

THE ESTABLISHMENT OF A MODUS VIVENDI BETWEEN THE FRANCISCANS AND THE CLERGY: VIC - 1280-1357

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ABSTRACT

The Franciscan house in Vic was one of the first to be established in the Crown of Aragon; in effect the Cathedral Archives possess the earliest extant document referring to the establishment of a Franciscan house in Catalonia, but it is likely that other houses were founded at approximately the same time. In this article we refer to the relations between the diocesan clergy and the friars, always a contentious issue, but apparently less so in Vic than elsewhere, possibly due to the agreement reached between the friars and the diocesan clergy as outlined in the three documents reproduced in the appendix.

KEY WORDS

Franciscans, Vic, Clergy, Conflicts, Catalonia.

CAPITALIA VERBA

Fratres minorum, Vicus, Clerus, Contentiones, Catalonia.

Vic in the late Middle Ages was an important cathedral town¹, and from the thirteenth century, various religious orders established houses there, among them the Franciscans. The arrival of the friars was not too welcome to the diocesan clergy who regarded them as a threat to their economic wellbeing, the more so because they soon became extremely popular, preaching eloquent sermons and attracting large crowds to hear them.

Although extant documentation suggests that the house at Vic was one of the first to be established, we know far less about its early years than is the case for many other Franciscan houses. There are frequent references to the Vic house in notarial manuals but they tell us little about the daily life of the friars who probably were too occupied in routine matters to keep extensive records. If they did keep them, they would have been legal documents, agreements, concessions, and land transactions, but they have long since disappeared and the historian has to rely mainly on municipal and cathedral documents, piecing together the small amount of information they contain in an attempt to gain an overall picture of Franciscan life. In this regard, the three documents we reproduce in the appendix can be said to be unique, as they deal in depth with one of the questions which caused friction between the diocesan clergy and the friars, the fees payable to the clergy when the friars were involved in funerals and the burial of a parishioner. It is curious that similar documents for agreements regarding baptisms, marriages and other spiritual services do not seem to exist and we can only assume that these matters were less contentious.

The documents we reproduce were quite clearly an attempt by the friars and the diocese to arrive at an amicable agreement and in content they differ little from those we published for the Valencian house.² In Valencia, for example, the burial rites of the clergy vis à vis the four mendicant orders caused years of friction and resulted in a long and complicated arbitration settlement for which the arbitrator was St. Vincent Ferrer, and the final agreement did not occur until 1406.³ It would seem that the issue was not so bitterly contested in Vic, partly perhaps, because other more pressing matters arose in the late fourteenth century which diverted attention away from burials and legacies.

In Vic the Franciscans were allowed to go ahead with construction of their friary on the condition that they agreed to be under the jurisdiction of the bishop, an anomaly in itself, as the Rule of the Order of Friars Minor specifically stated that its

1. I would like to take this opportunity of thanking the personnel at the Cathedral Archives in Vic for their extreme helpfulness and kindness to me over a period of years. In regard to this article, I am indebted to Ramon Ordeig i Mata for looking through the transcriptions to ensure the utmost accuracy, and to Miquel dels Sants Gros i Pujol and Rafel Ginebra i Molins for help with some paleographical problems. The author is, of course, responsible for any errors which inadvertently may have remained.

2. The term "burial rites" here is used to include a number of issues which are in some way related and which affected the financial status of the friars or clergy, such as funerals, legacies, donations and general support.

3. Webster, Jill R. *Per Déu o per diners: Els mendicants i el clergat al país Valencià*. València: Editorial Afers, 1998.

members did not come under episcopal jurisdiction.⁴ And their ministers were to be directly responsible to the Papacy and their own ministers, and in no way subject to the diocese in which they were located. This provision made rivalry between the early Franciscans and the parish clergy inevitable, as to some extent their apostolate overlapped, and there was no real mechanism for settling the disputes which arose except through recourse to legal counsel. For the ecclesiastical wellbeing of Vic, it was clearly essential that there be a successful outcome to the discussions regarding the fees which the clergy and friars received for all spiritual services. Canon law stipulated that the friars could expect one quarter of any monies paid on these occasions; in the case of funerals, the canonical quarter was due when the funeral was held in the parish church and the friars participated. Despite this, there was constant disagreement between the clergy and the friars, and in some towns we have evidence of aggressive behaviour which resulted in bodily harm to one or other of the parties, although to our knowledge this never occurred in Vic.⁵

The present introduction to the documents, therefore, looks specifically at how this question was dealt with in Vic, basing its conclusions not only on the documents reproduced but on the information contained in the notarial registers kept in the Vic Cathedral archives. These registers contain wills, contracts, resolution of disputes and other matters which shed some light on Franciscan life in Ausona, but more especially they indicate just how the legacies and donations to the Franciscans increased during the thirteenth and fourteenth centuries.⁶ In fact the Vic documents are more specific than any we have found for other Catalan houses. This by no means implies that relations between the clergy and the friars elsewhere in Catalonia ran more smoothly —indeed we have many references to the friction which arose wherever the friars established a house, and the legal documents detailing the causes have probably disappeared over the centuries.

As the Friars Minor became more well known and popular, it was not unusual for parishioners who were also supporters of the friars to request that the latter officiate at their funerals and some even wished to be buried in the Franciscan habit. Many of these people made significant bequests to the Order thus, theoretically at least, depriving the parish, not only of the canonical quarter, but of the legacy they would previously have expected to receive. It was irrelevant whether or not the legacies finally reached the destined beneficiary, and we have reason to believe that many did not, due to lack of resources at the time of death, or disputes by relatives over clauses contained in the will. The basic problem was not even the canonical quarter, although the importance of this should not be overlooked, but rather the fact that there was a branch of the Church which seemed to be undermining the influence hitherto enjoyed by the diocesan clergy. It was a situation the clergy had

4. Webster, Jill R. *Els Menorets: The Franciscans in the Realms of Aragon from St. Francis to the Black Death*. Toronto: Pontifical Institute of Mediaeval Studies, 1993: 27.

5. Webster, Jill R. *Els Menorets...*: 162-165.

6. We hope to produce a detailed account of the early years of the Vic convent in which legacies and donations will form an important section.



not foreseen and one which they regarded as a threat to their mission, a perfectly comprehensible feeling, given the rapid rise of the mendicant orders.

In 1225 the Order of Friars Minor first received a gift of land in Vic situated outside the walls and they used an improvised chapel until 1270 when they left the area to build their permanent friary in the Carrer de Sant Francesc.⁷ This was the first indication that they had made considerable progress since their arrival in Ausona. After their move to the Carrer de Sant Francesc, they first built the church but like most medieval religious buildings completion took many years and it was not finished until well into the fourteenth century. By the time of our second document several chapels would have been added but there is no doubt that construction was an ongoing project, continuing as and when adequate funding was available.

By 1280 the Franciscans were well established in the Carrer de Sant Francesc and legacies to the friars began to mention aspects of the building and a desire for burial in the Franciscan habit. For instance in May 1280 Poncia, the daughter of Ramon de Illa left 2000 malgurensian sous to the friars and asked that her legacy be set aside for the altar in the Franciscan church dedicated to the Blessed Virgin Mary.⁸ Other citizens in the last quarter of the thirteenth century wanted their money to go towards chapels such as those of Santa Margarida or Sant Antoni, or altars like that dedicated to Sant Francesc. By the late 1290s part of the church at least had been built and legacies to the friars became increasingly frequent. Most of them were quite small amounts of money and in almost every case the testator asked that his legacy be applied to the work the Franciscans were doing in Vic, suggesting that the period under review was one of the most profitable for the friars. Clearly it was the period of major development before the devastation caused by the Black Death, and the economic and social problems of the late fourteenth and fifteenth centuries.

One reference is particularly interesting as it mentions the "albergaria" and we are not sure to what this refers.⁹ We can only suggest that the "albergaria" was a house in which the friars lived, possibly on a temporary basis while their friary was being built, or a place set aside for visiting friars and those who were not members of the Order but who had made some arrangement with the Franciscans to spend the rest of their lives under their protection.

If we are to judge by the extant documents, the majority of people in the late thirteenth century did not opt to be buried in the Franciscan cemetery but rather in that belonging to the Cathedral Church of Saint Peter. Nevertheless, the few references which do exist to burial in the Franciscan cemetery confirm that by 1284, the cemetery was in operation and the friars had acquired sufficient popularity and spiritual credibility among their contemporaries for the latter to choose their last resting place there. With increasing visibility from 1284 onwards the requests for

7. We are indebted for this section to the work of Junyent, Eduard. *La ciutat de Vic i la seva història*. Barcelona: Curial, 1980: 87 which gives a brief summary of the early years of the Franciscan house in Vic.

8. Arxiu de la Cúria Fumada de Vic, registre 6, sense numerar (28 May, 1280).

9. Arxiu de la Cúria Fumada de Vic, registre 6, f. 49v (1st November, 1282).

burial in the Franciscan cemetery also increased and the diocesan clergy had more cause for concern that the burial fees they could expect to receive would diminish correspondingly. This was a year after the date of the first document we reproduce in the appendix, in which the friars claim their right to bury those who so wish in their own cemetery, while the diocesan clergy maintain that if this is done, the friars must pay them the canonical quarter, that is a quarter of the burial fees.

The proximity of the two dates indicates that the parish clergy were beginning to become concerned at the amount of money they were losing or could lose to the friars, and wished to settle the matter of the canonical quarter before matters got out of hand. Furthermore, it was also customary for testators not only to will their property or other goods to the clergy or friars but they also left money for masses to be said for the deceased on the anniversary of his death. Previously all these legacies would have gone to the parochial clergy, and if we were to compare the financial state of the mendicants with that of the parish clergy in 1357, we might find that there was a significant decrease in diocesan finances due to the fact that two separate branches of the Church were dependent on the same source, and the friars had increased in number and popularity. Extant documents make such a comparison difficult but there is no doubt that the amounts left to the friars increased in the fourteenth century.

At the end of the fourteenth and beginning of the fifteenth centuries when Vic was experiencing a period of unrest from the activities of rival groups, the city councillors, like their counterparts in Valencia and elsewhere, thought that the prayers and sermons of the friars could achieve miracles. Frequently in times of drought, they would ask the friars to pray for rain; and in periods of unrest, to pray for peace and the restoration of good order. It is significant that they chose the friars rather than the clergy, believing perhaps, that their prayers would prove more effective, and their sermons encourage the faithful to pray too.

Similarly, during this period the number of friars resident in Vic would have been on the increase, and in addition to the names mentioned in the notarial manuals, there would also have been others, lay brothers perhaps, who made up the complement. Friaries often gave lodging to those who were not members of the Order, the elderly or infirm, or to those who had worked for them, and had nowhere else to go; in return they would be required to pay a sum of money to keep them for the rest of their lives.

To estimate the economic wellbeing of a Franciscan house by the number of friars, and others who lived in the friary, not only would be inaccurate but would not be feasible given the documentation available. In Vic we calculate that at the end of the thirteenth century and before the Black Death in 1349 there would probably have been between ten and fifteen ordained friars at any given time, the number recorded for most of the friaries in the Crown of Aragon. There is no evidence that this number declined after that date; on the contrary, by the end of the fourteenth century it had probably increased to between twenty and twenty-five.

In the fifteenth century the friars were constantly pleading extreme poverty and requesting money from the municipal authorities, for these were troubled times in



Vic and the question of the canonical quarter would not have been so significant. By the 1450s the Vic municipal councillors were bemoaning the lack of preachers and confessors which, according to them, had diminished due to the "potestat infernal", "lo enamich de humana natura".¹⁰ The letter claimed that "dit monastir era vengut en punt de total destrucció", largely it seems because the great preachers of the past have been moved elsewhere.¹¹ The same letter states that this is evident from the number of burials, suggesting that they too had declined, but the reader should be beware of placing too much weight on the veridity of these comments, due to the context in which they were written. They were in fact an attempt by the councillors to put pressure on the Order of Friars Minor to allow certain popular friars who had been moved elsewhere to return to Vic. All the same, this is clearly an indication that the friars' influence in Ausona is not what it was a century earlier. Furthermore, Eduard Junyent states that the final abandon of the Franciscan friary in Vic occurred in 1570, about the same time as that of the Franciscan friary in Puigcerdà. We know that the poverty of the friars increased throughout the fifteenth and sixteenth centuries, making the continuance of the house in Vic unsustainable.

The problem of the canonical quarter was to be found throughout the Crown of Aragon wherever the mendicant friars established houses. Documents similar to those for Vic existed in Valencia where the bitterness of the dispute indicates how important it was for both the diocesan clergy and the Franciscan friars to come to an agreement over its payment.¹² The longest documents on this issue are to be found in towns where the cathedrals had a strong presence but this may be an accident of fate rather than a true picture of the situation. The long conflict in Valencia, preserved in documents housed in the Valencia Cathedral archives, has much in common with that in Vic, although it involved all four orders of friars: Augustinians, Carmelites, Dominicans and Franciscans.¹³

In effect, the importance of the resolution of these problems between the clergy and the friars lay in the fact that it was an attempt to draw the parameters within which the two branches of the Church could exercise their spiritual apostolate without impinging on each other's territory. There is no doubt that the basic point of contention remained: the special independent status of the Friars Minor, leaving them free to conduct services, preach, hear confessions and bury the dead without the need to involve the parish clergy. Although the early friars were not ordained priests, it was not long before they became indistinguishable from the parochial clergy, performing pastoral activities and in many cases luring away parishioners from the parish churches, and thereby benefiting from the fees entailed in the performance of baptisms, marriages and burial services. Inevitably this was to cause resentment among the parish clergy and the need for a *modus operandi* became increasingly urgent.

10. Arxiu Històric Municipal de Vic, Cartes de la Ciutat, 2, 1450-1451 (6 August, 1451).

11. Arxiu Històric Municipal de Vic, Cartes de la Ciutat, 2, 1450-1458 (11 January, 1452).

12. A discussion of this problem and the papal bulls issued concerning the Franciscan status can be found in Webster. *Els Menorets...*:149-165.

13. Junyent, Eduard. *La ciutat de Vic...*:128.

The documents which follow appear to have reached this *modus operandi* in Vic, although we do not doubt that from time to time minor disputes arose between the friars and the parish priests until, of course, other more urgent problems occupied both branches of the Church.

Appendix

Document number 1:

17 September, 1283, Vic.

Agreement between the Friars Minor and the Bishop and Chapter of Vic Cathedral concerning burial rites: conduct of funerals, distribution of fees, use of candles and burial cloths.

Arxiu Capitular de Vic, Concòrdies, 37/8. Parchment I Quarto 1283, measuring 48 cms 8 mms X 36 cms 5 mms.

On reverse: *Frates Menors 1283 – Provisio super iis que ex tempore occurrebant inter ecclesia Vicense et fratrum minorum conventum*; three seals affixed, one of them broken and two missing including those of the Vic Franciscan house and the Guardian of that house.

Noverint universi quod cum questio mota esset inter guardianus domus fratrum minorum, Vicense et conventus eiusdem loci nomine sui et ordinis dictorum fratrum, ex parte una agentes. Et venerabiles patrem ac dominum Raimundus, Dei gratia Vicense episcopum et capitulum eisdem loci, nomine suo, et sue ecclesie, ex altera. Def(f)endentes super sepulturis et iuribus earundem quas ex privilegiis populibus et aliis iuribus dicti guardianus et conventus Vici asserebant se debere habere in cimiterio dicte domus sive conventus de Vico, et super quibusdam aliis articulis, rationibus et def(f)ensionibus propositis hinc et inde, fuit compromissum in venerabiles Geraldum de Gualba, Raimundum de Prato, Vicense canonicos, et fratrem Bernardum de Condaminis, super premissis questionibus sub pena C aureorum, prout in compromisso inde confecto laciis continetur unde nos, Geraldus de Gualba, Raimundus de Prato et frater Bernardus de Condaminis, arbitri predicti, visis et diligenter examinatis universis petitionibus et aliis prepositis, hinc et inde, habita plenaria deliberacione, et diligere in tractatu de voluntate et expresso consensu ipsarum partium.

Pronunciamus sub pena in compromisso contenta super questione sepulturarum et justicia que dari debet ecclesiastice ex cuius parrochia def(f)unctorum coram assumuntur que erant in ipsorum fratrum cimiterio tumulanda. Quod fratres ipsi habeant perpetuo in ipsorum domus et cimiterio apud Vicum libere sepulturas. Et quod de hiis omnibus que relinquuntur a parochialis Vicense ecclesie predictis fratrum ratione sepulture habeant ecclesia Vicense medietates. Hec idem fiat de cereis et tortis, et de omnibus aliis que cum corpore portabuntur. Que omnia statim dividuntur cum corpus fuerit traditum sepulture.

Relique vero medietates habeant fratres ipsis. De aliis vero que defunctus relinquit fratribus minoribus, tam in ornamentis vel pro eis, aut libris fabrica luminariis anniversariis sive aliis ad perpetuum divinum cultum seu pro pitanciis, aut victu ad sustentacionem eorum vel

indumentis quam aliis piis usibus dicti fratres nullam justiciam seu canonicam porcionem dare ecclesie Vicense teneantur.

In lectis vero in quibus mortuorum corpora portabunt habeant sacrista et ecclesia Vicense jus suum salvum, sicut est antiquitus observatum, nisi aliud de dictis lectis contingeret ordinari.

Pronunciamus etiam quod corpora illorum qui eligeret sepulturam in cimiterio dictorum fratrum minorum Vicense deportentur et intrantur prius in ecclesie Vicense cum illis clericis quos defunctus sue sepulture voluerit interesse prout consuetum est eos vocari ad corpora mortuorum, et ibi absolvantur, et post absolucionem cum dictis clericis deportentur ad ecclesiam fratrum minorum, et quod ipsi clerici intersint si voluerint sepulture. Si tamen clerici ipsi corpus defuncti de Vicense ecclesia usque ad ipsorum fratrum ecclesiam sive cimiterium nollent sequi, fratres predicti libere veniant usque ad ipsam Vicense ecclesiam et corpus defuncti associant et faciant usque ad ecclesiam suam sive cimiterium deportari.

Si vero contingeret vocari canonicos Vicense ecclesie ad exequias aliter corpus ipsius sequi non teneantur ultra cimiterium canonici supradicti. Et in premissis servetur consuetudo que in Vicense ecclesia hactenus est servata. Si tamen mori contigerit aliqua tali hora quod meo debito missa valeat celebrari celebretur missa in majori ecclesia et preterea deportetur corpus juxta formam superius annotatam. Preterea sit salvum clavigero et suo servitori, et etiam ebdomedariis, et tenenti panem, de anniversario et monacho minori, et suis nunciis eloquerii quod eisdem cum corporibus mortuorum de consuetudine dinoscitur pertinere.

Item: Pronunciamus quod de cereis seu candelis paschalibus a nemine aliquid recipiant dicti fratres.

Item: Pronunciamus quod ille petitiones quas fratres minores faciebant, tam contra Guillelmum Xecmar, tam pro corpore Guillermi reddendo quem donatium suum esse dicebant, tam pro illa causa, quam Guillelmus de Miravallibus, Guillelmus de Frontera, Arnaldus de Quadris, faciebant contra Petrum, clerici Sancti Petri Puellarum, Barchinone, quam aliis usque ad hanc diem motis sint ex utraque parte remisse et penitus relaxate.

Item: Pronunciamus quod de dictis parrochianis Vicense ecclesie qui in infinitate habitum dictorum fratrum receperint, habeat Vicense ecclesie consuetudines super mortuorum corporibus in ipsa ecclesia hactenus observatas, si in egritudine eos contingat decedere supradicta.

Item: Quod nullus frater inducat aliquem infirmum vel sanum ut in eorum domo eligat sepeliri.

Item: Si contingat decedere in parrochia Vicense aliquem advenam vel viatorem hoc idem servetur de eis quod de parrochianis superius est expressum. In ista atque compositione non intelligantur alie ecclesie parrochiales nisi tamen Vicense ecclesia; set habeant ipse parrochiales ecclesia terciam partem de legato quod fiet fratribus supradictis ratione sepulture. Et de cereis, et de tortis, et de aliis que cum corpore portabuntur.

Item: De sermonibus faciendis vel non faciendis in diebus dominicis, et aliis festivitibus de mane qua hora in Vicense ecclesia predicatur, servetur, et fiat per fratres ipsos sicut in aliis eorum domibus et ecclesiis cathedralibus provincie Terrachone.

Item: Quod tempore generalis interdicti quod apostolica ordinaria vel quavis auctoritate in Vicense ecclesia observare, fratres predicti in sua ecclesia interdictum observent omnia predictum salvis eorum privilegiis et libertatibus et exceptis dum taxat sanctorum illorum festis de quibus habere noscuntur privilegium speciale.

Item: Cum civitas Vicense, aut pars ipsius, ex quacumque causa cuiuscumque auctoritate fuerit interdicta fratres predicti neminem preterea eorum fratres et servitores assiduos et domesticos, si hoc habent ex privilegio apostolico, admittant durante interdicto huiusmodi ad ecclesiasticam sepulturam. Que omnia antedicta dicimus et pronunciamus sub dicta pena in compromisso contenta. Quamquidem sententiam utraque pars in continenti expresse laudavit et etiam approbavit. Lata fuit hec sententia XV kalendas septembre, anno Domini M^oCC^oLXXX^o tercio (1283) presentibus fratre Petro de Pulcroforti, guardiano dictorum fratrum, et procuratore sui conventus. Et Petrus de Torrentibus, et Guillermus de Guardia, canonicis Vicense de procuratoribus dictorum domini Vicense episcopi, et capitulis Vicense, presentibus testibus F(f) errarius de Torrentibus, Bernardus de Angulo, Petrus de Sala, Petrus de Cardona, Arnaldus Laupart et Petrus de Podiolis. De quibus omnibus, ad instantiam et mandatum utriusque partis, fuit factum per me subscriptum scriptorem, publicum instrumentum, die et anno quo sup(p)ra, presentibus testibus supradictis. In cuius rei testimonium, et ad eternam rei memoriam nos, Raimundus, Dei gratia episcopus, et capitulum Vicense, et frater Petrus de Pulcroforti, guardianus, et conventus domus fratrum minorum Vicense sigilla nostra presenti pagine duximus apponendi.

Signum: Raymundi, Dei gratia Vicense episcopi.

Signum: Berengarius de Pulcrovisu, Vicense sacriste.

Ego, Guillermus de Angularia, Vicense archidiaconus, firmo.

Ego, Geraldus de Gualba, canonicus Vicense, et archiepiscopus, subscribo.

Ego, frater Berengarius de Condaminis, arbiter predictus subscribo.

Ego, Raymundus de Prato, canonicus Vicense, et arbiter predictus subscribo.

Signum: Raymundus de Prato, Vicense canonici, tenentis locum Berengarii de Pulcrovisu, publici Vicense notarii.

Signum: Berengarii de Caselle, scriptoris jurati qui hoc instrumentum scribi fecit et clausit, mandato Raimundi de Prato, tenentis locum Berengarii de Pulcrovisu predicti notarii, die et anno quo sup(p)ra.

Document number 2:

7 January, 1347, Vic

Settlement of the dispute between the chapter and the friars minor regarding burials in the Franciscan cemetery. The agreement between the Archbishop of Tarragona, the Franciscan, Sancho López de Ayerbe and Bishop Hugh of Vic on matters pertaining to burials, especially of those banished from the town of Vic, with or without the Franciscan habit.. Reference is also made to the Constitutions of Tarragona and the exhumation of En Tarters and Na Mora.V.

Arxiu Capitular de Vic, Concòrdies, 37/8. Parchment 1 Ter, measuring 50 cms x 43 cms.

On reverse: *Super facto fratrum minorum et ecclesie Vicense. (LC).*

Noverint universi quod cum questio seu controversia suscitata esset et verteretur, ut dicitur, inter reverendum in Christo patrem dominum Hugonem, Dei gracia episcopum, et honorabiles capitulum et ecclesiam Vicense ex una parte, et venerabiles et religiosos guardianum et conventum fratrum minorum, Vicense, ex altera, racione videlicet et occasione sepulturarum



illorum qui in domo ipsius conventus fratrum minorum, Vicense suas eligunt sepulturas tam cum habitu quam sine habitu.

Tandem partes tempore, videlicet dictus dominus episcopus nomine suo, et dicti capituli et venerabiles et religiosi viri, frater Raimundus de Basso, minister dicti ordinis fratrum minorum, provincie Aragone, frater Petrus de Clariana, custos custodie, et frater Ascensis, lector domus eiusdem ordinis, Barchinone, procuratores, yconomi et actores ad infrascripta, et alia specialiter constituti, a dictis venerabilibus guardiano et conventum fratrum minorum, Vicense, prout de ipsa procuracione yconomatu et actoria plene constat per publicum instrumentum inde confectum, in posse Guillermi de Terrariis, notarii publici Vicense, auctoritate domini Vicense episcopi, quintadecimo kalendas Januarii, anno infrascripto, nomine dictorum guardiani et conventus ex potestate eis atributa in dicto procuracionis et iconomati instrumento ad tractatum, ut dixerunt, reverendissimi in Christo patris et domini domini fratris Sancii, divina providente clemencia Sancte Terrachone ecclesie archiepiscopi, volentes ipsis questionibus et controversiis finem imponere, de et super predictis inter se convenerunt partes ipse nomini-bus predictis per capitula infrascripta quorum series sic se habet.

Ad tractatum reverendissimi in Christo patris et domini domini archiepiscopi Terrachone super infrascriptis de pace tractatis inter dominum episcopum Vicense et religiosos ministrum provincialem provincie Aragone, custodem et lectorem Barchinone, qui super infrascriptis tractandis potestatem habent, conventa sunt que sequuntur dicto tamen domino episcopo hoc faciente sub ratihabicione (ratificatione?) sui capituli cum nemo sit presens pro capitulo qui super hiis habeat potestatem.

Primo vult precise dominus archiepiscopus iuri vel privilegiis utriusque partis minime derogare intendetis quod corpora d'En Tarters et de Na Mora, portentur ad matricem catedralem ecclesiam, civitatis Vici, sub hac forma quod illa copora exhumentur presentibus duobus clericis qui pro parte ecclesie sint ibi presentes, quibus exhumatis et in locis honeste repositis, ut est moris, dicta corpora cum processione ecclesie katedralis deportentur ad katedralem ecclesiam et ibi missa cantetur, ut est moris, vel ut melius cum ecclesia poterunt convenire, et deinde factis hiis que in funeribus def(f)unctorum in dicta ecclesia fieri consueverunt, dicta corpora reducantur ad ecclesiam minorum et in locum pristinum reponantur.

Item: Voluit precise dominus archiepiscopus eodem contextu videlicet cum corpora def(f)unctorum erunt exhumata, et in lectis, ut supradictum est, reposita et posita extra domum fratrum minorum, levetur constitutio per vicarium episcopi, et tunc cum processione solempniter, corpora ad ecclesiam deportentur, ut in precedenti capitulo dictum est.

Item: Illi de civitate qui, ex hac causa, a civitate sunt banniti, habita littera regia super eorum, indulgentia sint in civitate illa die, et recepta prius absolucione a vicario episcopi, sint presentes in predicta missa, cum singulis cereis unius libre, ad minus accensis in manibus quamdiu missa dicetur qui, post finem misse remaneant in dicta ecclesia et serviant ibi ad elevacionem corporis Christ.

Item: Causa appellacionis emisse per ecclesiam Vicense a declaracione facta per vicarium domini archiepiscopi qua declaratum est, fratres minores non posse ligari constitutionibus Sacri Concilii Terrachone, de consensu ambarum precium supersedant ita quod per neutram precium in ea procedatur usque quo sit finitum primum concilium quod dictus dominus archiepiscopus in sua provincia celebrabit per hanc auctoritatem supercessionem neutri procurata

fiat preiudicium in prosecutione dicte appellacionis vel aliter, ita quod dicto finito concilio, si causa non esset, decisa? veraque precium remanent in eo statu, et eo iure in quo tunc est.

Et hec omnia cum ef(f)ectum complere, tam episcopus quam dicti fratres promittant, et alias faciant firmitates prout melius et firmitus per sapientes dictabuntur premissorum substantia non mutata.

Item: Concordarunt partes predict[is] quod multa alia capitula super quibus erat contencio inter dictum episcopum, capitulum, et ecclesiam Vicense, ex una parte, et guardianum, fratres, et conventum dicte civitatis Vici, ex altera. Decidantur et determinentur prout hiis diebus fuit inter eos concordatum in presencia domini Bernardi de Ultzinellis.

Et si forte super aliqua responsione dictorum capitulorum vel alicuius eorum esset aliqua diversitas inter dictum dominum episcopum et dictos fratres, stetur, dicto dicti domini Bernardi f(f)uit tamen conductum inter dictas partes quod presens firma haberetur, pro non facta in casu quo capitulum nollet firmare infra mensem a presenti die in antea computandum.

Que capitula et omnia in eis contenta fuerunt firmata, et concessa per dictas partes nominibus predictis qui iam per eas fuerant, ut dixerunt, lecta. Convenientes et promittentes partes ipse[s] nominibus predictis sibi ad invicem ac eciam michi, Berengario de Villacetrude, notario publico, Barchinone, et scriptori jurato sub Guillermo Turelli, auctoritate regia, connotario meo infrascripto, quod premissa, capitula et omnia et singula in eis contenta tenebunt ac observabunt, prout utraque pars ad ea tenenda, et observanda tenantur, iure ipsorum capitulorum, series et tenores, et quod non in aliquo contrafacient, vel venient, ipsi nec illi quorum nomine hec promittunt iure aliquo causa vel eciam racione.

De quibus omnibus dicte[s] partes nominibus predictis petierunt eis fieri tot quot voluerint publica instrumenta. Que fuerunt acta Barchinone die lune intitulata septimo idus Januarii, anno Domini millesimo trecentesimo quadragesimo septimo, presentibus testibus videlicet venerabilibus Bernardo de Ultzinellis, legum doctore, et Guillermo de Planella, licenciato in legibus, ac Romeo Figuera, doctore legum, et fratre Raimundo Mulnerii, de dicto ordine fratrum minorum, et me, Berengario de Villacetrude, notario et scriptore jurato predicto.

Signum mei: Berengarii de Villacetrude, notarii publici, Barchinone et scriptoris iurati predicti, qui premissis omnibus et singulis dum sic agebantur, vocatus et rogatus, una cum testibus suprascriptis, interfui, et hec scripsi.

Signum Guillermi Turelli, auctoritate regia notarii publici, Barchinone qui hec scribi fecit, cum litteris rasis, et emendatis in quinta linea ubi dicitur "quinto decimo kalendas januarii anno infrascripto" et in octava, ubi legitur "dicto tamen" et in decima nona ubi continetur "predictis que jam per eas fuerant et clausit".

Document number 3.

20 November, 1357, Vic

Permission for the friars minor to participate in the funeral of Agnès, wife of the venerable Jaume Paulí.

Arxiu Capítular de Vic, Concòrdies, 37/8. Parchement 1 Bis, measuring 32 cms 4 mms X 15 cms 3 mms.

On reverse: *Llicència per que los frares menors anasen a un enterro junts ab lo clero – any 1357.*



Noverint universi quod die et anno infrascriptis in presencia mei, notarii et testium infrascriptorum, reverendus in Christo, pater et dominus Raymundus, divina providencia Vicense episcopus, et honorabiles viri domini Bernardus de Fenestris, archidiaconus, Petrus Johannis de Avencho, thesaurarius, Petrus de Campis, Arnaldus de Mealla, Berengarius de Podiolo, Raymundus de Villamuntano et Bernardus de Albi, canonici Vicense, in domo capituli claustru novi sedis Vicense existentes, voluerunt et de speciali gratia consenserunt, quod venerabilis et religiosus f(f)ater Petrus de Avinione, guardianus domus fratrum minorum, conventus Vici, ibidem presens, et alii etiam fratres minores presentes tunc in domo dicti conventus fratrum minores possint ire, et intecedere processionaliter unam cum ipsis dominis episcopo, canonicis et aliis benef(f)iciatis et presbiteris sedis predictae, sepulture venerabilis domine Agnetis uxor venerabilis Jacobi Pauli, civis Vicense que ab hoc seculo migraverat, non obstante, ut dixerunt, retencione facta per reverendum dominum olim episcopum et capitulum dicte sedis Vicense in conveniencia que, ut dixerunt, est inter ipsos et dictum conventum fratrum minorum et fratres eiusdem a qua conveniencia, ut dixerunt, tam dictus reverendus dominus episcopus, et canonici Vicense, quam dictus venerabilis guardianus, ut dixerunt, propter hec vel aliter recedere non intendunt, tacite vel expresse, de quibus omnibus supradictis dicti domini episcopus et canonici mandarunt eis fieri, et tradi publicum instrumentum, quod fuit actum in loco predicto die lune que erat vicesima dies, mensis Novembris, anno a nativitate Domini, millesimo CCC° quinquagesimo septimo, presentibus testibus Bernardo Buffiyl et Raymundo de Solario, scutiferis dicti domini episcopi.

Signum mei Nicholai Mathei, notarii publici, Vicense, auctoritate domini Vicense episcopi qui premissis omnibus et singulis dum agebantur una cum dictis testibus vocatis, interfui hecque scribi feci et clausi.

Document number 4.

31 January, 1348, Vic

Agreement between the Church of Vic and the Friars Minor: This agreement refers again to the use of the Franciscan habit by a deceased parishioner of Vic, but also to other matters of contention: excommunication, the announcement of festivals, the ringing of bells by the friars. It also limits the agreement to the town of Vic.

Arxiu Capitular de Vic, Concòrdies, 37/8 Parchment 1, measuring 52 cms x 61 cms 4 mms.

It has 6 seals for the friaries of Vic and Barcelona, the latter containing two figures, probably Pope Innocent and a friar minor who would have been Saint Francis. The seal of the Vic friary also has two figures, but they seem to be the saints Peter and Paul and not friars minor. There is also a seal for the Provincial Minister.

In nomine Domini, Amen. Sit omnibus notum quod cum inter episcopum, capitulum et ecclesiam Vicense ex una parte; et conventum fratrum minorum domus eorum civitatis Vicense ex altera, plures et diverse questiones, dissensiones et controversie fuissent suscitate, datique ventilate et ducte super infrascriptis tandem partes predictae tractatu et conveniencia ut ipse partes asserverunt reverendissimi patris in Christo domini fratris Sanc(c)ii divina providencia archiepiscopi Terrachone [Sancho López de Ayerbe], reverendi patris in Christo domini Hugonis, divina providencia Vicense episcopi, cum suo capitulo; et reverendo et religioso patris

f(f)ratris Raymundi de Basso, ministri fratrum minorum in provincia Aragonie, f(f)ratris Petri de Clariana, custodis Barchinone, et f(f)ratris F(f)rancisci Januarii, guardiani Barchinone, nominibus eorum et predicti conventus Vici, convenerunt et unanimiter concordarunt gratis consulte deliberate et extra sciencia.

Quod conventa et concordata, et etiam jam firmata, predictum dominum episcopum ex una parte, et ex parte dicti conventus ex altera, prout in quodam publico instrumento super hiis, Barchinone confecto, die lune intitlata septimo idus Januarii anno Domini millesimo CCC^o quadragesimo septimo. Et clauso per Guillerum Turelli, notarium publicum, Barchinone, lacius et plenius continetur, et explicatur sint et maneant perpetuo, rata, firma et irrevocabiliter duratura. Et quare in dicto publico instrumento fit mencio de certis capitulis convencionum inhitatum factarum et approbatarum inter partes predictas.

Ideo, predicti dominus episcopus et honorabiles capitulum Vicense ex una parte; et reverendus pater, minister ac religiosi viri custos et guardianus Barchinone nominibus supra, et auctoritatibus quibus funguntur approbarunt, laudarunt, ratificaverunt et emolgarunt, prout melius et firmiter dici, et intelligi potest, ac de jure valere ad maiorem firmitatem et perpetuitatem eorum capitula que sequuntur.

Super controversia que erat inter partes predictas an corpora defunctorum qui in fine suo habitum receperint portarentur cum habita cooperto vel discooperto, est sub hac forma conventum scilicet:

Quod ille qui in fine suo receperit habitum f(f)ratrum minorum quamdiu tenebitur in domo sua antequam clerici sedis Vicense venerint cum cruce, possit teneri infra domum cum habitu discohoperto. Ex quo autem clerici sedis cum cruce venerint statim, etiam infra domum habeat cohoperiri. Et etiam quamdiu portabitur per carrariam ad ecclesiam matricem, et quamdiu erit in ecclesia, et in cimiterio, et in carraria quousque coram capellam Sancti Bartholomei erit per ebdomedarium sedis facta absolutio portetur cum habitu cohopeno, ex tunc autem portetur cum habitu discohoperto usque ad domum fratrum minorum.

Item: Super controversiam que erat inter partes predictas an in funeribus defunctorum possint interesse fratres minores vel non est ita conventum. Quod in funeribus illorum dumtaxat qui habitum elegerint possint esse indistincte quatuor f(f)ratres dumtaxat pro portando funere, vel pro associando qualitercumque non tamen incedendo processionaliter. Et si in funere sint vocati viginti presbiteri matricis ecclesie vel plus, usque ad triginta possint ibi esse ultra dictos quatuor fratres, duo fratres qui incedant cum processione. Non tamen tenendo candelis in manibus sicut faciunt presbiteri ecclesie si autem sint vocati triginta presbiteri ecclesie matricis vel ultra, possint ibi esse ultra dictos quatuor f(f)ratres, alii quatuor fratres qui incedant in processione, ut supra dictum est, de duobus. Si autem esset generalis sepultura, possint ibi esse omnes fratres.

In funeribus autem aliorum qui habitum non receperint non possint dicti fratres interesse. Predicta autem omnia intelligantur nisi in casibus in quibus gracie episcopus vel suus vicarius et capitulum aliud ducerent concedendum.

Item: Cum dictus dominus episcopus, et capitulum de dictis f(f)ratribus congregarentur quod quandoque aliquos denunciabant excommunicatum quod facere non debebant. Idcirco est, sit conventum quod fratres neminem denuncient excommunicatum nisi iudex ordinarius vel delegatus qui facit processum eis expresse hoc mandaverit.



Item: Est conventum quod ante festivitates sive sollempnitates festivitatum in quibus populus in sua parochiali ecclesia offerre tenetur, si capellanus Sancti Petri vel eius locumtenens hoc requisierit per se, vel nuncium, vel scripturam, dicti fratres teneantur in sermonibus suis dicere populo quod illis festivitibus tenentur offerre in ecclesia parochiali, et quod alibi offerendo non liberantur ab eo quod in ecclesia parochiali tenentur offerre.

Item: Est de hoc conventum quod in vigilia Pasche Domini f(f)ratres non incipiant pulsare campanam illa die donec fuerit pulsata campana sedis. Convenerunt in super et unanimiter concordarunt omnes prenominati nominibus et auctoritatibus quibus supra.

Quod per predicta non sunt preiudicium vel derogatio aliqua conveniencie seu convenienciis antiquitatis habitis et factis inter episcopum et capitulum et conventum fratrum minorum Vicense. Immo remaneant et perdurent in suo robore et valore nisi quatenus obvient seu contrariantur presenti convencioni vel nisi quatenus tangit illa que sunt ponita et contenta in decretali qui incipit "Supra Cathedram de sepulturis in cle[m]entine]" vel aliquod eorundem.

Item: Quod presens convencio intelligatur et sit ita localis civitatis Vicense et eius parochie quod non extendatur ad alias ecclesias seculares nec ad alios conventos dicti ordinis.

Et predicta omnia et singula prout superius continetur, et expressantur fuerunt firmata, laudata, approbata et confirmata, ac emologata in manu et posse mei, notarii infrascripti per reverendum patrem dominum episcopum supradictum. Et per nobilem et honorabiles viros Arnaldum Guillermi de Scintillis, Jacobum de Solerio, Berengarium de Lercio, Jacobum de Sancto Clemente, Petrum de Surigerius, Petrum de Marbuscha, Guillermum de Sala, Berengarium de Columbario, Petrum de Avencho et Petrum Johannis de Avencho, canonicos Vicense, ad sonum campane, ut moris est, congregatos in camera maiori episcopalis palatii, civitatis Vicense, propter hec pro capitulo congregatos et tunc simul cum domino episcopo capitulum facientes. Cum alii canonici vel essent absentes in locis a quibus vocari minime tenebantur vel non habebant vocem in capitulo, propter etatis defectum. Et per reverendum patrem, ministrum, custodem, et guardianum Barchinone predictis nominibus et auctoritatibus supradictis. De quibus omnibus et singulis tam dictus dominus episcopus et honorabiles capitulum, quam reverendus minister, custos, guardianus predicti mandarunt, et voluerunt eis nominibus predictis fieri de presenti duo publica instrumenta per alphabetum divisa, et sigillis dictorum domini episcopi et honorabilium capituli, atque reverendi patris, ministri et custodis predictorum, atque g[u]ardiani conventus Vici, et etiam ipsius conventus Vicense appendiciis necnon et prenominatorum domini episcopi et canonicorum atque reverendi minister, custodis, g[u]ardiani, Barchinone, et g[u]ardiani conventus Vicense sub scriptoribus comuniri.

Quibus pactis in continenti congregati religiosi f(f)rater Petrus de Gualba, g[u]ardianus, f(f)rater Franciscus de Torrente, f(f)rater Guillermo de Arguedis, f(f)rater Petrus Rabaos, f(f)rater Petrus Oriol, f(f)rater Anthonius de Montesicho, f(f)rater Raymundus de Torrente, f(f)rater Franciscus Capre, f(f)rater Bartholomeus de Terrers, f(f)rater Petrus Rigaldi, f(f)rater Bernardus de Villanova, f(f)rater Bernardus de Vilardeno, f(f)rater Guillermus Paschalis et f(f)rater Bernardus Ciutat, f(f)acientes conventum predictae eorum domus, in posse mei, notarii infrascripti firmarunt, laudarunt, approbarunt, ratif(f)icarunt et emologarunt. Gratis consulte et deliberate ac extra sciencia omnia et singula supradicta.

Et petierunt hoc inseri in hoc publico instrumento que acta fuerunt die jovis intitulata pridie kalendas F(f)ebroarii, anno a nativitate Domini, millesimo trescentesimo quadragésimo octavo, presentibus testibus vocatis et rogatis ad firmas domini episcopi, reverendi, ministri,

custodis et guardiani Barchinone, honorabili Guillermo Arnaldi, decretorum doctore et vicario et officiali dicti domini episcopi, f(f)ratre Berengario de Cumbis de dicto ordine conventuali, conventus Barchinone, f(f)ratre Raymundo Monerii, socio predicti ministri, Raymundo de Seradello, notario dicti domini episcopi et Guilaberto de Sala, scriptore Vicense. Presentibus vero testibus ad firmas predictorum f(f)ratrum conventualium conventus Vici, predicto Guilaberto de Sala scripture, Guillermo de Solerio lapicida, Bernardo de Riaria fusterio, civibus Vicense et Bernardo Pictoris de villa Berge, atque Petro Laurentii comorante pro ortolano in dicta domo fratrum minorum Vici.

Nos, Hugo, episcopus Vicense predictus, predicta omnia firmamus et laudamus et ad maiorem firmitatem sigillo nostro appendicio iussimus sigillari.

Ego, Raimundus Guillermi de Scintillis qui predictus canonicus predicta f(f)irmo.

Ego, Jacobus de Solerii Vicense canonicus, predicta firmo et laudo et subscribo.

Ego, Berengarius de Lercio, canonicus Vicense, predicta laudo et firmo et subscribo.

Ego, Petrus de Suriguineri, Vicense canonicus, predicta firmo, laudo et subscribo.

Ego, Petrus de Marbuscha, canonicus Vicense, predicta firmo laudo et subscribo.

Ego, Guillermus Ça Sala, canonicus Vicense, predicta firmo, laudo et subscribo.

Ego, Berengarius de Columbario, canonicus Vicense, predicta firmo et subscribo.

Ego, Petrus de Avencho, canonicus et subsacrista Vicense, predicta firmo et subscribo.

Ego, Jacobus de Sancto Clemente, Vicense canonicus, predicta firmans subscribo.

Ego, Petrus Johannes de Avencho, canonicus et thesaurarius Vicense, predicta firmans subscribo.

Ego, Frater Raymundus de Basso, minister predictus, omnia et singula subscripta, aprobo et confirmo, et subscribo mane propria, et sigillum mei officii appono appendicium.

Ego, Frater Petrus de Clariana, custos prenomatus hec firmans subscribo et sigillum appendicium mei officii appono.

Ego, Frater Franciscus Januarii, guardianus fratrum minorum Barchinone, predicta omnia laudo, et aprobo, et subscribo.

Ego, Frater Petrus de Gualba, guardianus, f(f)ratrum minorum Vici predicta omnia laudo, et aprobo, et subscribo sigillum mei off(f)ici appendicium apponendo.

Signum mei Bernardi Salati, notarii publici Vicense, auctoritate domini Vicense episcopi qui predictis omnibus et singulis dum agebantur una cum testibus superius nominatis, vocatus et rogatus interfui, et hec scribi feci et clausi cum raso et emendato in prima linea nisi dicitur et in tricesima ubi dicitur a nati[vitate] die et anno quo supra.

