

Martin IV — *Exultantes in Domino* (18 January 1283)

Text from: J. H. Sbaralea and C. Eubel, eds. (1983). *Bullarium franciscanum*. 7 vols. Rome: Vatican, 3:501a–502a (no. 40). This bull is basically one long sentence written in the inimitable style of the papal chancery. A readable rendering, which breaks the bull into normal-length sentences, may be found in Armstrong, Hellmann and Short 1999–2002, 3:765–67.

*Dilectis filiis*¹ ... Generali, & Provincialibus Ministris, ac Custodibus universis Ordinis FF. Minorum Sal., & Ap. Ben.

To our beloved sons,¹ ... General and Provincial Ministers, and also all Custodians of the Order of the Friars Minor, health and apostolic blessings.

Exsultantes in Domino, quod sacri vestri Ordinis professores in Dei beneplacitis confirmati promptitudi/501b/ne devotionis, & operis illius student imitari vestigia, eiusque vias summopere custodire, qui *descendens a Patre luminum*,² & *servi formam accipiens*³ se in laudis sacrificium placabilem hostiam immolavit; cogitare inducimur honesta remedia, quibus dicti Ordinis pura observantia⁴ in sui vigore servetur; iidemque Fratres, qui pro nulla re temporali possunt in Iudicio experiri,⁵ exclusis quibuslibet sollicitudinibus, liberius, & quietius Divinis vacent obsequiis, & offerentium, donantium, concedentium, aut in ultima voluntate relinquentium Ordini praedicto, vel Fratribus ejusdem Ordinis aliquid propter Deum pia intentio non fraudetur:

sicque Nos sollicitudini, qua praedictus Ordo pro suis necessitatibus, quotiens ingrueret necessitas, vel utilitas suadere, recurrere ad *Romanam Ecclesiam* cogeretur, ad quam⁶ omnium rerum mobilium & immobilium, quibus Fratres uti possunt, jus, proprietas, & dominium nullo medio spectat;⁷ pensata incommoditate, vel difficultate potius, quae per hoc ingeri posset

Exulting in the Lord that the professors of your holy order, confirmed in God's favour by the readiness of your devotion, strive to imitate the footsteps and guard most carefully the ways of the one who, *descending from the Father of lights*,² and *taking the form of a servant*,³ offered himself as a pleasing sacrifice of praise; we are led to think of honourable remedies by which the pure observance⁴ of the said order may be preserved in its vigour; and that the same brothers, who can take action in court for no temporal thing,⁵ might be more freely and peacefully free for divine services with all anxieties excluded, and so that the pious intention of people who, for God's sake, offer, donate, grant, or leave [things] to the aforesaid order (or to brothers of the same order) in a last will, is not defrauded.

And so—for the anxious care by which the aforesaid order is compelled to have recourse to the Roman Church for their necessities whenever necessity [so] urges, or utility persuades, to which⁶ [Church] the right, ownership and lordship pertains with no intermediary of all the things, movable and immovable that the brothers can use—,⁷ [1] having considered this inconvenience,

1. Latin: *Bonagratia*, de quo alias superius actum est; quique hoc anno *in vigilia B. Francisci die Dominica mortuus est Avenione sepultus ante majus Altare*, ex Salimbene Parmensi hoc anno scribente in Chron. Ms. pag. 426., non autem anno 1284., ut habet Waddingus ad eum ann. n. 1. **English:** Bonagratia [of St John in Persiceto], of whom it was dealt with above; and who, having died in this year on the Sunday during the vigil of Blessed Francis, was buried in Avignon before the major altar, according to Salimbene of Parma writing on this year in his *Chronicle*—and not in the year 1284, as Wadding claims in his first note to this year. **2. Jas.** 1:17 **3. Phil.** 2:7 **4. Latin:** Haec evertunt quorundam interpretationem, arbitrantium, puram observantiam commaculati per Bullam Clementis IV. *Obtentu Divni Nominis*. **English:** These overturn the interpretation of some, who judge the pure observance is stained by the bull of Clement IV, *Obtentu divini nominis*. **5. Latin:** Ut & ita. **English:** Purpose and rationale(?). **6. Latin:** Rerum omnium Ordinis proprietas ad Rom. Ecclesiam pertinet. **English:** The ownership of all these things of the Order pertains to the Roman Church. **7. Latin:** Quod antea sanxerunt Gregorius IX, Innocentius, & Alexander IV., ceterique illorum successores praesertim Nicolaus III. **English:** Which Gregory IX, Innocent IV, and Alexander IV., confirmed, as did the rest of their successors, especially Nicholas III

Fatribus supradictis benignius indulgentes: volentes quoque haeredum, & Executorum negligentis obviare; ut Fratres secundum modos licitos, & congruos ipsi Ordini relictis sibi in testamentis eleemosynis non fraudentur; ac sperantes, quod his, quae pro statu prospero dicti Ordinis agenda fuerint, per vos eo salubrius, & utilius consuletur, quo majori fueritis in hac parte auctoritate muniti,

Discretioni vestrae, de qua plenam in Domino fiduciam obtinemus, personas speciales,⁸ quae non sint de ipso Ordine, nominandi pro locorum indulgentia⁹ singulorum, quas personas per vos taliter nominatas in his administrationem legitimam generalem, & liberam gerere, & ipsos veros, & legitimos administratores, *Oeconomos*, *Syndicos*, & actores esse de plenitudine potestatis praesentium auctoritate constituendo decernimus; qui res ipsas, & re/502a/rum praedictarum pretium, & praedictas eleemosynas nomine ipsius *Ecclesiae* recipiant per eosdem in Fratrum ipsorum utilitates¹⁰ (prout eis licet ex *Regula*, vel declaratione *Regulae*¹¹) convertenda, sicut, & quando a te, Filii Generalis, vel singulis aliis vestrum in *Provincia*, vel *Custodia* sibi decreta, vel ab eisdem Fratribus de assensu vestro extiterunt requisiti;

ac eadem personae petendi, exigendi, recipiendi, alienandi praedicta, transigendi quoque, & promittendi, remittendi, refutandi, quietationem faciendi, agendi, defendendi, ac in animas eorum de calumnia, & veritate dicenda, jurandi; & cujuslibet alterius generis iuramentum praestandi cum illis, & contra illos, qui huiusmodi res mobiles, & immobiles, pretium earum vel relictas eleemosynas Fratribus in testamentis occuparent, vel violenter auferrent; sive contra voluntatem Fratrum quomodolibet detinerent; & generaliter in omnibus causis pro rebus, & locis huiusmodi ad ipsam Ecclesiam spectantibus ipsorum Fratrum usui concessis; nec non pro immunitatibus, libertatibus, & iuribus ac privilegiis, & indulgentiis eorundem, sine cuju-

or rather difficulty, which can be thrust upon the abovesaid friars through this, we, indulging more kindly, [2] wishing also to thwart the negligence of heirs and executors so that the brothers are not defrauded of the alms left to them in testaments according to modes licit and fitting for the order; and [3] hoping that by these things, which ought to be done for the prosperous state of the said order, [we are led to think] the more salubrious and useful it be consulted by you, the more you will be fortified with a greater authority in this matter.

[For the above reasons] we grant [1] to your discretion (regarding which we obtain full faith in the Lord) a full, and free faculty by the authority of the present [letters] of nominating special persons,⁸ who are not of that Order, for the need⁹ of the places: we decree, by establishing, from the fullness of power [and] on the authority of the present [letters] that these persons, nominated in such a way by you, [i] in these things, carry out legitimate, general, and free administration and that they themselves are true and legitimate administrators, managers, syndics, and actors; who receive those things, the price of those things, and the aforesaid alms in the name of the Church. These things are to be converted by them to the advantage of the brothers themselves¹⁰ (just as it is allowed to them by the *Rule* or declaration of the *Rule*¹¹), just as and when they are requested by you, our son, the [Minister] General, or by other individuals of yours in a Province or Custody decreed by you, or by the same brothers by your assent.

[ii] These same persons, moreover, have by apostolic authority a full, general, and free power, both in and out of court, of seeking, demanding, receiving, alienating the aforesaid items; also of bargaining, promising, remitting, refuting, reaching compromises, taking [legal] action, defending [legally], and of swearing on their souls to speak the truth regarding calumny; and of supplying an oath of any other kind with them and against those who seize such things, both movable and immovable, their price, or the alms left to the brothers in testaments, or who violently take them away, or who detain them in some way against the will of the brothers; and [they can act] generally in all cases for such things and places belonging to the Church

8. Latin: facultatem tribuit instituendi Procuratores ut supra. **English:** He grants an ability to institute Procurators as above. **9. Latin:** leg. indigentia, ut in diplomate Innocentii IV. mox citando. **English:** Read *indigentia*, as in the official letter of Innocent IV. **10. Latin:** quorum munia referuntur. **English:** Whose duties are described. **11. Latin:** Regulae: A Romanis Pontificibus facta, inter quos & Clemens IV. in Bulla jam dicta. **English:** Of the *Rule*: [a declaration] made by Roman Pontiffs, among whom Clement IV in the bull already mentioned.

slibet satisfactionis, & cautionis onere plenam, generalem, liberam habeant auctoritate Apostolica in Iudicio, & extra Iudicium potestatem;

revocandi quoque personas easdem, & earum quamlibet, ac alias eis subrogandi, vel nominandi per supradictum modum nominationis, quotiens opportunum fuerit, quae eandem in praedictis, vel similem habeant potestatem, plenam, & liberam concedimus auctoritate praesentium facultatem.¹²

Nulli ergo omnino hominum¹³ [sic] liceat hanc paginam Nostrae Concessionis, & Consitutionis &c. Si quis &c.

Datum apud Urbemveterem xv. Kalendas Februarii, Pontificatus Nostri Anno Secundo.¹⁴

granted to the use of the brothers themselves; and also [they can act] for the immunities, liberties, rights, and privileges, and for their indulgences without the burden of providing security or a pledge.

[2] We also grant by the authority of the present [letters] the full and free faculty of removing these same persons, and of substituting for them or nominating through the abovesaid mode of nomination whomever you please, as often as it may be opportune, who would have the same, or similar power in the aforesaid matters.

Absolutely no one, therefore, is allowed [to alter] the page of this, our concession and constitution, etc. If anyone [presume to do so], etc.

Dated at Orvieto, on the eighteenth day of January, in the second year of our pontificate (1283).

Bibliography

Armstrong, Regis J., J. A. Wayne Hellmann and William J. Short, eds. (1999–2002). *Francis of Assisi: Early Documents*. 4 vols. New York: New City Press.
Sbaralea, J. H. and C. Eubel, eds. (1983). *Bullarium franciscanum*. 7 vols. Rome: Vatican.

12. Latin: Omnium primus, quod sciatur *Gregorius IX.* concessit *Procuratorem* Coenobio Assisiatensi anno 1240. per litteras *Cupientes*; postea *Innocentius IV.* Generali, & Provincialibus Ministris copiam instituendi pro singulis Conventibus juxta locorum indigentiam fecit. **English:** First of all, that it be known, Gregory IX granted the procurator for the monastery as Assisi in 1240 with the letter *Cupientes*; later, Innocent IV gave the means of instituting [such people] to the Minister General and Ministers Provincial for individual convents according to the needs of those places. **13. Latin:** Clausula prohib. &c. **English:** [Standard] prohibitory clause, etc. **14. Latin:** Hos Syndicos diploma convellendo sustulit, prohibuit Joannes XXII. diplomate *Ad conditorem canonum* &c. sed restituit Bonifacius IX., & Martinus V. confirmaruntque alii Rom. Pontifices. **English:** John XXII abolished and prohibited these syndics, overturning this official letter, in his own *Ad conditorem canonum*; but Boniface IX (1389–1404) and Martin V (1417–1431) restored, and other Roman pontiffs confirmed, them.