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Edited by J.S. Brewer and Richard Howlett  
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# Monumenta Franciscana

VOLUME 2

EDITED BY J.S. BREWER  
AND RICHARD HOWLETT



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RERUM BRITANNICARUM MEDII ÆVI  
SCRIPTORES,  
OR  
CHRONICLES AND MEMORIALS OF GREAT BRITAIN  
AND IRELAND  
DURING  
THE MIDDLE AGES.

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THE CHRONICLES AND MEMORIALS  
OF  
GREAT BRITAIN AND IRELAND  
DURING THE MIDDLE AGES.

PUBLISHED BY THE AUTHORITY OF HER MAJESTY'S TREASURY, UNDER  
THE DIRECTION OF THE MASTER OF THE ROLLS.

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ON the 26th of January 1857, the Master of the Rolls submitted to the Treasury a proposal for the publication of materials for the History of this Country from the Invasion of the Romans to the reign of Henry VIII.

The Master of the Rolls suggested that these materials should be selected for publication under competent editors without reference to periodical or chronological arrangement, without mutilation or abridgment, preference being given, in the first instance, to such materials as were most scarce and valuable.

He proposed that each chronicle or historical document to be edited should be treated in the same way as if the editor were engaged on an *Editio Princeps*; and for this purpose the most correct text should be formed from an accurate collation of the best MSS.

To render the work more generally useful, the Master of the Rolls suggested that the editor should give an account of the MSS. employed by him, of their age and their peculiarities; that he should add to the work a brief account of the life and times of the author, and any remarks necessary to explain the chronology; but no other note or comment was to be allowed, except what might be necessary to establish the correctness of the text.

The works to be published in octavo, separately, as they were finished; the whole responsibility of the task resting upon the editors, who were to be chosen by the Master of the Rolls with the sanction of the Treasury.

The Lords of Her Majesty's Treasury, after a careful consideration of the subject, expressed their opinion in a Treasury Minute, dated February 9, 1857, that the plan recommended by the Master of the Rolls "was well calculated for the accomplishment of this important national object, in an effectual and satisfactory manner, within a reasonable time, and provided proper attention be paid to economy, in making the detailed arrangements, without unnecessary expense."

They expressed their approbation of the proposal that each Chronicle and historical document should be edited in such a manner as to represent with all possible correctness the text of each writer, derived from a collation of the best MSS., and that no notes should be added, except such as were illustrative of the various readings. They suggested, however, that the preface to each work should contain, in addition to the particulars proposed by the Master of the Rolls, a biographical account of the author, so far as authentic materials existed for that purpose, and an estimate of his historical credibility and value.

*Rolls House,  
December 1857.*

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# MONUMENTA FRANCISCANA,

VOL. II.

BEING A FURTHER

## COLLECTION OF ORIGINAL DOCUMENTS RESPECTING THE FRANCISCAN ORDER IN ENGLAND.

EDITED BY

**RICHARD HOWLETT,**  
OF THE MIDDLE TEMPLE, BARRISTER-AT-LAW.

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**P R E F A C E.**  
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## P R E F A C E :

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### I.—OF THE ERA EMBRACED IN THE WORK.

It was clearly a feeling that he was sanctioning the trial of a great experiment of very uncertain result which caused Pope Innocent the Third to hesitate and adopt half-measures in dealing with the proposals laid at his feet by Francis of Assisi. A pontiff who had excommunicated the rulers of the half of Europe, who had brought whole provinces under his own temporal sway, and who, aided by the secular arm, had crushed the Albigenses in a bloody crusade, was not a man among whose faults indecision could ever have been numbered. Before him were difficulties graver and harder to be encountered than any physical forces likely to be arrayed against his power, and there had come to his aid men willing to combat those difficulties, proposing their own methods, and asking no help save a mere commission from the highest spiritual authority to rouse the torpor of Christendom, and to go forth to fight for God and the Church against the spirit of infidelity. Obvious as the proper course may have seemed to one endowed with the warm faith of an enthusiast, the policy of the Ruler of Christendom would require rather to be moderated by a sense of responsibility, than to be guided by impulsive zeal. If evil should spring from these new remedies themselves, the weight of that evil and the duty of mitigating its effects would sooner or later lie heavily on the shoulders of him who occupied the

chair of St Peter. The care of all the churches had indeed become an incubus of perplexities, but there was a kind of familiarity about recurring problems in which already well known factors were involved. The sovereign princes of Western Europe, the bishops, the secular clergy, the monks, and, further away from sight, the shadowy Emperor of the East and the Saracen—these were forces whose resultant a pope was accustomed to calculate. These he knew almost by the traditions of his office how to balance against each other. But Innocent was now solicited to admit a totally new and untried power to take a place among the rest, and to us whose wisdom has come long after the event, it seems that he did well to hesitate, and would have perhaps done better to refuse.

The ground on which the Church was ordained to work was already doubly occupied. The secular priest and the monk had worked out a *modus vivendi*, albeit an indifferent one. What would be the effect of introducing a third element dissimilar in every way to both? If the friar should posture as a living reproof to the golden ease and spiritual indolence of the monk and to the ignorance and uncanonical life of the parish priest, would the reproof be taken in the spirit of Christian humility? Some kind of fermentation must result from the infusion even of a quickening leaven into the body spiritual, and that fermentation must pass off favourably, the body cooling down after a passing fever, or serious symptoms of moral blood-poisoning might only too easily supervene. Clearly then it was a matter for cautious treatment, this idea of sending forth a swarm of missionaries to teach and preach and tend the sick and the outcasts, and gain the sympathy of the poor man by being as poor as himself. If the great ideal were attained and sustained all would be well, but if the friar should be launched on a course of spiritual rivalry, if he should gradually acquire the vices of his clerical surroundings, and a coarser contamination from those he was sent to assist,



it might happen that by so malign a combination, like as by the chemical compounding of quiescent substances, a true and most active solvent of existing order might all too soon be reached.

Three centuries form a gulf that human foresight has never yet spanned. But had it been possible for the great pope to have seen in these islands the main divisions of the church discrediting each other in the face of the laity with yearly increasing indecency, he would have recognised the fact that the friar had destroyed the possibility of that natural balance which years would assuredly have brought about between seculars and regulars, and had thus, in the great result, lost to the papacy a kingdom destined to be of primary importance in Europe.

Whatever the reason for reluctant action may have been, it was certainly only after much hesitation that, in 1209, Saint Francis was accorded verbally the approbation of the pope. No bull or writing was given, nay, distinctly refused, and a way for the suppression of the new movement, should it be found practically inconvenient, was thus visibly left open for some years until, in 1215, it was judged that the Order of St. Francis might be put upon a permanent footing. Even then the rule was only approved verbally by the Lateran Council. More perhaps could hardly be expected from an assembly which was enacting a decree against the origination of new religious orders, but this in itself was good witness to the early merits of the Franciscans.<sup>1</sup>

The primitive condition of the Grey Friars,<sup>2</sup> their aims and their work in this country, have been most ably sketched by Professor Brewer in his preface

<sup>1</sup> Migne, *Encycl. Theol.*, vol. 13, p. 1062.

<sup>2</sup> Known under various names—*Franciscans*, *Minorites*, *Friars*

*Minor*, *Grey Friars*. Later divisions of the Order were termed *Observants* and *Recollects*.

Confirma-  
of the  
Rule.

Primitive  
condition  
of the  
Order.

to the volume of which the present is a continuation, and it is safe to assert that no facts elicited by later investigations will lead a student to differ in any way from his conclusions. The present volume is, however, more particularly concerned with the sad story of the decadence and fall of the Franciscans, and its purpose has been to gather or to give references to the scattered and very scanty records now remaining as traces of these energetic workers.

There is an indefinable charm in Eccleston's simple narrative as he details for us the results of his quarter century of working and watching in his beloved Order. Of these early Franciscans it is almost impossible to think any evil. It was nothing less than the attraction of a truer holiness that caused the phenomenal growth of the Order. Here <sup>1</sup> a bishop resigned his see, there an abbot put aside his dignity and donned the grey garb of a mendicant friar, while the learned or the enthusiastic who found no scope in their own monastic orders, escaped, like as from a prison, to the sanctuary of the Franciscan habit.<sup>2</sup> These can be signs of nothing less than a rallying of the strength of that piety which has never in the darkest times died out from the church to so great an extent as her enemies are eager to assert.

The voice of jealousy was for a time not loudly raised. It is ever most fittingly evoked by the baser elements of social existence, and must seek matter for complaint in something else than sanctity of life and disinterested good works. Neither monk nor beneficed priest could enviously refer to the poor plot of ground, the mud-built friary, or the royal bounty which dispensed a few oak trees for beams or fuel;<sup>3</sup> but the duration of this calm, sad it is to say, cannot be safely reckoned even by decades.

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<sup>1</sup> *Annales de Theokesberia* (Annal. Monast., vol. ii. p. 95) | <sup>2</sup> *Annales de Dunstaplia* (Annal. Monast., vol. iii. p. 133.)  
 Rolls Series. | <sup>3</sup> *see* p. 279.

The Minorites reached England in 1224. Under the year 1235 Matthew Paris launches against them his first accusations.<sup>1</sup> These can be tested by original documents still extant,<sup>2</sup> and, in at least one clear instance, must be regarded as true, though true for a date about twenty years later than that named by the great chronicler. Early difficulties.

A living writer remarks that the English mind ever requires an outward stimulus to keep alive its zeal, and that when this exciting cause is withdrawn it relapses into apathy. Notably is this the case with the career of the English Minorites. The burning zeal which had at first consumed all inner impurities cooled far too rapidly. The friar began to find his Rule too strict, and successive popes granted relaxations and privileges which sought to make his way more easy. It is not, however, to be supposed that considerable evils had as yet shown themselves in more than isolated instances, for the Council of Lyons in 1274, when restraining the tendency to erect new orders and actually abolishing certain classes of mendicant friars, specially excepted the four great orders, using the remarkable words "*Sane ad Prædicatorum et Minorum ordines (quos evidens ex eis utilitas ecclesie universali proveniens perhibet approbatos) præsentem non patimur constitutionem extendi.*"<sup>3</sup> Witness such as this could scarcely be borne in a general council of the Western Church to an institution which was visibly failing in its purpose. But whatever the further history of the Order in foreign countries may show, for our own country it must be admitted that the beginning of evil was near at hand, and we have only to turn to the consideration of the earliest concrete cases which actual records enable us to examine in order to find the first signs of the decadence which we are bound to trace. Com-  
mencement  
of feud  
with Mo-  
nastic  
Orders.

<sup>1</sup> See Matth. Paris, vol. iii., p. 332 (Rolls Series).

<sup>2</sup> See p. 267.

<sup>3</sup> Lib. Sext. Decretal. iii. Tit. xvii.

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No one has endeavoured to sift truth from early documents without longing for parallel records not written by the pens of ecclesiastics, but it will sometimes happen that beside the prejudiced statement of one of the parties in a quarrel, we are so fortunate as to possess the testimony of a third person. Still greater certainty is, however, reached when this witness, though a notorious partisan, is compelled to give unwilling evidence against his own side. This greater certainty is unexpectedly to be found in the case of the quarrel between the Franciscans and the monks of Bury St. Edmunds, a warfare which raged for at least six years.

Invasion  
of monas-  
tic terri-  
tories.

Dispute  
with  
monks of  
Bury St.  
Edmunds.

As has been stated above, Matthew Paris (*anno* 1235) complains that a party of Minorites, taking advantage of being within the territory of a great Abbey for the purpose of preaching, would, on some pretext of illness or the like, stay for the night. Under cover of darkness, he asserts, they would erect a wooden altar, place it on a small consecrated stone slab brought for the purpose, and celebrate a mass. Having thus gained an ecclesiastical footing, they would hear confessions, say masses, and ultimately even despatch messengers to Rome to obtain substantial concessions. These would often be yielded by the monks from fear of a scandal and from dread of the power already gained by the Order at the court of Rome itself. With no differences worthy of special indication this sketch is a succinct history of the scandal at Bury St. Edmunds.<sup>1</sup> The *Annales de Dunstaplia* give 1233 as the date of the Franciscan invasion of the town, but there is little difficulty in believing that the quarrel took a definite shape in the year 1257, the date assigned in the account from the "*Registrum Werketone*" printed in this volume, if we assume that the Franciscans, having previously held a temporary site, obtained at the latter date a grant of ground within the limits of the town, and began to erect a permanent Friary.

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<sup>1</sup> see pp. 267–275.

## PREFACE.

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According to the narrative now printed the Franciscans began just in the way Matthew Paris has described, entering treacherously, but holding subsequently with a lawful title won by the arts of insinuation. The monks on the other hand openly glory in having violently pulled down the Friary and expelled the friars twice. It is curious to notice that the monks speak with scant respect of Pope Alexander the Fourth, charging him with showing undue favour to the friars, apparently little understanding the action it now appears that he had taken in the matter.

A hitherto unidentified bull in the Lambeth Palace library, however, gives a decisive side light on this dispute. It is directed to the English Minorites, and refers to their conduct toward the monks of Bury. Without its leaden seal, and only dated in November in the third year of one of the Popes who bore the name of Alexander, this bull has passed unnoticed, but as the date referred to above (1257) was the third year of Alexander IV. it may safely be ascribed to him. This document<sup>2</sup> shows, in the first place, that the supreme Pontiff, though once the Cardinal Protector of the Order, was guilty of no blind partisanship, and in the second, that the Franciscans, though at first injuriously treated by the monks, were subsequently misconducting themselves, and continuing the quarrel in a manner which called for authoritative interference.

In considering this quarrel we must remember that a Benedictine Abbey would in such a matter be responsible only as a monastic unit, but that under the strongly centralized government of the friars the fault of the Franciscans of Bury must be viewed as the fault of the whole English province.

This affair would thus appear as a grave symptom of failure in a high purpose, and that too (to take the

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<sup>2</sup> Printed at p. 274.

most favourable date) after a course of but little more than thirty years had been run.

Dispute  
with monks  
of Worcester.

We are prepared by this narrative to place some confidence in the lamentable story told in the *Annales de Wygornia*<sup>1</sup> of the issue of a quarrel in the year 1290 about the forcible rescue of a corpse from the friars of Worcester, and its burial within the precincts of the monastery. Archbishop Peckham ordered that the body should be given back to the friars, who bore it away in procession with chanting and great pomp, after a speech about their rights had been delivered to the assembled crowd.

The annals of the same monastery (*anno* 1291) also give an account of the general chapter of the Minorites at Cork, in which the Irish friars, by producing a certain papal bull, caused such a quarrel that bloodshed ensued. The annalist adds the sarcastic couplet:—

Bullæ papales sunt fratribus exitiales.

Qui quondam mites, faciunt nunc prælia, lites.

These assertions, however, are not capable of proof, but in a fourth instance of great importance we are enabled by documentary evidence to reach a surer position.

Matthew of Westminster<sup>2</sup> states that about the year 1290 the Minorites, who had now gained great ground, “miserably infested the monks of Westminster and Worcester.” Of the Worcester affair thus alluded to we have just seen the circumstances, and some documents<sup>3</sup> now printed for the first time from the originals in the possession of the Dean and Chapter of Westminster, enable us to ascertain the facts as regards the remaining allegation.

Dispute  
with monks  
of Westminster.

William of Pershore, once a Benedictine monk, had taken the habit of a Grey Friar, but about the year 1290 had returned to his old Order, and was sheltered in the

<sup>1</sup> *Annal. Monast. (Rolls Series)*, vol. iv. pp. 499, 502, 504.

<sup>2</sup> As referred to in Dart's *Westmonasterium*, vol. ii. p. xxvii.

<sup>3</sup> pp. 31 to 62.

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## PREFACE.

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Abbey of Westminster. He selected that refuge, it may be, on account of the presence of Alexander of Pershore, possibly a relation or formerly a fellow monk in Pershore Abbey. With him he had carried some books, which, as no friar could own property, were claimed no less than the apostate himself by the Friars. There already existed a papal privilege denouncing an excommunication, absolvable only at Rome, against all who harboured apostate Franciscans, and Archbishop Peckham caused the sentence to be published. An appeal was made to Rome, and the case was heard at Orvieto before the cardinal of St. Lawrence. His award was wholly in favour of the Franciscans, the Abbot Walter de Wenlock was forced to perform a public act of humiliation, penances were enjoined, fines were imposed, and the apostate was, if possible, to be captured and restored. The terms of the arrangement were hard, and it is creditable to the Franciscans, who seem indeed to have been in the right all through, that they subsequently modified the conditions by an agreement which appears to have been fully carried out.

A complete triumph like this over the wealthiest abbot of the great Benedictine Order is somewhat of a Pyrrhic victory after all. There is a moral loss in a contest which would assuredly have been instantly abandoned as unworthy of a Minorite, we will not say by St. Francis or even Agnellus of Pisa, but by Haymo of Faversham, a man who could fight a stout fight for his Rule within his own Order. Such a victory, too, over one of their admitted chiefs must at once have increased the growing bitterness of the Benedictines against the Minorites. The enmity, moreover, of these particular monks of Westminster cannot be accounted a light thing to encounter, for these, or many of them, were the men who appear in the Patent Roll of 31 Edward I.<sup>1</sup> as having

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<sup>1</sup> Memb. 12 dorset.

been consigned to the Tower for the celebrated robbery of the King's Treasury in 1303. One of them, Alexander of Pershore, prominent as proctor at Rome against the Franciscans, was certainly the man who took the black panniers full of treasure to the pier, and who threatened to kill John Albon if he revealed the crime. A further point of interest attaching to the quarrel is that the anger of Archbishop Peckham was so roused by the conduct of Walter de Wenlock that he refused to officiate in the abbey at the funeral of Queen Eleanor in 1290.<sup>1</sup>

Invasion  
of rights  
of parish  
clergy.

If the Franciscans seriously invaded the domain of the monks their encroachments on the secular<sup>2</sup> clergy were still greater, and that too, it is to be feared, in proportion to the weakness of the position they were assailing. These priests were necessarily somewhat loosely connected units, but there is the far more important fact that they very frequently lost the respect of their parishioners by marrying, in contravention of the canon law, and by practising as lawyers in the various courts of the kingdom. To the aid of these considerations came a potent ally inadequately termed the weakness of human nature. As Matthew Paris notes<sup>3</sup> it was easier to confess an act of shame to a strolling friar, whose face might never be seen again in the town, than to the parish priest; and then too, it was hard to endure a penance inflicted by a man whose own conduct was possibly not higher than the level of his penitent's moral life. That these persistent invasions are not single instances universalised by railing accusers we have clear evidence. In Archbishop Peckham's Register<sup>4</sup> we read that the Minorites possessed by repeated Papal authorisations the right of hearing confessions and of absolving all persons without distinction and without previously asking the permission of the parish priest. This power the Archbishop directed

<sup>1</sup> See *Annales de Oseneia*. Ann. Mon., vol. iv. p. 326.

<sup>2</sup> Secular canons are not referred to here.

<sup>3</sup> *Matth. Paris (Rolls Series)* vol. iii. p. 332

<sup>4</sup> *Reg. Archbp. Peckham (Lambeth)* fo. 131.a.



that they should be allowed to exercise without hindrance.

It is not surprising that the secular clergy viewed with detestation the men empowered thus rudely to depose them at will from that office which of all others gave a priest power over his flock. But this was not all. The holiest men must ever be preferable as guardians of the sanctity of the grave, and their habit assumed in the last moments of life must be the most potent armour procurable against the ghostly enemy.<sup>1</sup> It was clear, too, whatever faults might be discoverable by a coldly searching eye, that these friars were more spiritual than the country gentlemen, the farmers and manufacturers who dwelt in splendid convents and called themselves monks. Certainly they were preferable to the greedy clerical lawyer who was bending under the burden of a half-acknowledged family, and who, while taking a legacy, often failed to remember the masses it was intended to secure. These diversions of legacies were another aspect of a grievance so sore in all its phases that at last, after more than a century and a half, the aid of the popes was grudgingly extended to the suffering seculars. Boniface VIII. in the year 1300, decreed that the Minorites should not preach in parish churches without leave, and should give the canonical portion of all legacies—a miserable fourth—to the parish priests. The latter provision was for a time withdrawn, but in 1312 the Council of Vienne again established the rule.<sup>2</sup> The Decretals themselves show how fearful the tyranny of the friars must have been, nor was this tyranny ever much abated, for it is impossible with such an antecedent history not to give credence to the allegations of Richard FitzRalph, Archbishop of Armagh, in his pleadings before the pope at Avignon in 1357,<sup>3</sup>

<sup>1</sup> See p. 127. for an entry showing that this custom extended even to the case of women.

<sup>2</sup> Clementinarum Lib. iii. tit. vii.

<sup>3</sup> See p. 276.

although, owing to unknown under currents of influence, his bold efforts did not effect any reform.

Relations  
with bis-  
hops and  
the pope.

The feelings of Archbishop FitzRalph towards the mendicant orders were probably shared, though less openly, by a majority of the bishops, for these friars, like the larger communities of monks, claimed and obtained<sup>1</sup> complete freedom from episcopal control.<sup>2</sup> In its interior organisation their Order, like all ecclesiastical institutions, shows a clearly marked democratic constitution, more democratic indeed, in later years especially, than the monastic orders, in that the greater officers according to their rank were compelled to resign on the occasion either of every provincial or of every general chapter, and were removable at other times for insufficiency or misconduct. This organisation was very complete, ranging upwards from the superior of a friary, or the warden of a convent, through the grades of custos and provincial minister to that of the minister general residing at Rome. A body of this kind, it will be readily admitted, was not favourable to the good order of a diocese, but the popes, to whom the friars were ever friendly, had by means of it the convenient power of controlling a number of spiritual garrisons all over Europe by communication with one head, and, as the many diplomatic missions entrusted to Minorites show, the Pontiffs found them obedient auxiliaries under a great variety of circumstances. The numerous brief biographies of Minorites gathered by the industrious author of the "*Collectanea Anglo-Minoritica*" show a large amount of interflow between the foreign and the English convents. Communications clearly were well kept up, and the periodical meetings

<sup>1</sup> Wadding, vol. 5 p. 562.

<sup>2</sup> See Vol. I. p. 377. See also MS. Harl. No. 335, Archbp. Strat-

ford's Constitutions. These contain ordinances directed against the mendicant orders.

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Frontmatter

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## PREFACE.

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in provincial or general chapter must have strengthened powerfully the sense of unity at the expense of that of nationality. The lack, too, of proprietary attachments must have operated in the same direction, no less than the wandering habits of the friar, and must have caused him to be ready to move, like the more modern Jesuit, from place to place or country to country, as the good of his Order, or the needs of his overlord the pope, might at the moment require.

We have already seen that the Rule of St. Francis was very early found too strict for complete observance, particularly in a country like England. Evidence has been given to show that the Order was soon launched on a series of contests which it could scarcely have avoided, and the need either of strengthening its position or retreating before its enemies must have been obvious to its rulers. Enthusiasm entirely undirected by worldly wisdom can prevail for a short time only over worldly forces, and this was clearly the opinion of the popes who assisted in modifying the original design of the founder. A race of friars dependent strictly on voluntary offerings or the results of mendicancy must soon, especially in a country like England, have been literally starved in the recurring times of famine and pestilence. When all but the rich were in perpetual anxiety as to their next meal, the friar commissioned to minister to the spiritual wants of the poor and to live of their bounty must necessarily have stood no chance of food to keep body and soul together. In times of epidemics he who was attending the plague-stricken could have been no welcome visitor to those who were hoping to keep the pestilence from their door. Some means of obtaining a small independent income as a resource in times of emergency must therefore be sought, and if the Rule should stand in the way then, though regretfully, the Rule must be evaded or modified for the sake of the continued existence of the Order it governed. In

Relaxations  
of  
the Rule.

the same way the Order found it needful to qualify itself for competition of a different nature. Not to be eclipsed or rather—for such would have been the result—rendered useless by the Dominicans and others as preachers or as confessors, theological learning at least was essential. Thus another modification of the Rule must come about, and as men who study need to be freed somewhat from other duties, a favourable interpretation must be put on ordinances respecting labour. Here, however, the assistance of the pope was required, and we must turn to the pages of the Canon Law to see what actually happened.

Rule relaxed by  
 Nicholas  
 IV.

Attentive consideration of all these necessities is shown in the Declaration of Nicholas IV. touching the Rule. If nothing could be possessed in common by the friars, even books and other requisites for Divine service and study would be beyond their reach, and it was therefore decreed that all proprietary rights in minor necessities for the use and benefit of the Franciscans should be held to vest in the Supreme Pontiff, to whom also should belong all friaries and churches of the Order. Loans continued to be forbidden, yet, to procure necessities, the friars might bind themselves to repay either by labour or out of alms received, but the alms-giver himself should, if possible, be the intermediary. If he should die, his heirs or executors might be sued at the law if necessary. Legacies expressed in a form contrary to the spirit of the Rule must be repudiated—thus a field to cultivate, a house to let, might not be accepted, but money, or a house, or field, to be expended on the necessities of the brethren would be a permissible benefaction; and further, the right to such a legacy might be sustained by the friars before the courts of law. The touch of money was ever to be avoided by a friar, but a gift might be changed, by sale if requisite, for some lawful and necessary article; and, lastly, spiritual and mental labour being preferable to bodily toil, the latter

should not be imposed on those fully occupied in efforts of the higher class.<sup>1</sup>

The second great Declaration on the Rule was put forward considerably more than a hundred years later by Clement V. in the Council of Vienne.<sup>2</sup> Between these two documents differences may be detected which evidence a general falling off from the high standard of the older days. Directions are given as to certain minor points, such as clothing, election of officers, &c., and an authoritative division of the absolute from the variable or less strict injunctions of the Rule is laid down. It is ordered, that beside the fasts from All Saints' day to the Nativity and the ordinary Lenten abstinence, the brethren shall be bound to the general fasts imposed by the church on all Christians; but it is noticeable that no mention is made of the intermediate fast to which St. Francis exhorts his followers. After ruling that persons entering the Order may give to it their property, but must not be persuaded so to do, the Declaration concerns itself mainly with directions calculated to avoid for the future various accusations brought against the Franciscans. These were apparently understood by the Pope to be that the friars not only suffer but procure themselves to be made testamentary heirs; that in some cases they receive rents so large as to form a maintenance for the whole convent; that when their affairs are before courts of law they personally intermeddle; that they undertake the duties of executors and arrange cases of usury or the return of stolen goods, &c.; that they cultivate large gardens and even large vineyards, and sell the crops; that at harvest and grape-gathering seasons they beg and buy to so great an extent as to provide for their consumption during the whole ensuing year; that they build such beautiful churches and convents that their edifices seem fitter for magnates than for mendicants; that they have

<sup>1</sup> Lib. Sext. Decretal. V. Tit. xii. cap. III. |  
 See also p. 75 in the present volume.

<sup>2</sup> 1311-12.

church ornaments in value even beyond those of great cathedrals; and lastly, that they receive as funeral offerings horses and even arms. These charges, as the Pope states, the rulers of the Order deny, but he none the less proceeds to legislate against the growing worldliness of the friars.

Movement  
for a re-  
turn to  
strict ob-  
servance  
of the  
Rule.

The lines on which the Church has ever proceeded are happily so special and peculiar that, after learning all that can be alleged respecting the evil condition into which a great religious institution has fallen, we look almost as a matter of course for the commencement of those efforts which have seldom failed to be forthcoming for renewing and setting in order that which has been weakened and decayed.

Rise of  
the Obser-  
vant Fran-  
ciscans.

It is hard, perhaps, to escape from the conclusion that a movement of reform is at least a confession of previous disorder or insufficiency, but on the other hand a reformation from within, a self-healing process, is good evidence of vitality. Signs of a desire for a return to the strict Rule of St. Francis appear before the middle of the 14th century. After the General Chapter of Toulouse in 1373, at which Pope Gregory XI. presided in person, considerable advances were made. A division without disruption commenced, and the number of houses occupied by Observant, as distinguished from Conventual Franciscans, slowly increased. All, however, owed allegiance to the same high officers of the order, until (in 1415) the Council of Constance granted the Observants a separate head or vicar general, who, however, was still nominally subordinate to the minister general of the entire order. This office of vicar general was held in 1438 by the celebrated Bernardine of Siena. In 1446 the Observants were permitted by Eugenius IV. to hold a General Chapter and to present their elected vicar general for merely formal confirmation in his office by the minister general. Later still the so-called Bull of Union gave the Observants precedence over the Conventuals,