

correct—that is, that the day of the week and month corresponded accurately to those given by calculation in Wüstenfeld's tables, where the week day is set against each month day. In twenty-two other cases the month day was one day behind: *e.g.* Friday, 23 Rabi I. 583, ought to have been the 24th, according to Wüstenfeld, showing that the new moon had been observed one day late, or at any rate that the month was reckoned a day late. This occurred consistently in batches of three or four dates in the same month, as might be expected. In two cases only was the day of the month one day 'fast,' or too early; four were two or three days out. Considering that the records were made in the camp during campaigns, and allowing for mistakes of copyists, the average accuracy of Bahâ-ed-din is, I think, remarkable. Nevertheless it is always a satisfaction to be able to confirm his month days by the much more trustworthy week days, which are not only free from error of calculation, or observation of the moon, but are also more likely to be accurately retained in the memory.

The error due to the Mohammadan day beginning on the evening before the European day given in Wüstenfeld seldom causes any trouble; but when we read of night marches or of cities assaulted after sundown, we must be on our guard.

STANLEY LANE-POOLE.

DECREES OF THE GENERAL CHAPTERS OF THE FRIARS MINOR,
1260 TO 1282.

In an article entitled 'Die ältesten Redactionen der Generalconstitutionen des Franziskanerordens,' in the *Archiv für Literatur- und Kirchengeschichte des Mittelalters*, vol. vi., Father Ehrle, besides publishing the general constitutions as issued in the general chapters of Narbonne (1260) and Paris (1292), drew attention to the extreme rarity of any authentic records of the decrees of the general chapters of the Franciscan order in the thirteenth century, and printed from a variety of sources such notices and records as he could find. I am able to make a few additions to these records from a manuscript formerly in the Philipps collection and now in my possession. This manuscript is a quarto volume numbered 'Philipps MS. 207,' written on vellum, containing forty-six leaves, and dating from the end of the thirteenth century. It clearly belonged to some house in the province of France, but the name has been obliterated. The contents are:—

(1) ff. 1-36 a, 'Constitutiones generales Fratrum Minorum.—as issued in the chapter of 1292.

(2) ff. 36 b-43 b, 'Diffinitiones facte in capitulis generalibus.'

(8) ff. 44-46,¹ 'Constitutiones provinciales ad certos titulos redacte' (relating to the province of France).

In the present paper I shall deal only with the second of these articles—the decrees of the general chapters. The chapters of which record is preserved in this manuscript are those of Narbonne (1260), Pisa (1263), Paris (1266), Assisi (1269), Lyons (1274), Padua (1277), Assisi (1279), and Strassburg (1282), the chapter of Pisa in 1272 being omitted. The resolutions of these chapters as given in the Philipps MS. are printed in full below whenever they differ essentially from the versions given by Ehrle, or whenever Ehrle had to rely on secondhand authorities. In cases where the Philipps MS. is in essential agreement with Ehrle's versions taken from firsthand sources, I merely note the chief discrepancies, additions, and omissions of the manuscript. The omissions are unfortunately of more importance than the additions, and seem to suggest that the house for which Philipps MS. 207 was written was not much interested in the lives and works of friars studying at the universities or elsewhere. Whenever the decrees of these chapters appear incorporated in the general constitutions, a reference is given to the rubric (or chapter) of the constitutions and to the page in the *Archiv für Literatur- und Kirchengeschichte* (here cited as 'Archiv') where they will be found.

(fol. 36 b).—*Diffinitiones capituli Narbonensis.*

These are mainly the same as in Archiv, pp. 38-5, except that *studcant ministri to ordinis approbatam* (p. 38, ll. 10-12) and *capitulum generale punit to gravius punientur* (p. 34, l. 35-p. 35, l. 3) are omitted; *minutis* is inserted before *hospitibus*, p. 34, l. 2; the decree against collections at the sermons of friars (p. 34, l. 10) runs 'Collectiones pecuniarum pro fratribus in predicationibus fratrum fieri nullatenus permittantur;' and instead of 'excepto uno pro conventu' (p. 34, l. 15), the manuscript reads 'excepto uno pro communione ubi opus fuerit.'

After *clementer* (p. 35, l. 18), the manuscript (fol. 38) adds: Pro sancto Ylarione et pro sancta Cristina virgine et martyre fiat officium ix lectionum. Item indicit generalis omnibus custodibus et gardianis quod faciant scribi in missalibus orationem sancti Ambrosii, sc. Summe sacerdos. Pro domino cardinali nostro omni anno a quolibet sacerdote dicatur una missa.

(fol. 38).—*Hec sunt diffinitiones facte in capitulo Pisano.*

Ordinationes officii servantur diligenter, et pro loco et tempore fratribus recitentur.

Item diffinitum est quod quicquid potest gardianus potest minister et custos.²

Ordinationes generales de officio chori que incipiunt Ad omnes horas canonicas etc., uniformiter et generaliter ab omnibus observentur.

¹ Numbered in the manuscript 46-48, for two leaves, containing the first four chapters or titles of provincial constitutions, are now missing.

² Rubric ix. Archiv, p. 127, n. 1.

Diffinitiones facte in capitulo Parisiensi.

Diffinimus quod ministri dicant fratribus omnibus ut in testamentis et aliis conciliis recommendata habeant domum Parisiensem³ cum ibi fratres adiscant unde alii fratres per totum mundum erudiuntur.

Item diffinit generale capitulum quod nullus frater sigillum habeat nisi de ministri licentia speciali, qui ministri nulli concedant nisi cui hoc congruit ratione communis officii vel auctoritatis. Et nullius nisi de cera communi (*fol. 98 b.*) littere sigillentur.⁴

Item in terminis provinciarum non capiantur nova loca nisi de conscientia generalis.⁵

Nullus minister licentiet apostatas nisi ad loca ubi viget observantia regularis.⁶

Item diffinit quod in singulis conventibus datarium habeatur, et ante pretiosa secundum ordinarium legatur, que pretiosa immediate legatur post primam, etiam si missam tunc contigerit celebrari.

Item in vigilia nativitatis Domini cum pronuncietur in datario *Jesus Christus in Bethleem nascitur*, et in passionibus domini cum legitur, *et inclinato capite emisit spiritum* et simile, omnes ad terram prosternant se propter tanti beneficii memoriam et summam dignationem Domini nostri Iesu Christi.

Item volumus quod ministri dicant vel dici faciant sacerdotibus quod in *memento* ubi agitur memoria pro vivis in canone et etiam pro mortuis, post memoriam spiritualium personarum sic concludant in sua cogitatione, 'et omnibus recommendatorum ministro generali et capitulo generali.'

Item precipit generale capitulum per obedientiam, quod omnes legende de beato Francisco olim facte deleantur, et ubi extra ordinem inveniri poterunt ipsas fratres studeant amovere, cum illa legenda que facta est per generalem ministrum fuerit (*fol. 39*) compilata prout ipse habuit ab ore eorum qui cum beato Francisco quasi semper fuerint et cuncta certitudinaliter sciverint, et probata ibi sint posita diligenter.

Hec [sic] sunt diffinitiones facte in capitulo Assisiensi.

Ordinamus ob reverentiam gloriose virginis ut in quolibet sabbato ad ipsius honorem dicatur sollempniter missa, quando fieri poterit bono modo.

Ad cuius etiam honorem fratres predicent populo quod quando auditur campana completorii ipsa beata virgo aliquotiens salutatur.

Item sollempniter fiat officium in honore sanctorum in quorum vocabulis constructe sunt ecclesie fratrum, ita tamen quod iteratio antiphonarum non fiat, nec officium virginis nec commemorationes solite nec preces in prima et completorio aliquatenus omittantur.

Item fratres non dent sacram communionem alicui in die Paschatis nisi de licentia superiorum vel parochialium sacerdotum, nec etiam in extremis, nec excludant parochiales sacerdotes cum ad eorum confessiones vocantur qui sunt in extremis vel in articulo mortis constituti.⁷

³ Rubric iii. *Archiv*, p. 92, n. 6.⁵ Cf. Rubric v. *Archiv*, p. 102, n. 6.⁷ Rubric vi. *Archiv*, p. 106, n. 4.⁴ Rubric vii. *Archiv*, p. 113, n. 4.⁶ Rubric vii. *Archiv*, p. 117, n. 2.

Item nulli fratres vasis stagnis utantur in mensis neque pro se neque pro aliis aut vitreis cyatis in conventu.⁸

Item inhibemus quod heremite non recipiantur ad ordinem nostrum nec aliqui de aliquo ordine mendicantium.⁹

(fol. 39 b).—*Responsiones ad consultationes factas in capitulo Assisio celebrato.*

Si quis frater per duas vias, utpote per confessionem et per alium modum, excessum alicuius noverit, requisitus a superiore dicat veritatem; quia hoc nullo modo sigillo confessionis preiudicat, quin potius si taceret inobedientie crimen incurreret. Et si quis contrarium dixerit huiusmodi vel asseruerit et correctus revocare noluerit ab omni actu legitimo privetur.¹⁰

Si quis autem ausus fuerit affirmare quod quilibet sacerdos possit absolvere a peccato super quod non habent commissam auctoritatem [sic] et maxime de illis quinque quorum absolutio secundum generalem constitutionem et specialem determinationem certis personis committitur, tanquam errans et subversor nostri ordinis pena puniatur consimili et ipsius pertinacia.¹¹ capitulo denuntiatur generali.¹²

Item si aliquis frater visitetur a ministro vel custode testimonia plurium personarum singularum super eodem genere criminis sufficientia fore decernimus.¹³

Si quod provinciale capitulum statuerit aliquid quod sit repugnans statutis generalis capituli, cassamus ex nunc tanquam irritum et inane,¹⁴ et maxime illud de non publicandis vocibus in electionibus ministrorum et aliis electionibus quibuscunque, et de non eligendis discretis ad provinciale capitulum (fol. 40) transmittendis [sic] et de tempore diffinitionum servetur constitutio tantum generalis.

Item nullus frater simul fungatur officio custodis et lectoris nisi manifesta necessitas hoc requirat.¹⁵

Item volumus quod nullus frater detineatur in officio fratrum vel ab eo removeatur propter principum vel aliorum petitiones nisi propter causas alias instituendus sit in officio vel amovendus.¹⁶

Item visitator in capitulo provinciali post diffinitionum electionem uno dumtaxat die in corrigendis personarum excessibus suum officium exequatur.

Item nullus frater pro predicationis officio ad provinciale capitulum mittatur, nisi de ministri consilio et assensu.¹⁷

Adhuc ad extirpationem malorum in nostro ordine pululantium ne succrescant, iniungimus visitatoribus universis ut si quas inveniant provincias viciosas in congregatione bladi ad victum vel in sumptuositate edificiorum et vestium, vel in esu carnum vel curiositate picturarum, vel in equitationibus vel et currisationibus vel relaxationibus regularis discipline vel generalium statutorum, tam ministros quam provincias teneantur accusare capitulo generali.¹⁸

⁸ Rubric iv. *Archiv*, p. 98, n. 4.

⁹ Rubric v. *Archiv*, p. 100, n. 11.

¹⁰ Rubric vii. *Archiv*, p. 112, n. 4.

¹¹ Rubric viii. *Archiv*, p. 123, n. 2.

¹² Rubric ix. *Archiv*, p. 127, n. 1.

¹³ Rubric vii. *Archiv*, p. 115, n. 3.

¹⁴ Rubric viii. p. 122, n. 4.

⁵ Rubric i. *Archiv*, p. 88, n. 5.

¹¹ 'pervicacia' in another hand in margin.

¹⁴ Rubric vii. *Archiv*, p. 118, n. 6.

¹⁷ Rubric x. *Archiv*, p. 129, n. 1.

Hec sunt diffinitiones facte in capitulo Lugdunensi.

[These are identical with the decrees printed by Ehrle in 'Archiv,' i. pp. 43-5, from a manuscript without superscription, but rightly assigned by him to the chapter at Lyons in 1274.]

(fol. 41 b).—*Expliciunt distinctiones capituli Lugdunensis. Iste sunt responsiones ad consultationes dicti capituli.*

Vicarius ministri . . . peccantes punire, as in 'Archiv,' i. p. 45.

Item visitatores non possint absolvere custodes vel gardianos, nec ad monasteria ire, nisi habuerint licentiam specialem.¹⁹

Item festum beati Bernardi fit immediate post octavam (fol. 42) assumptionis beate virginis nisi dominica impediat. Et nomen sancte Clare in sabbato sancto et in aliis letaniis ponatur, et eius legenda publicata in generali capitulo a locis singulis habeatur.

Distinctiones capituli Paduani.

Mandat capitulum generale ministris et capitulis provincialibus quod sine licentia capituli generalis non consentiant in construendum aliquod monasterium novum pauperum dominarum.

Item ordinat capitulum generale quod singulis annis pro hospitibus qui fratres in itinere recipiunt infra octavam beati Francisci ad honorem ipsius sancti approprietur una missa conventualis et una privata a quolibet sacerdote, et a quolibet clerico quinquaginta psalmi, et a quolibet laico centies pater noster.²⁰

Item mandat capitulum generale quod boni carceres fortes et multiplices habeantur et humani.

Item placet capitulo generali quod serviat[ur] dominabus sancti Damiani modo consueto ex mandato domini pape usque ad sequens capitulum generale.

Iniungitur omnibus ministris ut litteram reverendi patris generalis ministri missam ministris in capitulo Paduano, qui sic incipit, 'Venerabilibus et in Christo dilectis,' etc. cum omni diligentia executioni studeant demandare: cuius tenor est quod inquirant de operibus beati Francisci et aliorum sanctorum (fol. 42 b) fratrum aliqua memoria digna, prout in suis provinciis contigerit, eidem generali sub certis verbis et testimoniis rescribenda.

Item ordinat generale capitulum ut post commemorationem beati patris nostri sancti Francisci in matutinis et vespers fiat commemoratio beati Antonii per ordinem universum.

Item vult generale capitulum quod accusationes et petitiones et statum provinciarum insinuationes non simul in una littera sed singula sigillatim in singulis litteris ad maiorem expeditionem generali capitulo destinentur et forma communis scribendi, prout ordinavit alias capitulum generale generaliter ab omnibus observetur.²¹

Diffinitiones capituli Assisi celebrati.

Nomen sanote Elizabeth ponatur in letania breviarii.

Item dicatur a ministris in suis provinciis quod in litteris mittendis ad capitulum generale de statu provincie non ponatur ministri nomen provincialis.²²

¹⁹ Rubric viii. *Archiv*, p. 121, n. 6.

²⁰ Rubric x. *Archiv*, p. 133, n. 5.

²¹ Rubric xii. *Archiv*, p. 138, n. 2.

²² *Ibid.*

The manuscript contains the next two paragraphs printed by Ehrle ('Archiv,' p. 49) from the Borghese Cod. 88, but omits all the rest.

(fol. 48).—*Diffinitiones capituli Argentine celebrati.*

The version in this manuscript agrees with that printed by Ehrle from the Borghese Codex ('Archiv,' pp. 50-1), down to *privilegium est concessum*, with a few verbal differences; then occurs the following paragraph, which is the last decree of the general chapters contained in the manuscript.

Item propter periculum evitandum calix non elevetur supra quod dicit ordinatio, nec sacerdos celebrans genua flectat quando elevat corpus Christi.

A. G. LITTLE.

'MEMBER OF PARLIAMENT.'

I AM able to produce evidence of a very early use of the term 'member of parliament,' not in the restricted sense of member of the house of commons, but in its larger sense of member of either house; and the quotation which I am about to make has a further interest in connexion with a forgotten parliamentary usage. In the year 1542, when the policy of giving English titles to Irish chieftains had just been commenced, Henry VIII wrote to the deputy and council of Ireland in connexion with the case of O'Brien, who was created earl of Thomond—

But you must remember that the heir of the earl of Thomond from henceforth must abide his time to be admitted as a member of our parliament till his father or parent shall be deceased, and to be only a hearer, standing barehead at the bar beside the Cloth of Estate, as the young lords do here in our realm of England.¹

The heirs of peers, of course, were only commoners, whatever titles of courtesy they held; and it is a very curious question how and under what circumstances commoners were admitted to hear debates in the house of lords. I believe members of the house of commons could always do so. Evidently at first they were expected to do so in a body, and as late as the reign of Edward VI it would seem that they frequented the house of lords in considerable numbers. Thus Peter Martyr writes to Bucer on 26 Dec. 1548 ('Zürich Letters,' p. 469, Parker Society), in reference to the religious questions then before parliament—

Those who are in the lower house, as it is called—that is, men of inferior rank—go up every day into the higher court of parliament, not, indeed, for the purpose of voting (for that they do in the lower house), but only that they may be able to hear these sharp and fervent disputations.

JAMES GARDNER.

¹ *State Papers*, iii. 895.