

THE CAPPELLA OF BIRKIRKARA: 1402

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After 1378 the Roman Church was divided by the schism between two papal obediences, the Roman and the Avignonese, and in the Kingdom of Sicily this complication was further confused by the political situation resulting both from internal quarrels and from Aragonese intervention in that island. (1) Such difficulties increased the opportunities available to those in search of benefices, since there were more popes and bishops who could confer appointments. Competing popes were encouraged to augment their incomes by making provisions, because those to whom they granted benefices had to make payments to the papal *camera*. Popes could take advantage of legal clauses and constitutions which gave them rights to interfere in appointments according to considerations which were carefully set out in their lengthy bulls of provision.

On 13 November 1402 the Roman pope, Boniface IX, instructed the Dean of Negroponte and Petrus de Vetulo, a Canon of Malta, to install the *presbiter* Bernardus de Janer as *decanus* or Dean of the Maltese Chapter. The previous Dean, Simone de Sciacca, was dead but that was not the reason given for the vacancy. Instead it was decreed that Simone had held his Deanship with a Maltese *cappella*, a benefice with cure of souls; that although he had been canonically collated or appointed to the *cappella* — which suggests that he held it before he became Dean — and had held the *cappella* and its incomes for a number of years without challenge, it was technically uncanonical, according to Pope John XXII's bull *Execrabilis*, to hold simultaneously, and without any special dispensation, two benefices one or both of which was with care of souls; and Simone's position as Dean had therefore been illegal, a point it was important to establish since it gave the Pope, rather than the Bishop or the Chapter, the right to fill the vacancy. (2) In nominating Bernardus de Janer, Boniface IX also dispensed him from the prohibitions which would

1. S. Fodale, *Scisma Ecclesiastico e Potere Regio in Sicilia, i: Il Duca di Montblanc e l'Episcopato tra Roma e Avignone, 1392-1396* (Palermo, 1979), 63-65, 91-92 *et passim*, gives various details concerning Malta; see also S. Fodale, "Le Parrocchie in Sicilia: il Cumulo di Benefici curati nella Diocesi di Siracusa tra la fine del XIV e l'inizio del XV secolo," in *Pievi e Parrocchie in Italia nel Basso Medioevo: secoli XIII-XV* (Rome, forthcoming). Technically nominations to offices in the Maltese church, including that of Dean, belonged to the Sicilian crown, though in 1396 both the Roman and Avignonese popes claimed jurisdiction: texts in Fodale (1979), 214-216, 220-221.
2. Text in *Corpus Juris Canonici*, pars ii, ed. E. Richter (2nd ed: Leipzig, 1879), 1207-1209. The language of the bull published here should not be regarded as proof that the Dean of Malta's benefice was an office with *cura animarum*.

otherwise have resulted from his illegitimate birth, perhaps because Bernardus had become a priest without such a dispensation or maybe because he wished to reinforce the legality of his position. Bernardus certainly became Dean; he resided on Malta where in 1421 he was one of two *vicarii* of the *maior ecclesia*, and he was still Dean when he made his will on 4 January 1442. (3)

Boniface's bull, grammatically somewhat obscure, illustrates one way in which Sicilian clerics could secure leading positions in the Maltese Church, and it also provides the earliest known reference to a Maltese *cappella* with cure of souls, that is to a Maltese parish. Simone de Sciacca must have secured the *cappella* of Birkirkara some years before 1402. Birkirkara is documented as a *casale* in 1419/20 when it was a large village providing 89 men for militia service; its population may then have been around 500. (4) In the thirteenth century pastoral work, including the provision of the sacraments, had probably been centred on the Cathedral at Mdina, being conducted by the Canons or by other *cappellani* of the Cathedral who came, as the Christian population grew, to exercise the cure of souls outside Mdina in local centres or *cappelle* where they also enjoyed incomes; such *cappelle* were not necessarily situated in the larger villages but may, as at B. r Miftuh, have been placed in rural positions between several settlements which they served jointly. (5)

The bull of 1402 reflects some ambiguity as to whether the *cappella* of *Birkarkam*, evidently an error for Birkirkara, was dedicated to Elena or Maria. Apparently there was once a parish church of Sant'Elena at Tal-Gharghar some 1.5 km north-east of Birkirkara, where the apostolic visitation of 1575 recorded the *ecclesia ruralis* at Arar then rumoured to be a former parish church: *que alias dicitur fuisse parochialis ecclesia*. (6) The so-called episcopal

3. Texts in R. Valentini, "Gli ultimi Re Aragonesi ed i primi Castigliani in Malta," *Archivio Storico di Malta*, viii (1936/7), 84-85; G. Wettinger, "Artistic Patronage in Malta: 1418-1538," in *Hal Millieri: A Maltese Casale, its Churches and Paintings*, ed. A. Luttrell (Malta, 1976), 117 n. 31. Janer's name suggests a possible Catalan origin.
4. G. Wettinger, "The Militia List of 1419-20," *Malta Historica*, v no. 2 (1969), 82, 92-93.
5. A. Luttrell, "Le Origini della Parrocchia a Malta," in *Pievi e Parrocchie in Italia...*
6. Valletta, Archiepiscopal Curia, *Visitatio Dusina* (Copy C), f. 155. This is the earliest reference to the church at Tal-Gharghar having been a parish church. The tower named Ta' Cieda at L'Imsierah stood in a field which was named after Sant'Elena and was traditionally associated with her cult. Excavations showed the tower to have been occupied in Imperial Roman times, to have had a Roman cistern and to have had within it "a great number of Saracenic burials, some outlined in stones": *Report on the Working of the Museum Department for the Year 1960* (Malta, 1962), 6 and Fig. 3. It seems unlikely that a Christian church would have been built directly on a Muslim cemetery but the church may well have been close to the remains of the tower.

"rollo" of 1436 listed *La Capella di Birkarkara cum terris suis* which was then held by Don'us Mattheus Galia, probably a Cathedral Canon, and was worth 20 *uncie*. (7) As late as 1544 the parish church of Birkirkara was still being described ambiguously as dedicated to Santa Maria or Sant'Elena. (8) The centre of the parish seems to have been moved at some point before 1402 from the outlying Sant'Elena at Tal-Gharghar to Santa Maria in populous Birkirkara, (9) with the Birkirkara church retaining its dedication but the parish continuing to regard Sant'Elena as its patron saint. (10) Presumably, therefore, the dedication to Santa Maria had been established some time before 1402. This new parish church was apparently the church at Mrieħel which had a curved apse (11) and which was therefore probably medieval; it too presumably dated before 1402.

A parish system involving a *cappella* with care of souls was clearly functioning in Malta in the second half of the fourteenth century. By 1402 at the latest the centre of one *cappella* had, apparently, already been transferred from the church of Sant'Elena at Tal-Gharghar to the village of Birkirkara where a church dedicated to Santa Maria had already been constructed.

Archivio Vaticano, Reg. Lat. 107, f. 71v-72v (12)

Bonifacius etc. Dilectis filiis decano N.groponten[sis] et Cantori ac Petro de Vetulo Canonico Meleuitane ecclesiarum Salutem etc. Vite ac morum honestas aliaque laudabilia probitatis et uirtutum merita super quibus apud nos dilectus filius Bernardus Janer Canonicus ecclesie Meleuitane fidedigno commendatur testimonio nos inducunt ut sibi reddamur ad gratiam liberales Cum itaque sicut accepimus decanatus dicte ecclesie exeo uacauerit et uacet ad presens quod

7. Copy in Valletta, National Library of Malta, Ms. Biblioteca 255, f. 224-226v.
8. *parrochialj ecclesia sancte Marie seu Helene de Birch[ir]kara*: Valletta, Notarial Archives, Reg. R. 376/9 (Notary Giuliano Muscat), f. 710v-711v; reference kindly provided by Dr. Godfrey Wettinger.
9. M. Buhagiar, "Medieval Churches in Malta," in *Medieval Malta: Studies on Malta before the Knights*, ed. A. Luttrell (London, 1975), 172, anticipates such an interpretation which the bull of 1402 tends to confirm.
10. In the seventeenth and eighteenth centuries Sant'Elena remained the parish patron while the church at Gharghar was considered to have been the original parish church: G. Bugeja, *Storia Critica sulla Vita di Elena Imperatrice* (Malta, 1875), 82-88, and E.B. Vella, *Storja ta' Birkirkara bil-Kollegġjata Tagħna* (Malta, 1934), 36-38, 47-49 *et passim*.
11. V. Borg, "Tagħrif Ġdid dwar il-Bini tal-Knisja l-Qadima ta' Birkirkara", in *Birkirkara tqim lill-Patrona tagħha Sant'Elena* 1976 (Malta, 1976). Mgr. Vincent Borg most kindly provided considerable help and advice.
12. Proper names are capitalized but no corrections or modernizations are introduced.

quondam Symon de Sacka olim eiusdem ecclesie decanus, decanatum ipsum tunc obtinens Capellam sancte Helene alias sancte Marie de Birkarkam meleuitane diocesis que curata existit tunc uacantem canonice sibi collatam pacifice assecutus illam vnacum decanatu prefato post et contra Constitutionem pie memorie Johannis pape xxij predecessoris nostri que incipit execrabilis nulla super hoc canonica dispensatione obtenta pluribus annis detinu[i]t fructus percipiens ex eisdem Nos attendentes quod si est ita nullus preter Romanum pontificem hac uice decanatu predicto disponere potuit siue potest pro eo quod idem predecessor omnes dignitates personatus et officia ceteraque beneficia ecclesiastica cum cura et sine cura per Constitutionem huiusmodi uacatura collationi et dispositioni sue et sedis apostolice reseruans decreuit ex tunc irritum et inane si secus super hijs aquoquam quauis auctoritate scienter uel ignoranter contingerit attemptari, ac uolentes dicto Bernardo qui presbiter est et cum quo alias ut non obstante defectu natalium quem patitur de clerico in minoribus dumtaxat ordinibus constituto genitus et soluta ad eos etiam sacros ordines promoueri et duo beneficia ecclesiastica etiam si alterum ipsorum curatum foret recipere et retinere posset fuit auctoritate apostolica dispensatum Postquamquidem dispensationem prefatus Bernardus ad huiusmodi ordines rite promotus in Canonicam dicte ecclesie canonice receptus fuit premissorum intuitu gratiam facere specialem discretioni uestre per apostolica scripta mandamus quatenus uos uel duo aut vnus vestrum per uos uel alium seu alios decanatum predictum qui dignitas non tamen maior post pontificalem in dicta ecclesia existit et cuius fructus redditus et prouentus Septuaginta florenorum auri secundum comunem extimationem ualorem annum ut ipse Bernardus asserit non excedunt si ut premittitur uacat etiam si tanto tempore uacauerit quod eius collatio iuxta Lateranensis statuta Concilij ad sedem predictam legitime deuoluta uel etiam si decanatus ipse dispositioni apostolice specialiter reseruatus existant et curam habeat animarum et ad eum consueuerit quis per electionem assumi dummodo tempore dat[um] presencium non sit in eo alicui specialiter ius quesitum cum omnibus iuribus et pertinencijs suis prefato Bernardo auctoritate nostra conferre et assignare curetis Inducentes eum uel procuratorem suum eius nomine in corporalem possessionem decanatus iuriumque et pertinentiarum predictorum et defendentes inductum amoto exinde quolibet illicito detentore ac facientes eundem Bernardum uel dictum procuratorem pro eo ad dictum decanatum ut est moris admitti sibi que de ipsius decanatus fructibus redditibus prouentibus iuribus et obuentionibus vniuersis integre responderi Contradictores auctoritate nostra etc. Non obstantibus tam felicis recordationis Bonifatij pape viij etiam predecessoris nostri quam alijs constitutionibus apostolicis necnon statutis et consuetudinibus ipsius ecclesie contrarijs iuramento confirmatione apostolica uel quacumque firmitate alia roboratis Seu si aliqui super prouisionibus sibi faciendis de dignitatibus personatibus uel officijs ipsius ecclesie speciales uel alijs beneficijs ecclesiasticis in illis partibus generales

dicte sedis uel legatorum eius litteras impetrarint etiam si per eas ad inhibitionem reservationem et decretum uel alias quomodolibet sit processum quibus omnibus predictum Bernardum in assecutione dicti decanatus uolumus anteferri sed nullum per hoc eis quo ad assecutionem dignitatum personatum uel officiorum aut beneficiorum aliorum preiudicium generari Aut si venerabili fratri nostro Episcopo et dilectis filijs Capitulo Meleuitanis uel quibusuis alijs comuniter uel diuisim ab eadem sancte sede indultum quod ad receptionem uel prouisionem alicuius minime teneantur et ad id compelli aut quod interdici suspendi uel excommunicari non possint quodque de dignitatibus personatibus uel officijs ipsius ecclesie aut alijs beneficijs ecclesiasticis ad eorum collationem prouisionem presentationem electionem seu quamuis aliam dispositionem coniunctim uel separatim spectantibus nulli ualeat prouideri per litteras apostolicas non facientes plenam et expressam ac de uerbo ad uerbum de indulto huiusmodi mentionem et qualibet alia dicte sedis indulgentia generali uel speciali cuiuscumque tenoris existat per quam presentibus non expressam uel totaliter non insertam effectus huiusmodi gratie impediri ualeat quomodolibet uel differri et de qua cuiusque toto tenore habenda sit in nostris litteris mentio specialis Seu si dictus Bernardus presens non fuerit ad prestandum de obseruandis statutis et consuetudinibus ipsius ecclesie ratione dicti decanatus solitum iuramentum dummodo in absentia sua per procuratorem ydoneum et cum ad ecclesiam ipsam accesserit corporaliter illud prestet Aut quod idem Bernardus Canonicatum predictum cuius fructus redditus et prouentus Trium florenorum auri secundum estimationem predictam ualorem annum non excedunt canonice noscitur obtinere Nos enim cum dicto Bernardo ut decanatum predictum si ei presentium uigore conferatur recipere et retinere libere et licite ualeat defectu predicto ac Pictauensis Concilij necnon quibuscumque alijs constitutionibus apostolicis ac statutis et consuetudinibus supradictis contrarijs nequaquam obstantibus auctoritate apostolica tenore presentium de uberioris dono gratie dispensamus Et insuper prout est irritum decernimus et inane si secus super hijs aquoquam quauis auctoritate scienter uel ignoranter attemptatum forsitan est hactenus uel imposterum contigerit attemptari datum Rome apud Sanctum Petrum Idus Nouembris Anno Quartodecimo. *Jac. xxviiij de Eberam'*