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Italy, s. XIII² (c. 1270-1280)

Manual for Franciscan inquisitors in the Roman province

1. ff. Ir-Vr *Incipiunt capitula super constitutionibus papalibus. 1 c. § Quod constitutiones papales contra hereticos et eorum credentes et fautores facte scribi debeant in capitularibus civitatis. 2 c. § Quod rectores et omnes regimini presidentes teneantur iurare servare constitutiones prefatas ... 33 c. § De filiis fautorum usque ad secundam generationem ad nullum beneficium ecclesiasticum admittendis. 34 c. § De iurisdictione observando et conscribendis que continebuntur in actis. f. Vv blank*

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2. ff. 1r-8v *Incipiunt constitutiones papales circa hereticos. Clemens episcopus, servus servorum Dei ... Ad extirpandam de medio populi Christiani heretice pravitate çizania [sic] ... Data Perusii, tertio non. Novembris, pontificatus nostri anno primo.*

Clement IV, pope (1265-1268), Letter to all podestà, rectors, consuls, captains, anziani, councils and cities in Italy, Perugia, 3 Nov. 1265. 41 chapters. Bivolarov, pp. 158-159, no. 154.

3. ff. 9r-13v *Incipiunt leges imperiales. Clemens episcopus, servus servorum Dei ... Cum adversus hereticam pravitate quondam Fr(idericus), olim Romanorum imperator, tunc in ecclesie Romane devotione persistens promulgaverit Padue quasdam leges ... Dat. Perusii, secunda kal. Novembris, pontificatus nostri anno primo.*

Clement IV, Letter to all podestà, rectors, consuls, captains, anziani, councils and cities in Italy, Perugia, 31 Oct. 1265. 25 chapters. Bivolarov, pp. 157-158, no. 152.

4. ff. 13v-17r *Lictera auctoritatis concessa inquisitoribus. Clemens episcopus, servus servorum Dei ... Licet ex omnibus mundi partibus que Christiana religione censentur teneamur ex officii nostri debito extirpare letiferam pestem heretice pravitate ... Data Perusii, XV kal. Octubris, pontificatus nostri anno primo.*

Clement IV, Letter to the inquisitors of the Franciscan Order in the province of Rome, Perugia, 17 Sept. 1265. 19 chapters. Bivolarov, p. 153, no. 145.

5. ff. 17r-18r *Quod potestates seu rectores locorum scribi faciant in eorum capitularibus hanc constitutionem et alias in ea contentas pro hereticis et eorum heretica pravitate pro viribus extirpandis, et inquisitionem id fieri facere teneantur. Clemens episcopus, servus servorum Dei ... Ad extirpandam de medio populi Christiani ... Dat. Perusii, XV kal. Februarii, pontificatus nostri anno primo.*

Clement IV, Letter to the Dominican and Franciscan inquisitors in Italy, Perugia, 18 Jan. 1266. Bivolarov, p. 162, no. 160.

6. ff. 18r-19r *Quod ministri provinciales de ordine Minorum teneantur eligere duos de fratribus eiusdem ordinis bonos et ydoneos ad inquisitionis officium exequendum, et de aliis in hac constitutione contentis.* Clemens episcopus, servus servorum Dei ... Licet ex omnibus mundi partibus ... Dat. Perusii, V kal. Octubris, pontificatus nostri anno primo.

Clement IV, Letter to the Minister of the Franciscan Province of Rome, Perugia, 27 Sept. 1265.

Bivolarov, p. 154, no. 147.

7. ff. 19r-22r *Littera consultationis dive memorie domini Alexandri de relapsis et aliis quampluribus dulcis capitulis seu articulis hic contentis.* Alexander episcopus, servus servorum Dei ... Quod super nonnullis questionum articulis ... Dat. Anagnie, IIII id. Ianuarii, pontificatus nostri anno sexto.

Alexander IV, pope (1254-1261), Letter to the Franciscan inquisitors in Italy, Anagni, 10 Jan. 1260.

Bivolarov, p. 122, no. 99.

8. f. 22r-v *Constitutio eiusdem ne prelati seu locorum presidentes in eorum familiaritatem admittant hereticos seu credentes, nec etiam aliquas bailivas seu officia committant eisdem, et de aliis hic contentis.* Iubemus etiam ne prelati, barones, milites, seu quibuscumque domini terrarum hereticis vel credentibus ... in hiis itaque diebus et etiam in aliis festivitibus est feriandum pro locorum consuetudinibus, prout prelati indixerunt.

This is in fact an excerpt from the conclusions of the French prelates at the Council of Toulouse of 1229, chapters 17, 18 and 25-27. Ed. Mansi, v. 23, 198 and 200.

9. ff. 23r-28v § *Consilium Guidonis Fulcodii de quibusdam dubitationibus in negotio inquisitionis.* Quoniam illis qui sponte redeunt infra tempus gratie promittitur et observatur impunitas, mortis videlicet, carceris et confiscationis ... quamvis magister Laurentius dicat contrarium argumento canonis XXVI, q.i. "De filia", prudentum salvo consilio meliori.

Guido Fulcodii (Guy Foulque, the later pope Clement IV), *Consilium* for the Dominican inquisitors in the Provence, 1238-1243, short (so-called Italian) version, 21 chapters. Bivolarov, ed., pp. 225-255.

10. ff. 28v-29r *Consilium peritorum super quibusdam dubitationibus positis et solutis.* § Quarto queritur que exceptiones contra testes admittantur ... in sententia vero ferenda servetur ordo iuris in hiis in quibus poterit observari.

Consilium about questions related to the persecution of heretics. 2 chapters. Bivolarov, p. 187, no. 3.

11. ff. 29r-32v *Consilium Narbonensis, Arelatensis et Aquensis archiepiscoporum et aliorum prelatorum.* § De hereticis autem seu credentibus prefata immunitate, quia veritatem de se vel de aliis suppresserunt ... in ipso nostro negotio caritate mutua reportetis.

Consilium of the archbishops of Narbonne, Arles and Aix and other bishops for the Dominican inquisitors in the Provence, 1243 or 1245. 20 chapters. Bivolarov, pp.188-189, no. 5.

12. f. 32v *Ordinatio domini Albani in negotio inquisitionis.* § Inquisitoribus se opponentibus manifeste et hiis qui coniurant ne dicatur veritas ... exequatur bona fide et sine mora inquisitorum sententias et in personis et in bonis dampnatorum.

Petrus de Colle Medio (Pierre de Collemieu, cardinal bishop of Albano, 1245-1253), Prescriptions for the persecution of heretics, Lyons, 1245-1246. 4 chapters. Bivolarov, p. 190, no. 8.

13. ff. 32v-37r *Consilium concilii provincialis archiepiscopi Narbonensis et subfraganeorum suorum qualiter sit in inquisitione procedendum.* G., Dei gratia Norbonensis [*sic*] archiepiscopus, dilectis in Christo inquisitoribus, etc. Ad hec nos archiepiscopus memoratus ... quod si super processu vestro fuerit in aliquo suborta contentio, per hec possit veritas declarari. Datum etc.
f. 37v blank

William de la Broue, archbishop of Narbonne (1245-1257), and other prelates, *Consilium* to the Dominican inquisitors in Southern France, Béziers, 19 April 1246. Chapters 1-31; chapters 32-34 are recorded in the Table of Contents (art. 1) but are missing. Bivolarov, pp. 190-191, no. 9.

14. ff. 37v-39v *Qualiter instrumenta fiant. In primis de illis qui citati sunt pro crimine hereseos.* In nomine Domini. Amen. Anno eiusdem M^o CC LXX, apostolica sede vacante post obitum sanctissimi patris, domini Clementis, pape IIIⁱ, ind. XIII, die X^a mensis Agusti, nos, frater S(inibaldus) de Lacu, ordinis fratrum Minorum, inquisitor heretice pravitatis in civitate Reatina et Romana provincia auctoritate sedis apostolice constitutus, universis in Christo fidelibus declaramus quod talis, citatus pro crimine hereseos ad presentiam nostram accedens ... cum relapsi huiusmodi iusta canonicas sanctiones seculari sint iudicio absque ulla penitus audientia relinquendi.

Sinibaldus de Lacu (Sinibaldo de Lago Perugino O.F.M.), inquisitor in the provinces of Rome and Tuscany, 1270-1279, *Formulae*, 10 August 1270. A. Dondaine, "Le manuel de l'inquisiteur (1230-1330)", *Archivum Fratrum Praedicatorum*, 17 (1947), pp. 85-194 (103 and n. 57).

15. ff. 39v-40r *De confessis post latam sententiam contra ipsos.* In nomine Domini. Amen. Anno Domini, etc. Nos frater S(inibaldus), etc. Universis in Christo fidelibus declaramus quod M. filius F. post latam excommunicationis sententiam contra eum ... nichilominus sententia contra ipsum lata in suo robore duratura consulimus, etc. Acta sunt hec, etc.

Sinibaldus de Lacu, *Consilium* about persons having abjured heresy, undated. Dondaine, p. 159, *sub* 5.

16. ff. 40r-47r (f. 40r:) *Quod inquisitores possint super excommunicatione invicem dispensare.* Alexander episcopus ... Ut negotium fidei valeatis liberius promovere ... Dat. Lateran., III non. Martii, pontificatus nostri anno septimo [Lateran, 5 March 1261. Bivolarov, p. 139, no. 127]; (ff. 40v-41v:) Alexander episcopus ... Exortis in agro fidei Christiane ... Dat. Viterbii, VI kal. Octobris, pontificatus nostri anno quarto [Viterbo, 26 Sept. 1258. Bivolarov, p. 114, no. 86]; (ff. 41v-42r:) Alexander episcopus ... Ne inquisitionis negotium contra dampnatam heresim ... Dat. Viterbii, VI kal. Octobris, pontificatus nostri anno quarto [Viterbo, 26 Sept. 1258. Bivolarov, p. 114, no. 87]; (f. 42r:) Alexander episcopus ... Super eo quod scriptum legitur ... Dat. Viterbii, VI kal. Octobris, pontificatus nostri anno quarto [Viterbo, 26 Sept. 1258. Bivolarov, p. 115, no. 88]; (f. 42v:) Alexander episcopus ... Quesivistis an alicuius ... Dat. Lateran., III kal. Martii, pontificatus nostri anno septimo [Lateran, 27 Febr. 1261. Bivolarov, p. 138, no. 125]; (f. 43r-v:) Alexander episcopus ... Consuluit nos discretio vestra ... Dat. Lateran., V *****, pontificatus nostri anno septimo [Lateran, 9 Febr. 1261. Bivolarov, pp. 135-136, no. 120]; (ff. 43v-44r:) Alexander episcopus ... Ad audientiam nostram pervenit ... Dat. Lateran., XII kal. Martii, pontificatus nostri anno septimo [Lateran, 18 Febr. 1261. Bivolarov, p. 137, no. 123]; (f. 44r-v:) Alexander episcopus ... Catholice fidei negotium ... Dat. Lateran., III kal. Martii, pontificatus nostri anno septimo [Lateran, 27 Febr. 1261. Bivolarov, pp. 138-139, no. 126]; (ff. 44v-46r:) Alexander episcopus ... [Catholice fidei negotium] ... Dat. Lateran., VIII id. Februarii, pontificatus nostri anno septimo [Lateran, 6 Febr. 1261. Bivolarov, pp. 134-135, no. 118]; (f. 46r-v:) Alexander episcopus ... [Dilectis filiis fratribus ordinis Minorum ... Ad audientiam nostram pervenit] ... Dat. Anagnie, X kal. Martii, pontificatus nostri anno sexto [*l.* septimo] [Anagni, 20 Febr., 1261. Bivolarov, p. 137, no. 124]; (ff. 46v-47r:) Alexander episcopus ... Exortis in agro ... Dat. Anagnie, id. Septembris, pontificatus nostri anno quinto [Anagni, 13 Sept. 1259. Bivolarov, pp. 120-121, no. 96]; (f. 47r-v:) Alexander episcopus ...

Ne catholice fidei ... Dat. Lateran., VII id. Febr., pontificatus nostri anno septimo [Lateran, 13 Febr. (according to Bivolarov) 1261. Bivolarov, pp. 136-137, no. 122].

Alexander IV, pope, Letters to the inquisitors of the Franciscan Order.

The following articles are not recorded in the Table of Contents (art. 1): 5-8, 12, 14-16. Between artt. 9 and 10 the Table of Contents records a text that does not occur in the manuscript: *Capitula super consiliis de quibusdam dubitationibus*, 3 chapters.

Parchment, ff. 47, 230 x 170 mm. The outer margins are mostly badly damaged (probably by rodents), with loss of text at the upper corners of ff. 42-47.

I⁸ (- 6, - 7, - 8, ff. I-V), II¹⁰ (ff. 1-10), III¹² (ff. 11-22), IV¹⁰ (ff. 23-32), V¹² (ff. 33-44), VII⁴ (-4, ff. 45-47). Framed horizontal catchwords right of the center on ff. 10v and 32v.

Pricking and ruling in lead for one column of 26 lines below top line. Ruling type 13, 148 x 100 mm.

Copied by two hands writing Southern Gothica Textualis Libraria (A, ff. Ir-40r6) or Formata (B, ff. 40r8-47v). Marginal annotations in small Gothica Hybrida.

Red headings, paragraph marks, chapter numbering, and stroking of majuscules; red running headlines (up to f. 16v); red plain or flourished initials of varying sizes (the latter with simple penwork in the same colour). Red flourished initials with blue penwork, mostly 3 lines, and generally no headings, paragraph marks or stroking of majuscules, on ff. 39v-47v.

Unbound.

In the lower margin of f. 47v, the number "620", in ink (s. XVII?). In the lower margin of f. 1r, same hand, the calculation "1732 + 738 = 2460" (*sic*), and, in a s. XIX/XX hand, in ink: "De sacra inquisitione. Clemente IV (1265-69). Alessandro IV (1254-61)". The Stock and Reference Library of H.P. Kraus, New York. Sotheby sale, New York: *The Inventory of H.P. Kraus. Property of Sotheby's, New York, 4-5 Dec. 2003*, lot 347. Purchased on the Edwin J. Beinecke Fund.

Bibliography:

V. Bivolarov, *Inquisition-Handbücher. Papsturkunden und juristische Gutachten aus dem 13. Jahrhundert, mit Edition des Consilium von Guido Fulcodii*. MGH, Studien und Texte, v. 56 (Wiesbaden, 2014), p. 14 (siglum of this manuscript: NH).

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