

‘*QUEDAM DE QUIBUS DUBITANS*’:
ON PREACHING THE CRUSADE IN ALFONSO X’S CASTILE¹

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In terms of dramatic content, Alfonso X’s return to Castile from his meeting with Pope Gregory X at Beaucaire was altogether the equal of Henry IV of Germany’s journey to Canossa almost two hundred years before. The effect, however, was wholly different. For whereas by appealing to the priest in Gregory VII the bare-footed German ruler’s *démarche* may have called the other’s bluff, in December 1275 there was no disguising the fact that the learned king returned home a broken man. On setting out for his encounter with the pontiff fourteen months earlier, he had been in his pomp. Now, seriously ill, possibly even cancerous, and with the imperial strategy by which for almost two decades all his endeavours had been influenced shot from under him, in little over a year as well as the possibility of an empire he had lost his son and heir and, in addition to other close relations to whom he was attached, his archbishop of Toledo also. It was at this point that the reign of Alfonso X began to unravel.

Immediately the old peninsular agenda resurfaced itself. The Marinid forces of Abu Yusuf which had already claimed the archbishop D. Sancho’s scalp were still at the gate. When the king reached Valladolid in the last week of February 1276, therefore, measures to deal with that threat were the absolute priority.²

All this is familiar enough. What is not is the information contained in the following account of what ensued when the ancient call to arms was sounded again and Castile returned to the problem of its ancestral foe. Though not wholly unknown, the evidence on which it is chiefly based –the correspondence in the spring of 1276 between the archbishop of Seville, D. Remondo de Losaña, and the prior provincial of the Spanish Dominicans, to whom the former had entrusted the task of preaching the Spanish crusade on the strength of the crusade indulgences which had for some time been gathering dust somewhere in the Castilian chancery and which, until recently, Alfonso X in his euphoria had perhaps imagined might be left there for ever– has never previously been fully exploited.³

1. The research on which the present work is based was facilitated by the author’s receipt of a British Academy Research Grant in 1997-8, principally for the purpose of enabling him to conduct a survey of papal materials in Portuguese archives for the period 1198-1417. He herewith expresses his gratitude to the Academy.

2. M. GONZÁLEZ JIMÉNEZ, ed., *Crónica de Alfonso X. Según el Ms. II/2777 de la Biblioteca del Palacio Real (Madrid)*, Murcia 1999, n. 283 *apud* cap. 67.

3. [Lisbon,] A[rquivos] N[acionais]/T[orre do] T[ombo], Corporações Religiosas, S. Domingos de Santarém, maço 1, docs. 5, 6, 6A: an instrument of some 3,000 words in 158 lines (Appendix I). Brief extracts of these items have been published by A. do ROSÁRIO, ‘Rótulo de São Domingos de Santarém. Documentos inéditos sobre Cruzada a pregar pelos Dominicanos 1276. I – Carta de Fr. João Árias’: *Actas*

Though, as is the case with so many of the leading figures of Alfonso X's entourage, he still awaits a proper study, D. Remondo de Losaña can safely be described as one of the *rey Sabio's* closest intimates.⁴ *Hoc et pretere nihil*, however: that apart, there is little that can be said about this model (and therefore faceless) civil servant. It is heartening therefore to find him angry for once, as we find him in his exchanges with the Dominican prior provincial in the spring of 1276 –and not only angry but evidently very angry.

While the king had been visiting the pope, taking with him his other principal councillor, the notary for Castile,⁵ it was to D. Remondo that the affairs of the kingdom had been entrusted and from Seville that he had administered them.⁶ Likewise, it was to him that the preaching of the crusade had been assigned. From Valladolid on 28 February 1276 he remitted the task to the prior provincial. It was then that the trouble began.

When he sent him the summary of papal authorities on which he was to proceed [Appendix I, **II. a-q**], the archbishop doubtless expected that fr. Juan Arias would speed the matter forward by setting his brethren to work, preaching, exhorting and collecting throughout the kingdom. On receiving the archbishop's instructions at Palencia two or three days later, however, the prior was assailed by doubts, doubts regarding their basis in law: 'quedam de quibus dubitans', he therefore requested better particulars from D. Remondo. And on or soon after 8 March these were sent to him in the form of copies of the two letters of Clement IV (*Non sine misterio* [**II.r**]⁷ and *De tue*

das III Jornadas de História Medieval do Algarve e Andaluzia, Loulé 1989, 55-69 [of 15 lines from **I.a, I.b**] and by M. GONZÁLEZ JIMÉNEZ, *Diplomatario andaluz de Alfonso X*, Seville 1991, xcvi [of 5 lines from **II.c, IV.b**].

4. A. BALLESTEROS, 'Don Remondo de Losana', *Correo Erudito* 1 (1940-41) 313-18, is a notably perfunctory piece. According to E. COSTA Y BELDA, from the content of *Non sine misterio* (below) 'parece deducirse que era miembro de la orden dominicana': 'Las constituciones de don Raimundo de Losaña para el cabildo de Sevilla', *HID* 5 (1978) 171. The author does not explain the basis of his deduction, which merely repeats a long discredited myth which Ballesteros had previously revived, describing it as 'no inverosímil', on the remarkable grounds that 'el apelativo *Maestro*' (attributed to D. Remondo in 1251) 'denota su condición de religioso dominico': *Alfonso X el Sabio*, Barcelona 1963, 320-22. The ancient canard is finally disposed of by the evidence considered here, and in particular by D. Remondo's woeful ignorance of the Order's peninsular organisation (I. **IV.a**).

5. Gonzalo Pérez (*alias* Gudiel), archdeacon of Toledo and notary for Castile, for whose role at this stage of the reign see the forthcoming monograph by Dr F. J. Hernández and the present writer, chap. 6.

6. From where it was that on 8 and 9 December 1274 he subdelegated papal directives regarding the Portuguese Order of Avis: ANTT, S. Bento de Avis, maço 2, cx. 2, nos 120, 114.

7. Dated 26 June 1265, this is an extended version of the registered version of 26 March 1265 (E. JORDAN, *Les Registres de Clément IV*, Paris 1893-1945, no. 15/S. DOMÍNGUEZ SÁNCHEZ, *Documentos de Clemente IV (1265-1268) referentes a España*, León 1995, no. 5) as printed from a copy of 1294 preserved in AC Burgos by F. J. PEREDA LLARENA, *Documentación de la Catedral de Burgos (1254-1293)*, Burgos n.d., no. 73. (Another copy is preserved in AC Toledo, O.4.L.1.10.). Otherwise, the only difference between the two versions consists in two cases of minor rearrangement of word-order to satisfy the requirements of the *cursus*.

circumspectionis [II.s])⁸ on which those instructions claimed to be based: certified copies provided by a number of bishops about court [Appendix I, II. r, s].

Yet fr. Juan Arias remained uneasy and, having inspected the dossier, a fortnight later returned to the charge. And here is the principal interest of the matter. With the enemies of the Cross at the very gates of the kingdom, the mortals remains of the archbishop of Toledo whom they had dismembered only recently interred, and the succession question a burning issue, here was the prior provincial of the Dominicans engaging the archbishop of Seville in casuistical discussion, for all the world as if they were involved in scholastic debate within sheltered cloisters.⁹ It appears extraordinary that the succession of questions rehearsed in Appendix I, III should have been asked in such circumstances, in the cannon's mouth as it were – and all the more so that with St Dominic's Castile in such dire straits it should have been the Castilian principal of St Dominic's own order who was asking them.

Meanwhile, in this very year, Fr. Rodrigo de Cerrato OP was penning his *Vitae sanctorum*, designed to reconcile impoverished clerics to their miserable circumstances by reminding them of how very much worse things had been for their holy predecessors.¹⁰ What hope can there have been for Alfonso X's Castile in 1276, though, when Fr. Rodrigo's superior was raising the series of objections related in Appendix I, III? The confrontation of law and theology, envisaged as Manichaeian principles locked in conflict for possession of the soul of the Western Church, as Marsiglio of Padua was to envisage them, could hardly have been more eloquently represented.¹¹ The effect of the 'letter that killeth' where it was least expected to be encountered can rarely have been proved more corrosive. When two years earlier the former Dominican Master General, Humbert de Romans, had enumerated the arguments and objections which were hampering the preaching of a successful crusade he had not thought to include quibbling on the part of illustrious members of his own Order.¹²

8. Dated 2 July 1265, incorporating text of Innocent III, *Ad liberandum* [14 Dec. 1215: A. POTTHAST, *Regesta Pontificum Romanorum inde ab a. post Christum natum MCXCVIII ad an. MCCCIV*, 5012]. Not recorded in any of the papal registers of Clement IV, nor noted by POTTHAST or DOMÍNGUEZ SÁNCHEZ.

9. It is to be noted that the Burgos cortes of May-July 1276, at which the succession question was high on the agenda and almost certainly settled in favour of the Infante Sancho, was followed in September by a meeting there of the provincial chapter of the Dominican Order: E. S. PROCTER, *Curia and Cortes in León and Castile 1072-1295*, Cambridge 1980, 139-40; C. DOUAIS, *Acta capitulorum provincialium Ordinis Fratrum Praedicatorum. Première province de Provence, province Romaine, province d'Espagne, 1239-1302*, Toulouse 1894, 624. Note also that at this stage fr. Juan Arias was on good terms with both Alfonso X and Queen Violante (I.a, I.b).

10. Peter LINEHAN, *History and the Historians of Medieval Spain*, Oxford 1993, 522.

11. Idem, *The Spanish Church and the Papacy in the Thirteenth Century*, Cambridge 1971, 86.

12. *Opus tripartitum*, ed. E BROWN, *Fasciculus rerum expetendarum et fugiendarum*, ii, London 1690, 191-7. Cf. E. T. BRETT, *Humbert of Romans. His life and views of thirteenth-century society*, Toronto 1984, 176-86.

For, with Castile *in extremis* in 1276, what was it that was gnawing at the prior provincial's conscientious vitals? What other than the archbishop's terminological confusion between 'procuratores' and 'vicarii' and between houses and convents, and the question whether members of the Order recruited to the task of preaching the Spanish crusade were to be recruited in person or *ex officio* [Appendix I, III. a-e]. Then there were the sanctions which the archbishop had specified for which the letters of Pope Clement IV adduced by him provided no authority. These represented a problem of substance. By what authority, he wanted to know – 'qua auctoritate' – were *they*, the archbishop's executors, to proceed regarding the exhumation of Christians who had provided aid and comfort to the enemy, deprivation and confiscation of their worldly goods, and the dispensation of clerics who had continued to enjoy the income of their benefices whilst excommunicated in return for the surrender of a proportion of that income [*ibid.*, III. f]?¹³

When in 1280 D. Raimundo again recruited Dominicans to preach the cross on his behalf, he was at least able to provide some semblance of an answer to the question.¹⁴ In March 1276, however, he plainly could not, and on being challenged had to concede that 'those things were indeed not contained in the letters of the lord Clement', claiming airily that they were however to be found 'in other letters of various popes sent to us'. And if the friars were not able to proceed on that assurance then let them do so on the strength of those evidences which *had* been provided.¹⁵ March 1276 was no time for archival research. In March 1276 what was needed was action. And D. Raimundo was certainly active. On the reasonable assumption that the diplomatic bag took less than a day to pass between the archbishop in Valladolid and the prior provincial in Palencia, it is apparent that, whereas the latter spent some fifteen days in preparing his package of problems and demanding authorised copies of the papal letters,¹⁶ his correspondent responded more or less by return, in not much more than four. In the circumstances, the archbishop's patience was almost heroic.

But it was not inexhaustible. And the captious friar's quiddities were calculated to test it to the limit. After raising those matters regarding which he had been instructed to act for which there appeared to be no papal authority, the prior provincial turned to those regarding which, although they were mentioned in the papal rescript, *per contra* he had received no instructions at all. Was the archbishop making alternative arrangements as to these, he inquired, or was it his expectation that the friars would implement the papal instructions despite the absence of any archiepiscopal directive so to do?¹⁷ The question remained unanswered.

13. Cf. Appendix I, II. h, i, o.

14. Appendix II, 52, 51, 56 (though none of them is identifiable with any known papal letter).

15. Appendix I, IV. f.

16. Below, n. 37.

17. Appendix I, III.g. The particulars of these can be reconstructed from Clement IV's two letters and the inventory of 1280, as follows: Appendix II, 6-7, 11, 17, 20, 28, 31-32, 40, 50-54, 57-59.

It was not the only one of the prior provincial's questions that remained unanswered. For as well as being reluctant to be drawn into such debate, the archbishop was plainly incapable of engaging in it. Witness his lame response to the objection that the 'privileges and immunity' enjoyed by preachers of the crusade did not extend to the *indulgentia peccatorum*. Though many thought it did, he claimed ('uisum est pluribus'), he was not prepared to become engaged in a metaphysical enquiry regarding the definition of these categories. He would stand by the papal text – whatever the papal text might mean (III.h, IV.h). Nor was he rising to the challenge to explain why the friars should put pressure on the dying to change their wills (IV.i, j) – an activity at which they were reputed to be particularly adept, at least in their own interest.¹⁸

Even less was he inclined to take issue with the prior provincial regarding the latter's conscientious objection to his earlier instruction to prevent the preaching of the cross for any other purpose than Castile's concerns (II.n). There could be no challenging the refusal of Fr. Juan Arias to comply with this instruction, since at the General Council of Lyons just two years before (the prior provincial recalled) not only had Pope Gregory X enjoined him and his friars to preach the Holy Land Crusade (as he remembered: 'prouit mihi uidetur'), he had also excommunicated any who sought to damage that sacred enterprise (III.k, IV.k).¹⁹ On the next point at issue there could be no compromise either. By far the most interesting item of the two churchmen's exchanges, it went to the very heart of the credibility of Castile's claim to be fighting Christendom's battle.

It was essential, said the friar, for men to be rallied to the joint defence of the faith and the fatherland. But how, pray, did the archbishop suppose that they would be so persuaded, even to the extent of laying down their lives for the cause? 'For if the trumpet give an uncertain sound, who shall prepare himself to the battle?', he asked, quoting St Paul. And wherein lay this uncertainty? Where, he answered, but in a call to arms which limited itself to repetition of the ancient mantra, 'Take the cross because Christians are at risk'? What sort of response was that to be expected to produce when no mention was made of the resources available, of the effort with which it was to be undertaken, or of the time-scale envisaged? (III.l).

It is a revealing outburst, is this, coming as it did just two years after Gregory X had sought the advice of all those experts as to why crusading morale was at such a low ebb, and Humbert de Romans had identified Christian slothfulness and lukewarmness

18. Witness Bishop Bruno of Olmütz's observation to Gregory X in 1274 ('Habent enim dicti fratres in civitatibus quasi omnium hominum sepulturas. Semen clericorum, quod in testamentis quandoque steterat, nunc a testamentis dinoscitur penitus occidisse'): C. HÖFLER, 'Analecten zur Geschichte Deutschlands und Italiens', *Abhandlungen der Historischen Classe der königlich bayerischen Akademie der Wissenschaften*, 4/3(B), Munich 1846, 24. Cf. Peter LINEHAN, 'A tale of two cities: capitular Burgos and mendicant Burgos in the thirteenth century', in D. Abulafia *et al.*, eds, *Church and City 1000-1500. Essays in honour of Christopher Brooke*, Cambridge 1992, 86-8.

19. A liberal description of the Council's sanctions against those hindering collection of the crusading tithe or trading in armaments with the enemy: G. ALBERIGO *et al.*, *Conciliorum Oecumenicorum Decreta*, 3rd edn, Bologna 1973 [=COD], i. 311.

–*segnities* and *tepiditas*– as an underlying cause.²⁰ Now the prior provincial confirmed that diagnosis. ‘In mora *non segniter* est agendum’ (I.a). ‘Ad defensionem fidei et patrie homines sunt *non segniter* inducendi’ (III.I). Humbert’s criticism had referred to Christendom at large. According to his *confrère*, however, Castile’s Christians were reluctant to rouse themselves too, and in defence not only of the faith but also of the fatherland.²¹ Here was another example of the tendency to prefer private interests to those of the community which the bishop of Olmütz had identified as a besetting sin of the age.²² And for this situation, responsibility lay with the archbishop of Seville, he implied, and his failure in the field of public relations. He had quoted I Corinthians 14.8. Did he have in mind also the following verse of that epistle: ‘Ita et vos per linguam nisi manifestum sermonem dederitis quomodo scietur id quod dicitur. Eritis enim in aera loquentes.’ ‘Except ye utter by the tongue words easy to be understood, how shall it be known what is spoken? For ye shall speak into the air.’

But now the archbishop did rouse himself, throwing the friar’s words back in his face in evident indignation. With what resources and what effort were the enemy to be confronted?, he had been asked. With *maximum* resources and *maximum* effort, he replied.²³ Likewise in respect of where and when (though actually the friar had not mentioned *places* at all), he proceeded to list those frontier strongholds whose strength was in fact very much in question, instancing Jerez de la Frontera, Morón, Marchena, Carmona, Écija and Puebla de Cazalla in particular. As to *time*, well time of course was of the essence. Time was needed for the collection of the harvest in those parts. But that could not be done without the protective presence of warriors. In a word, warriors were needed at *all* times. And while on the subject of time, let it be remembered that the time to be served by warriors seeking the indulgence was four months minimum (IV.I).

By comparison, the remainder of their exchange was of minor interest, largely concerning the practicalities of propaganda and collection. On one point fr. Juan Arias was adamant however: his friars were not to handle money (III.p). Come what may, they would be continuing in their vocation. And that vocation involved travelling. The *predicadores generales* whom the prior provincial was appointing to act might

20. *Opus tripartitum*, chaps 18-19 (ed. 198-9).

21. For this familiar pairing, see LINEHAN, *History and the Historians*, 294ff; Ariel GUIANCE, *Los discursos sobre la muerte en la Castilla medieval (siglos VII-XV)*, Valladolid 1998, 349. The prior-provincial also cites it at I.a.

22. ‘Periculosa tempora jam venerunt, in quibus homines se ipsos amantes praeponunt commodo reipublicae rem privatam’: HÖFLER, ‘Analecten’, 19-20. ‘Haec pestis’ the bishop called it, instancing divided elections as one of its manifestations, as exemplified by two recent cases: ‘jam praeteritum et jam instans: praeteritum in electione Regis Hispaniae et comitis Richardi; et nunc Regis Hispaniae et comitis Rudolphi.’

23. The text here appears corrupt: ‘Illud arbitrio uestro et illorum quibus uices commiseritis relinquatur, sed quidem uideritis secundum qualitatem personarum et quantitatem rerum illorum qui ire debuerint uel mittere bellatores’ might be emended to ‘Illud arbitrio uestro et illorum quibus uices commiseritis relinquatur *seu quorum* uideritis...’

well be moved on at any time. And then there might well be no one to act in wherever it was. The archbishop had better understand that. On that score, let there be no complaint thereafter that the prior provincial had been negligent (**III.m**).

If the truth were told, however, the prior provincial was taking an unduly high line, and the archbishop might well have responded with more asperity than in fact he did. For by 1276 the friars' anxiety to be here today and gone tomorrow was already a thing of the past. In fact, by then too many of them were settling down to an altogether more sedentary existence. Their increasing tendency to do so, and their penchant for living off the fat of the land, had indeed been both a matter of debate and a cause for criticism at the recent General Council.²⁴

In copying this correspondence to his brethren, the superiors of the Compostela, Ribadavia and Tuy houses, the prior provincial stated that, because they were 'prudent men', by reading it carefully they would know how to proceed in the matter (**I.a**). This was perhaps said with tongue in cheek. For in fact nothing could have been less clear than how they were to do so. Had the archbishop waited just another month, he would have had *Exurgat Deus*, the privilege of the Dominican pope Innocent V, to use as his base text.²⁵ As it was, he and the royal chancery had evidently been taken by surprise and had had their confusion regarding the authorities on which they relied ruthlessly exposed. Combined with the laborious procedure stipulated for the copying of the 'multitude of letters' and their distribution across vast distances, that circumstance more or less ensured that, even if the provincial chapter of the Order may have served to hasten the process somewhat,²⁶ the enemy was likely to have reached the Pyrenees before the crusade was even preached. And, if as it passed from house to house it continued to accumulate errors of transcription to the extent exhibited by the time it reached Santarém, then by that stage the dossier would have been rendered almost totally incomprehensible anyway.²⁷

As to the archbishop's performance meanwhile, there was more than a suggestion of that institutionalised arrogance which had characterised the Castilian rulers' dealings with successive pontiffs over the previous generation. As is notorious, Alfonso X, like his father before him, had continued to exact the *tercias* without papal licence.²⁸ The slipshod nature of D. Remondo's commission to the prior provincial indicates

24. Cf. (e.g.) the observations on the subject of the activities of the friars in general provided by the bishop of Olmütz on that occasion, by way of response to Gregory X's request for advice on the subject of what was to be done about the Holy Land: HÖFLER, 'Analecten', 23-4; Peter LINEHAN, *The Ladies of Zamora*, Manchester 1997 [Spanish translation, *Las Dueñas de Zamora*, Barcelona 2000], 28-9, 133ff.

25. Addressed 'venerabili fratri archiepiscopo Ispalensi' and entrusting to him 'predicationem crucis in regnis et terris aliis dicti regis [scil. Castelle et Legionis illustris]', dated 'V non. aprilis [sic!] anno... primo' [1276] in the copy done at Burgos for Sancho IV's collectors (20 June 1290): AC Toledo, O.4.L.1.10. Cf. the variant text, also addressed to D. Remondo, publ. RAYNALDUS, *Annales ecclesiastici*, XXII, Bar-le-Duc 1870, 373, in which the archbishop's authority extends to the kingdom of Aragón (whence POTTHAST 21135 *sine nota chronologica*).

26. Above, n. 9.

27. Indeed the script of the ex-Santarém document looks rather later than 1276.

28. LINEHAN, *Spanish Church and the Papacy*, 111ff.

that this most loyal of the king's servants was imbued with the selfsame spirit of casualness.

By 1276, however, less and less were the king and his satellites able to act with impunity. Indeed, already in 1265 there had been signs of a hardening of papal attitudes, though in the perilous circumstances created by the current Mudéjar revolt Clement IV proved incapable of remaining resolute. Thus, just as the second issue of *Non sine misterio* in the June of that year extended the scope of the privileges granted to Alfonso in the previous March, so too in course of these very same months the pontiff's resolve to curb him faltered. Denouncing Alfonso initially as sunk 'in peccato notorio et mortali' on account of his retention of the *tercias*, and refusing him any grant of ecclesiastical revenues until he relinquished them, first Clement moderated his language and then agreed to settle for a written promise from the king to mend his ways.²⁹

But by 1280 the Castilian climate had chilled further, and when in the March of that year the archbishop of Seville recruited another Dominican to preach the crusade for him, he did so in the immediate aftermath of Nicholas III's frontal attack on Alfonso X delivered through the agency of his nuncio Bishop Pietro of Rieti.³⁰

It would be a work of supererogation (as well as testing the patience of readers of *Historia. Instituciones. Documentos* beyond endurance) to review the list of authorities which D. Remondo presented to fr. Gutierre OP item by item. Where they are identifiable, the information is supplied in the notes to Appendix II. Two features of his presentation do deserve notice however. One is that, by contrast with 1276, in 1280 his authorities *are* identified, including that for the surrender of illicitly sequestered tithes and the gargantuan task which that process presupposed.³¹ Indeed, the contrast with 1276 could hardly have been sharper. His material is arranged under 23 headings, accounting for 46 items, with another 18 indulgences (II.47-64), unclassifiable under any of these *articuli* tagged on at the end: a rag-bag in short, though a rag-bag exhaling something of an air of desperateness (e.g. II.57). The

29. Ibid., 208. Cf. E. Pásztor regarding 'il tono ... lievemente mitigato nei confronti del re' of the second version of the papal reproof [=Reg. Clem. IV, 890 /DOMÍNGUEZ SÁNCHEZ, no. 32]: 'Per la storia dei registri pontifici nel Duecento', *Archivum Historiae Pontificiae* 6 (1968) 85-6. Virtual capitulation soon followed: DOMÍNGUEZ SÁNCHEZ, no. 33.

30. LINEHAN, *Spanish Church and the Papacy*, 218-20; idem, 'The Spanish Church revisited: the episcopal *gravamina* of 1279': B. TIERNEY AND P. LINEHAN, eds., *Authority and Power. Studies on Medieval Law and Government presented to Walter Ullmann on his seventieth birthday*, Cambridge 1980, 127-47.

31. 'Cum nonnulli clerici et laici, non ratione ecclesiarum, pacifice et sine controuersia quasdam dicantur decimas possidere, quod tibi sit liberum de fructibus earumdem perceptis hactenus quartam recipere pro ipsius negotii subsidio portionem, dictique clerici et laici residuum fructuum eorumdem in predictum conuertere subsidium per se ipsos uel tibi, si maluerint, exhibere in idem subsidium conuertendum, ita quod ipsi ad restitutionem aliam minime teneantur sed inde remaneant penitus absoluti, dummodo decimas ipsas ecclesiis dimittant in posterum ad quas spectant, auctoritate concedimus supradicta': *Non sine misterio*. (Presumably the offer was open to the king of Castile as well as to others.)

drubbing the archbishop had received at the hands of the prior provincial four years before had left its mark.

On the other hand, it is observable that the process of rationalising the royal record had not advanced as far as might have been expected. The contents of Innocent V's *Exurgat Deus*, for example, seem hardly to have been exploited at all. Where that privilege seems to be referred to, the references are in the most general form (II.4, 9, 13, 18, 25, 30, 55), as a rule are only dubiously attributable to that Pope Innocent,³² and are cited merely as appendages to the two privileges of Clement IV which had done service in 1276: *Non sine misterio* (in its June 1265 recension) and *De tue circumspectionis*, and to the first of them in particular. The royal case in 1280 rested squarely on those two superannuated evidences, the second of which in fact dated to the year 1215 and reiterated the provisions decreed at Innocent III's Fourth Lateran Council for the relief not of Spain but specifically for that of the Holy Land. To those of Gregory X's Lyons Council of 1274 there is no trace of an allusion.³³ One begins to understand why amidst the plethora of material in the Third *Partida* relating to chancery procedure and related matters there is not a single law on the subject of *filing*.

Less than a year before, the Castilian bishops had complained to Nicholas III on this very aspect of the king's activities:

Item impetratis ab apostolica sede privilegiis vel obtentis utitur etiam ultra concessionis tempus pro sue beneplacito voluntatis, non facta de ipsis originalibus copia illis ad quos privilegia dicta spectant...

In 1279 the king's advisors had had no answer to the charge.³⁴ Late in the day though it was, by the following year they were perhaps at last beginning to learn the lesson.³⁵

32. How were the recipients of these instructions in 1280 to know *which* Pope Innocent was being referred to – Innocent III, Innocent IV, or Innocent V? Were there texts attached? If so, the task of copying was on an even more heroic scale than in 1276.

33. For the continuing degree of D. Remondo's dependence on *Non sine misterio* at this date, see the notes to Appendix II. His case is based, clause by clause, on the papal letter of 1265.

34. Linehan, 'The Spanish Church revisited', 145-6. For a further example of Alfonsine sharp practice – the deployment in 1264 of a papal indulgence granted with an 'ad tempus congruum' shelf-life in 1246, see González Jiménez, *Diplomatario andaluz*, no. 286.

35. Appendix II, *ad fin.*: 'Comissio ista post annum non ualeat.'

APPENDIX I

I Palencia, 28 March 1276

*Copy for the convent of Santarém OP of rotulus of correspondence between D. Remondo de Losaña, archbishop of Seville, and fr. Juan Arias, prior provincial of the Spanish province of the Order of Preachers, concerning the preaching of the Spanish Crusade.*³⁶

II Valladolid, 28 February 1276

D. Remondo de Losaña commits the preaching of the Crusade to members of the Order of Preachers to be nominated by fr. Juan Arias.

III Palencia, 16 March 1276

Fr. Juan Arias seeks clarification from D. Remondo de Losaña regarding particulars of his commission.

IV Valladolid, 21 March 1276

D. Remondo de Losaña responds to the queries raised by fr. Juan Arias.

ANTT, Corporações Religiosas, S. Domingos de Santarém, maço 1, docs. 5, 6, 6A

[I.a] [C]arissimis in Christo patribus fratri Laurentio priori Compostellano et fratri Johanni priori Ripauiensi et fratri Petro preposito domus Tudensis, frater Johannes fratrum predicatorum in Hispania seruus indignus salutem in omnium saluatore. Nouis periculis noua sunt adhibenda remedia et ubi periculum est in mora non segniter est agendum. Cum igitur sarraceni de Affrica in multitudine graui et animo contumaci fines nostros inuaserint et intendunt, ut timetur, nos in breui grauius impugnare, nos oportet armis nostre milicie opportunis tanto periculo pro uiribus obuiare. Arma autem milicie nostre non carnalia sed potencia domini sunt, oratio assidua et deuota predicacio efficax et discreta. Hinc est igitur quod uobis direximus presentibus supplicandum et etiam iniungendum quod pro defensione fidei et patrie piis et assiduis orationibus apud dominum insistatis, hoc idem uestris fratribus iniungentes et eos super hoc frequencius exortantes et in predicationibus uestris et confessionibus et communibus locucionibus populos excitetis ut ad resistendum aduersariis fidei se non differant strenue properare. Ad hoc autem efficaciter faciendum uos mouere debet zelus fidei cuius predicatorum estis, et pugiles esse debetis cum necessitas hoc requirit et amor patrie ac domini naturalis,

36. In accordance with the arrangements described in I.b, the text is copied from that issued by fr. Juan Arias. It abounds in scribal errors which combine with its sometimes agricultural Latin, the indistinguishability of the letters *n* and *u*, and eccentric punctuation occasionally to obscure the sense (e.g. the transposition 'significaretis' < 'magnificemus' [III.I, IV.I]). Such errors are noted below only when they seem to be of substance. Both here and in Appendix II, original spelling is retained (e.g. with the letters *t* and *c* used interchangeably), and punctuation is provided as necessary. Word(s) or letter(s) supplied thus: [...].

Paper; no contemporary endorsements. Mistakenly archived as three items.

scilicet domini nostri regis, qui super hoc affectuosius me rogauit. Ad populos autem efficacius excitandos uisum fuit domino nostro regi quod deberemus crucem contra sarracenos de Affrica et de Yspania predicare secundum indulgentias que sibi super hoc a Romana curia sunt concesse. Et ideo dominus archiepiscopus Yspalensis, huius predicationis executor ab eadem Romana curia delegatus, de uoluntate ipsius domini regis uobis et predicatoribus generalibus, uni in quolibet conuentu uel domo quos ego nominauero uel quos uicarii uel priores quibus ego iniunxero nominabunt comisit dicte predicationis crucis officium exequendum. Ego autem concedo uobis quod quilibet uestrum in conuentu uel domo sua nomet unum predicatorem generalem cum consilio discretorum qui huiusmodi officium exequat. Ut autem caucius et securius ipsum officium exequi ualeatis mitto uobis in serie presentis rotuli translatum littere commissiue domini archiepiscopi Yspalensis et translata quarumdam litterarum papalium et translata quarumdam remissiuarum super quibusdam dubiis explanandis. Vos autem sicut homines prudentes attendatis diligenter tenorem dictarum omnium litterarum et ex illis plene colligere poteritis qualiter in ipso negocio procedere debeatis.

[II] Raymundus diuina miseracione sancte Yspalensis ecclesie archiepiscopus et crucis negocii executor religioso uiro, prouido ac discreto fratri Johanni Arie priori prouinciali fratrum predicatorum in Yspania salutem et mandatis apostolicis obedire. Quia ex transacta in nobis uita didicimus quid de subscripta conuersacione uestra et fratrum uestrorum presumere debeamus, confidentes tamquam de uobis ipsis de uestre consciencie puritate, uobis, prioribus conuentualibus, procuratoribus prouinciarum et predicatoribus generalibus, in quolibet conuentu uni quos uos magis aptos uideritis ad crucis negocium exequendum uices apostolicas nobis commissas super negocio crucis in tota Yspania, super quibusdam articulis inferius annotatis duximus committendas, exortantes in domino quatenus secundum quod ugens negocium postulat et requirit hoc presens negocium exequimini sollicite et instanter, scituri pro certo quod plena omnium peccaminum indulgentia a sede apostolica conceditur omnibus illis qui per annum huius officii predicationis fideliter exercuntur. Que autem uobis comittimus sunt hec:

[a] quod possitis proponere uerbum crucis et conuenientibus ad ipsam predicationem centum dies de iniunctis eis penitentiis relaxare;

[b] et quod possitis absoluere illos qui in clericos manus iniecerint uiolentas, dummodo passis dampna uel iniurias satisfaciant competenter et non sit difficilis et enormis excessus qui sint merito ad sedem apostolicam remittendi;

[c] et quod possitis indulgere hiis qui assumpto crucis signaculo ad preliandum contra sarracenos Affricae ac Yspanie in personis propriis et expensis processerint et illis qui non in personis propriis illuc accesserint sed in suis expensis ydoneos bellatores destinauerint, et illis similiter qui licet in alienis expensis propriis tamen personis illuc accesserint et laborem assumpte peregrinationis impleuerint plenam suorum ueniam peccatorum;

[d] et similiter indulgere hiis qui de bonis propriis iuxta quantitatem subsidii et deuocionis affectum ad subuencionem istius negocii congrue ministrabunt indulgentiam supradictam;

[e] et concedere cruce signatis eadem priuilegia et immunitates que habent cruce signati ad subsidium terre sancte, et si aliqui cruce signatorum medio tempore ipsis ad uotum exequendum

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assignato decesserint quod habeant plene illas indulgencias et gratias que adeuntibus in terre sancte seruicio sunt concesse;

[f] et concedere omnibus fidelibus undecumque fuerint qui crucis assumpto signaculo in subsidium et domini regis crucis negocium prosequentis accesserint easdem indulgencias et gratias que a sede apostolica pro Yspanis specialiter sunt obtente;

[g] et quod possitis uota ieiuniorum, abstinentie, ultramarine atque cuiuslibet alterius peregrinacionis in huiusmodi subsidium commutare.

[h] Comittimus etiam quod denunciatis excommunicatos per Romanos pontifices omnes christianos qui sarracenis contra christianos opem, consilium uel auxilium occultum uel manifestum impenderint uel eis arma uel uictualia miserint in mercimoniis uel alio quoque modo, et quod tales ad ecclesiasticam sepulturam nullatenus admittantur, et si eos ibi sepelire contigerit exhumentur nisi signa penitencie probarentur forsitan processisse.

[i] Denunciatis etiam tales esse priuatos hereditatibus, prebendis, honoribus, iurisdictionibus et ceteris bonis que tenent ab ecclesiis et bona sua temporalia esse per ipsos ad quos pertinent confiscanda.

[j] Item comittimus quod excommunicatis omnes illos qui secreta regis aut aliorum christianorum reuelare seu nunciare presumpserint sarracenis ut sibi cauere ualeant ab eisdem seu etiam resistere uel nocere; et

[k] quod possitis absoluere excommunicatos pro eo quod portauerint merces, arma siue alia prohibita sarracenis uel eo quod eis contra christianos auxilium, consilium impenderint uel fauorem.

[l] Comittimus etiam quod possitis concedere fratribus milicie Templi, Hospitalis Jherosolimitani, Sepulcri dominici, Sancti Jacobi et aliis cuiuscumque sint ordinis qui personaliter ipsum negocium prosequantur uel ad hoc bellatores idoneos destinauerint uel subsidium dederint illam indulgenciam quam consideratis circumstantiis attendendis secundum dominum uideretis expedire;

[m] item quod indulgeatis .xx. dies de iniuncta penitencia omnibus diebus singulis quibus rogauerint Deum pro rege ac regina ac filiis eorum et exercitu eius et pro illis qui eidem in prosecutione huiusmodi impenderint consilium, auxilium et fauorem.

[n] Item comittimus quod interdicatis ex parte summi pontificis quibuslibet quibus pro terre sancte uel cuiuslibet alterius subsidio crucis predicacio est comissa ut in huiusmodi negocio in uestro prioratu aliquatenus non procedant, et si necesse fuerit eos per censuram ecclesiasticam compescatis, non obstante si est eis indultum quod non possint excommunicari, interdicti uel suspendi;

[o] item quod possitis dispensare cum clericis de Yspania qui excommunicationis sententiis innodati beneficiorum suorum perceperint prouentus super retencione prouentuum huiusmodi dummodo certam prouentuum eorundem iuxta arbitrium uestrum exhibeant porcionem.

[p] Iniungatis etiam uestris fratribus quod omnes predicent crucem et predicacionibus suis inducant homines ut in testamentis suis aliquid relinquunt in redempcionem captiuorum uel in bellatores ydoneos in tante necessitatis articulo conuertendum, eisdem supradictam indulgenciam concedentes.

In huiusmodi indulgenciis concedendis discrecio uestra et aliorum taliter sit attenta quod arbitretur quantum quis iuxta quantitatem suam dare possit in presentis negocii subsidium uel quales mittere debeat bellatores. Et ne de ista comissione alicui dubitacionis scrupulum oriatur presentem cartam sigillo nostro fecimus sigillari. Dat. apud Vallemoleti .iiii. kal. marcii, anno domini .M.CC.LXX.

[q] Comittimus etiam uobis quod possitis cum clericis qui manus uiolentas in personas ecclesiasticas iniecerint super irregularitatibus quos inde contraxerint dispensare.

[r] [C]lemens episcopus seruus seruorum Dei uenerabili fratri [nostro] archiepiscopo Yspalensi salutem et apostolicam benedictionem. *Non sine misterio...* Dat. Perusii, VI kal. iulii pontificatus nostri anno primo [26 June 1265].³⁷

[s] [C]lemens episcopus seruus seruorum Dei uenerabili fratri [nostro] archiepiscopo Yspalensi salutem et apostolicam benedictionem. *De tue circumspectionis...* Dat. Perusii, VI non. iulii pontificatus nostri anno primo [2 July 1265].³⁸

III [R]uerendo in Christo patri ac domino R. dei gracia archiepiscopo Ispalensi frater Johannes fratrum predicatorum in Hispania seruus indignus obedienciam debitam et deuotam. Ad sancte predicationis crucis officium quondam per me et fratres alios quibus illud uestra duxit paternitas comittendum propono dare operam efficacem. Sunt tamen quedam de quibus dubitans duxi uestram discretam et expertam prouidenciam consulendam.

[a] Cum comiseritis mihi predicationis crucis officium. et procuratoribus prouinciarum et prioribus conuentualibus et uni predicatori generali de quo mihi uidebar in quolibet conuentu, nescio quid per procuratores prouinciarum intelligere debeamus, cum nos in tota Ispania non prouincias sed prouinciam, nec procuratores prouincie sed uicarios habeamus, et ideo uellem scire si per procuratores uicarios intelligere noluistis.

[b] Item cum contingat priores prouinciales et uicarios et priores conuentuales mori et interdum etiam amoueri, uellem scire si intenditis comittere illis tantum qui modo in dictis sunt officiiis constituti uel eis et illis qui sibi sunt pro tempore successuri.

37. In *vidimus* by bishops John of Palencia and Stephen of Calahorra ‘requisiti per uenerabilem patrem dominum Raymundum archiepiscopum Yspalensem’, dated Valladolid, ‘.VIII. id. Marcii anno domini. M.CC.LXX.V.’ (8 March 1276), that date indicating that fr. Juan Arias had requested the copies of r and s after receiving D. Remondo’s commission. Not transcribed here, the two papal letters occupy 78 lines of the document.

38. In *vidimus* by bishops John of Palencia and Stephen of Calahorra ‘requisiti per uenerabilem patrem dominum Raymundum archiepiscopum Yspalensem’, Valladolid, 8 March 1276. Copy, with same date, in AC Toledo, O.4.L.1.10.

[c] Item cum contingat predicatorum generales mori uel in priores eligi uel ad remotas partes mitti uel modo aliquo impediri, uellem scire si est uoluntas uestra quod quibusdam sic impeditis ego alios nominarem qui loco illorum auctoritate uestra dictum predicationis officium exequantur.

[d] Item cum habeamus in prouincia quasdam domos que non sunt conuentus, sicut est domus Tudensis, Bitoriensis, Xereciensis³⁹ et alie que loco priorum habeant prepositos qui presunt fratribus, uellem scire si est uoluntas uestra quod in his domibus prepositi et unus predicator generalis in qualibet earum quem ego duxero mandandum dicte predicationis officium exequantur, sicut de conuentibus ordinastis.

[e] Item uellem ad cautelam si uobis placeret quod prior prouincialis aliquem uel aliquos de istis fratribus quibus dictum officium iniunxistis possem a dicto officio amouere et alium uel alios loco eius uel eorum sustituere cum sibi hoc faciendum ex causa legitima uideretur. Hoc autem ideo dico quia hoc posset in casu et ordini et negotio expedire.

[f] Item cum in littera comissionis nobis quosdam articulos comittatis qui in littera domini Clementis minime continentur, utpote

[i] quod denunciemus exhumandos illos qui contra christianos sarracenis auxilium impendentes,

[ii] item quod denunciemus eos priuatos hereditatibus etc.,

[iii] item quod possimus dispensare cum clericis de Ispania qui excommunicati uel interdicti prouentus ecclesie perceperunt super retentione prouentuum huiusmodi etc., uellem scire qua auctoritate ista exequi debeamus.

[g] Item cum in littera domini Clementis quedam contineantur de quibus mentionem in comissionis littera non fecistis, utpote quod commissarii uestri possint exclusis excommunicatis et interdictis diuina celebrare uel facere celebrari in locis ecclesiastico suppositis interdicto, uellem scire si est intencio uestra aliquem uobis specialiter reseruare de illis que dominus Clemens uobis comisit uestris commissariis iniungenda, an simpliciter nobis comittere sicut in ipsa domini pape littera continetur.

[h] Item cum in eadem littera domini Clementis dicatur sicut 'Volumus preterea et concedimus ut illi qui in officio predicationis crucis pro presenti negotio per unius anni spacium duxerint laborandum illis priuilegio et immunitate gaudeant que personaliter in terre sancte subsidium transeuntibus in generali concilio noscuntur esse concessa',⁴⁰ non uidetur per illam litteram predicatoribus crucis concedi indulgenciam peccatorum que conceditur adeuntibus terram sanctam sed solum priuilegia et immunitates, cum priuilegia et immunitates ab ipsa indulgencia distinguantur, sicut patet ex tenore dictorum priuilegiorum et indulgenciarum et immunitatum a domino papa Clemente uobis transmissis in cuius principio sic dicitur.

39. Tuy, Vitoria, Jérez

40. Citing *Non sine misterio*

[i] Verum quia in litteris ipsis habet mencio de priuilegiis et indulgenciis et immunitatibus uellem ergo scire quid super hec senciatur uestra prouidencia circumspecta.

[j] Item scripsistis mihi in littera comissionis quod iniungerem fratribus quod inducerent homines ut in testamentis relinquerent etc., supradictam indulgenciam concedentes, cum tamen in littera domini pape dicatur quod talibus danda sit indulgencia secundum quantitatem subsidii et deuocionis affectum. Hoc autem ideo dico quia litteram comissionis oportebit me mittere fratribus et forte sic accipient sicut superficialiter [littera]⁴¹ ipsa sonat.

[k] Item comissistis nobis quod interdiceremus ex parte summi pontificis omnem aliam predicationem crucis, quod ego facere non auderem cum dominus papa mandauerit mihi quod ego per me et fratres meos predicarem crucem in terram sanctam, et me presente in concilio generali etiam excommunicauerit prout mihi uidetur omnes qui impedirent negocium terre sancte. Et ideo, quicquid sit de aliis predicationibus, illam non auderem cum bona conscientia impedire.

[l] Ceterum quia necessitas imminet, sicut credo, ut ad defensionem fidei et patrie homines sunt non segniter inducendi, uellem si placeret paternitati uestre quod significaretis mihi aliquid certum per quod⁴² eos excitare ad interitum⁴³ negocium ualeamus. Quis enim se parabit ad prelium si incertam uocem dederit tuba?⁴⁴ Quid autem incertius quantum ad presens negocium quam dicere⁴⁵ hominibus, 'Accipiatis crucem quia periculum imminet christianis', [cum] non dicatur ulterius quibus auxiliis, quo conatu, quo tempore aduersariis resistere intendamus?

[m] Item poterit contingere quod predicator generalis cui in uno conuentu committetur officium dicte predicationis ad conuentum alium transferatur, et in uno conuentu nullus erit predicator generalis qui hoc officium predicandi crucem [exequetur] et in alio erunt plures. Hoc autem parum aut nil nocebit negocio sed ideo uobis significo quia si hoc ad uos perueniret et si casum forsitan nesciretis possetis credere quod ego ordinationem uestram obseruare minime faciebam.

[n] Item cum propter latitudinem prouincie Ispanie ego non habeam plenam noticiam de omnibus predicatoribus generalibus, forsitan expediret quod uos comitteretis quod non⁴⁶ solum illi quos ego nominarem sed etiam illi quos nominarent uicarii uel priores quibus ego super hoc scriberem dicte predicationis officium exequere[n]tur ita causam, quod ordinacio uestra seruaretur, scilicet quod non nominarentur plures quam uos in comissionis littera ordinastis.

[o] Ultimo sciatur uestra paternitas quod ad exequendum sepedicte predicationis officium ita celeriter ut negocio expediret nos poterit retardare prolixitas et multitudo litterarum et latitudo prouincie et defectus etiam nunciorum. Oportebit enim me mittere fratribus et conuentibus de tota Ispania litteras comissionis et translata que uestra paternitas mihi misit quod absque mora et sine laboribus et impensis duci non poterit ad effectum?

41. Word largely erased

42. MS. quos quod

43. MS. exitare ad interium

44. I Cor. 14.8, misremembering 'bellum' as 'prelium'

45. MS. dare

46. MS. nullum

[p] Item si aliqui uoluerint aliquid dare pro indulgentia uel pro parte indulgentie impetranda, quero cui mandabimus pecuniam ipsam dari? Ego enim nollem quod per fratres nostros dicta pecunia colligatur. Et forsitan super hoc uobis priuilegium est concessum.

[q] Item si aliqui uoluerint redimere crucem, quero utrum eam oporteat ad uos personaliter accedere uel quod in hoc casu eis consulere debeamus?

Rogo autem paternitatem quod si placet super premissis michi rescribere non tardetis ut sicut quibus super hoc negocio sum scripturus qualiter in predicto negocio habeant procedere plenius instruantur. Valeat diu uestra paternitas et me et ordinem nostram habeat in sui gratia commendatos. Dat. Palencie, xvii kal. aprilis.

IV [R]aymundus diuina miseratione sancte Ispalensis ecclesie archiepiscopus et crucis negotii executor religioso uiro prouido ac discreto fratri Johanni priori prouinciali fratrum predicatorum in Ispania salutem in eo qui est omnium uera salus.

[a] Super illis nostre comissionis articulis de quibus uestra nos duxit discrecio consulendos taliter respondemus quod per procuratores prouinciarum intelligimus uicarios prouincie ac prepositos quos habetis in uestris conuentibus seu domibus licet procuratores prouinciarum in comissionis nostre litteris inserantur cum nobis esset incognitum usque modo uos non procuratores sed uicarios ac prepositos appellare, nec memores fuimus cum uobis direximus scripta nostra in tota Ispania prouinciam non prouincias uos habere. Per hoc autem querite consultationi noueritis esse responsum quod illarum domorum que non sunt conuentus prepositi et unus predicator generalis in qualibet earum quibus predicationis officium duxeritis comittendum libere possunt exequi officium antedictum.

[b] Ille autem questionis articulus quo quesuistis cum contingat interdum priores prouinciales ac uicarios et priores conuentuales mori etiam interdum et amoueri ante dictum officium extendatur ad illos qui sunt eis pro tempore successuri, nil dubitationis continere uidetur cum non sub nominibus personarum sed officiorum petans⁴⁷ huiusmodi comissa.

[c] Super illo etiam de quo uestra religio per nos uoluit esse certa, quod si contingat predicatorum generales mori uel eligi in priores uel ad remotas partes mitti uel alias impediri, respondemus quod possitis auctoritate nostra alios nominare ad huiusmodi officium exequendum. Ad respondentes dicimus quod prior prouincialis quem ad istud officium instituit poterit remouere et alium substituere cum ex qua causa uiderit expedire.

[f] Preterea dubitastis cum in comissione nostra plures articuli quam in littera domini Clementis inserantur qua auctoritate illos exequi debeatis. Ad quod talem damus responsum quod etsi in litteris domini Clementis ea minime continentur, in aliis tamen litteris diuersorum paparum ad nos missis proculdubio inseruntur, quorum auctoritate uobis comittimus exequenda. Super quo uobis uel fratribus uestris quos ad hoc duxeritis deputando fide per apostolica scripta faciemus, nichilominus si interim uos dubitare contingat super non expressis in littera domini

47. Sic. Word(s) missing, e.g. 'fuerint mandata'?

Clementis super expressis in eis libere procedatis. Ad illam questionem dicimus quod illa tamen comittere intelligimus que in comissionis nostre litteris continentur expressa, licet in rescripto domini Clementis plura alia sint inserta.

[h] Ad illum autem consultacionis articulum quo querere uoluistis predicatoribus crucis concedatur indulgencia peccatorum que conceditur adeuntibus terram sanctam cum littera domini Clementis sic dicatur 'Volumus preterea' etc., taliter respondemus quod per illa uerba scilicet 'priuilegiis et immunitate gaudeant' etc., uisum est pluribus concedi indulgenciam peccatorum. Nos autem per scripta nostra plus concedere ac comittere non intendimus quam ex rescripto apostolico colligatur. Illud etiam, nos nolumus ignorare comissionem nostram debere intelligi et exequi secundum quod ex rescripto apostolico manifestius edocetur.

[k] Super alio etiam diximus quod non curamus, et si non interdicatis aliam predicationem crucis in subsidium terre sancte, ex quo sicut scripsistis salua conscientia interdicere non audetis.

[l] Ad aliud insuper quod scripsistis quod magnificemus⁴⁸ uerbum certum quidem, scilicet 'quibus auxiliis, quo conatu, quo loco et tempore aduersariis resistere' debueramus, respondemus quod cum multiplici auxilio et conatu resistendum sit inimicis. Illud arbitrio uestro et illorum quibus uices commiseritis relinquatur, sed quidem uideritis secundum qualitatem personarum et quantitatem rerum illorum qui ire debuerint uel mittere bellatores. De locis uero qui multum indigent defensoribus, longum esset per singula enarrare, cum omnia loca frontarie, sed plus et minus, necesse habeant defensores. Verumptamen Xerecim⁴⁹ et illa castra que sunt in illo confinio plurium indigent auxilio et conatu, item Moron, Marchena, Carmona, Eçija, Caçralla et alia multa castra, quare eis, quia maiori auxilio indigent, est potissime succurrendum. Tempus etiam quo conatu et auxilio indiget illa terra iam imminet cum tempus colligendarum messium appropinquat que sine auxilio bellatorum colligi non ualebunt. Unde decetero omni tempore sunt necessarii bellatores. De tempore etiam dicimus quod ad minus per quatuor menses euntes pro redimenda cruce et indulgencia obtinenda ibi debeant commorari.

[m] Item, etsi predicator generalis cui in uno conuentu comittitur officium predicandi ad locum alium transferatur, licet in eo nullus predicator generalis remaneat, uidetur nobis ut alteri fratri eiusdem conuentus si ydoneus inueniatur ibidem huiusmodi officium comittatur. Aliter discrecionis uestre arbitrio relinquimus ordinandum.

[n] Illud etiam uobis concedimus ut, cum propter latitudinem prouincie non habeatis noticiam predicatorum generalium, quod possitis per uos et uicarios uel priores nominare predicatores generales et eis hoc officium comittere exequendum.

[o] Ut autem hoc officium uobis ac ordini uestro non sit totaliter honerosum, expensas quas pro cartis scribendis et pro nunciis transportandis de collecta pecunia uel proximo colligenda secundum uestre fidelitatis arbitrium ordinauimus faciendas.

48. For 'significemus'? Cf. III.1.

49. MS. Xerecinam

[p] Ubi autem pecunia quam pro indulgentia obtinenda offerri contingerit debeat custodiri, et per quos debeant colligi, respondemus quod secundum quod ordinatum est in archa ad hoc specialiter deputata dicta pecunia reponatur sub trium testimonio custodienda sub tribus clauibus, quarum unam teneat unus frater uester quem uos uel prior uel uicarius deputabit. Et aliam teneat aliquis probus suus de ciuitate uel loco.⁵⁰ Si uero archa non fuerit ad hoc signata ubi est ecclesia cathedralis secundum predictum modum archa ponatur ibidem et pecunia custodiatur. Ubi ecclesia non fuerit cathedralis uel conuentualis in conuentu uel domo uestra ipsam archam poni uolumus et pecuniam conseruari sub modo superius anotato.⁵¹

[q] Ad ultimum respondemus quod redimentes crucem ad nos personaliter accedere non oportet cum per uos et fratres uestros quibus est comissum officium consuli eis possit. Dat. Valleleti, xii kal. aprilis, anno domini .M.CC.LXX.

[l.b] Ut autem tenor dictarum litterarum ad uos possit cicius peruenire uolo et ordino quod prior Compostellanus uel tenens uices eius istum eundem rotulum, retento penes se translato eius, infra octo dies a receptione ipsius priori Ripauienti mittere teneatur. Prior uero Ripauiensis, retento penes se translato eius, ipsum preposito Tudensi infra octo dies a receptione ipsius mittere non postponat. Noueritis insuper quod regina Castelle per se ipsam presencialiter me rogauit quod, preter ea que facta sunt pro domino Fernando in capitulo precedenti⁵² et fieri debent in futuro capitulo pro ipso et pro domino Sancio quondam archiepiscopo Toletano, fratribus de Ispania pro animabus ipsorum orationes iniungere speciales. Ego autem, precibus eius non ualens nec uolens resistere, promisi ei quod de omnibus fratribus sacerdotibus de Ispania iniungerem pro animabus illorum missas singulas celebrandas. Unde rogo quod dictas missas celebretis et faciatis a uestris fratribus celebrari. Ut autem nulli in dubium ueniant omnia supradicta sigillum nostrum duxi presenti rotulo apponendum. Dat. Palencie, anno domini .M.CC.LXX. in die sancto Pasche.

50. Confusion in text here.

51. Cf. The provisions for the collection of the crusading tenth decreed at Il Lyons: *COD*, 311.

52. Cf. DOUAIS, *Acta capitulorum*, 622: 'Ista sunt suffragia defunctorum. Pro domino Fernando, filio domini regis Castellae. Quilibet sacerdos unam missam et quilibet conuentus unam missam' (León 1275).

APPENDIX II

Lisbon, 28 March 1280. Bishop Durandus Paes of Évora certifies the text of letters patent of Archbishop Raimundo of Seville to fr. Gutierre OP (Badajoz 28 February 1280).

ANTT, Corporações Religiosas, S. Domingos de Santarém, maço 1, doc. 8. Parchment. No endorsements. *Sigillum deperditum*. Conventions as in Appendix I.

Nouerint uniuersi presentes litteras inspecturi quod nos D. permissione diuina Elborensis episcopus uidimus et diligenter inspeximus patentes litteras reuerendi patris domini Raymundi archiepiscopi Ispalensis non rassas, non cancellatas, non abolitas nec uiciatas in aliqua parte sui, uero sigillo eiusdem domini archiepiscopi sigillatas, quarum tenor talis est:

Raymundus diuina miseratione sancte Ispalensis ecclesie archiepiscopus et crucis negocii exsecutor religioso uiro prouido et discreto fratri Guterio de Ordine Predicatorum salutem et sinceram in domino karitatem. Noueritis summum pontificem Clementem quartum nobis super facto cruce signate salubres et uarias direxisse indulgencias quarum una⁵³ articulos continet subsequentes,

[1] quorum primus talis est, quod nos possimus predicare crucem in regnis Ispanie et Januensi et Pisana ciuitatibus et crucis predicatione comitere.⁵⁴ [2] Et dominus Alexander papa concessit uniuersis prelati Ispanie quod possent predicare crucem contra sarracenos Affrice.

[3] Secundus articulus nobis comissus littere domini Clementis⁵⁵ est, ut illi qui in personis propriis et expensis processerint aduersus sarracenos Affrice ac Ispanie et illi qui non in personis propriis sed in suis tamen expensis uiros ydoneos destinauerint, illi etiam qui licet alienis expensis in propriis tamen personis iuerint, et illi similiter qui iuxta quantitatem subsidii et deuocionis affectum ad subuencionem ipsius negocii de bonis suis congrue ministrabant, habeant plenam suorum ueniam peccatorum de quibus corde contriti et ore confessi fuerint. [4, 5] Istam eandem indulgenciam concesserunt dominus Innocentius⁵⁶ et Alexander⁵⁷ Ispanie transfretantibus, mittentibus uel subuenientibus contra Affrice sarracenos.

53. i.e. Clement IV, *Non sine misterio* in its extended version (above, n. 7) [hereinafter *Nsm*]

54. *Nsm*

55. *Nsm*

56. ?Innocent V, *Exurgat Deus* [hereinafter *ED*].

57. Alexander IV, *Circa exaltationem* (27 July 1259). Text, as reported in 1264: T. MINGUELLA Y ARNEDO, *Historia de Sigüenza y de sus obispos*, i, Madrid 1910, 601 (misdated 27 July 1258); GONZÁLEZ JIMÉNEZ, *Diplomatario andaluz*, no. 286 (misdated 27 August 1259).

[6] Tercius articulus domini Clementis⁵⁸ nobis comissus est, ut qui naues proprias exhibuerint uel eas studuerint fabricare contra sarracenos Affrice ac Ispanie habeant indulgenciam supradictam.

[7] Quartus articulus domini Clementis⁵⁹ nobis comissus est, quod recipiat cruce signatos et familias et bona eorum sub protectione sua et consistant sub diocesanorum suorum deffensione, et si contra hoc quis presumpserit per diocesanum loci ubi fuerint appellatione remota censura ecclesiastica compellatur. [8] Consimilem indulgenciam concessit dominus Urbanus proficiscentibus aduersus sarracenos Affrice ac Ispanie, [9, 10] et dominus Innocentius⁶⁰ et Alexander illis qui transffretarent aduersus Affrice sarracenos.

[11] Quintus articulus domini Clementis⁶¹ nobis comissus est, quod si cruce signati aduersus sarracenos Ispanie ac Affrice fuerint astricti iuramento ad soluendas usuras, quod nos possimus compellere creditores censura ecclesiastica per nos uel per alios ad remittendum iuramentum et ut desistant ulterius ab usurarum exactione, et si forte aliquis creditorum debitores ad solucionem coegerit usurarum ad eas redendum simili districtione appellatione remota compellamus; et quod iudei compellantur per secularem potestatem remittere usuras et donec remisserint ab omnibus christifidelibus tam in mercimoniis quam in aliis sub excommunicationis pena eis omnimode communitio denegetur. Istam eandem indulgenciam concessit [12] Urbanus papa per nos fieri cruce signatis contra sarracenos Affrice ac Ispanie, et [13, 14] dominus Innocentius⁶² et Alexander cruce signatis ad transffretandum contra Affrice sarracenos.

[15] Sextus articulus domini Clementis⁶³ nobis comissus est, quod cruce signati aduersus sarracenos Affrice ac Ispanie gaudeant illis priuilegiis et immunitatibus quibus gaudent cruce signati ad subsidium terre sancte. [16] Hoc idem concessit Alexander⁶⁴ cruce signatis prefecturis in Affricam.

[17] Septimus articulus domini Clementis⁶⁵ nobis comissus est, quod non possint conueniri cruce signati extra suas dioceses per litteras sedis apostolice uel legatorum ipsius nisi de indulto huiusmodi plenam et expressam fecerint mencionem, dummodo parati existant coram suis iudicibus querelantibus respondere, et qui eos contra indultum huiusmodi presumpserint molestare per nos et nostros commissarios censura ecclesiastica compescantur. [18] Hanc eandem indulgenciam concessit dominus Innocentius⁶⁶ cruce signatis contra Africe sarracenos.

58. *Nsm*

59. *Nsm*

60. *ED*

61. *Nsm*

62. Innocent IV, *Carissimus* (4 Oct. 1252): É. BERGER, *Les Registres d'Innocent IV*, 6030/A. QUINTANA PRIETO, *La documentación pontificia de Inocencio IV (1243-1254)*, Rome 1987, no. 808 (misdated 12 Oct. 1252); ?*ED*.

63. *Nsm*

64. Alexander IV, *Ad regimen* (13 May 1255): C. BOUREL DE LA RONCIÈRE *et al.*, *Les Registres d'Alexandre IV*, 483/I. RODRÍGUEZ DE LAMA, *La documentación pontificia de Alejandro IV (1254-1261)*, Rome 1976, no. 62.

65. *Nsm*

66. *ED*

[19] VIII articulus domini Clementis ⁶⁷ est nobis comissus, quod nos et nostri comissarii possimus conuocare cleros et populos ad proponendum eis uerbum crucis et indulgere centum dies uere penitentibus et confessis, audientibus uerbum domini reuerenter.

[20] VIII articulus domini Clementis est nobis comissus, quod nos et nostri comissarii possimus nobis et familiis nostris celebrare diuina et facere celebrari ac populis proponere uerbum dei in ecclesiis ecclesiastico interdicto suppositis, excommunicatis et interdictis exclusis et non pulsatis campanis, uoce submissa et januis clausis.

[21] X articulus domini Clementis nobis comissus est, quod possimus nos et nostri comissarii absoluere excommunicatos pro eo quod portauerint merces uel arma siue alia prohibita sarracenis.

[22] XI articulus domini Clementis nobis comissus est, quod nos et nostri comissarii possimus absoluere cruce signatos excommunicatos eo quod auxilium uel consilium contra christianos impenderint sarracenis.

[23] XII articulus domini Clementis nobis comissus est, quod nos et comissarii nostri possimus absoluere manuum iniectores in clericos seculares uirosque religiosos et incendiarios, dummodo excessus non fuerit difficilis et enormis, et satisfaciant lesis de dampnis et iniuriis. [24, 25] Hoc idem concessit Alexander papa ⁶⁸ et Innocentius ⁶⁹ cruce signatis aduersus Affricae sarracenos, [26] et dominus Innocentius concessit amplius quod possent absolui uiolatores ecclesiarum et locorum sociorum. [27] Item Urbanus ⁷⁰ papa concessit quod possent absolui manuum iniectores.

[28] XIII articulus domini Clementis ⁷¹ nobis comissus est, quod nos et comissarii nostri possimus dispensare cum irregularibus clericis qui postquam incurrerunt sententiam a canone uel ab homine se diuinis officiis inmiscuissent. [29] Hoc idem concessit nobis dominus Urbanus. ⁷² [30] Et dominus Innocentius ⁷³ concessit similem dispensacionem clericis irregularibus cruce signatis ad Affricam [*sic*].

[31] XIII articulus domini Clementis ⁷⁴ nobis comissus est, quod nos et comissarii nostri possimus dispensare cum irregularibus qui cum essent excommunicati receperunt ordines, absolucionis beneficio non obtento.

67. [19-23] *Nsm*

68. Alexander IV, *Cum tibi* (17 Oct. 1255): *Reg. Alex. IV*, 862/RODRÍGUEZ DE LAMA, no. 117.

69. *ED*

70. Urban IV, *Inter occupationes* (3 Oct. 1263): J. GUIRAUD AND S. CLÉMENCET, *Les Registres d'Urbain IV*, 468/I. RODRÍGUEZ DE LAMA, *La documentación pontificia de Urbano IV (1261-1264)*, Rome 1981, no. 108.

71. *Nsm*

72. As n. 70.

73. *ED*

74. [31-33] *Nsm*

[32] XV articulus domini Clementis nobis comissus est, quod clerici uel layci qui detinent decimas non nomine ecclesie⁷⁵ pacifice et sine controuersia quod liberum sit nobis recipere quartam partem pro subsidio negocii crucis, et ipsi clerici et layci residuum fructuum eorundem in predictum conuertere subsidium ualeant per se ipsos uel nobis si maluerint exhibere in idem subsidium conuertendum ita quod ipsi ad restitutionem aliam minime teneantur sed inde remaneant penitus absoluti, dummodo in posterum ipsas decimas dimittant ecclesiis ad quas spectant.

[33] XVI articulus domini Clementis nobis comissus est, quod cruce signati qui decesserint medio tempore assignato eisdem a nobis ad uotum exequendum illarum indulgenciarum et graciaram sint plene participes que obeuntibus⁷⁶ in terre sancte subsidium sunt concessae. [34] Et dominus Alexander concessit quod cruce signati qui decederent antequam trasfretarent aduersus sarracenos de Affrica haberent illam indulgentiam quam cruce signati in terre sancte subsidium [haberent] si antequam trasfretarent decederent.

[35] XVII articulus domini Clementis⁷⁷ nobis comissus est, quod nos possimus concedere fratribus milicie Templi, Hospitalis Ierosolimitani, Sepulcri Dominici, Sancti Jacobi et aliis cuiuscumque sint ordinis qui personaliter ipsum negocium prosequuntur uel ad hoc bellatores ydoneos destinarint uel subsidium dederint illam indulgentiam quam consideratis circumstanciis attendendis secundum deum uiderimus expedire.

[36] XVIII articulus domini Clementis nobis comissus est, quod nos et nostri comissarii possimus commutare ab Hispanis uotum ieiuniorum et ultramarine adque cuiuslibet alterius peregrinationis in subsidium negocii sepedicti. [37] Et dominus Alexander⁷⁸ concessit quod possent comutari uota abstinencie et peregrinationis in uoto africano.

[38] XVIII articulus domini Clementis⁷⁹ nobis comissus est, quod illi qui in officio predicacionis pro presenti negocio per unius anni spacium duxerint laborandum illis priuilegio et immunitate gaudeant que personaliter trasfretantibus in terre sancte subsidium in generali concilio sunt concessa.

[39] XX articulus domini Clementis nobis comissus est, quod possimus comittere premissa personis ydoneis, non obstante aliqua indulgentia per quam a susceptione huiusmodi ualeant aliquatenus excusari.

[40] XXI articulus domini Clementis nobis comissus est, quod possimus compellere per censuram ecclesiasticam cruce signatorum quoslibet, cuiuscumque dignitatis uel condicionis existant, ut infra certum terminum prefigendum a nobis uel uotum crucis redimant uel illud executuri ad locum destinatum accedant. [41] Idem concessit dominus Innocentius in concilio

75. Sic. Cf. *Nsm*: non ratione ecclesiarum

76. MS. abeuntibus (!)

77. [35-36] *Nsm*

78. As n. 68.

79. [38-40] *Nsm*

generali.⁸⁰ [42] Et dominus Alexander concessit quod dispensaretur cum inabilibus et legitimo impedimento detentis ut redimerent et haberent indulgentiam supradictam.

[43] XXII articulus domini Clementis⁸¹ nobis comissus est, quod interdicatis ex parte summi pontificis quibuslibet quibus pro terre sancte uel cuiuslibet⁸¹ alterius subsidio crucis predicacio est comissa, ut in huiusmodi negocio sibi comisso in supradictis regnis aliquatenus non procedant sed eidem supersedeant eos si necesse fuerit per censuram ecclesiasticam compescendo, non obstante si eis sit indultum quod non possint excommunicari, interdicti uel suspendi. [44] Et est alia indulgentia domini Clementis per se nobis comissa consimilis isti articulo in omnibus.

[45] XXIII articulus domini Clementis est quod indulget^{viginti} dies de iniuncta penitencia omnibus uere penitentibus et confessis diebus singulis quibus rogauerint deum pro rege et regina ac filiis eorum et exercitum eius et pro illis qui eidem in prosecutione huiusmodi impenderint auxilium, consilium et fauorem.⁸² [46] Est alia indulgentia domini Clementis per se nobis comissa consimilis isti.⁸³

[47] Alia domini Clementis est per se nobis comissa quod omnes fideles undecumque fuerint qui crucis assumpto signaculo in subsidium domini regis crucis negocium prosequitis (*sic*) accesserint gaudeant eisdem indulgentiis et graciis que a sede apostolica pro ipsis specialiter sunt obtenta.

[48] Alia domini Clementis est per se nobis comissa quod qui secreta regis aut christianorum aliorum reuelare seu nunciare presumpserit sarracenis, ut sibi cauere ualeant ab eisdem seu etiam resistere uel nocere, excommunicentur per nos generali etiam excommunicatione et denuncientur usque ad satisfactionem condignam.

[49] Alia domini Innocentii est quod excommunicentur omnes christiani qui sarracenis de Affrica contra dominum regem impenderint consilium, auxilium uel fauorem et excommunicati publice nuncientur, et ipse excommunicat eos in concilio generali.⁸⁴

[50] Alia domini Clementis est per se nobis comissa quod feramus generalem excommunicacionis sententiam in omnes illos qui receperint a sarracenis stipendia citra mare ut christianos impugnent nisi, publice moniti in ecclesiis ut infra certum terminum peremptorie prefigendum a nobis, destituerint ab huiusmodi presumptione detestabili et dampnosa et usque ad satisfactionem condignam faciamus uel expedire uiderimus solempniter publicari, contradictores per censuram ecclesiasticam appellatione postposita compescendo. Et si forte in eadem sententia prestiterint indurati bona eorum per ipsos ad quos pertinent confiscentur.

80. Innocent III, *Ad liberandum*; or Innocent IV, *Afflicti corde*: COD, i. 268, 298.

81. *Nsm*

82. *Nsm*

83. Clement IV, *Quod uoluit* (23 March 1265): *Reg. Clem IV*, no. 17/DOMÍNGUEZ SÁNCHEZ, n.º. 4.

84. As n. 80: COD, i. 270, 300.

[51] Alia domini Clementis est per se [nobis comissa] quod archiepiscopi et episcopi Ispanie excommunicent christianos stipendiarios qui se in partem Aggarenicam conuerterint et christianos et fidem eorum impugnantes, si moniti infra certum terminum prefigendum a nobis archiepiscopo Ispalensi, habita regia securitate non destiterint, et faciamus denunciari excommunicatos, pulsatis campanis et candelis accensis diebus dominicis et festiuis, et quod denunciemus eos priuatos hereditati, in feudis, honoribus, iurisdicionibus et ceteris bonis ad ipsos spectantibus que tenent ab ecclesiis quibus dominus papa extunc priuat eos. Si uero clerici fuerint et infra certum terminum non destiterint, cuiusque gradus et condicionis fuerint, officiiis et beneficiis ecclesiasticis que obtinent priuemus eosdem et inabiles esse statuamus ad alia beneficia obtinenda, quorum priuacionem et inabilitatem uult dominus papa per nos et alios archiepiscopos et episcopos publicari. Et si qui clerici uel layci tam nobiles quam innobiles trastulerint se decetero in auxilium sarracenorum Affrice uel Ispanie ut expugnent christianos et fidem eorum, ut superius est expressum, eo ipso penis subiaceant supradictis, et archiepiscopi ac episcopi tam illorum quam istorum carere faciamus ecclesiastica sepultura et exhumari eorum corpora si ea contigerit cimiteriis fidelium sepeliri, contradictores etc. non obstante etc.

[52] Alia domini Clementis est per se [nobis comissa] quod christiani qui presumpserint in auxilium sarracenorum se conferre et cum eis christianos alios impugnare eo ipso late sententie canone sint astricti. Et si quis eorum decesserint sic ligati et corpora eorum tradita fuerint ecclesiastice sepulture, illa corpora, nisi in eis dum uiuebant signa penitencie apparuerint et super hoc possit fieri plena fides, exhumentur cimiterio fidelium caritura, contradictores etc.

[53] Alia domini Clementis est nobis per se comissa quod christiani Ispanie qui adiuuicem guerras habent uel sunt in posterum durante huiusmodi negocio habituri, quod nos moneamus eos ut infra certum terminum ineant pacis federa uel treugas quamdiu tempestatis huiusmodi prelia durauerint duraturas, alioquin in eos qui parere neglexerint generalem excommunicationis sententiam proferamus et usque ad satisfactionem condignam faciamus sollempniter publicari.

[54] Alia domini Clementis nobis comissa est quod possimus usuras, rapinas et alia male acquisita recipere per nos uel per alium per triennium in regnis regis Castelle ab illis solummodo qui sponte ac uoluntarie absque coaccione aliqua uoluerint exhibere dummodo quibus ipsorum restitutio fieri debeat inueniri et sciri omnino non possint edictis in locis competentibus propositis et ea duratura ualeamus in promocionem⁸⁵ negocii supradicti. Verumtamen si aliud ex istis dimiserimus uel restituerimus ac detentio illa a quibus ea receperimus hoc non possit eis ad liberacionem et quantum ad illud non habeantur absoluti.

[55] Ad hoc factum alia domini Innocentii⁸⁶ quod possint exigere et recipi usure et male acquisita ab illis qui dare uoluerint.

[56] Alia domini Clementis per se nobis comissa est quod possimus dispensare cum clericis de Ispania qui excommunicationis sentenciis innodati beneficiorum suorum perceperunt prouentus, si alias beneficia ipsa canonicè obtineant super retentionem prouentuum huiusmodi,

85. MS. *impromocionem*

86. *ED.*

dummodo certam prouentuum eorundem iuxta arbitrium nostrum uel commissariorum nostrorum exhibeant porcionem in subsidium dicti regis contra sarracenos Africe ac Ispanie.

[57] Alia est domini Clementis per se nobis comissa quod possimus absoluere per nos uel alium seu alios in ciuitatibus et diocesis Januensi et Pisana singulares personas cruce signatas a sententia quam incurrerunt pro eo quod adeserunt Paleologo et Manfredo contra inhibitionem sedis apostolice, dummodo personaliter prosequatur negocium uel idoneos miserit bellatores aut de bonis suis iuxta arbitrium nostrum uel commissariorum nostrorum congruam miserint porcionem, recepto prius iuramento quod stent mandatis ecclesie, et recepta ab eis sufficienti et ydonea caucione quod eis ulterius non adherebunt contra ecclesiam uel fideles.

[58] Alia domini Clementis per se nobis comissa est quod possimus absoluere per nos uel alium iuxta traditam nobis formam Januenses et Pisanos tam ciuitatum quam diocesum a sententiis excommunicacionis et interdicti a sede apostolica generaliter promulgatis quas incurrerent pro eo quod adeserunt irreuerenter sarracenis seu Grecis scismaticis, dummodo ipsum negocium personaliter prosequatur, et quod denunciemus eis quod nisi a die quo iter arripuerint ad exequendum uotum crucis per annum continue in eodem subsidio personaliter moram traxerint eos uult dominus papa memoratas sentencias incurrere ipso facto.

[59] Alia domini Clementis est per se nobis comissa quod possimus exercere censuram ecclesiasticam per nos et nostros commissarios in contradictores et rebelles et resistentes nobis in huiusmodi predicacionis negocio, non obstante quod interdicti, suspendi uel excommunicari non possint etc.

[60] Alia domini Innocentii⁸⁷ est quod clerici Ispanie qui trasfretauerint cum rege uel uicario eius habeant beneficia sua integre ac si personaliter residerent in ecclesiis per quinquennium ex quo iter arripuerint, contradictores etc. [61] Hoc idem concesserunt per triennium in concilio generali⁸⁸ quod possint per idem tempus beneficia obligare.

[62] Et Alexander papa concessit clericis Ispanie trasfretantibus in Africam uel illuc mittentibus in expensis propriis idoneos bellatores quod habeant beneficia integre a tempore passagii usque ad triennium et ea recipere per idem tempus ualeant seu ecclesia obligare.

[63] Item dominus Innocencius⁸⁹ concessit quod clerici excommunicati propter concubinatum per constitutionem domini Sabinensis⁹⁰ qui trasfretarent in Affricam uel mitterent ydoneos bellatores uel darent quantum expenderent uel circa, si trasfretarent cum rege uel eius uicario, concubinis prorsus abiectis et prestita caucione de ipsis non assumendis, uel aliis absoluerentur uel dispensaretur cum eis super irregularitatibus.

87. Innocent IV, *Signo uiuifice* (14 May 1254): *Reg. Inn. IV/QUINTANA PRIETO*, n^o. 955.

88. As n. 80: *COD*, i. 267, 298.

89. Innocent IV, *Carissimus* (4 Oct. 1252): *Reg. Inn. IV/QUINTANA PRIETO*, no. 807 (misdated 12 Oct. 1252).

90. Jean d'Abbeville, cardinal bishop of Sabina, papal legate to the Spanish kingdoms 1228-9. See LINEHAN, *The Spanish Church and the Papacy*, chaps 2-3; idem, 'A papal legation and its aftermath: Cardinal John of Abbeville in Spain and Portugal, 1228-1229': *Studi Ennio Cortese* (forthcoming).

[64] Alia Alexandri⁹¹ est quod executores crucis habeant liberam facultatem recipiendi ab executoribus testamentorum sponte ad id negocium dare uolentibus, indistinte personis aliquibus non expressis, legata seu relicta.

Igitur nos supradictus archiepiscopus et crucis negocii executor uobis fratri Guterrio, de quo plene confidimus, omnia predicta plenarie in regno Portugalie in uirtute obediencie comittimus exequenda et uni ex fratribus uestri ordinis in singulis conuentibus predicti regni quos magis uideritis ad hoc aptos quibus eidem uices ducimus comittendas. Et ne de comisione huiusmodi alicui dubitationis scrupulus oriatur presentem cartam sigillo nostro fecimus sigillari. Commissio ista post annum non ualeat. Dat. apud Pacam, tercio kal. martii anno domini M.CC.LXXnono.

Nos uero precibus supradicti fratris Guterrii inclinati in testimonium premissorum presentes litteras fecimus nostri sigilli munimine communiri. Dat. Ulixbone, kal. aprilis, Era M.CCC.XVIII.

91. As n. 68.