecclesie

De inclinationibus

De suffragiis mortuorum

De ieiuniis

De cibo

De collatione

De infirmis

De minutione

De lectis

De vestitu

De rasura

De silentio

De recipiendis

De novitiis et eorum instructione |

Col. II. De professione

De levi culpa

De gravi culpa

- (f. 572) De graviori culpa.
 De gravissima culpa
 De apostatis
 Secunda Distinctio continet XV Capitula
 De domibus concedendis et constituendis
 De electione prioris pro conventualibus et institutione superioris
 De electione prioris provincialis
 De electione magistri
 De electione diffinitorum capituli provincialis et generalis
 De capitulo cotidiano
 De capitulo provinciali
 De capitulo generali
 De solempni celebratione capituli
 De capitulo generalissimo
 De visitoribus
 De predicatoribus
 De itinerantibus
 De studentibus
 De conversis

De officio ecclesie. Primum capitulum

Audito primo signo, surgant fratres et stando dicant officium de beata Virgine pro tempore.† Matutinas autem et missam et omnes horas canonicas simul audiant fratres nostri, nisi cum aliquibus prelati aliter dispensare voluerit. Hore omnes in ecclesia breviter et succincte taliter dicantur ne fratres devotionem amittant et eorum studium minime impediatur. Quod ita dicimus esse faciendum ut in medio versus metrum cum pausa servetur non protrahendo vocem in pausa vel in fine versus, sed, ut dictum est, breviter et succincte terminetur. Hoc tamen magis et minus pro tempore observetur.†† Tempore vero quo bis reficiuntur fratres legatur ante completorium in ecclesia lectio, “Fratres sobrii estote et cetera.” Et facta confessione, et dicto completorio,

(f. 572) det qui preest benedictionem et ebdomadarius aquam aspergat benedictam.† Postea dicant “Pater noster” et “Credo in Deum” quod etiam fieri debet ante primam et ante matutinas. Totum officium tam diurnum quam nocturnum secundum correctionem et ordinationem venerabilis patris fratris Humberti, magistri ordinis nostri, confirmamus et volumus ab omnibus uniformiter observari, ita quod nulli liceat de cetero aliquid innovare. Item fratres nostri in domibus suis non habeant nisi unam campanam ad omnes horas. Item solus ebdomadarius capa serica tam in choro quam in processione utatur.

De inclinationibus. II. capitulum.

(f. 572v.) Finitis matutinis de beata Virgine, cum fratres in choro venerint, inclinent ante altare profunde,† et cum ad sedes suas venerint|| facto signo a prelato flexis genibus, vel inclinati profunde pro tempore, dicant “Pater noster” et “Credo in Deum” et iterum, facto signo a priore, surgant. Hora itaque devote incepta, versi ad altare muniant se signo crucis et ad “Gloria patri” inclinet chorus contra chorum profunde, vel prosternat se pro tempore usque ad “Sicut erat.” Hoc etiam faciendum est quotienscumque “Pater noster” et “Credo in Deum” dicuntur, nisi in missa et ante lectiones et in gratiarum actionibus, in quibus inclinamus solum ad “Pater noster” et ad “Retribuere.” Item quodocunque nomen Iesu in collecta vel in antiphona aut in “Gloria in excelsis” nominatur. Quando vero nomen Iesu alias nominatur in choro eandem reverentiam faciant, capite devotius inclinato. Idem faciendum est ad primam collectam in missa, et ad postcommunem, et similiter ad orationem pro ecclesia, et in singulis horis ad collectam, et ad “Gloria patri” quotiens in inchoatione hore dicitur. Ad omnia alia “Gloria patri” et ad extremos versus hymnorum et ad penultimum versum cantici “Benedicite” inclinamus

(f. 572v.) usque ad genua, et quando cantatur “Gloria in excelsis” ad “Suscipe deprecationem nostram” et iterum in benedictione lectionis. Iterum in capitulo ad orationem “Sancta Maria” et in omni oratione quando nomen beate Marie Virginis et beati Dominici nominatur, et etiam quando nomen beate Marie nominatur ad antiphonam “Salve” et in missa in prefatione. Hora itaque predicto more incepta postquam ad “Gloria” post “Venite” inclinaverint, stet chorus contra chorum. Deinde ad primum psalmum sedeat minus¹ chorus et ad secundum similiter stet et sedeat alter chorus, et sic alternent usque ad “Laudate Dominum de celis.” Et sic faciant ad omnes horas. Finita autem lectione in matutinis, nisi fiat officium de mortuis, ille qui legit inter pulpitem, quod est in medio chori et gradus altaris inclinationem faciat vel prosternat se pro tempore. § In inclinationibus conformemur moribus eorum ad quos declinamus. Porro ad “Salve sancta parens” et ad “Salve regina” post complectorium et ad “Venite Sancte Spiritus” et ad “Veni Creator Spiritus” in die Penthecostes et per totam ebdomadam et ad “Credo” in missa ad “ex Maria Virgine et homo factus est” flectimus genus. In ferialibus quoque diebus iacemus prostrati a “Sanctus” usque ad “Agnus.” In festis vero trium vel novem lectionum, iacemus ab elevatione corporis usque ad “Pater noster.” § In prostrationibus idem servemus in festo trium vel novem lectionum. Quando vero prelatus iniunxerit aliquam communem orationem, inclinent omnes. Similiter omnes faciant quibus aliquid facere vel dicere iniunxerit. Si autem aliquam obedientiam vel officium vel ministerium aliquod cuivis iniunxerit, humiliter prosternens se suscipiat quod iniunctum fuerit ei. Quando etiam fratribus quippiam vestimenti tribuitur inclinantes “Benedictus Deus in donis suis” dicant.]

1. *Rectius unus.*

(f. 572v.) De suffragiis mortuorum. Tertium capitulum.

Col. II. A festo sancti Dionysii usque ad Adventum pro anniversario fratrum et familiarum receptorum per litteras ad beneficia ordinis, clericus psalterium, sacerdos tres missas, layci quingenta "Paternoster" dicant. Idem faciat quilibet fratrum pro fratre defuncto sui conventus, et idem fiat per totum ordinem pro magistro ordinis, et a conprovincialibus pro priore provinciali defunctis,¹ et idem fiat per totum ordinem pro diffinitore capituli generalis vel socio eius, et pro electoribus magistri, vel socio prioris provincialis euntis ad capitulum generale, si aliquem illorum in via vel in ipso capitulo mori contigerit. Idem etiam fiat pro procuratore ordinis in Curia Romana si in procuratoris officio decedat. Idem etiam fiat pro visitatore a domibus quas visitare debet, si in visitatione moriatur.†† Quilibet sacerdos celebret triginta missas in anno pro fratribus ordinis et sororibus nostris defunctis. Et quilibet clericus XXX vicibus VII psalmos, et quilibet conversus XXX vicibus centum "Pater noster" dicant,² et quilibet conventus XX missas in communi. Anniversarium patrum et matrum tertia die post purificationem beate Marie, anniversarium benefactorum et familiarum sequenti die post octavas beati Augustini, anniversarium vero fratrum et sororum ordinis nostri sequenti die post festum beati Dyonisii est faciendum. Anniversarium vero omnium sepultorum in cimiteriis nostris ubique fiat prima die post octavas apostolorum Petri et Pauli. Fratres vero nostri numerum missarum non admittant.

De ieiuniis. Quartum capitulum.

A Pascha usque ad festum Sancte Crucis reficiantur bis fratres, exceptis diebus rogationum et omnibus sextis feriis et vigilia Ascensionis et Penthecostes et ieiuniis quatuor temporum, vigilia Iohannis Baptiste,

1. *Rectius* defuncto.

2. *Rectius* dicat.

- (f. 572v.) Petri et Pauli, Iacobi et beati Dominici patris nostri, sancti Laurentii, Assumptionis sancte Marie, et Bartholomei, ac Nativitate ¹ beate Virginis. A festo Sancte Crucis usque ad Pascha continuum tenebimus ieiunium, et nona dicta comedemus, exceptis dominicis diebus. In toto autem Adventu et Quadragesima et ieiuniis quatuor temporum, in vigilia Ascensionis et Penthecostes, Sancti Iohannis Baptiste, Petri et Pauli, et beati Dominici patris nostri, sancti Laurentii, Assumptionis beate Marie, Bartholomei et Mathei, Symonis et Iude, et Omnium Sanctorum, Andree Apostoli et omnibus sextis feriis nisi dies natalis Domini in ea die evenerit, quadragesimali utimur cibo et ieiunamus nisi in dictis sextis feriis tantum cum aliquo propter laborem dispensentur, vel in locis quibus in eisdem sextis feriis aliter comederetur, vel nisi precipuum festum fuerit.† Itinerantes tamen bis refici possunt, nisi in Adventu et vigiliis Nativitatis et Purificationis beate Virginis et ieiuniis principalibus ab ecclesia institutis et sextis feriis intus|| et extra.
- (f. 573) Quando aliquod festum habet vigiliam in qua secundum ordinem ieiunandum est, et venerit in secunda feria eius vigilia, in precedenti sabbato ieiunetur, contraria consuetudine non obstante. Feria secunda et tertia post quinquagesimam tam intus quam extra quadragesimali utimur cibo et ieiunamus. In Parasceve per totum diem in pane et aqua ubique abstinabimus.

De cibo V^m capitulum.

Hora competenti ante prandium vel cenam, a sacrista paucis ictibus campana pulsetur ut fratres ad refectio-
nem venire non tardant. Postmodum pulsetur cymbalum si cibus est paratus, alioquin non pulsetur donec sit paratus. Ablutis vero manibus prior volam² refectorii pulset et tunc fratres ingrediantur. Quibus ingressis, dicat "Benedicite" ille qui dicit versiculos

1. *Rectius nativitatis.*2. *Rectius nolam.*

(f. 573) et conventus prosequatur benedictionem. Servitores autem incipiant ab inferioribus usque ad mensam prioris ascendentes. § Nullus fratrum presentium a prima mensa remaneat preter servitores et custodes nisi de licentia. Quotquot autem remanserint comedant in secunda mensa ita quod tertiam facere non oporteat. Nulla fiat pittantia servitoribus vel ministris, que non fit conventui, nisi sint infirmi vel minuti. Frater non mittet fratri pittantiam excepto priore, sed sibi datam dare potest a dextris et a sinistris. Priores comedant in refectorio et cibariis conventus sint contenti; similiter infirmarii et receptores hospitum et alii fratres, nisi cum aliquibus prior dispensaverit ob aliquam causam, ut extra conventum cibum comedant. Pulmenta nostra sint ubique sine carnibus in nostris conventibus preterquam infirmariis. Fratribus autem nostris ne sint hominibus onerosi pulmenta cocta cum carnibus comedere liceat extra clastrum. Fratres nostri tam priores quam alii in locis ubi conventum habuerimus, nisi cum episcopo, vel in domibus religiosorum, et hoc raro, extra clastrum comedere non presumant. Singulis diebus si fieri potest duo cocta pulmenta habeant. Poterit autem prior superaddere prout opus esse iudicaverit et facultas permiserit. Si quis iuxta se sedenti viderit aliquid deesse de communi, requirat a servitore. Si quis de servitoribus vel comedentibus serviendo vel comedendo in aliquo offenderit, surgentibus fratribus veniam petat, et facto signo a prelato, redeat ad locum suum.

De collatione. VI capitulum.

Tempore ieiunii hora competenti sacrista ad collationem signum faciat, postea cymbalum refectorarius pulset. Deinde fratribus venientibus in refectorium, legat lector premissis "Iube dompne" et sequatur benedictio "Noctem quietam et finem perfectum, tribuat vobis¹ omnipotens et misericors Dominus."

1. *Rectius nobis.*

(f. 573) Infra lectionem vero poterint bibere, facto signo a Col. II. priore et dicto "Benedicite" a lectore, dataque benedictione ab ebdomadario | "Largitor omnium bonorum benedicat potum servorum suorum." Finita lectione dictat qui preest "Adiutorium nostrum" et cetera. Et tunc cum silentio intrent fratres ecclesiam. Quicumque bibere voluerit extra horam licentiam petat a prelato et unum socium accipiat.

De infirmis. VII^m capitulum.

Circa infirmos caveat ne sit negligens prelatus. Sic enim procurandi sunt infirmi ut citius releventur, sicut dicit pater noster Augustinus. Poterunt autem quidam vesci carnibus, prout eorum gravior exigit infirmitas, secundum quod prelato visum fuerit. In locis vero ubi conventum habemus, extra domum nostram carnes non comedant. Si quis autem talem infirmitatem habuerit, que nec eum multum debilitet nec comedendi turbet appetitum, talis nec super calcitram iaceat, nec ieiunia consuetudinaria frangat, nec cibos refectorii mutet. In domibus nostris non sint nisi duo loca in quibus comedant debiles vel infirmi, unus carniū, et alius aliorum ciborum, nisi sit evidens necessitas aut urgens infirmitas. Similiter nec alii fratres comedant nisi in communi refectorio vel in domo hospitum. Si autem priores infirmarii contigerint in infirmaria cum aliis procurentur. Fratres leprosi infra scepta sui conventus seorsum ab aliis procurentur. Quod si altitudo¹ illius loci vel alia causa legitima non permiserit per priorem provincialem ad conventum alium nostri ordinis transferantur.

De minutione. VIII capitulum.

Minutio quater in anno fiat; prima in mense septembri, secunda post Natale, tertia post Pascha, quarta circa festum beati Iohannis Baptiste. Preter has

1. *Rectius* artitudo. Cf. *M.O.P.H.*, iii, 31.

- (f. 573) minutiones nullus audeat sibi minuere, nisi discretio prioris propter aliquam causam iudicaverit aliter alicui esse faciendum. Minuti extra refectorium cum silentio comedant ubi comode poterit observari, et secundum quod facultas domus permiserit comodus procurentur. Causa vero minutionis carnes non comedant.

De lectis. IX capitulum.

Super culcitrans non dormiant fratres nostri nisi forte stramen vel aliquid tale super quod dormiant habere non possint. Super stramina et saccones laneos dormire licebit. Extra autem domum iacere poterint sicut fuerit eis stratum ne hospites molestentur. Qui autem culcitrans petierint ieiunent una die in pane et aqua. Cum tunica et caligis et cincti dormiant. Excepto magistro ordinis nullus qui in communi tollerari possit habeat locum specialem ad iacendum nisi propter rerum custodiam. Lectoribus tamen secundum discretionem prioris provideatur.

De vestitu. X capitulum.

- (f. 573v.) Vestes laneas non attonsas ubi hoc servari poterit, defferant fratres nostri. Ubi vero servari non poterit utantur vilibus et potius vilitas in capis observetur. Lineis non utantur ad carnem, nec etiam infirmi. Sed et lintheamina in infirmariis nostris penitus non habeantur. Nullus habeat plures tunicas quam tres cum pelliceo in hyeme vel IIII sine pelliceo quod semper tunica coopertum defferatur. Pelliceis silvestribus et coopertoriis quarumcumque pellium fratres nostri non utantur nisi in infirmaria, nec tamen utantur ibidem coopertoriis pellium silvestrium. Tunice circa cavillam pedum, scapularia circa cooperaturam genuum, sufficit ut descendant. Cappa vero brevior sit tunicis et etiam pelliceum. Caligas et soccos habebimus ut necesse fuerit et facultas permiserit. Ocreas non habebimus nec cirothecas. Bote extra septa monasterii non portentur.

(f. 573v.)

De rasura. XI.

Rasura sit superius non modica ut religiosos decet, ut inter ipsam et aures non sint plusquam tres digiti. Tonsura fiat desuper aures. Rasura vero fiat a Pascha usque ad festum Omnium Sanctorum de quindena in quindenam, deinde autem semel in tribus septimanis ita tamen quod propter festa sollempnia per dies aliquos poterit preveniri vel etiam retardari.

De silentio. XII capitulum.

Silentium fratres nostri teneant in claustro, in dormitorio, in cellis, in refectorio, in oratorio fratrum, nisi forte silenter aliquid loquantur, non tamen oratione perfecta. Alibi vero loqui poterint de licentia speciali. Omnes fratres ubique intus et extra in mensa silentium teneant, tam priores quam alii, excepto uno qui maior fuerit inter eos, vel alio cui pro se loqui comiserit et tunc ipse taceat, exceptis magistris in theologia. Prior tamen conventualis possit licentiare unum de secum comedentibus ad loquendum. Si vero plures priores conventuales similiter comedere contigerit, prior antiquioris conventus loquatur, et uni licentiam loquendi possit dare. Nullus autem aliorum ibidem loquatur nisi de necessariis mense, et hoc per unam orationem breviter et submisse, nisi de licentia episcoporum seu electorum, aut maiorum hiis, seu etiam regum, seu etiam magistri ordinis et ministri generalis fratrum minorum, cum contigerit nos cum eis comedere. Prior tamen provincialis, absente magistro ordinis, fratribus secum comedentibus, in sua dumtaxat provincia, possit dare licentiam loquendi, in alia autem provincia tantum uni. Si quis autem hoc silentium fregerit, ex proposito, vel licentiam loquendi dederit, in uno prandio aquam bibat et unam disciplinam coram omnibus recipiat, exceptis infirmis decumbentibus, et in hoc non dispensetur nisi per magistrum ordinis, vel priorem provincialem, et hoc raro, et ex rationabili

(f. 573v.) causa§ Infirmi vero non decumbentes| a prandio
Col. II. usque ad vespervas silentium teneant, similiter post
signum quod fit post completorium. A minutis etiam
post primam diem sue minutionis idem similiter
observetur. Fratres de silentio in capitulo accusent
se sicut de aliis culpis, et priorum arbitrio puniantur.
Si quis tamen inter duo capitula septies silentium
fregerit, in uno prandio sedeat in terra.

De recipiendis. XIII.

In quolibet conventu tres ydonei fratres eligantur de
communi consilio capituli, qui recipiendos in moribus
et scientia diligenter diligenter¹ examinent, et
examinationem priori et capitulo referant, eorum
iudicio an recepti debeant relinquentes. Qui, cum
adducti fuerint in capitulum, prosternant se in medio.
Interrogati vero a prelato quid querant, respondeant :
“ Misericordiam Dei et vestram.” Quibus ad iussum
prelatis erectis exponant eis austeritatem ordinis,
voluntatem eorum requirens. Qui respondeant se
velle cuncta servare dicat post cetera : “ Dominus
qui incepit, ipse perficiat.” Et conventus respondeat,
“ Amen ” Tunc depositis secularibus vestibus et reli-
giosis induti, in nostram societate² in capitulo
recipiantur. Verumptamen antequam stabilitatem et
communem vitam promittant, et obedientiam prelato
et successoribus suis faciant, tempus probationis
assignetur, ut et ipsi austeritates ordinis et fratres
mores experiantur eorum§ Nullus recipiatur nisi
requisitus, an sit coniugatus, an servus, an ratiociniis
obligatus, an alterius professionis, vel occultam
habeat infirmitatem. Nullus recipiatur in fratrem
clericum ad probationem vel professionem nisi a
priore provinciali, vel ab eo cui super hoc dederit
licentiam specialem, vel a priore conventuali, cum
consensu totius vel maioris partis capituli. Conver-
sum autem non prior recipiat provincialis, nec aliquis

1. *Sic.* This repetition is clearly an error.

2. *Rectius societatem.*

(f. 573v.) de eius licentia, nisi de consensu prioris et duarum partium fratrum qui sunt de conventu pro quo fuerit induendus, nec aliquis conventus recipiat conversum sine licentia prioris provincialis, nec receptus fiat clericus nisi de licentia magistri ordinis speciali. Nullus religiosus professus cuiuscunque ordinis mendicantis recipiatur ad nostram ordinem sine licentia magistri ordinis vel capituli generalis. Nullus conversus recipiatur infra X et octo annos, nec quicumque illegittime natus recipiatur ad ordinem nisi de prioris provincialis licentia speciali. Si vero talis illegittime natus ad ordinem receptus fuerit et dispensatum fuerit cum eodem quod possit fieri prior, non propter hoc fiat diffinitor capituli generalis aut provincialis, nec predicator generalis, nec elector magistri ordinis absque magistri ordinis licentiam specialem.¹ Prohibemus autem ne aliquis de cetero aliquam mulierem tondeat vel induat, vel ad professionem recipiat.

(f. 574) De novitiis et eorum instructione. XIII.

Prior novitiis magistrum diligentem in eorum instructione preponat, qui eos de ordine doceat, in ecclesia excitet, et ubicumque se negligentes habuerint verbo vel signo quantum poterit eos studeat emendare. Necessaria prout potest debet eis procurare, de apertis negligentis cum ante eum petierint veniam poterit penitentiam dare, vel eos in suo capitulo proclamare, humilitatem cordis et corporis doceat illos habere iuxta illud "Discite a me quia mitis sum et humilis corde." Frequenter, pure et discrete, doceat eos confiteri, sine proprio vivere, propriam voluntatem deserere pro sui voluntate prelati, obedientiam in omnibus observare. Quomodo ubique in omnibus se habere debeant ipsos instruere debet, quod locum ubi positi fuerint ibique teneant; quomodo sibi danti aliquid vel auferenti, male vel bene dicenti, inclinare debent; qualiter ad cameras se contineant, ut oculos sublimes

1. *Rectius* licentia speciali.

- (f. 574) non habeant; quomodo vel quid orent, et quam silenter, ut aliis rugitum non faciant; quomodo venia in capitulo vel ubicumque reprehensi fuerint a prelato sit facienda. Si quis autem fratrem suum aliquo modo scandalizaverit tam diu ante pedes eius prostratus iacet, quousque placatus erigat eum. § Instruendi sunt etiam novitii ut cum nemine contendere presumant, in omnibus magistro suo obediant, et in processione socium sibi collateralem attendant, nec loquantur locis et temporibus interdictis, neminem penitus iudicent. sed si qua ab ullo fieri viderint, licet mala videantur, bona suscipiantur vel bona intentione facta, sepe enim humanum fallitur iudicium. Non loquantur de absente nisi que bona sunt. Disciplinas frequenter suscipiant. Cum duabus manibus bibant, et sedendo. Diligenter libros et vestes et res etiam alias monasterii custodiant. Si quid petatum fuerit ab uno priore non petatur ab alio, nisi causa exposita, sed nec si a maiori petierint, vadant ad minorem. § Item confessiones novitiorum ante professionem recipiantur et diligenter de modo confessionis et aliis instruantur. Item novitii ante professionem de debitis se expediant, et omnia alia ante pedes prioris ponant, ut se ex toto absolvantur. Similiter omnes fratres singulis annis semel omnia sibi commissa prioribus suis exponant pariter et exhibeant eorum dispositioni relinquendo. Quicumque vero frater pecuniam vel alia quecumque receperit vel habuerit vel expenderit vel dispensaverit vel dispensari fecerit reddat singulis annis suis maioribus rationem semel vel pluries si fuerit requisitus videlicet magister ordinis† diffinitoribus capituli generalis, prior provincialis diffinitoribus capituli provincialis. prior conven|tualis priori provinciali, vel visitatori, ceteri fratres priori conventuali. Item novitii infra tempus probationis sue in psalmodia et officio divino studeant diligenter. § Item infra annum ad longincas partes nisi ob causam necessariam non mittantur, nec in aliquo officio occupentur, nec vestes

(f. 574) eorum ante professionem alienentur, nec ipsi ante professionem ordinentur. Item novitii non intersint capitulo, nec in dormitorio cum aliis fratribus iaceant, ubi comode observari poterit, sed magister eorum extra capitulum culpas eorum audiat et ipsos diligenter quantum potest in moribus instruat et caritative corripiat.

De professione. XV.

- Modus faciendi professionem talis est. "Ego N. facio professionem et promitto obedientiam Deo et beate Marie et beato Dominico et tibi N. magistro ordinis fratrum predicatorum, et successoribus tuis secundum regulam beati Augustini et institutiones ordinis fratrum predicatorum, quod ero obediens tibi, tuisque successoribus usque ad mortem." Cum autem fit alii¹ priori cuicumque sic facienda est. "Ego N. facio professionem et promitto² Deo et beate Marie et beato Dominico, et tibi N. priori talis loci, vice N. magistri ordinis fratrum predicatorum et successorum eius, secundum regulam beati Augustini, et institutiones fratrum ordinis predicatorum quod ero obediens tibi tuisque successoribus usque ad mortem." § Novitiorum autem vestes in eorum professione benedicantur hoc modo.³ Versus "Ostende nobis, Domine, misericordiam tuam, Et salutare tuam da nobis" "Dominus vobiscum," et cetera. "Oremus. ORATIO. Domine Iesu Christe qui tegimen nostre mortalitatis induere dignatus es, obsecramus immensam tue largitatis habundanciam ut hoc genus vestimentorum, quod sancti patres ad innocentie et humilitatis indicium ferre sancxerunt, ita bene ✠ dicere⁴ digneris, ut qui hoc usus fuerit, te induere mereatur, Christum Dominum nostrum." POSTMODUM ASPERGATUR AQUA BENEDICTA.

1. *Rectius* alio.

2. Obedientiam has been omitted here.

3. From Versus to Oremus is in smaller characters.

4. The sign of the cross.

(f. 574) De levi culpa. XVI capitulum.

Levis culpa est si quis mox ut signum factum fuerit non relictis omnibus cum matura festinatione differat se preparare ut ad ecclesiam ordinate et composite quando debuerit veniat. Si quis ad "Gloria" primi psalmi non affuerit, si quis in choro male legendo vel cantando offendens non statim se coram omnibus humiliaverit, si quis divino non intentus officio vaguis¹ oculis et motu religioso² levitatem mentis ostenderit, si quis in ecclesia, vel dormitorio, vel cellis aliquid inquietudinis fecerit, si quis in choro riserit vel alios ridere fecerit, si quis lectionem statuto tempore non previderit, si quis cantare vel legere aliquid presumpserit quanquam³ communis usus probat. Item levis

(f. 574v.) culpa est si quis in predicationem vadens occiosa locutus fuerit vel egerit, si dissolute ridens chachinis vel ludis, dictis vel factis alios ad ridendum concitaverit, si oculos vagos per plateas vel villas eundo ad vanitates frequenter direxerit. Si quis in vigilia Annunciationis, et Nativitatis Domini in principio capituli per negligentiam non affuerit ut pronuntiatis redemptionis nostre exordiis corde et corpore gratias agat Deo redemptori, si quis de via veniens, eadem hora si fieri potest, benedictionem accipere neglexerit vel absque ea plus una nocte moraturus exierit, si quis ad lectiones dormierit, si quis temporibus statutis cum aliis lectionem auditurus non affuerit, si quis libros interdictos legerit. § Item levis culpa est si quis ecclesie vel altaris ornamenta negligenter tractaverit, si quis vestes suas aut libros loco statuto honeste non posuerit, vel negligenter tractaverit, si indumenta vel alia data fratri vel concessa sine ipsius licentia per se alius acceperit, si quis aliquod utensilium fregerit, vel perdiderit, si quis cibi vel potus effuderit, si liber in quo legendum est cuiusquam neglectu defuerit, si quis dixerit aliquid unde offendentur fratres, vel egerit, si quis cibum vel potum absque

1. *Rectius vagis.*

2. *Rectius irreligioso.*

3. *Rectius quam quod.*

(f. 574v.) benedictione sumpserit, si quis in conventum hora qua debet venire distulerit, si quis ad capitulum vel collationem non venerit, vel communi refectio[n]i non interfuerit, si quis commune mandatum dimiserit, si quis clamans in proclamatione sua iurgium fecerit, si quis eum a quo clamatus fuerit eodem die quasi vindicando clamare presumpserit. § Item levis culpa est si quis cum iuramento ut in loquendo fieri solet aliquid negaverit vel affirmaverit, si quis turbem¹ sermonem vel vaniloquium dixerit, vel quod gravius est, in usu habuerit, si quis eorum qui officiis deputati sunt in aliquo negligens repertus fuerit, ut sunt priores in conventu custodiendo, magistri in docendo, studentes in studendo, scriptores in scribendo, cantores in officiis suis, procuratores in exterioribus procurandis, vestiarius in vestibus providendis et custodiendis et reficiendis, infirmorum custos in infirmis custodiendis et procurandis, et mortuis necessariis ministrandis et ceteri in officiis suis, ut iniunctum est eis. Clamatis vel proclamantibus de supradictis, detur penitentia secundum quod prelato videbitur expedire.

De gravi culpa. XVII.

Gravis culpa est si quis inhoneste in audientia secularium cum aliquo contenderit, si frater cum fratre intus vel foris lites habuerit, si quis alicui fratrum obprobrium dixerit, si quis mendacium de industria² dixisse deprehensus fuerit, si quis silentium non tenere in consuetudinem duxerit, si quis culpam |
Col. II. suam vel alterius deffenderit, si quis clamans in clamatione sua iurgium fecerit, si quis in illum a quo clamatus est vel in quemlibet alium maledicta seu verba inordinata et irreligiosa malitiose invexisse deprehensus fuerit, si quis fratri preteritam culpam pro qua satisfecit improp[er]averit. Item gravis culpa est si quis mala de patribus, fratribus, sororibus, vel

1. *Rectius* turpem.

2. *Rectius* industria.

(f. 574v.) domibus suis malitiose evomuerit, que testimonio fratrum suorum probare nequiverit, si quis absque licentia et magna necessitate equitaverit vel carnes comederit, vel etiam in via pecuniam portaverit vel portari procuraverit, si quis procedens ubi femine sunt oculum fixerit, si tamen hoc in usu habuerit, vel cum femina solus non de confessionibus vel honestis locutus fuerit, si quis ieiunia ab ecclesia instituta fregerit sine causa et licentia. Pro huiusmodi culpis et his similibus veniam petentibus et non clamatis tres correctiones in capitulo dentur, et tres dies in pane et aqua ieiunent. Clamatis vero una dies et una correctio superaddatur. Preter hec autem psalmi et venie secundum quod discretioni rectoris visum fuerit pro qualitate culparum iniungantur. Eadem pena digni sunt qui, postquam missi fuerint, sine licentia reverti presumpserint, vel ultra terminum sibi assignatum moram fecerint, vel si quis pro victu vel vestitu vel qualibet alia re murmuraverit. Caveat autem quilibet frater, ne proclamet aliquem in capitulo de crimine etiam de auditu, nisi ipse crimen possit probare. Quod si accusatus negaverit, et accusans in probatione defecerit, accusans pena accusati debita puniatur. Ne autem vitia celentur prelato suo denuntiet quod vidit vel audivit.

De graviori culpa. XVIII.

Gravior culpa est si quis per contaumaciam vel manifestam rebellionem inobediens prelato suo extiterit, vel cum eo intus vel foris proterve contendere ausus fuerit, si quis percussor fuerit, si quis crimen capitale comiserit, si quis procuraverit quod ipse vel alius eximatur a potestate prelati sui, si quis rem sibi collatam receperit de hiis que prohibentur recipi, si quis rem collatam celaverit, quem beatus Augustinus furti iudicio dicit esse condemnandum, si proclamatus fuerit convictus sponte surgat et veniam petens sceleris sui immanitatem lamentabiliter proferat, et

- (f. 574v.) denudatus ut dignam accipiat suis meritis sententiam vapulet quantum placuerit prelato, et sit omnium novissimus in conventu, ut qui culpam perpetrando non erubuit membrum diaboli fieri ad tempus ut resipiscat sequestretur a consortio ovium Christi. § In refectorio quoque ad communem mensam cum ceteris non sedebit, sed in medio refectorii super nudam terram collimet et providebitur ei seorsum grossior panis et potus aque nisi prelatus aliquid ei per misericordiam impendat. Nec reliquie prandii sui cum aliis admisceantur, ut agnoscat se ita sequestratum a consortio aliorum quod privetur nisi per penitentiam redeat consortiis angelorum. Ad canonicas horas et ad gratias post comestionem ante ostium ecclesie transeuntibus fratribus prostratus iaceat, dum intrant et exeunt. Nullus vero audeat se coniungere sibi¹ vel aliquid mandare. § Prelatus tamen in dispensationem labi possit, mittat ad eum qui in graviore culpa est seniores, qui commoneant eum ad penitentiam, provocent ad patientiam, foveant per compassionem, hortentur ad satisfactionem, adiuvent per suam intercessionem, si viderint in eo humilitatem cordis. Quibus etiam suffragetur totus conventus nec renuat prelatus misericordiam facere cum eo. Et si videtur ei denuo vapulet ad pedes singulorum, primo prelati, deinde utriusque lateris sessorum. Talis quamdiu erit in hac penitentia non communicet nec veniat ad osculum pacis. Si predicator est officium predicationis non exerceat. Non vocetur ad aliquod officium in ecclesia, nec ulla committatur ei obedientia, ante plenariam satisfactionem fecerit, nec vocem habeat, nisi in sua accusatione, nisi per magistrum ordinis vel diffinitores capituli generalis vel provincialis fuerit restitutus. Si fuerit sacerdos vel dyaconus hiis officiis non fungatur nisi postmodum religiose conversatus fuerit. § Si quis autem quod Deus avertat in peccatum carnis lapsus fuerit aut furtum commiserit quod sit notabile iudicio discretorum vel

1. *Rectius illi.*

- (f. 575) litteras magistri ordinis, vel priorum conventualium, seu eorum sigilla falsificaverit, vel falsificans scienter usus fuerit, aut in prelatum suum manus iniecerit temere molestas, aut quamcunque letaliter seu graviter et atrociter percusserit, aut infra scepta monasterii frater se alma¹ invasiva indebite portare presumpserit, aut aliquod predictorum fieri fecerit, carcerali custodire mancipetur. Si quis etiam alteri fratri ordinis vel ipsi ordini crimen falso imposuerit propter quod crimen secundum nostrarum seriem constitutionum frater aliquis carcerem mereretur, aut crimina huius² fratrum secularibus personis aut extraneis obedientiam nostri ordinis constitutis revelaverit, unde ordinis vel fratrum infamia seu dampnum fuerint subsecuta, modo consimili carceri mancipetur, et nolumus quod huius ordinis destructores possint nisi per magistrum ordinis vel generale capitulum liberari. Idem dicimus de fratribus qui inventi fuerint ad taxillos lusisse, quos etiam pene carceris volumus subiacere, vel quicumque in sententiam excommunicationis a quocumque iudice nostri ordinis riti latam scienter incidisse deprehensi fuerint. Si quis tale quid extra monasterium commiserit frater, qui cum eo est,
- Col. II. studeat excessum eius quam totius prela|to intimare. Correctus vero ad locum in quo tale quid commiserit ulterius non redeat, nisi ita religiose fuerit conversatus, quod per diffinitores generalis capituli vel provinciali illuc reversurus iudicetur. Si vero huiusmodi peccatum occultum fuerit disquisitione secreta secundum tempus et personam condignam agat penitentiam. Si quis autem de mala familiaritate notabiliter suspectus fuerit et post admonitionem a prelato de consilio discretorum fratrum coram eisdem sibi pluries factam se non correxisse deprehensus fuerit, precipiatur ei in virtute sancte obedientie per prelatum coram illis coram quibus monitus fuerit vel coram aliis discretis de consilio eorundem ut a tali

1. *Rectius arma.*

2. *Rectius crimina huiusmodi fratrum.* Cf. M.O.P.H., iv, 357.

(f. 575) familiaritate desistat. Quod si tale preceptum transgressus fuerit postquam de hoc legitime constiterit tanquam reus et convictus de suscepto crimine habeatur. § Si qui per conspirationem, vel coniurationem, vel per malitiosam concordiam adversus priores vel prelatos suos manifeste se erexerint supradicto modo peniteant, et de cetero in omni vita sua extremum locum sui ordinis teneant, et vocem in capitulo nisi in sui accusatione non habeant, neque eis aliqua obedientia iniungatur, nisi per magistrum ordinis vel diffinitores capituli generalis vel provincialis fuerint restituti. Si quis tamen fratres non malitiose sed in veritate adversus prelatum aliquid habuerint quod tolerari non debeat, nec deceat, prius eum inter se cum omni humilitate et caritate de sua correctione admoneant. Quod si frequenter admonitus se corrigere neglexerit aut contempserit priori provinciali significant, vel visitoribus, ut cum ad eandem domum visitandam manifeste¹ venerint causa indicetur, vel diffinitoribus generalis vel provincialis capituli significetur. Aliter prelatos suos subditi infamare non presumant.

De gravissima culpa. XIX.

Gravissima culpa est incorrigibilitas illius qui nec culpas timet admittere et penam recusat ferre. Tales de consilio discretorum carcerali custodie mancipentur et ibidem secundum exigenciam culparum iuxta discretionem prelati ieiuniis et abstinenciis puniantur vel secundum regulam patris nostri Augustini, si magis expediens iudicatur, exuti habitu ordinis de nostro ordine expellantur. Si tamen usque ad illam horam sani capitis et integri sensus extiterint, si etiam aliqui sunt qui iudicio discretorum et consilio in communi sine gravi periculo et scandalo tollerari non possunt, in carcere recludantur et ibidem secundum exigenciam culparum et secundum discretionem prelati puniantur.

1. Manifeste added in the margin.

(f. 575)

De apostatis. XX.

Quicumque apostataverit ipso facto sit excommunicatus quam sententiam nunc ferimus presenti statuto. Si vero misertus sui redierit, depositis vestibus in clau-

(f. 575v) tro nullus cum virgis in capitulum veniet, et prostratus culpam suam dicet, et humiliatus veniam petet, et quamdiu prelato placuerit penis gravioris culpe subiacebit, et in capitulo nudum se presentabit in singulis septimanis. § Infra hoc tempus penitentie ubique in conventu novissimus erit, et duobus diebus in qualibet septimana per annum ieiunabit in pane et aqua. Et peracta penitentie ad priorem locum non redeat nisi per diffinitores generales vel provinciales capituli cum eo fuerit dispensatum, ita tamen quod anni quibus fuerit in apostasia, non computentur ei quo ad locum, sed sit sub omnibus qui habent plures annos in ordine quam ipse habuerit quando exivit. Quod si secundo fugerit et iterum redierit supradicto modo peniteat, et priori anno secundus annus addatur, si tertio tertius, si quarto quartus. Omnibus tamen fratribus pro huiusmodi culpis penitentibus humiliter in capitulo deprecantibus prelatus cum eorum penitentiam prospexerit, eis indulgere vel remittere poterit, secundum quod sue discretioni visum fuerit vel placitum. Apostate unius conventus non recipiantur a priore alterius conventus ad ordinem in eadem provincia sine licentia prioris provincialis nec apostate aliarum provinciarum recipiantur in aliis provinciis sine licentia magistri ordinis. § Si quis in apostasia ordinatus fuerit, vel post excommunicationem in ea divina celebrare presumpserit, executione officii perpetuo carebit nisi forte post ea ita religiose conversatus fuerit ut cum eo auctoritate sedis apostolice dispensetur. Qui semel apostataverit, vel de lapsu carnis manifeste convictus fuerit, vel carceri sententialiter et legitime fuerit mancipatus, decetero non predicet nec audiet confessiones nec ad aliquam electionem ordinis nec ad aliquem tractatum eorum qui

(f. 575v.) mittenda sunt ad capitulum generale vel provinciale admittatur, nisi per diffinitores generales vel provinciales capituli fuerit restitutus, que restitutio non fiat per eosdem ante tres annos ad minus. Et si fuerit predicator generalis dicto officio sit privatus, nec possit habere officium prioratus, vel supprioratus, vel lectoratus, nec possit fieri diffinitor generalis vel provincialis capituli nec predicator generalis, nec magistri ordinis elector, sine magistri ordinis licentia speciali. Quicumque litteras magistri ordinis vel priorum provincialium seu sigilla eorundem falsificaverit eadem incurrat sententiam excommunicationis ipso facto.

Secunda Distinctio. De domibus concedendis et construendis. I.

Nulla domus concedatur nisi a priore provinciali et diffinitoribus provincialis capituli fuerit postulata, nec concessa ponatur, nec posita transferatur, nisi ubi predicti viderint expedire. Fratres autem novis domibus deputati conventibus de quibus assumuntur, et ipsi conventus eisdem quantum ad suffragia sicut suis conventualibus mutuo teneantur quousque conventus ibidem fuerint assignati. Quantum vero ad omnia alia dicti fratres ad domos predictas simpliciter pertinebunt. Statuatur semper aliquis clericus vel
 Col. II. conversus maturus, discretus, et securus, qui sit portarius et diligenter que ad officium portarii pertinent exequitur. Poterit, autem, aliquem fratrem vel secularem habere honeste conversationis in adiutorium cum necessitas hoc requirit. Conventus citra numerum duodenarium sine licentia generalis capituli et absque priore et doctore non mutatur,¹ nec postquam missus fuerit dictus numerus fratrum minuat, et, si aliquid inde subtractus fuerit, loco illius alius assignetur. Ille vero conventus qui pro illo tempore dictum duodenarium numerum non habebit ad ea que tractanda sunt in capitulo provin-

1. *Rectius* mittatur.

(f. 575v.) ciali sive in electione provincialis, quoad priorem et socium et electores provinciales nullatenus admittatur, nisi forte illo anno per fratris obitum dictus numerus fuerit adminutus, provinciis Iherosolimitane et Grecie duntaxat exceptis. Item nulla domus transferatur de provincia ad provinciam nisi per tria capitula fuerit approbatum. § Mediocres domos et humiles fratres nostri habeant, nec fiant in domibus nostris curiositates et superfluitates notabiles in sculpturis, picturis, et pavimentis et aliis similibus qui paupertatem nostram deformat. Si quis vero decetero contrafecerit, pene gravioris culpe debite subiacebit. Possessiones seu redditus nullo modo recipiantur nec ecclesie quibus animabus¹ cura sit annexa. Item nullus audeat instare vel rogare pro beneficiis suis consanguineis obtinendis. § In virtute obedientie et sub pena excommunicationis districte prohibemus ne aliquis fratrum nostrorum laboret vel procuret decetero ut cura vel custodia monialium seu quarumlibet aliarum mulierum nostris fratribus committatur, nisi de licentia magistri ordinis speciali. Hac eadem restrictione prohibemus ne aliquis curam recipiat predictarum, nisi per tria capitula continua fuerit approbatum et nisi cura per dominum papam ordini committatur, vel per alium qui possit facere commissionem predictam. Si quis vero contraire presumpserit pene gravioris culpe debite subiacebit. Mulieres claustrum vel oratorium vel alias officinas nostras nunquam ingrediantur, nisi in die consecrationis ecclesie et tunc tantum liceat eis ingredi chorum et claustrum. In paraseve vero tantum chorum poterunt intrare usque ad officium.

De electione prioris conventualis et institutione
supprioris. II.

Priores conventuales a suis conventibus secundum
formam canonicam eligantur videlicet a maiori parte

1. *Rectius* animarum.

(f. 575v.) medietate eligentium, vel per compromissionem, vel per communem inspirationem, aliis iuris subtilitatibus relegatis. Cum autem per disquisitionem et scrutinium voluntatum procedit electio, vota eligentium recipiantur per suppriorum vel eius vicarium in absentia suppriorum et duos fratres qui primitus habitum ordinis susceperunt, et tamen post professionem a nostro ordine nullatenus discesserint nisi per magistrum ordinis vel provinciale vel generale capitulum cum eis fuerit dispensatum. Publicato autem scrutinio et facta collatione numerum ad numerum si minor pars maiori consenserit ille, qui primam vocem inter electiones¹ habuerit, surgens dicat; "Ego talis vice mea et omnium electorum presentium eligo N. in priorem talis conventus||vel talis provincie," si prior provincialis eligatur. Si vero non omnes consenserint sed maior pars, tunc sicut prius qui primam vocem habuerit dicat, "Ego talis pro me et pro hiis qui mecum consenciant eligo" et cetera ut supra. In postulatione forma eadem observetur quod similiter in electione magistri ordinis et prioris provincialis observetur et a priore provinciali si ei visum fuerit confirmetur. Idem etiam fiat si aliquis a maiori parte illorum ad quos spectat electio de alio conventu fuerit postulatus. Conventus autem qui petit confirmationem electi in priorem numerum et nomina eligentium scribat priori provinciali. § Si vero infra mensem non elegerint vel postulaverint prior provincialis conventui provideat de priore. Fratres autem post iiiij annos a professione sua ad electionem prioris conventualis admittantur. Infra vero idem tempus in socium prioris aut in priorem vel in electorem prioris provincialis vel² nullatenus eligantur. Si vero de alia fuerint provincia postquam per annum continuum a tempore sue assignationis immediate precedente electionem faciendam steterint in domo alterius provincie ad quam missi fuerant admittantur ad electionem pre-

1. *Rectius* electores.

2. vel redundant.

(f. 576) dictam. Infra vero idem tempus non admittantur ad electionem electorum prioris provincialis nec ad tractatum eorum qui ad generale vel provinciale capitulum sunt mittenda. Electio autem tam priorum provincialium quam conventualium ad illos tantum pertinet electores qui personaliter presentes in electione extiterit¹ sicut fit in electione magistri. Prior autem conventualis de consilio discretorum fratrum instituat suppriorum, cuius officium erit habere diligentiam circa conventum et curam, corripere delinquentes, et in aliis quantum prior assignaverit ei vel permiserit. Idem autem supprior, mortuo priore vel amoto, vices eius in omnibus plenarie obtineat quousque prior eiusdem loci fuerit electus et confirmatus, et in domo presens extiterit, nisi prior provincialis aliter ordinaverit. Si vero mortuo priore vel amoto vel absente domus suppriorum presentem non habuerit vel vicarium prioris tres fratres illius conventus presentes et vocem in electionibus habentes qui primitus habitum nostri ordinis susceperunt aliquem fratrem de illo conventu antequam comedant et bibant eligere teneantur, renuntiatione qualibet non obstante, qui vices supradictas prioris obtineat, quousque domus ipsa priorem presentem habeat vel suppriorum vel prior provincialis vel conventualis aliter ordinaverit. Quod si predicti tres non concorderint duorum sententia ad providendum sive de uno ipsorum trium sive de aliquo conventuali alio prevalebit. In cotidianis vero capitulis non accusetur supprior nisi aliquando pro aliquo maiori excessu secundum quod priori visum fuerit proclametur.

De electione prioris provincialis. III.

Statuimus ut, mortuo priore provinciali vel amoto, prior conventualis illius loci in quo primum capitulum provinciale fuerit celebrandum vicem eius obtineat donec prior provincialis eiusdem provincie

1. *Rectius* extiterint.

(f. 576) sit electus et confirmatus et ipse vel ille cui vices suas
 Col. II. commiserit presens in provincia extiterit. Quod si capitulum provinciale ex aliqua causa ad conventum alium transferatur, que translatio fiat per priorem provincialem vel eius vicarium de consilio discretorum, post translationem prioris vicarii potestas expiret et prior loci illius ad quem provinciale capitulum est translatum vices provincialis in omnibus obtineat. Idem dicimus si capitulum generale contingeret ad aliam provinciam transferri, videlicet quod auctoritas vicarie ad provincialem illius provincie cum capitulo transferatur.† Si autem conventus ille ubi capitulum assignatum fuerat vel translatum priorem non habuit, vel eum infra tempus vicarie sui mori contigerit, vel amoveri vel extra provinciam esse durante eius absentia prior illius domus ubi antecedens capitulum provinciale fuerat celebratum vices prioris provincialis in omnibus obtineat et sic deinceps retrocedendo quousque conventus ille in quo capitulum provinciale fuerit celebrandum priorem habuerit, qui vices prioris provincialis in omnibus obtinebit.† Si vero prior illius domus ubi capitulum provinciale fuerat celebrandum in provincia presens non extiterit, vel capitulo provinciali quacunque ex causa non interfuerit, simili modo prior illius domus ubi precedens capitulum fuerit celebratum vices prioris provincialis in illo tantum capitulo in omnibus obtinebit. Et sic deinceps donec prior provincialis eiusdem provincie sit electus et confirmatus, vel magister ordinis vel capitulum generale in predictis casibus aliter ordinaverit, et ille vel ipse cui vices suas commiserit presens in provincia extiterit.† Si autem eundem vicarium infra tempus sue vicarie mori contigerit vel amoveri, prior illius domus ubi capitulum provinciale celebratum fuerit antecedens vices prioris provincialis in omnibus obtineat, et sic deinceps,†† si autem priorem provincialem in capitulo generali vel medio tempore vel in ipso provinciali capitulo mori vel amoveri vel quocunque alio casu

- (f. 576) infra idem tempus aliquam provinciam priore provinciali carere contigerit, ad ipsum provinciale capitulum eius electio pertinebit. Quod si nec ipse nec alius in ipso capitulo electus fuerit et confirmatus, vel post provinciale capitulum priorem provinciam mori vel amoveri contigerit, qui locum eius obtinet teneatur convocare quamcitus poterit electores et in die ad eligendum assignata prior provincialis eligatur, vel postuletur, et provinciale capitulum celebretur, nisi prius fuerit celebratum. Quod si in die statuta non elegerint vel postulaverint qui debent eligere potestas providendi ad magistrum ordinis transferatur. Volumus autem quod electio predicta spectet tantum ad priores conventuales et duos fratres de quolibet conventu pro qualibet electione de provinciali fienda, si pluries fieri contigerit, ad hoc idem noviter electos a maiori parte conventus per disquisitionem superioris, vel gerentis vices eius, et duorum fratrum, qui primitus habitum nostri ordinis susceperunt, omnibus fratribus ad conventum illum pertinentibus convocatis, si infra unum diem possit ad eos nuntius pervenire et hoc idem in electione prioris conventualis et tractata eorum que mittenda sunt ad capitulum provinciale observetur, qui secundum|| formam
- (f. 576v.) inferius in electione magistri positam electionem huiusmodi celebrabit, hoc excepto quod eos includi sicut in electione magistri non oportet. Quod si magister ordinis sive capitulum generale aliquem fratrem illius provincie vicarium instituerit generalem, in eadem volumus ipsum vicarium in electione predicta vocem habere. Tres autem priores conventuales, qui primitus nostri ordinis habitum susceperunt, disquerant et requirant vota fratrum. Unus autem ex illis duobus electoribus illo anno in socium prioris conventualis ad provinciale capitulum eligatur, si tunc fuerit celebrandum. Quod si electorem vel alterum eorum mori vel impediri contigerit antequam iter ad eundem ad electionem arriperint,¹ conventus

1. *Rectius* arriperint.

(f. 576v.) alium vel alios possit eligere loco eorum qui fuerint impediti. Idem dicimus de socio prioris conventualis euntis ad capitulum provinciale electo. Instante vero prioris provincialis electione, priorum conventualium illius provincie absolute, nisi ob causam criminis vel gravis scandali fieri prohibemus. Statuimus autem ut prior provincialis in capitulo generali a magistro et diffinitoribus premissa diligenti examinatione confirmetur vel amoveatur. Poterit nichilominus eum magister Ordinis confirmare vel amovere. Quod si ordo magistrum non habuerit ad vicarium ordinis confirmatio pertinebit. Si vero post confirmationem et antequam ad electum confirmatio ipsa pervenerit, magistrum ordinis mori vel amoveri contigerit, nichilominus confirmatio suum sorciatur effectum. Provincialis autem prior eandem habeat potestatem in sua provincia quam et magister ordinis et eadem sibi reverentia et obedientia a comprovincialibus exhibeatur que magistro exhibetur, nisi magister presens extiterit. Item prior provincialis provinciam suam totam per se si poterit, vel per vicarios idoneos teneatur annis singulis visitare quibus auctoritatem committat prout sibi videbitur expedire. Priores provinciales cum fuerint absoluti ad illos conventus pertineant de quibus fuerant assumpti nisi per superiores suos fuerit aliter ordinatum. Si vero in provincialatu decesserint libri et alia que habuerint per permissionem ordinis provincie antequam essent provinciales vel in ipso provincialatus officio a provincia vel ab alio conventu ad provinciam vel ad conventum unde habuerunt simpliciter pertinebunt. Alia vero omnia que habuerint sint illorum conventum de quibus assumpti fuerunt.

De electione magistri. IIII.

Statuimus ut si ante festum sancti Michaelis magistrum mori vel amoveri contigerit, vel in ipso festo prior provincialis vel conventualis, qui propinquior

(f. 576v.) illi loco extiterit ubi magister decesserit, Parisiensi vel Bononiensi conventui sibi scilicet propinquiori cum festinatione denunciaret. Alteruter autem istorum conventuum cui primo denunciatum fuerit, teneatur similiter reliquo nuntiare, Parisiensis provincialibus Yspanie, provincie Tholosane, Anglie, Theothonie, Col. II. Dacie, Arago[nie, Saxonie et provincie Provincie, Bononiensis vero Ungarie, Romane provincie, Regni Sicilie, Polonie, Terre Sancte, Grecie, Boemie et Superioris Lombardie teneatur intimare. Si autem post dictum festum magister decesserit, vel amotus fuerit, ipsius obitus vel amotio nichilominus nuntietur, ut supersedeatur illo anno a capitulo generali. § Mortuo igitur magistro vel a magisterio remoto, prior provincialis illius provincie ubi sequens capitulum fuerit celebrandum vices magistri ordinis in omnibus obtineat quousque magister ordinis sit electus, exceptis absolutionibus priorum provincialium et priorum conventualium aliarum provinciarum, et exceptis translationibus fratrum de una provincia ad aliam de quibus se nullatenus intromittat, nisi forte aliquis frater, non prior provincialis existens, pro provincialatus officio peteretur. Si autem illa provincia tunc priorem provincialem non habuerit, vel infra tempus vicarie sue eum mori vel amoveri contigerit, prior provincialis illius provincie ubi immediate precedens capitulum generale celebratum fuerit, vices obtineat supradictas et sic deinceps retrocedendo donec in aliquam provinciarum isto modo valeat vicarius inveniri. Postquam vero in illa provincia in qua fuerit generale capitulum celebrandum priorem provincialem habuerit confirmatum provincialis vices obtineat supradictas. Provinciales igitur priores XVIII provinciarum singuli cum duobus fratribus in capitulo provinciali electis a pluribus medietate omnium elegantium ad capitulum generale veniant. Si vero in aliqua provincia provinciale capitulum fuerit celebratum et in primo festo Penthecostes electio magistri fuerit facienda, finitor

- (f. 576v.) capituli generalis et socius eius sint illo anno magistri ordinis electores. In anno autem priorum provincialium duo de diffinitoribus immediate precedentis capituli provincialis, qui primitus habitum nostri ordinis susceperunt, qui tunc superstites fuerint, ad electionem magistri ordinis admittantur, quorum antiquior in ordine sit illo anno generalis capituli diffinitor, qui si ad capitulum non venerit aut precedentis capituli extiterit diffinitor, tunc ad diffinitionem electorum alius admittatur. Qui postquam fuerint congregati in vigilia Penthecostes, a prioribus conventualibus illius provincie et fratribus presentibus in loco in quo electio est facienda, in uno conclavi firmiter includantur, ita quod inde nullatenus egredi valeant, nec eis ullo modo aliqua alimenta ministrentur, quousque magister ordinis secundum formam canonicam sit electus. Hoc autem tam ab electoribus quam a recludentibus precipimus firmiter observari. Quod si quis contraire presumpserit ipso facto sit excommunicatus et penam graviori culpe debitam sustinebit. Forma autem electionis hec est. Electoribus supradicto modo inclusis, cum per disquisitionem vel scrutinium voluntatum procedet electio, tres de prioribus provincialibus qui inter alios XVIII provinciales primitus habitum religionis nostre susceperunt, voluntates singulorum sigillatim et seorsum aliquantulum in eadem domo coram oculis omnium disquirant et conscribant. Quod si Dei gratia in unum aliquem omnes unanimiter concordaverint ille verus magister ordinis habeatur. Si vero in partes inequales se dividerint, ille in quem plures medietate omnium eligentium consenserint ex vi talis electionis et huius constitutionis sit magister. Quod si aliquem vel aliquos de electoribus contigerit non venire nichilominus tamen per eos qui advenerint electio magistri celebretur. Hoc autem ita fiat, ut semper in secunda feria Penthecostes magistrum habeat capitulum, antiquum vel novum, presentem vel absentem, quia tunc incipit solemniter celebrari, ne accephalum iudicetur. Hec
- (f. 577)

- (f. 577) omnia vero que circa electionem magistri statuta sunt absque contradictione volumus et precipimus firmiter observari. Quicumque autem ausus fuerit contradicere pertinaciter vel rebellare, tanquam excommunicatus et scismaticus et destructor nostri ordinis habeatur et quousque satisfecerit a communione omnium sit penitus alienus et pene gravioris culpe subiaceat. Precipimus etiam in virtute Spiritus Sancti ut nullus ante electionem magistri circa statum ordinis valeat aliquid immutare.

De electione diffinitoris capituli provincialis et generalis. V.

Statuimus quod singulis annis in singulis capitulis provincialibus Yspanie, Tholosane, provincie Francie, inferioris Lombardie, Romane, provincie Regni Sicilie, Ungarie, Theothonie, Anglie, Polonie, Grecie, Dacie, Terre Sancte, Aragonie, Boemie, provincie Provincie, Saxonie, et superioris Lombardie quatuor fratres de magis discretoribus et magis ydoneis a provinciali capitulo per disquisitionem prioris provincialis vel eius vicarium et prioris et supprioris eiusdem loci ubi capitulum celebratur, vel si unus defuerit, per disquisitionem duorum. Quod si duo defuerint loco ipsorum per disquisitionem duorum antiquorum in ordine presentium in capitulo hoc modo eligantur. Predicti siquidem tres vel duo, si tertius defuerit, voluntates singulorum sigillatim et seorsum aliquantulum in eadem domo coram oculis omnium disquirant et conscribant fideliter. Deinde incontinenti et in eodem loco antequam fratres discedant vel ad invicem colloquantur scripturam publicent in medium, expressis nominibus elegantium et electorum. Et in quibus plures concordaverint illi pro diffinitoribus habeantur. Si autem partes fuerint pares, tunc eodem modo disquisitionis voluntatum, unus de fratribus qui vocem in predicta electione non habuerit eligatur a capitulo et cui parti ille consenserit, illi pro diffinitoribus a capitulo recipiatur. Quod si

(f. 577) in electione istius adhuc discordaverint, per eundem modum alius eligatur, et sic deinceps, donec in parte altera maior possit numerus inveniri. Predictos¹ igitur quatuor diffinitores eligantur in die proximum precedente die assignationis provincialis capituli et ex tunc incipiat auctoritas eorundem. Quod si aliquem de dictis quatuor diffinitoribus durante provinciali capitulo mori contigerit vel causa alia legitima impediri, electores supradicti secundum dictam formam superius possint statim alium in diffinitorem capituli eligere, qui mox electus eandem in omnibus hanc potestatem quum ceteri habent diffinitores et loco mortui vel impediti omnia capituli negotia cum aliis

Col. II. pariter | diffinet et tractabit.† Statuimus etiam ut per duos annos in singulis dictarum XVIII provinciarum capitulis aliquis de magis idoneis a maiori parte provincialis capituli per disquisitionem prioris provincialis vel eius vicarii, et prioris et supprioris illius loci ubi capitulum celebratur, vel, si unus defuerit, per disquisitionem duorum. Quod si duo defuerint, loco ipsorum per disquisitionem duorum antiquorum in ordine presentium in capitulo eligatur, qui sit generalis capituli diffinitor, secundum formam supradictam in electione diffinitorum capitula provincialis cui socius competens a priore provinciale et diffinitoribus assignetur. Qui diffinitor et socius solum de suis provinciis assumantur. Quidam etiam de electoribus magistri ordinis volumus inviolabiliter observari. Socii etiam priorum ad provinciale capitulum et electores prioris provincialis tantum de suis conventibus eligantur. Quod si supersedeatur illo anno a capitulo generali, qui in sequenti capitulo provinciali electus fuerit habeatur generalis capituli diffinitor. Nolumus tamen quod is, qui in precedenti capitulo electus fuerit, ad idem officium eligi valeat in anno diffinitorum in primum subsequente. Si vero in medio tempore decesserit, vel in priorem provincialem electus et confirmatus fuerit, vel aliquo modo fuerit impeditus quod

1. *Rectius* predicti.

- (f. 577) venire non possit ad capitulum generale, ipso iure socius eius loco ipsius diffinitor habeatur. Quod si alterum ipsorum supradicto modo impediri contigerit, primus conventus ad quem declinaverit, teneatur ei de socio competenti itineris providere. Fratres qui uno anno electi sunt in diffinitores capituli provincialis sequenti anno ad idem officium non eligantur. Idem dicimus de diffinitoribus capituli generalis.

De capitulo cotidiano. VI.

Finitis matutinis teneatur capitulum vel aliquando post Primam aliquando etiam intermittitur ne studium impediatur secundum quod prelato videbitur. Ingresso vero conventu capitulum lector pronuntiet lunam et que de calendario pronuntianda sunt, et sacerdos prosequatur: "Pretiosa est" et cetera. Deinde residentibus fratribus, lector pronuntiet lectionem de constitutionibus vel de evangelio pro tempore, premissio: "Iube dompne," et ebdomadarius subiungat benedictionem, "Regularibus disciplinis" vel "Divinum auxilium" pro tempore. Et facta absolute pro defunctis, dicat qui tenet capitulum: "Benedicite." Et responso: "Dominus," inclinent omnes.†† Deinde recitatis beneficiis et dicto a priore: "Retribuere dignare" et cetera. Dictis etiam a conventu psalmis: "Ad te levavi" et "De profundis," "Kyrie eleison," cum "Pater noster" subsequitis¹ etiam tribus versiculis scilicet, "Oremus pro domino papa," "Salvos fac servos tuos," "Requiescant in pace," "Dominus vobiscum,"² ab ebdomadario dicendis cum hiis tribus collectis: "Omnipotens sempiterne Deus qui facis," "Pretende," "Fidelium Deus," resideant fratres. Tunc prelatus poterit dicere breviter, si quid ad honestatem ordinis et correctionem fratrum viderit expedire. Post hec autem egrediantur novitii.

1. *Rectius* subsecutis.

2. "Dominus vobiscum" is added in the margin.

- (f. 577) Quibus egressis, dicat qui preest: "Faciant venias suas qui se reos estimant." Et continuo qui se reos intellexerint prostrati veniam petant. Deinde surgentes humiliter confiteantur culpas suas. Et quorum culpa talis est que digna est correctione preparent se (f. 577v.) ad correctionem quam prior faciat, vel ille cui ipsell commiserit. In capitulo vero fratres nisi duabus de causis non loquantur, scilicet culpas suas et aliorum dicendo simpliciter et prelati suis tantum ad interrogata respondendo, uno etiam stante et loquente, alius non loquatur. Nullus faciat proclamationem super aliquem ex sola suspicione. Item nullus accuset de auditu, nisi dicat a quo audierit, et ille sit presens in domo. Auditis vero culpis dicatur psalmus: "Laudate Dominum," cum versu: "Ostende nobis Domine," "Dominus vobiscum," et Collecta: "Actiones" et cetera. In fine dicat prior "Adiutorium nostrum in nomine Domini," et sic solvitur capitulum.

De capitulo provinciali. VII.

Capitulum provinciale post capitulum generale ubi et quando prior provincialis cum consilio diffinitorum elegerit celebretur. Capitulum autem provinciale appellamus priores conventuales cum singulis sociis a pluribus de capitulo suo ultra medietatem eligentium electis et predicatoribus generales. Si qui tamen qui non sunt de capitulo in diffinitores eligantur ad omnia acta eius dumtaxat capituli admittantur. Predicadores autem generales dicimus qui per priorem provinciam et diffinitores capituli provincialis fuerint instituti. Quos instituendi nullus vicarius etiam cum diffinitoribus hanc potestatem.¹ Dicti autem predicatoribus dicto officio non fungantur nisi in provincia in qua fuerint instituti. Nullus prior conventualis ducat secum plures fratres ad capitulum generale vel provinciale sine causa legitima. Quod si priorem provinciam abesse contigerit, nec vicem

1. ? supply *habeat*.

(f. 577v.) suam alicui comiserit, vel ille cui comiserit aliquo casu absens fuerit, prior illius loci ubi capitulum fuerit celebrandum cum diffinitoribus capituli in celebratione procedat eiusdem. § Predicti igitur diffinitores tractabunt omnia et diffinient cum priore¹ provinciali. Quod si in suis diffinitionibus in partes equales se diviserint illorum sententia prevalebit, in quorum partem prior provincialis concordaverit, alias omnimodo sententia plurium prevalebit. Si autem per adiunctionem vel absentiam prioris provincialis vel eius vicarii, vel casu aliquo contingente, partes fiant equales unus ab eisdem de capitulo eligatur, et in quorum partem ille declinaverit illa sententia prevalebit. Isti autem quatuor diffinitores excessum prioris provincialis confessi vel proclamati in capitulo provinciali coram fratribus audiant et emendent, ei penitentiam iniungentes. Si autem quod absit incorrigibilis extiterit ipsum usque ad capitulum generale suspendant ab officio prioratus, aliquem idoneum loco eius substituentes, et eius excessum referant ad capitulum generale, scripto communiter sigillato. † Singulis annis auditis culpis in capitulo provinciali fiat scrutinium secretum in conspectu omnium super retentione vel absolute prioris provincialis cum expressione nominum et officiorum fratrum experimentium vota sua per diffinitores capituli provincialis et scrutinium non publicetur vel alicui ostendatur, sed statim sigillis omnium diffinitorum in conspectu omnium sigilletur et per diffinitorem generalis capituli vel eius socium vel per socium prioris provincialis in

Col. II. anno provincialium ad | generale capitulum defferatur. Et hec eadem forma scrutini facienda de priore conventuali per supprioris vel eius vicarium in absentia supprioris et duos antiquiores in ordine de conventu presentes in capitulo in tractatum eorum qui mittenda sunt ad capitulum observetur, et sigillo conventus ipsum scrutinium sigilletur, et per socium prioris ad capitulum provinciale transmittatur. Dictis

1. *cum priore* added in the margin.

(f, 577v.) autem scrutatoribus voluntatum in virtute obedientie precipimus quod dictum scrutinium alicui per modum aliquem non revelent. Quod si aliquis vel aliqui de predictis scrutatoribus prioris conventualis impedimentum habent iudicio maioris partis medietate ad audiendum vel videndum seu scribendum ea qui in scrutinio deponuntur unus de fratribus ad ipsam electionem pertinentibus, quem ut dictum est maior pars conventus¹ nominaverit loco illius qui impeditus fuerit ad recipiendum dictum scrutinium admittatur, et tunc ad servandum scrutinium ex vi precepti ut alii teneatur. Et hec eadem forma circa scrutinium electionis prioris provincialis et electionis conventualis in omnibus observetur. Accusationi vero et correctioni professi postremum ab ingressu ordinis² poterunt interesse. Infra vero quinquennium ab ingressu ordinis alii non admittantur in conventibus ad discussionem eorum que ad capitulum generale vel provinciale sunt mittenda, nec ad electionem socii prioris conventualis nec etiam ad electionem electorum prioris provincialis.†† Piores cum suo conventu capitulo provinciali singulis annis scribant debita domus sue et causas etiam debitorum. Item nulla petitio offeratur capitulo provinciali nisi a conventu, nec generali nisi a capitulo provinciali fuerit approbata. Nullus vero religiosus alterius ordinis vel professionis, nullusque secularis cuiuscumque ordinis vel dignitatis vel professionis vel vite secretis vel tractatibus capituli aliquatenus admittatur. Prior autem provincialis et diffinitores in quolibet capitulo provinciali determinent tempus antequam fratres ad sequens capitulum non veniant.

De capitulo generali. VIII.

Capitulum generale uno anno Parisius, alio anno Boemie³ celebretur, nisi magistro et diffinitoribus ex

1. Originally *comunitatis*, later altered to *conventus*.
2. *Ordinis* added in the margin.
3. *Rectius* Bolonie.

- (f. 577v.) causa legitima quandoque aliud videatur. Necessitate vero urgente magister ordinis cum assensu prioris provincialis in cuius provincia generale capitulum fuerit celebrandum de consilio discretorum ad alium conventum eiusdem provincie capitulum transferre possit. Predicti autem XVIII provincialium diffinitores duobus annis, et XVIII priores provinciales tertio anno cum magistro ordinis omnia diffinient, constituent et tractabunt. Quod si in partes equales se diviserint, illorum sententia prevalebit in quorum partem magister ordinis declinaverit. Si vero in partes inequales obtineat sententia plurium. Si autem per adiunctionem magistri partes fiant equales, unus a diffinitoribus eligatur secundum quod in electione diffinitorum provincialium superius est statutum. § Quod si ad capitulum aliquo casu impediti non omnes venerint illi quos ex ipsis venire contigerit cum magistro ordinis omnia pertractabunt. Si vero magistrum aliquo casu abesse contigerit
- (f. 578) unus ex diffinitoribus eiusdem capituli ab ipsis diffinitoribus, vel maiori parte eorum assumatur in magistri vicarium, qui durante capitulo vices magistri gerat in omnibus dumtaxat que ad tractatum et acta capituli pertinebunt, qui locum magistri ubique teneat, et "Fidelium" dicat et licentiam loquendi tribuat et possit concedere litteras de beneficiis ordinis ut magister, et in diffinitoribus unam habeat tantum vocem. Quod si in eius assumptione equales se diviserint unus de presentibus fratribus eligatur ab ipsis et in quorum sententia iste declinabit ille pro vicario habeatur, cum quo vicario ceteri diffinitores in diffinitione procedant. Quod si in ipsa diffinitione iterum in partes equales se diviserint forma superius posita teneatur. Isti autem diffinitores habebunt plenariam potestatem super excessu magistri ordinis corrigendo, vel de eo penitus removendo. Ipsorum vero sententia tam in hiis quam in aliis inviolabiliter observetur, ita quod a nemine ab sententia illorum liceat appellari. Et si appellatum fuerit frivola et

(f. 578) nulla appellatio habeatur. § Appellationem enim intra nostrum ordinem sub interminatione anathematis prohibemus cum non venerimus contendere sed¹ potius delicta corrigere. § Diffinitiones² itaque predicti postquam fuerint accusati quando eis videbitur expedire excessum magistri ordinis seorsum corrigant et emendent. Qui coram ipsis humiliter se prosternens veniam faciat, et stans de suis excessibus se accuset, et diffinitores audiant accusantes. Auditis accusationibus secedat ut eo absente diffinitores de eius correctione conferant et disponant. Quod si prevaricator ordinis fuerit aut contemptor aut adeo negligens fuerit et remissus, quod ordinis dissolutionem et destructionem inducat, moneatur a diffinitoribus ut magistratui cedat, et aliquem locum ad manendum sibi eligat ubi possit honeste conversari, alioquin amovendi ipsum ab officio magistratus liberam habeant potestatem. Cessio autem magistri non admittatur a diffinitoribus nisi propter aliquod predictorum, aut propter defectum aut impotentiam que ipsum ab executione officii magistratus perpetuo impediret. Perpetuum autem impedimentum dicimus quod diffinitores de prudentum consilio perpetuum iudicabunt. § In virtute Spiritus Sancti et obedientie precipimus firmiter observari ne quis causam depositionis magistri vel prioris provincialis, vel eius excessum vel correctionem vel secretum capituli seu dissensiones diffinitorum vel fratrum unde ordo noster possit turbari vel infamari audeat scienter extraneis publicare. Si quis autem ex deliberatione contra fecerit tanquam excommunicatus et scismaticus et destructor nostri ordinis habeatur et quousque satisfecerit a communione omnium sit penitus alienus et pene gravioris culpe debite subiacebit. Eadem distractione precipimus ne quis verbo vel facto ad divisionem nostri ordinis audeat laborare. Quod si fecerit pene subiaceat supradicte. Statuimus ut si in anno diffinitionis priorum provincialium electio

1. *Sed* added in the margin.2. *Rectius* diffinitores.

(f. 578) magistri ordinis celebretur illo anno unus de fratribus electoribus de qualibet provincia, qui in provinciali Col. II. capitulo ad | hoc electus fuerit, ad diffinitionem cum eis pariter admittatur. Quod si ad capitulum non venerit tunc ad diffinitionem elector alius admittatur. Si in anno diffinitorum celebretur tunc cum diffinitoribus priores provinciales conveniant, et utriusque diffinitio sit communis. Statuimus autem et in virtute Spiritus Sancti et obediēte et sub interminatione anathematis prohibemus districte ne priores provinciales diffinitoribus vel fratres diffinitores prioribus provincialibus per suas diffinitiones prejudicium aliquod audeant generare. Quod si facere attemptaverit eadem districte prohibemus ne in hoc aliquis presumat eis obedire. § Priori vero provinciali eunti ad capitulum generale detur socius a diffinitoribus provincialis capituli. Statuimus insuper quod omnes priores conventuales cum sociis suis et predicatorum generales illius provincie in qua generale capitulum celebratur, illo anno veniat ad capitulum generale nec eodem anno in illa provincia ad celebrandum aliud capitulum provinciale teneatur.

De sollempni celebratione capituli. IX.

Capitulum generale quantum ad auctoritatem diffinitorum in vigilia Penthecostes incipit celebrari. Cum autem in secunda feria post Penthecostem fratres in capitulum venerint primo omnium devote invocetur Spiritus Sanctus a quo filii Dei aguntur et dicatur versus: "Emitte spiritum tuum et creabuntur" et cetera cum collecta de Spiritu Sancto. Deinde residentibus fratribus et sua loca tenentibus omnibus, ut verbo Dei celi firmentur, verbum Dei in commune fiat. Sermoni autem interesse poterunt, qui ad edificationem interesse voluerint. § Finito sermone quia indigentibus quamtotius subveniendum est, obitus fratrum in anno defunctorum in communi recitentur et fiat pro eis communis absolutio et dicatur pro eis

- (f. 578) psalmus : “ De profundis,” “ Kyrie eleison,” “ Pater noster ” versu : “ A porta inferi,” et oratione : “ Absolve Domine.” Postmodum si littere legende sunt legantur et eis suo tempore cum consilio respondeatur. Perlectis autem libris et facta recommendatione vivorum dicatur psalmus : “ Ad te levavi,” “ Kyrie eleison,” “ Pater noster” cum versu “ Salvos fac,” et oratione “ Pretende.” Et sic omnes qui non sunt de capitulo egrediantur. Quibus egressis qui missi sunt ad excusandos eos qui non assunt loquantur ad quid venerint. Deinde culpe audiantur. Si qui vero sine licentia ad capitulum generale vel provinciale venerint primo culpe eorum audiantur et recepta penitentia a capitulo excludantur. § Ut autem in exeundo modus servetur nullus exeat sine licentia et necessitate. Egressus autem non discurrat, sed expleta necessitate, citius revertatur. Qui autem in presenti anno visitare debuerant et non sicut oportuit fecerunt culpam suam dicant et digne vindicte subiaceant. Tunc etiam absentibus qui adesse debuerant et hiis qui peccaverunt nec satisfecerunt penitentia scripta mittatur. Conventus vero qui mittit accusationes ad capitulum generale vel provinciale scribat numerum et nomina accusantium et si accusant de auditu vel visu. Accusatio autem unius tantum ad capitulum generale vel provinciale non
- (f. 578v.) mittatur et tractatus eorum quem mittenda sunt ad capitulum ultra unam diem non prolongetur. § Qui autem habent questiones facere sive proprias sive communes, ad ordinem vel ad predicationem pertinentes, proponant fratribus a magistro et diffinitoribus ad hoc statutis ut suo loco et tempore solvantur et terminentur. Si qua vero dissensio inter fratres nostri ordinis quod absit emerit de libris et aliis cum proponenda sint spiritualia temporalibus non inde agatur in capitulo, sed dicti fratres extra capitulum discussa veritate dissensionem dirimant, et inter fratres pacem restituant. De solutione autem et terminatione questionum et de correctione fratrum,

(f. 578v.) de modo penitentiarum et predicatoribus ob predicandum et studentibus mittendis, prelatus maior cum aliis qui ad hoc statuti sunt tractabit, et quicquid inde, Spiritu Sancto donante, ordinaverint, capitulum universaliter et unanimiter et devote suscipiat. Nullus murmuret, nullus reclamet, nullus contradicet. In fine fiat confessio communis et absolutio perseverantibus benedictio. Et hec eadem forma in capitulo provinciali similiter observetur. § Porro magister ordinis aut priores provinciales non mutant acta provincialis capituli vel generalis nisi forte in speciali ex causa necessaria et utili. Item generalem statum ordinis vel consuetudinem diu in ordine obtentam et communiter approbatam nec magister ordinis nec priores provinciales aliquatenus valeant immutare nisi per tria capitula fuerit approbatum. Ea vero que de generali capitulo dicta sunt in vigilia Penthecostes debent inchoari. Capitulum autem generale ultra sabbatum infra octavas Penthecostes non prolongetur nisi ex causa rationabili magistro et diffinitoribus videatur qui per unam diem vel per duas ad plus debeat prolongari. Capitula etiam provincialia eodem modo infra pretaxatum dierum numerum terminentur. Necessitate vero urgente magister ordinis vel eius vices gerens de discretorum consilio ad alium conventum eiusdem provincie transferre possit capitulum generale. Quod si in eadem provincia commode celebrari non valeat eodem anno generale capitulum magister ordinis vel vices eius gerens ipso mortuo vel amoto dictum capitulum mutare poterit ad aliam provinciam si expediens iudicaverit de fratrum consilio discretorum.

De capitulo generalissimo. X.

Capitulum generalissimum non convocetur, nisi quando maior pars provinciarum petierit, vel magistro et medie parti provinciarum visum fuerit expedire. Provincie autem que petunt scribant causas quare

(f. 578v.) petunt. De hiis tantum¹ capitulum generale non habebit iudicare utrum sufficientes sint vel non, sed tamen scribantur ut fratres de eis ante capitulum conferre valeant. Piores autem provinciales singuli cum duobus sociis a capitulo suo provinciali electis a pluribus medietate omnium eligentium tale capitulum celebrabunt. Duobus etiam annis ante pronuntietur nisi urgens fuerit necessitas. § Anno ab incarnatione Domini millesimo CC XXVIII convenerunt Parisius in domo sancti Iacobi priores provinciales una cum venerabili patre fratre Iordano bone memorie magistro ordinis nostri singuli cum

Col. II. duobus diffinitoribus sibi a provincialibus|capitulis deputatis, in quos fratres omnes vota sua unanimiter transtulerunt eisdem potestatem plenariam concedentes, ut quidquid ab eis fieret sive in constituendo, sive in destruendo, mutando, addendo vel diminuendo de cetero firmum ac stabile remaneret nec liceret alicui quantecumque auctoritates a capitulo aliquid eorum immutare, que ipsi statuerunt perpetuis temporibus permansura. § Piores igitur iam prefati cum suis diffinitoribus, gratia Spiritus Sancti invocata quasdam constitutiones ad utilitatem et honestatem et conservationem ordinis premissa diligenti examinatione unanimiter et concorditer ediderunt, quas in locis suis inter constitutiones alias inserere procurarunt. Inter illas autem quasdam voluerunt inviolabiliter et immutabiliter et in perpetuum observari, videlicet de possessionibus et redditibus nullatenus recipiendis, de appellationibus removendis, et quod non possit per fratres diffinitores prioribus provincialibus, neque per priores provinciales fratribus diffinitoribus in suis diffinitionibus in aliquo preiudicium generari. Quasdam vero voluerunt sic immutabiles remanere, ut non nisi a consimili capitulo novis emergentibus articulis, casibus vel negotiis, de ipsis possit aliquid pro tempore immutari, videlicet de constitutionibus non faciendis, nisi per tria capitula

¹ *Rectius tamen.*

(f. 578v.) generalia continua fuerint approbate, de non equitando, de expensis non portandis, de carnibus, nisi causa infirmitatis, non comedendis, ita tamen ut in hiis pro loco et tempore prelato liceat dispensare.

De visitoribus. XI.

Statuimus quod quatuor fratres, vel pluries secundum quod a capitulo provinciali videbatur expedire, ad visitandam provinciam in capitulo provinciali a priore provinciali et diffinitoribus assignentur, qui excessus priorum conventualium et fratrum audiant et emendant, absque constitutione et status domus immutatione. Loca vero sua ubique teneant nisi in capitulo dum ab eis officium sue correctionis exercetur, quod in tribus diebus continuis terminetur. Si qua autem gravia et periculosa invenerint emersisse a tempore visitationis ultime facte per visitatorem precedentem, licet correcta fuerint, nichilominus cum testimonio maioris partis capituli eiusdem magistro et diffinitoribus generalis capituli studeant intimare vel priori provinciali et diffinitoribus capituli provincialis si ubi generale non sit celebrandum. § Visitores autem presentes verbo, absentes scripto, referre debent diffinitoribus capituli provincialis sive generalis cum in sua provincia celebratur de hiis quos visitaverunt fratribus, si in pace continui, in studio assidui, predicatione ferventes, que de eis fama, quis fructus, si in victu et vestitu et in aliis secundum tenorem institutionum ordo servetur. Priores autem seu lectores et suppriori in visitatores nullatenus eligantur. Quod si aliquis visitor antequam visitet vel in ipsa visitatione in priorem fuerit electus et confirmatus vel mortuus vel alias impeditus, provideat prior provincialis de aliquo fratre qui visitet loco eius.

De visitoribus.¹ XII.

Provideant diligentissime priores ne committant (f. 579) predicationis officium nisi fratribus ad hoc idoneis et

1. *Rectius* De predicatoribus.

(f. 579) moribus et scientia approbatis, ne ex insufficientia predicantium ordo veniat in contemptum, et vergat in periculum animarum. Statuimus autem ut nullus fiat predicator generalis antequam theologiam audiverit per tres annos, et nisi sit maturus et discretus ad negotia ordinis in capitulis pertractanda. § Nullus autem assumatur ad predicationis officium extra claustrum vel fratrum consortium, infra XXV annos, nec predicet populo nec confessiones externorum audiat sine licentia prioris sui in capitulo de consilio discretorum sibi data. Hii vero qui apti sunt cum in predicationem exire debuerint eis socii dabuntur a priore secundum quod moribus eorum et honestate expedire iudicaverit. Qui, accepta benedictione, exeuntes ubique tanquam viri qui suam et aliorum salutem procurare desiderant, religiose et honeste se habeant sicut viri evangelici sui sequentes vestigia Salvatoris, et cum Deo vel de Deo secum vel cum proximis utiliter loquendo vitabunt suspitiosi comitatis familiaritatem. Placitis et causis nisi pro fidei negotiis non intersint. Cum fratres nostri dyocesim alicuius episcopi ad predicandum intraverint primo si poterunt episcopum visitabunt ut secundum consilium eius in populo faciant fructum quem facere intendunt. Et quamdiu in eius episcopatu fuerint in hiis que contra ordinem non fuerint ipsi devote obedientes erunt. Predicare autem non audeat aliquis in dyocesi illius episcopi qui eis ne predicet interdixerit ex causa rationabili nisi litteras et mandatum habeat summi pontificis. Caveant etiam fratres ne ponendo os in celum suis predicationibus religiosos et clericos scandalizent, sed ea que in ipsis emendanda viderint obsecrando ut patres seorsum emendare procurent. Socius autem detur predicatori ipsi ut priori suo obediat. Statuimus ut¹ fratres nostri in predicationibus suis dari vel colligi pecuniam admoneant pro domo vel alia persona speciali.

1. *Rectius ne?* There is no record that the general chapter ever changed the *ne* to *ut*. (Cf. *A.L.K.G.*, v, 561.) It is probably a scribal error.

(f. 579)

De itinerantibus. XIII.

Euntes ad predicationis officium exercendum vel alias itinerantes aurum, argentum, pecuniam, aut munera, excepto victu et necessariis indumentis et libris, nec accipient nec portabunt. Si quis autem aliquid acceperit de predictis teneatur prelato suo cum redierit libere presentare. Fratres etiam non recipiant a mulieribus munuscula nec dent et maxime confessores. Item fratres non sint dispensatores alienarum pecuniarum, nec exteriorum deposita recipiant nisi librorum aut paramentorum ecclesiasticorum. § Predicatores vel itinerantes cum in via existunt officium suum dicant prout sciunt et possunt, et sint contenti officio ecclesiarum ad quas quandoque declinent. Fratres etiam viatores litteras testimoniales secum ferant, et in conventibus ad quos declinaverint de excessibus suis ibidem corrigantur. In quacunque autem provincia fratres itinerantes deliquerint prior provincialis vel conventualis, seu eorum vicarii, superior, visitator et ceteri, in cuius terminis inventi fuerint, ipsos sicut fratres suos corrigendi liberam habeant potestatem.^{1††} Prior in ordine sit prior in via nisi forte predicatori adiungatur vel cum egrediuntur cum ipsis prior aliter ordinaverit. Nullus

Col. II. fratrum vadat ad curiam nisi de licentia | magistri vel capituli generalis, sed mittatur nuntius ad fratres qui sunt ibi, vel per aliquem alium prout melius fieri poterit negotium procuretur. Prior priorem supervenientem honoret, sed hospes per civitatem sine consilio eius non discurrat, nec moram faciat. Fratres Minores sicut et nostri caritative et hilariter recipiantur, et secundum facultatem domus pie et honeste procurentur. § Quicumque autem prior provincialis sine licentia magistri vel frater quicumque alius sine licentia magistri vel prioris provincialis archiepiscopatum vel episcopatum receperit, nisi per talem obedientiam cogatur quam transgrediendo. peccaret

¹ Ico. clearly written in the margin.

(f. 579) mortaliter, ipsum statuto presenti suffragiis, societate, ac omnibus beneficiis ordinis tam in vita quam in morte privamus. Fratres nostri ordinis episcopis vel aliis quibuscunque personis extra ordinem assignatis qui in ieiuniis et abstinentiis, victu et vestitu statuta ordinis non servant, suffragiis et beneficiis nostri ordinis tam in vita quam in morte privamus, quousque super huiusmodi excessu adeo digne satisfecerint quod per magistrum vel provincialem suum ad huius suffragia restitui mereantur. Precipimus autem in virtute sancte obedientie et Spiritus Sancti prioribus provincialibus et conventualibus et eorum vicariis quod nulli fratri electo seu postulato extra ordinem ad quamcumque dignitatem personatum gradum infra dignitatem episcopalem licentiam concedant huiusmodi electiones¹ seu postulationes acceptandi vel alio modo quolibet procedendi. Eodem precepto prohibentes ne frater aliquis propter licentiam sibi datam contra prohibitionem huiusmodi permissas electiones seu postulationes per se vel per alium prosequantur. Quicumque in premissis secum fecerit incurrat excommunicationis sententiam ipso facto quam sententiam ferimus presenti statuto. Et nihilominus omnibus gratiis ordinis sit privatus ad quos restitui non valeat nisi per magistrum ordinis vel capitulum generale. § Si quis frater ordinis nostri per se vel per aliam ordinationem de se vel de alio factam vel obedientiam sibi vel alio fratri iniunctam per quamcumque personam extra obedientiam nostri ordinis constitutam quocunque modo procuraverit revocari vel in aliquam provinciam seu conventum aut officio seu etiam studio generali poni vel remanere vel inde amoveri vel cum personis extraneis commorari ipso facto in penam incidat culpe² despitam graviore in qua cum tali dispensari non possit nisi per magistrum ordinis vel capitulum

1. At this point there is a change of ink. The second ink is browner and fainter.

2. *Rectius culpam.*

(f. 579) generale. Si vero fuerit conversus ipso facto voce nisi in sui accusatione propria sit privatus et ubique novissimum locum teneat nisi per magistrum ordinis vel diffinitores generalis capituli fuerit restitutus. Et nichilominus penitentiam faciat gravis culpe.

De studentibus. XIII.

Quoniam circa studentes diligens est adhibenda cautela aliquem specialem fratrem habeant sine cuius licentia non scribant quaternos, nec audiant lectiones. Et que circa eos in studio corrigenda viderit corrigat, et si vires eius excedant, prelato proponat. In libris (f. 579v.) gentilium et phylosophorum non studeant et, si ad horam inspiciant, seculares scientias non addiscant, nec artes quas liberales vocant, nisi aliquando circa aliquos magister ordinis vel capitulum generale, vel prior provincialis, vel capitulum provinciale voluerit aliter dispensare, sed tantum libros theologicos tam iuvenes quam alii legant. Ipsi vero studio taliter sint intenti ut de die, de nocte, in domo, in itinere, legant aliquid vel meditentur, et quicquid poterunt retinere cordatenus vitantur.¹ Curet prior provincialis ut, si habuerit aliquos utiles ad docendum qui possint in brevi apti esse ad regendum, mittere ad studium ad loca ubi viget studium extra suas provincias de diffinitorum capituli provincialis vel maioris partis eorum consilio et assensu. Si vero aliquis missorum studentium infra VI menses a tempore celebrati capituli mori vel legitime impediri contigerit, prior provincialis possit loco illius alium subrogare, et in aliis illi ad quos mittuntur eos non audeant occupare nec ad provinciam suam remittere nisi fuerint revocati. Postquam autem in aliquo studio per tres annos fuerint commorati ipso facto sint ab illo studio absoluti, nisi de magistri ordinis licentia speciali. Et hoc idem circa studentes eiusdem provincie observetur. Tres fratres mittantur Parisius tantum ad

1. *Rectius nitantur.*

(f. 579v.) studium de provincia, exceptis provinciis Yspanie, Tholosane provincie, Romane provincie, Lombardie inferioris, Theutonie, Grecie, Terre Sancte, Aragonie, Boemie, provincie Provincie, et superioris Lombardie, Saxone, Polonie, de quarum qualibet tantum duo mittantur. Quelibet autem provincia, exceptis Dacie, Grecie, Terre Sancte provideant ut semper in aliquo conventu ydoneo sit generale studium et solemne, et ad illum locum quilibet prior provincialis habeat potestatem mittendi duos fratres ad studium ydoneos. Quod si in aliqua dictarum provinciarum lector sufficiens non fuerit pro tali studio magister ordinis de lectore provideat competenti. § Statuimus autem ut quilibet provincia fratribus suis missis ad studium, ad minus in tribus libris theologie teneantur providere, videlicet in biblia, hystoriis et sententiis, et ipsi in hiis tam in textu quam in glosis precipue studeantur intendant.¹ Item nullus faciat scribere libros de rebus domus, nisi ad communem utilitatem. Nulli etiam certus usus librorum concedatur, nec indignetur a quocunque auferantur, vel in cuiuscumque custodia dimittantur. In diebus dominicis et festis precipuis² a quaternis scribendis se contineant. Cum frater de provincia ad provinciam mittitur, si simpliciter illi provincie ad quam mittitur assignetur, libri et alia que habuit per provisionem ordinis ad provinciam de qua mittitur vel etiam ad conventum ad eandem provinciam vel conventum simpliciter pertinebunt. Alia vero omnia que habuit sint illius provincie ad quam mittitur ubicumque postquam assignatus fuerit nominatur. Si vero ad tempus mittitur omnes libri eius et res alie post eius obitum ad provinciam vel conventum in quo assumptus est pertinebunt. In utroque autem casu, sive assignetur simpliciter sive ad tempus, conventus cui assignatus fuerit et ipse eidem conventui ad suffragia Col. II. |teneatur. Si autem ex quo alteri provincie fuerit assignatus ipsum commori contigerit antequam certo

1. *Rectius* studeant et intendant.2. *Rectius* principiis.

(f. 579v.) conventui fuerit deputatus, prior illius provincie eidem provideat de contra qui sibi ad suffragia teneatur ne consuetis defunctorum suffragiis defraudetur. § Circa autem eos qui student taliter dispensetur a prelato ne propter officium vel aliud a studio retrahantur vel impediuntur. Locus vero proprius secundum quod magistro studentium videbitur statuatur, in quo post disputationem vel vespervas, vel alio etiam tempore prout vacaverit ad dubitationes vel questiones proponendas vel collationes faciendas ipso presente convenient, et uno querente seu proponente alii taceant ne loquentem impediunt. Si quis inhoneste, confuse, clamose vel proterve querens, proponens, vel respondens offenderit, statim ab eo qui tunc inter eos preest corripia-
tur. § Celle quibus magistro studentium videbitur expedire assignentur. Quod si aliquis infructuosus inveniatur in studio cella eius detur alteri et ipse in aliis officiis occupetur. In cellis vero scribere, legere, orare, dormire, et etiam de nocte vigilare ad lumen possunt qui volunt propter studium. Nullus autem fiat publice¹ doctor vel disputet nisi de licentia prioris provincialis et diffinitorum capituli provincialis. Nullus etiam fratrum nostrorum legat in psalmis vel prophetis alium sensum litteralem, nisi quod sancti approbant et confirmant. Item libri ordinis seu fratrum non vendantur nisi pretium eorum in alios libros seu scripta convertantur. Nulla scripta facta vel compilata a fratribus aliquatenus publicentur, nisi prius per fratres peritos quibus magister ordinis vel prior provincialis commiserit, diligenter examinata fuerint.

De conversis. XV.

Eodem tempore surgant conversi quo et alii fratres, eodem modo inclinent. Cum surrexerint ad matutinas dicant "Pater noster," et "Credo in Deum."

1. The *e* appears to be erased.

(f. 579v.) Quod faciendum est ante primam et post completorium. In matutinis dicto "Pater noster," et "Credo in Deum," erigant se dicendo: "Domine labia" et cetera: "Deus in adiutorium" et cetera, "Gloria Patri" et cetera. Pro matutinis in festis diebus XXVIII "Pater noster" et in fine omnium dicant "Kyrie eleison, Christe eleison," "Pater noster." Quo dicto addant: "Per dominum," et cetera, deinde: "Benedicamus Domino," et cetera. In vespers vero XIV, in aliis autem horis septem "Pater noster" dicant. In festis autem novem lectionum, XL "Pater noster" dicant. Et hoc tamen sub silentio in ecclesia et ubicumque fuerint. Loco "Pretiosa," dicant III "Pater noster." Pro benedictione mense "Pater noster," "Gloria Patri," et cetera. Post mensam pro gratiis IIII "Pater noster," "Gloria Patri" et cetera, vel psalmum "Miserere mei Deus," qui sciunt. Indumenta tot habeant quot et ceteri fratres, preter capas, loco quarum habeant scapularia longa et lata usque ad iuncturam inter pugnum et brachium, que non sint alba sicut et tunice, sed similis coloris capis clericorum. Possunt et brevia grisei coloris habere scapularia, ad mensuram scapularium nostrorum. De ieiuniis, cibis, abstinentiis, culpis et aliis omnibus, sic se habeant sicut et clerici. In labore tamen poterit prelatus cum eis dispensare. Soli non vadant, sed cum socio clerico vel converso. Psalteria non habeant, nec alios libellos. Expliciunt constitutiones. N.B.

APPENDIX III.

A LIST OF THE PLACES WHERE THE GENERAL CHAPTER WAS HELD 1220-1360.

Avignon, 1341; Barcelona, 1261, 1323, 1349; Besançon, 1303, 1353; Bologna, 1220, 1221, 1223, 1225, 1227, 1229, 1231, 1233, 1235, 1238, 1240, 1242, 1244, 1252, 1262, 1267, 1275, 1285, 1302, 1315, 1347; Bordeaux, 1277, 1287, 1324; Buda-Pest, 1254, 1273; Brive, 1346; Bruges, 1336; Cahors, 1319; Carcassonne, 1312, 1342; Castres, 1352; Cologne, 1245, 1301; Clermont-Ferrand, 1339; Dijon, 1333; Ferrara, 1290; Florence, 1257, 1272, 1281, 1321; Genoa, 1305; Lille, 1293; Limoges, 1334; London, 1250, 1263, 1314, 1335; Lucca, 1288; Lyons, 1274, 1318, 1348; Maestricht, 1330; Marseilles, 1300; Metz, 1251, 1298, 1313; Milan, 1255, 1270, 1278, 1340; Montpellier, 1247, 1265, 1271, 1283, 1294, 1316, 1350; Naples, 1311; Narbonne, 1354; Oxford, 1280; Padua, 1308; Palencia, 1291; Pamplona, 1317, 1355; Paris, 1222, 1224, 1226, 1230, 1232, 1234, 1239, 1241, 1243, 1246, 1248, 1256, 1264, 1269, 1279, 1286, 1306, 1326, 1343; Perpignan, 1327, 1360; Piacenza, 1310; Pisa, 1276; Prague, 1359; Le Puy-en-Vélay, 1344; Rome, 1292; Rouen, 1320; Saragossa, 1309; Sisteron, 1329; Strasbourg, 1260, 1296, 1307, 1358; Toulouse, 1258, 1304, 1328; Trèves, 1249, 1266, 1289; Valenciennes, 1259, 1337; Venice, 1297, 1325, 1357; Verdun, 1356; Vitoria, 1331; Vienna, 1282, 1322; Viterbo, 1268.

APPENDIX IV.

MEMBERSHIP OF THE GENERAL CHAPTER.(a)

i.e., whether elected *diffinitores* or Provincial priors.

- 1244. Provincial priors.¹
- 1245.
- 1246.
- 1247.
- 1248. Elected *diffinitores*.²
- 1249.
- 1250.
- 1251. Elected *diffinitores*.³
- 1252. Provincial priors.⁴
- (1253. Elected *diffinitores*.)^{5, 6}
- 1254. ELECTED DIFFINITORES.⁷
- 1255. Elected *diffinitores*.⁸
- 1256. Provincial priors.⁹
- 1257. Elected *diffinitores*.¹⁰
- 1258. Elected *diffinitores*.¹¹
- 1259. Provincial priors.¹²

(a) Quétif and Echard (*Scriptores ordinis predicatorum recensiti*, Paris, 1719) give a list of the general chapters from 1222 to 1498, showing the alternation of chapters of provincial priors with chapters of elected *diffinitores*. (i, xvi to xx.) Their results corroborate this list, which was drawn up from Douais independently. They do not state whence they draw their information about the years 1222-1250 and from 1332 onwards, so their results cannot be accepted.

1. Douais, 486.

2. *Ib.*, 493.

3. *Ib.*, 41, 464.

4. *Ib.*, 499.

5. *Ib.*, 501.

6. Brackets show that the general chapter was not held in that year owing to the death of the master-general after Michelmas (*A.L.K.G.*, i, 217). In this case John the Teuton died 4th Nov., 1252. It is interesting to find that the Roman province elected Friar Synibaldus *diffinitor* in 1252 for 1253, and again in 1253 for 1254.

7. Capital letters indicate a chapter which elected a master-general. This chapter elected Humbert of Romans. *M.O.P.H.*, iii, 71. See also Douais, 57, 503.

8. *Ib.*, 62, 505.

9. *Ib.*, 506.

10. *Ib.*, 67, 508.

11. *Ib.*, 70, 509.

12. *Ib.*, 74, 511.

1260. Elected *diffinitores*.¹³
 1261. Elected *diffinitores*.¹⁴
 1262. Provincial priors.¹⁵
 1263. Elected *diffinitores*.¹⁶
 1264. ELECTED *DIFFINITORES*.¹⁷
 1265. Provincial priors.¹⁸
 1266. Elected *diffinitores*.¹⁹
 1267. Elected *diffinitores*.²⁰
 1268. Provincial priors.²¹
 1269. Elected *diffinitores*.²²
 1270. Elected *diffinitores*.²³
 1271. Provincial priors.²⁴
 1272. Elected *diffinitores*.²⁵
 1273. Elected *diffinitores*.²⁶
 1274. Provincial priors.²⁷
 1275. Elected *diffinitores*.²⁸
 1276. Elected *diffinitores*.²⁹
 1277. Provincial priors.³⁰
 1278. Elected *diffinitores*.³¹
 1279. Elected *diffinitores*.³²
 1280. Provincial priors.³³
 1281. Elected *diffinitores*.³⁴
 1282. Elected *diffinitores*.³⁵
 1283. Provincial priors.³⁶
 (1284. Elected *diffinitores*.)³⁷

13. Douais, 78, 513. 14. *Ib.*, 82, 514. 15. *Ib.*, 515.

16. *Ib.*, 95, 516. The general chapter in this year absolved Humbert of Romans.

17. *Ib.*, 100, 518. The province of Rome elected both a *diffinitor* and a *socius* for the provincial prior. The province of Provence only elected a *socius* for the provincial prior. In both cases the prior went as an elector of the master-general, not as *diffinitor*, for in 1264 both provinces sent the provincial priors as *diffinitores*. The omission of the election of a *diffinitor* in the *acta* of the province of Provence for 1263 is probably due to a faulty manuscript. John of Vercelli was elected master-general.

18. Douais, 105, 520.

19. *Ib.*, 110, 522.

20. *Ib.*, 120, 523.

21. *Ib.*, 129, 525.

22. *Ib.*, 134, 525.

23. *Ib.*, 144, 527.

24. *Ib.*, 154, 528.

25. *Ib.*, 160.

26. *Ib.*, 532.

27. *Ib.*, 180, 535.

28. *Ib.*, 180, 536.

29. *Ib.*, 200, 530, 624

30. *Ib.*, 211, 540.

31. *Ib.*, 216, 541.

32. *Ib.*, 224, 543.

33. *Ib.*, 234, 545.

34. *Ib.*, 242, 548.

35. *Ib.*, 255, 549.

36. *Ib.*, 263.

37. *Ib.*, 270. The general chapter was not held this year owing to the death of the Master, John of Vercelli, 3 Nov., 1283. The province of Provence elected John Vigorosos* in 1283 for 1284, and William of Toinz in 1284 for 1285.

1285. ELECTED DIFFINITORES.³⁸
 1286. Elected *diffinitores*.³⁹
 1287. Provincial priors.⁴⁰
 1288. Elected *diffinitores*.⁴¹
 1289. Elected *diffinitores*.⁴²
 1290. Provincial priors.⁴³
 1291. Elected *diffinitores*.⁴⁴
 1292. ELECTED DIFFINITORES.⁴⁵
 1293. Provincial priors.⁴⁶
 1294. Elected *diffinitores*.⁴⁷
 (1295. Elected *diffinitores*.)⁴⁸
 1296. ELECTED DIFFINITORES.⁴⁹
 1297. Provincial priors.⁵⁰
 1298. Elected *diffinitores*.⁵¹
 (1299. Elected *diffinitores*.)⁵²
 1300. ELECTED DIFFINITORES.⁵³
 1301. PROVINCIAL PRIORS.⁵⁴
 1302. Elected *diffinitores*.⁵⁵
 1303. Elected *diffinitores*.⁵⁶

38. Douais, 282. This general chapter elected Munio of Zamora master-general.

39. *Ib.*, 292, 561. 40. *Ib.*, 300. 41. *Ib.*, 310, 566.

42. *Ib.*, 321, 567. 43. *Ib.*, 329, 570.

44. *Ib.*, 338, 572. Munio of Zamora, Master of the Order, was deposed from his office by Pope Nicholas IV.

45. *Ib.*, 358, 576. This chapter elected Stephen of Besançon master-general. *M.O.P.H.*, iii, 265, note.

46. *Ib.*, 368, 577. 47. *Ib.*, 381, 579.

48. *Ib.*, 390, 581. The chapter was not held this year on account of the death of the master, Stephen of Besançon, on 22 November, 1294. In the provinces of both Rome and Provence a different *diffinitor* was elected in 1295 for 1296 from the one elected in 1294 for 1295.

49. *Ib.*, 400, 584. Nicholas of Treviso was elected master-general.

50. *Ib.*, 410, 587. 51. *Ib.*, 417, 590.

52. *Ib.*, 428, 592. The chapter was not held this year because in January, 1299 Nicholas of Treviso accepted the cardinalate. The Bull was dated 5 December, 1298, but he did not receive it till the January (*Bull. Ord. Pred.* i. 55), and in Provence a different *diffinitor* was elected in 1299 for 1300 from the one elected in 1298 for 1299.

53. *Ib.*, 442, 594, 655. This chapter was held on 27 May. Albert of Genoa was elected Master. He died on 27 August in the same year. *M.O.P.H.*, iii, 294, note. The Spanish chapter of 1299 also elected a *socius* for the provincial. Cf. note 17.

54. *Ib.*, 456, 596. This chapter elected Bernard of Jusix master-general. *M.O.P.H.*, iii, 301, note.

55. *Ib.*, 466, 601. 56. *Ib.*, 481, 604.

1304. *PROVINCIAL PRIORS.*⁵⁷
 1305. *Elected diffinitores.*⁵⁸
 1306. *Elected diffinitores.*
 1307. Provincial priors.⁵⁸
 1308. *Elected diffinitores.*
 1309. *Elected diffinitores.*
 1310. *Provincial priors.*
 1311. *Elected diffinitores.*
 1312. *ELECTED DIFFINITORES.*⁵⁹
 1313. Provincial priors.⁶⁰
 1314. *Elected diffinitores.*
 1315. *Elected diffinitores.*
 1316. Provincial priors.⁶¹
 1317. *Elected diffinitores.*
 1318. *ELECTED DIFFINITORES.*⁶²
 1319. *Provincial priors.*
 1320. *Elected diffinitores.*
 1321. *Elected diffinitores.*
 1322. *Provincial priors.*
 1323. *Elected diffinitores.*
 1324. *ELECTED DIFFINITORES.*⁶³
 1325. *Provincial priors.*
 1326. *Elected diffinitores.*
 1327. *Elected diffinitores.*
 1328. Provincial priors.⁶⁴
 1329. *Elected diffinitores.*
 1330. *Elected diffinitores.*
 1331. *Provincial priors.*⁶⁵

57. Aylmer of Piacenza was elected master-general. There is no documentary evidence for the statements in italics. It is probable, however, that as, between 1251 and 1304 the recurring sequence of these years (two years when the *diffinitores* of the general chapter were elected by the various provincial chapters, followed by a year in which the provincial priors acted as *diffinitores*), had remained unbroken, it would continue unchanged after 1304. This supposition is corroborated by the fact that the isolated years, 1307, 1310, 1313, 1316, 1328, 1331, about which there is evidence, fit into this scheme.

58. *M.O.P.H.*, iv, 21.

59. This chapter elected Berengar of Landorra master-general.

60. *Ib.*, 62.

61. *Ib.*, 86.

62. This chapter elected Hervey Brito master-general.

63. This chapter elected Barnabas of Vercelli master-general.

64. *Ib.*, 173.

65. *Ib.*, 201.

APPENDIX V.

LIST OF MASTERS-GENERAL UP TO 1360.¹

St. Dominic.	Died 6 August, 1221.
Jordan of Saxony.	Elected 1222. Drowned on his way to the Holy Land, February, 1237.
Raymond of Peñaforte.	Elected 1238. Absolved by the General Chapter, 1240.
John the Teuton.	Elected 1241. Died 5 November, 1252. ²
Humbert of Romans.	Elected 1254. Absolved by the General Chapter, 1263.
John of Vercelli.	Elected 1264. Died 3 November, 1283.
Munio of Zamora.	Elected 1285. Deposed by Pope Nicholas IV. 1291.
Stephen of Besançon.	Elected 1292. Died 22 November, 1294. ³
Nicholas of Treviso.	Elected 1296. Resigns office January, 1299, owing to his elevation to the cardinalate. ⁴
Albert of Genoa.	Elected 1300. Died 27 August, 1300. ⁵

1. This list is compiled from:- a) Bernard Gui *Libellus seu Tractatus Magistrorum Ordinis Predicatorum*. b) *Brevis Historia Ordinis Fratrum Predicatorum*. c) *Cronica Ordinis*, edited by B. M. Reichert, O.P. *M.O.P.H.*. i. Individual references to other sources are given below.

2. *Vitæ Fratrum*. Gerard de Fracheto.* ed. B. M. Reichert, O.P., *M.O.P.H.*, i, 336. *Pridie nonas Novembras*. *Brevis Historia*, 340.

3. *In festo St. Clementi*. i.e., 23 November. Bernard Gui, *Libellus*, 410.

4. The Bull was dated 5 December, 1298 (*Bull. Ord. Pred.* ii, 55), but it did not reach him until January. Bernard Gui (*Libellus*, 410), says that he received the Bull *xix cal. Februarii in festo S. Felicis presbyteri et confessoris*, e.g., 14 January. He was afterwards raised to the Papacy as Benedict XI.

5. Bernard Gui, *Libellus*, 411, in the vigil of St. Augustine, e.g., 27 August.

Bernard of Jusix.	Elected 1301. Died 17 September, 1303.
Aylmer of Piacenza.	Elected 1304. Absolved by the general chapter 1311.
Berengar of Landorra.	Elected 1312. Accepted the Archbishopric of Compostella 1317. ¹
Hervey Brito.	Elected 1318. Died 7-8 August, 1323. ²
Barnabas of Vercelli.	Elected 1324. ³ Died 10 January 1332. ⁴
Hugh of Vaucemain.	Elected 1333. ⁵ Died 6-8 August, 1341.
Gerald of Domaro.	Elected 1342. Elevated to the cardinalate 20 Sep- tember, 1342
Peter of Palma.	Elected 1343. Died 1 March, 1345.
Garin of Guy-l'Evêque.	Elected 1346. Died 1348.
John of Moulins.	Elected 1349. Made a cardinal 18 December, 1350.
Simon of Langres.	Elected 1352. Resigns 1366 on being offered the bishopric of Nantes.

1. This must have occurred before Michelmas, as the general chapter was held in the following year. The author of the *Brevis Historia* says it was about the feast of the Exaltation of the Holy Cross, *i.e.*, 14 September (341). Bernard Gui, *Libellus*, 413, says *xiv cal. Octobras*.

2. *Octava die mensis Augusti*. Bernard Gui *op. cit.* 413

3. In the chapter of Bordeaux.

4. *in festi B. Pauli eremitæ, i.e.*, 10 January.

5. *Cronica Ordinis*, 23. The chronicler is here at fault. This election took place at the chapter of Dijon, which Reichert (*M.O.P.H.*, iv, 216), wrongly dated 1332. It was really held in 1333. See Galvagnus de la Flamma,* ed. Reichert, *M.O.P.H.*, ii, 111, and also Hugh's encyclical letter, dated Dijon, 1333. *M.O.P.H.*, v, 250.

APPENDIX VI.

A LIST OF THE PLACES AND DATES¹ OF THE PROVINCIAL

CHAPTERS OF THE PROVINCES OF PROVENCE, SPAIN, ROME AND ENGLAND BETWEEN THE YEARS 1238 AND 1335.

<i>Provence.</i>	<i>Spain.</i>	<i>Rome</i>	<i>England.</i>
1238			Lincoln, ² 14 September. ³
1239	Toulouse ⁴		Northampton, 14 Sept. ⁵
1240	Montpellier		Beverley
1241	Limoges, 8 Sept. ⁴		Oxford
1242	Montpellier	Burgos	Winchester
1243	Narbonne	Pamplona	
1244	Cahors	Palencia	
1245	Avignon	Salamanca	
1246	Bordeaux		Lincoln
1247	Montpellier		14 September ⁶
1248	Marseilles		York
1249	Toulouse		Stamford
1250	Narbonne		
		Rome	
		Rome	
		Orvieto, 29 September	
		Rome, 8 September	
		Rome, 29 September	
		Rome	
		Perugia	
		Orvieto	
			London <i>post generale</i>

1. It was thought worth while to draw up the list of dates, because, although Mgr. Douais has made a summary of the dates for the province of Provence (Douais, vii), he is not careful to distinguish between the dates for which he has positive proof, and those which he merely surmises, and secondly he does not compare the various provinces. I have italicised the dates I cannot prove.

2. I have taken the list of places of the English provincial chapter from Jarrett, *The English Dominicans*, Appendix, ii.

3. Liberate Roll, 22 Hen. III, m. 14.

4. For the places and dates of the provincial chapters of Provence, Spain, and Rome, see Douais, *passim*.

5. Liberate Roll, 23 Hen. III, m. 5, *in festo exaltationis Sancti Crucis*, which fell this year on a Wednesday.

6. Liberate Roll, 28 Hen. III, m. 7.

<i>Provence.</i>	<i>Spain.</i>	<i>Rome.</i>	<i>England.</i>
1251 Le Puy	29 September	Siena	
1252 Montpellier		Anagni, 5 August	
1253 Limoges, 8 Sept.		Rome	
1254 Toulouse, 8 Sept.		Florence	
1255 Cahors, 4 July		Naples	York
1256 Avignon, 22 July	Palencia	Anagni	Gloucester
1257 Bordeaux, 8 Sept.		Florence <i>post generale</i>	Oxford
1258 Toulouse <i>post generale</i>		Viterbo, 22 July	Winchester
1259 Montpellier, 5 Aug.		Rome	
1260 Marseilles, 22 July		Naples, 29 September	
1261 Béziers, 3 July	Barcelona ¹	Orvieto, 14 September	Stamford
1262 Narbonne, 22 July		Perugia, 6 July	
1263 Toulouse, 5 August		Rome	London <i>post generale</i>
1264 Avignon, 22 July		Viterbo, 29 September	
1265 Montpellier <i>post generale</i>		Anagni, 8 September	
1266 Limoges, 8 Sept. ²		Todi, 5 August	
1267 Carcassonne, 5 Aug.		Lucca	
1268 Périgueux, 26 Aug.		Viterbo, <i>post generale</i>	
1269 Béziers, 7 July		Naples, 8 September	
1270 Sisteron, 29 June		Anagni, 29 September	
1271 Montpellier, <i>post generale</i>		Arezzo, 5 August	Northampton
1272 Narbonne, 5 Aug.		Florence	Northampton
1273 Cahors		Rome, 29 September	
1274 Toulouse, 22 July		Naples, 14 September	York

1. This is inferred from the fact that the general chapter was held here. *M.O.P.H.*, iii, 106.

2. Douais, 111. In 1265 it was arranged to hold the chapter of 1266 on 6 July. In the margin of the MS. is added: *Postea fuit tempus celebrandi capitulum prorogatione usque ad festum natiuitatis Beate Marie.* Note 3.

<i>Provence.</i>	<i>Spain.</i>	<i>Rome.</i>	<i>England.</i>
1275 Perpignan, 5 Aug.	Leon	Orvieto, 29 June	
1276 Agen, 15 August	8 September	Pisa	Stamford
1277 Bordeaux, <i>post generale</i>		Perugia, 14 September	London ¹
1278 Montpellier, 22 July		Naples	
1279 Castres, 2 July		Salerno	
1280 Toulouse, 14 Sept.	Estella	Rome, 18 October	Oxford
1281 Marseilles, 6 July		Florence	
1282 Carcassonne, 25 July		Orvieto, 8 September	
1283 Montpellier, <i>post generale</i>		Rome, 9 October	
1284 Perpignan, 22 July		Aquila	Northampton and Gloucester
1285 Condom, 9 October		Anagni	
1286 Bergerac, 7 July		Gaëta	Beverley
1287 Bordeaux, <i>post generale</i>		Rome	
1288 Avignon, 22 July		Lucca, <i>post generale</i>	
1289 Narbonne, 14 Sept.		Viterbo	York
1290 Pamiers, 14 Sept. ²		Aquila	Oxford
1291 Béziers, 15 Aug. ³	Palencia ⁴	Spoletto, 14 September	
1292 Brive, 15 August ⁵		Rome, <i>post generale</i>	
1293 Carcassonne, 22 July		Anagni, 8 September	Lincoln, ⁶ 15 August
1294 Montpellier, <i>post generale</i>		Rieti, 8 September	
1295 Castres, 24 June		Siena, 6 July	
1296 Narbonne, 22 July		Viterbo, 8 September	

1. Accounts, etc. (Excheq.), 308/3, gives the grant for this chapter, but no date is mentioned.

2. Douais, 331. In the preceding chapter the date fixed was 22 July (320).

3. *Ib.*, 348. In the preceding chapter the date fixed was 14 September (330).

5. *Ib.*, 358. In the preceding chapter the date fixed was 22 July (357).

6. Accounts, etc. (Excheq.) 353/9. The feast of the Assumption.

4. See note on Barcelona above.

	Provence.	Spain.	Rome.	England.
1297	Tarascon, 28 July		Perugia, 8 September	Oxford
1298	Cahors, 6 July		Pisa, 8 September	Salisbury
1299	Perpignan, 19 July ¹	Barcelona	Pistoia, 29 June	Shrewsbury, 2 August
1300	Agen, 22 July		Orvieto, 22 July	Lincoln ³
1301	Carcassonne, 5 Aug.		Todi, 14 September	Bristol ⁴
1302			Perugia, 22 July	Pontefract ⁵
1303			8 September	Lynn
1304				Oxford
1305				York
1306				London
1307				Cambridge ⁶
1308				Derby ⁷
1309				Gloucester
1310				Chester ⁸
1311				Northampton
1312				London, <i>post generale</i>
1313				Winchester
1314				
1315				

1. Douais, 434. Mgr. Douais is here in error. He gives the date as 12 July. That was the Sunday *æthin* the octave, not *after* it. The date 19 July is borne out by a note in the MS. which says *scilicet xiii. Kal. Augusti*.

2. Memoranda Roll (L.T.R.), 29 Edw. I, m.29d. This states quite clearly that the chapter was held in August.

3. Issue Roll, Easter, 28 Edw. I, m.4. No date is given but the sum was paid on 29 August.

4. Close Roll, 30 Edw. I, m.10.

5. Close Roll, 31 Edw. I, m.7d. No date is given but the sum was paid on 10 July.

6. Issue Roll, Easter, 2 Edw. II, m.8. paid on 8 July.

7. The usual writ. *De orando pro rege*, etc., was issued on 3 August. Close Roll, 4 Edw. II, m.23d.

8. Issue Roll, Easter, 5 Edw. II, m.6.

Provence.	Spain.	Rome.	England.
1316			Sudbury ¹
1317			Leicester
1318			Oxford
1319			Salisbury, ² 21 August
1320			Stamford, ² 8 September
1321			Pontefract
1322			Warwick
1323			Bristol ³ 15 August
1324			Cambridge ⁴
1325			Lincoln, ⁵ 8 September
1326			Oxford
1327			London
1328			London
1329			York
1330			Oxford
1331			
1332			Dunstable, ⁶ 15 August
1333			Gloucester
1334			Leicester
1335			London <i>post generale</i>
1336			Cambridge ⁷

1. Close Roll, 10 Edw. II, m.27d. paid on 24 August. 2. Add. MS. 17362. f.5.

3. Issue Roll, Easter, 16 Edw. II, m.5. The feast of Assumption. 4. Issue Roll, Easter, 17 Edw. II, m.9

5. Issue Roll, Easter, 18 Edw. II, m.7. The Nativity of the Blessed Virgin Mary. *i.e.*, 8 September.

6. Issue Roll, Easter, 6 Edw. III, mm.10, 14. The feast of the Assumption.

7. Issue Roll, Easter, 10 Edw. III, m.16. The sum was paid in July.

APPENDIX VII.

A LIST OF THE PROVINCES FOUNDED BEFORE 1360 WITH THE DATES OF THEIR FOUNDATION AND THE NUMBER OF HOUSES IN EACH PROVINCE IN 1277.

	in	1221. ¹	Number	of	Houses	25 ²
Spain founded	in	1221. ¹				
Provence	„	„	„	„	„	42
France	„	„	„	„	„	52
Lombardy	„	„	„	„	„	46
Rome or Tuscany	„	„	„	„	„	32
Hungary	„	„	„	„	„	30
England ³	„	„	„	„	„	40
Germany	„	„	„	„	„	53
Poland	„	„	„	„	„	36
Scandinavia	„	„	„	„	„	28
Greece	„	„	„	„	„	7
Jerusalem or	„	„	„	„	„	3
Holy Land	„	1228.				

Sicily divided from Rome 1294.⁴

Aragon divided from Spain 1301.

Bohemia divided from Poland 1301.

Toulouse divided from Provence 1303.

Saxony divided from Germany 1303.

Upper Lombardy divided from Lombardy 1303, which was then called Lower Lombardy.

1. *M.O.P.H.*, iii, passim.

2. For these figures see Bernard Gui *Notitia*, 183.

3. Scotland was made into a separate province in 1481, Ireland in 1484. *De conventibus*, etc. See p. 62, note 5.

4. Created by the Pope, confirmed by the general chapter, 1296.

APPENDIX VIII.

A LIST OF THE PREACHERS-GENERAL APPOINTED BY THE PROVINCIAL CHAPTER OF PROvence IN THE THIRTEENTH CENTURY,
WHO WERE APPOINTED MORE THAN ONCE.

- Alexius of Arles, 1289, 1300.
 Arnold of Morlaas, 1281, 1286.
 Arnold of Prato,¹ 1274, 1295.
 Bellus homo,* 1282, 1286.
 Bernard Grand, 1278, 1295.
 Bernard of Jusix, 1282, 1284, 1286.
 Bernard of Toinz, 1281, 1283.
 Bernard de Turre,* 1281, 1302.
 Berengar Alphandi,* 1286, 1294.
 Cyprian, 1282, 1283.
 Durand de Petrucia,* 1282, 1286, 1300.
 Gerald de Malartico,* 1282, 1284, 1291, 1300.
 Hugh de Dei adiutorio,* 1289, 1300.
 John of Ville neuve, 1281, 1283.
 Itier de Compreignac,* 1281, 1286, 1300.
 Lambert of Nice, 1279, 1294.
 Odo de Causencs,* 1289, 1294.
 P. de Lamanone,* 1284, 1286.
 Peter de Maslac,* 1282, 1283.
 Peter Ripperti,* 1282, 1284, 1289.
 P. de Rovaria,* 1291, 1300.
 Pontius Fulconis,* 1281, 1284, 1286, 1295.
 Raymond Amelii,* 1277, 1291, 1300.
 Raymond Severi, 1277, 1302.
 Simon of Marseilles, 1282, 1283.
 William de Leffiaco,* 1282, 1284.
 William de Levibus,* 1291, 1302.
 William de Melgorio,* 1284, 1300.
 William Peter of Godin, 1289, 1300.
 William Olivarii,* 1274, 1282, 1289.

1. The general chapter ordered him to be punished in 1294 *M.O.P.H.*
iii, 276.

APPENDIX IX.

A TABLE SHOWING THE ARRANGEMENT OF HOUSES IN VISITATIONS IN THE PROVINCE OF PROVENCE IN THE YEARS 1253, 1254, 1269, 1276, 1285 AND 1294.

1253		
(1)	(2)	(3)
Valence	Avignon	Alais
Sisteron	Arles	Le Puy-en-Vélay
Nice	Marseilles	
(4)	(5)	(6)
Montpellier	Limoges	Périgueux
Béziers	Figeac	Bordeaux
Perpignan		Cahors
Narbonne		
(7)	(8)	
Bayonne	Montauban	
Orthez	Toulouse	
Agen	Prouille	
	Carcassone	
1254.		
(1)	(2)	(3)
Valence	Avignon	Montpellier
Le Puy-en-Vélay	Arles	Béziers
	Marseilles	Perpignan
	Alais	
(4)	(5)	(6)
Limoges	Orthez	Toulouse
Cahors	Bordeaux	Agen
Figeac	Périgueux	Montauban
(7)	(8)	
Narbonne	Nice	
Carcassone	Sisteron	
Friars of Prouille		

	1269		
(1)	(2)	(3)	
Bayonne	Figeac	Valence	
Agen	Brive	Le Puy-en-Vélay	
Condom	Cahors	Alais	
Orthez	Montauban	Albi	
(4)	(5)	(6)	
Marseilles	Bordeaux	Toulouse	
Nice	Saint-Emilion	Carcassonne	
Sisteron	Bergerac	Castres	
	Limoges	Prouille (extra)	
	Périgueux		
(7)	(8)		
Montpellier	Avignon		
Béziers	Tarascon		
Narbonne	Arles		
Perpignan	Nîmes		
	1276	1285	1294
1)	Nice (1) (a)	Nice	Nice
	Grasse (1)	Grasse	Grasse
	Sisteron (1)	Sisteron	Sisteron
	Vaucluse (<i>locum</i>) (2)	Vaucluse	Vaucluse
		<i>Valence</i> (b)	Valence
2)	Le Puy-en-Vélay (2)	Le Puy-en-Vélay	Le Puy-en-Vélay
	Aubenas (2)	Aubenas	Aubenas
	Alais (2)	Alais	Alais
	Nîmes (3)	Nîmes	Nîmes
	Montpellier (3)	[(c)]	
		<i>Marvejols</i>	Marvejols
3)	Marseilles (1)	Marseilles	Marseilles
	Aix (1)	Aix	Aix
	Orange (2)	Orange	Orange
	Avignon (2)	Avignon	Avignon
	Tarascon (1)	Tarascon	Tarascon
	Arles (1)	Arles	Arles

(a). These numbers represented the division of the province into vicariates. It is seen that they are not identical with the visitations.

(b). Founded before 1250, but for some reason not included in the visitation of 1276. See visitations of 1253, 1254, and 1269.

(c). Moved from one visitation to another.

	1276	1285	1294
4)	Béziers (3) Narbonne (3) Perpignan (3) Carcassonne (3) Prouille (extra) (2)	<i>Montpellier</i> (c) Béziers Narbonne Perpignan Carcassonne Prouille (extra)	<i>Montpellier</i> Béziers Narbonne Perpignan [(c)] [(c)] <i>Collioure</i> <i>Puycerda</i>
5)	Toulouse (4) Pamiers (4) Rieux (4) Montauban (4) Castres (4) Albi (4)	Toulouse Pamiers Rieux [(c)] Castres Albi	Toulouse Pamiers Rieux Castres Albi <i>Carcassonne</i> (c) <i>Prouille (extra)</i> (c) Saint-Gaudens
6)	Agen (6) Condom (6) Orthez (6) Morlaas (6) Auvillar (6) Bayonne (6)	Agen Condom Orthez Morlaas Auvillar Bayonne <i>Saint-Sever</i>	Agen Condom Orthez Morlaas Auvillar Bayonne Saint-Sever <i>Lectoure</i>
7)	Périgueux (5) Bergerac (5) Saint-Emilion (6) Bordeaux (6)	Périgueux Bergerac Saint-Emilion Bordeaux <i>Limoges</i> (c) <i>Brive</i> (c)	Périgueux Bergerac Saint-Emilion Bordeaux Limoges Brive
8)	Limoges (5) Brive (5) Cahors (5) Figeac (5)	[(c)] [(c)] Cahors Figeac <i>Montauban</i> (c) <i>Rodez</i> <i>Millau</i>	Cahors Figeac Montauban Rodez Millau

(c). Moved from one visitation to another.

APPENDIX X.

A TABLE SHOWING THE NUMBER OF VISITORS APPOINTED EACH YEAR BY THE PROVINCIAL CHAPTER OF PROVENCE BETWEEN THE YEARS 1253 AND 1302.

1253 (8), 1254 (8), 1255 (Number unknown), 1256 (1 incomplete), 1257 (1 incomplete), 1258 (2 incomplete), 1259 (1 incomplete), 1260 (1 incomplete), 1261 (Number unknown), 1262 (9), 1263 (Number unknown), 1264 (Number unknown), 1265 (6), 1266 (10), 1267 (Number unknown), 1268 (Number unknown), 1269 (8), 1270 (9), 1271 (7), 1272 (9), 1273 (9), 1274 (9), 1275 (9), 1276 (8), 1277 (8), 1278 (Names not given, eight blank spaces left), 1279 (8), 1280 (8), 1281 (8), 1282 (8), 1283 (8), 1284 (9), 1285 (8), 1286 (8), 1287 (7), 1288 (8), 1289 (8), 1290 (8), 1291 (8), 1292 (9), 1293 (8), 1294 (8), 1295 (8), 1296 (8), 1297 (8), 1298 (8), 1299 (11), 1300 (11), 1301 (11), 1302 (10).

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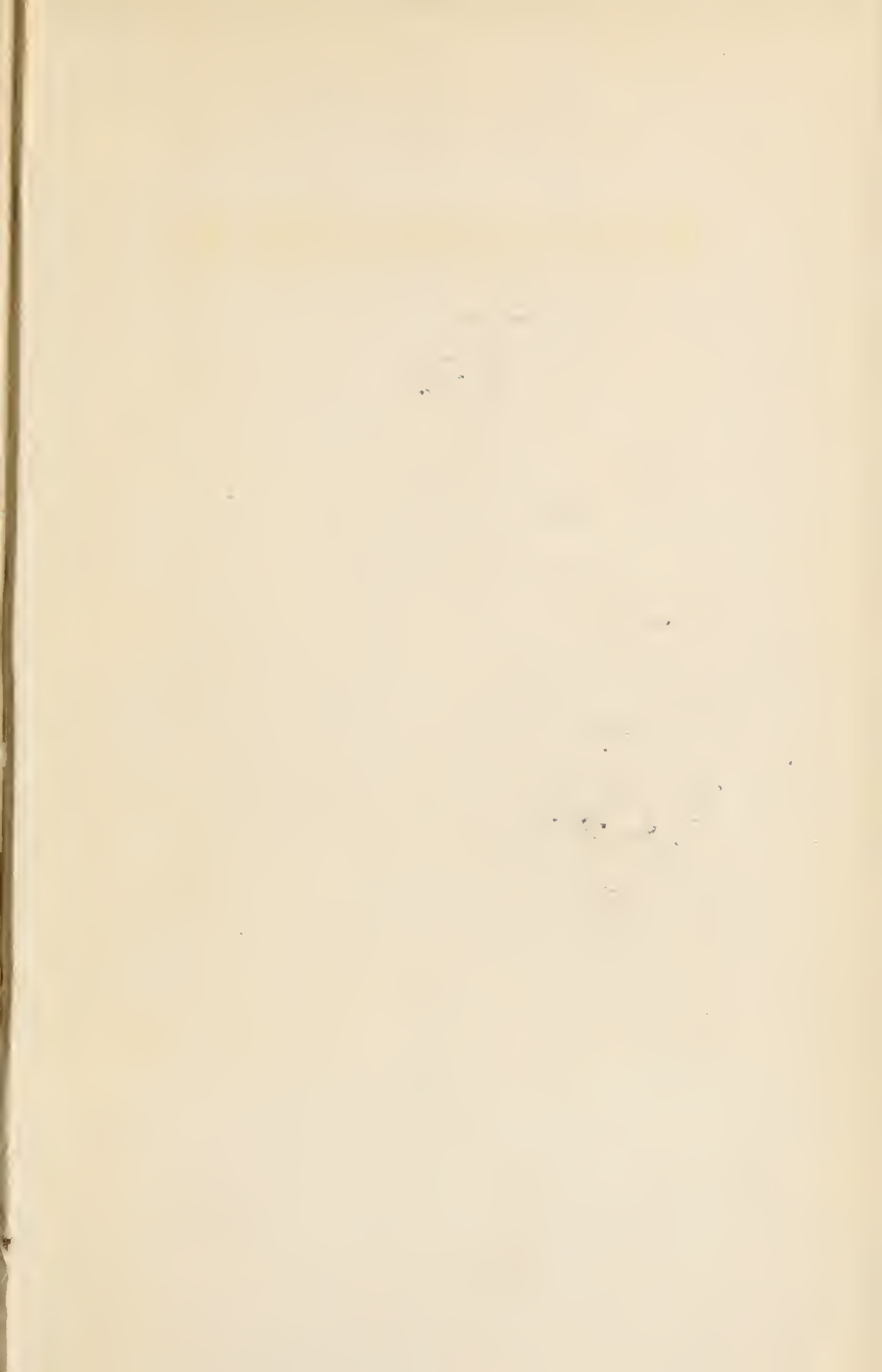
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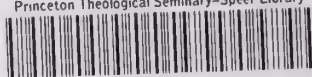
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