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[p.69] The Reverenda Fabbrica di San Pietro dell'Urbe in Malta.

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Its early beginnings (1626-1634)

Many scholars and students showed great interest in the historical development of the islands of Malta and Gozo during the 16th and the 17th centuries; research has been made on events which still bear their weight on the present political and economical or religious and social situation of our nation.

The cultural, civic and religious development during the 17th century has been studied in a special manner; a very interesting subject had been dealt with under different aspects: the existence of Four Tribunals at one time in our country. The fourth one is generally mentioned only and accepted as a historical event of some importance: the Tribunal of the *Reverenda Fabbrica di San Pietro dell'Urbe* in Malta. Its archives, documents and historical development itself were as if absorbed by the Inquisition, which really in 1655, by order of Alexander VII, formerly Apostolic Delegate and Inquisitor in Malta as Fabio Chigi, Bishop of Nardo, took over all the proceedings of the former tribunal; this, however, maintained its chancellery separately and the Inquisitor became the High Judge and Commissioner at the same time.

The building of the Basilica of St Peter in the Vatican is essentially linked with the creation, erection and development of this Tribunal, since this has been a part of the whole structure of the Holy Roman Congregation of the Reverenda Fabrica. This Congregation had branches and juridical tribunals as in Malta, so in all the papal states all over Europe.

Peter, the bishop of Rome and the Head of all the churches, suffered martyrdom in the Circus of Gaius and Nero under Nero himself. He was buried outside the circus, to the northern part of it, on the slope of the Vatican Hill. His tomb became immediately a centre of pilgrimages and a sacred place of great devotion. Constantine wanted to honour the Apostle's tomb and soon after his Edict of Milan, he decided to build a basilica *ad corpus*.

The large Roman cemetery, though still in use, had to be obliterated and dumped; roofs of mausolea were cut off to bring to a level the steep slope of the hill and the Basilica, after thirty years, stood to guard and treasure the 'trophy of St Peter.' As the centuries passed by, the appearance of this old basilica became transformed by the addition of a large number of votive side chapels and a hundred altars. For a whole span of 1200 years, the same basilica had to withstand the numerous attacks from Barbarians, Saracens, Imperial forces and even from factions among the nobility. These pillages made its building [p.70] unsafe and its foundations even shifting, the walls leaning far out of the perpendicular. The prolonged sojourn of the popes in Avignon caused a neglected look to the basilica for a whole century.

The possibility of the restoration of the old Basilica was first examined by Nicholas V (1447-1455); he asked his architect Bernardo Rossellino to draft a plan of a new church which would not contain a radical rethinking of the original basilica. In 1452, Rossellino began the construction of a new apse next to the old one; this part, usually called *il coro* had been hardly completed when the Pope died and the whole plan was shelved.

Paul II attempted the hard task again and commissioned Giuliano de Sangallo in 1470; the project was never realised.

Only under Julius II delle Rovere, dubbed 'the dreadful old man,' the idea of the new basilica was taken up seriously; he wanted a modern, spacious, elegant church, one which

would surpass all the buildings of antiquity in size, beauty, magnificence and harmony to keep up with the spirit of the Renaissance; he wanted a monumental church which might hold his superb sepulchral monument and would immortalise his beliefs and his name. The building had to be a fit pilgrimage centre for all the world and the scene of papal ceremonies. Immediately after his election to the throne of Peter, he took the terribly drastic decision to demolish completely the Basilica of Constantine and to replace it by a new one fit for the splendour of the solemn cult which would express the humanistic spirit of his family and of the Holy See.¹

The dream of Julius II was to be inherited, but it took more than one hundred years to be completed. Meanwhile architects succeeded each other in planning, demolishing and replanning the huge project; Bramante, commissioned by Julius II, died when his four main pilasters were hardly finished; a triumvirate formed by Sangallo, Raffaello and Fra Giocondo lived for few years; Michelangelo came in to demolish great part of the works accomplished during the span of eight years under the direction of Sangallo, to realise his magnificent project crowned by his dome. By January 1549 he had already finished to mould the great cornice above the main arches but he died in a very old age when only the drum of the dome had been completed. Dalla Porta brought the dome to completion and the solemn *Te Deum* was intoned on the 14th of May 1590 while the last stone was being placed in the *circulo testitudinem [p.71] claudente*.² The lantern was ready after three years to bear on its top the heavy metal *palla* and to be surmounted by the gilt cross in the year 1606.³

However, the church was not yet finished: Paul V judged Michelangelo's design too small for a counter-reformation church. Moreover, the whole floor area of the old Basilica, being consecrated, had to be covered with new building. Even the idea of having the form of a Latin cross instead of a Greek one for the principal church of the Roman rite, prevailed in the mind of the Pope. So Carlo Maderno was given the task of making the church at least 60 metres longer than the original design. The remaining part of the old basilica was ruthlessly destroyed while the Romans could not but say that the last sacrifice was being offered in the old basilica. Maderno added also a large portico and the facade on which Paul V had his name inscribed. Urban VIII and Alexander VII commissioned respectively Bernini to embellish the interior, to realise the bronze *gloria* and to construct the immense elliptical piazza.

A chronological history of the building of the new St. Peter's, spread over a span of one hundred and seventy years, leads one to realise that the great enterprise undertaken by Julius II created great financial difficulties in the administration and in the running of the building project. This increased with the continuous changes of architects and the projects proposed by each one of them: demolition and reconstruction meant more salaries and more expenditure for the building material.

Julius II himself could not but foresee these financial difficulties and tried vaguely to offer a solution by creating a body of administration; still Leo X, a humanist of the Medici family, enthusiastic for fine arts and sports, did not hesitate to continue to squander money on

¹ *Risoluto il Papa di dar principio alla grandissima e terribilissima fabbrica di San Pietro, ne fece rovinare la metà e postovi mano con animo che di bellezza arte invenzione ed ordine, così di grandezza come di ricchezza ed ornamento, avesse a passare tutte le fabbriche che erano state fatte in quella città della potenza di quella republica e dall' arte et ingegno di tanti valorosi maestri.* (Vasari, *Mil. Vie*, IV, p. 345).

² *Die XV julii 1588, hora 16, inceptus fuit maximus tholus vaticanus iussu et impensa Sixti V Eodem et anno et mense, hora 19, die 30, fabricatores inceperunt trahere primum lapidem. Eodem anno, die 17 octobris, hora 24, perfecerunt ponere lapidem et vertere mense decembris die 22, 1588.* (Grimaldi).

³ The *palla* weighing 5,493 libbre, and the cross weighing 850 libbre.

the embellishments of the Apostolic Palace instead of organising the building project of the Basilica. Disorder and hurry outlined the whole enterprise of the new basilica and *expensarum nulla ratio reperitur* said Casali when he renounced to compile a balance sheet in 1529.

It was Clement VII who borrowed the original idea from Julius II and Leo X⁴ and provided a definite system of organising, financing and overseeing the whole Fabrica. He instituted the Collegium LX Virorum.⁵ The persons who sat on this Collegium came from the Curia and were from different nationalities. The College was subject to no magistrate or judge but to the Pope himself, having the highest authority in judicial administration even [p.72] *sede vacante*.⁶

The Pope asked the Collegium to organise the crusade of the ‘Great Pardon of the Marvellous Fabrica of St Peter’s’; indulgences and privileges were granted to the faithful who freely and piously made offerings for the building of the Basilica. Forgiveness for faults committed, exchange of vows, dispensation on impediments and even merits⁷ to shorten the time of purgatory for themselves and for their dear ones were graciously given as a reward for the offerings of the faithful. Thus funds were raised for the Fabrica.

The Collegium appointed various *Commissarii* in the different states to promulgate this “Jublilee” of “Time of Forgiveness.” The Commissions had an other important duty to fulfill: they had to see and judge whether pious legacies were being fulfilled according to the will of the founders. Julius III gave further power to the Collegium i.e. to judge over donations made *inter vivos* as a pious legacy: the Rev. Fabrica drew the fifth part of the value thereon.⁸ Pius IV enforced the obligation given to all notaries and to all persons having the same possibilities to reveal acts, deeds and all other instruments referring to pious legacies and to open ‘closed wills’ after the period of one year from the death of the author and, to consign an authentic copy to the Commissioner of the place.⁹ He authorised the Commissioners to appropriate one fifth of the value of all unfulfilled legacies bequeathed to the ‘Santa Casa di Loreto.’¹⁰ The Collegium was empowered to fulfill in its favour all pious legacies which were not fulfilled within one year of the testator’s death. Still another Constitution in 1570 authorised the Collegium to see and judge on all alienation of Church property given without the authority of the Holy See.

The Chapter of the Vatican Basilica and the Collegium LX gave severe instructions against abuses and bad manners used by the different commissioners.¹¹ Though money was urgently needed, the Collegium showed dignity in its proceedings and assumed responsibility with honourable gestures.¹²

⁴ F.X. Wernz, *Jus Decretalium — Tom. II*, pp. 421, 422.

⁵ *Bull. Romaun VI*, Torino 1860, pp. 48-54.

⁶ *Etiam nobis et successoribus nostris Romanis Pontificibus a Romana Curia absentibus, ac etiam sede vacante* (Clement VII, *Const. Datum Admonente Nos* — 1 June 1525).

⁷ The text of the perdono was in Italian and read as follows:

Le limosine dei fedeli cristiani per finirla (la fabbrica) li sono molto necessarie per questo il dicco beatissimo Clemente VII acciò che tatti li cristiani più volentieri li porgano le mani sue..... gli ha concesso le infrascritte indulgenze et privilegi.

⁸ Jul. III, *Const. Accepimus Vos*, — 31st July 1551.

⁹ Pius IV, *Const. Etsi per diversos* — 18th Dec. 1562.

¹⁰ Pius V, *Const. Ad Romani Pontificis* — 10th March 1568.

¹¹ *Se vi ricordate ch’el tempio di S. Pietro si ha edificare et crescere con la carità et opere pie, e non con estorsioni e violenze et che al principale fin dell’opera è la salute dell’anime..... farete quello che è di vostro debito et a noi darete causa d’usar termini straordinari con voi.*

¹² E. Francia, *Storia delle Costruzione del Nuovo S. Pietro*.

[p.73] Still, Clement VIII found out that the Collegium was not fulfilling its high responsibility with satisfactory assurance and suppressed it. He substituted the Collegium by the newly created Holy Roman Congregation of the Rev.da Fabrica giving it the same prerogatives and privileges adding however the pastoral characteristic to be reflected in all its proceedings.¹³

The decree issued by the same Holy Congregation on the 18th March 1626 gave specifically the new terms of reference accorded to it by the Pope. Contributions — it was made clear — were still to be collected since they were badly needed for the maintenance of the basilica and for the new artistic works commissioned to Bernini; neglected pious legacies — bequeathed as far back as thirty years before — were to be scrupulously fulfilled in benefit of the founder's suffragating needs and as a substantial help to the Fabrica; notaries and all other persons, parish priests included, having the same possibilities, were still asked and urged *sub poena excommunicationis* to reveal everything that interested the Rev.da Fabrica; the Congregation was made responsible for the execution of the acts relative to concessions, privileges and indulgences given by the Holy See; civil, criminal and mixed court proceedings, yielding profits to the Fabrica, were to be seen and judged by it; declarations made by the Congregation and its Commissioners had the force of a law; the Congregation could reduce or even condone all pious legacies and the number of mass intentions; it could devolve according to the proper interests of the Fabrica all unfulfilled pious legacies, all legacies with uncertain or undetermined obligations, legacies expressively or tacitly not accepted and legacies which served for temporal or material matters, such as banquets, shows, etc.; it could apply wholly to itself legacies bequeathed to persons unable by canonical law and, finally, the Congregation could keep for its purpose emoluments derived from vacant benefices and those which during contestations could be devolved to the Fabrica by enforcing sentences; fines which the Lateran Council (V, 10th Session) imposed on publishers who did not previously obtain the *nihil obstat* of the Holy See were also applied to the same Congregation.

The juridical competence and structure of this Congregation went so far as to see and judge over cases in *prima istanza* — civil, criminal or mixed — when they interested the Congregation itself or any one of the persons assigned to it; it could avail itself of a lieutenant-judge to hear criminal cases; it availed itself of the rights of the Segnatura di Giustizia and consequently it could revise all 'bring up' cases of any other tribunal in Rome, even of the Sacra Romana Rota.^{13a}

The Holy Congregation of the Rev.da Fabrica, like the Collegium LX Virorum, appointed special delegates, as Commissarii, in the different provinces [p.74] of the papal states; these had to be *in sacris*, and qualified as Doctors *in utroque iure*. As soon as these deputati received the Patent letters which appointed them as Commissarii, they had first to report to the bishop of the particular district and to the respective Vicar General. Similarly they were to report to the highest civil authorities of the province, where they had the duty to reside and to erect the Tribunal. Their term of office lasted only for one year and usually it was reconfirmed on payment of a sum of money.¹⁴

Guidlines and Instructions

On the appointment of a person as a Commissioner Deputy and Judge General of the Sacred Congregation of the Rev. Fabrica of St. Peter's in Rome the following *ORDINI ET*

¹³ Benedict XIV, Const. *Quanta Curarum* — 1751.

^{13a} N. Del Re, *Studi Romani*, XVII, n. 3, p. 293.

¹⁴ F.M. Renazzi, *Compendio di teorica e di pratica*, p. 28.

STRUCTIONI were given to him to indicate his terms of reference and guide him in the whole of the proceedings:

1. Immediately on his arrival to the state or country, the Commissioner had to show his Letters Patent to the Resident Bishop or his Vicar General; he had to present his credentials also to the Governor or Public Magistrate and leave with copies of the documents concerned.
2. His first duty was to find out the Notaries, *attuarii*, archivists and chancellors and ask them to inform him of all the pious legacies contained in testaments and wills, codicilli, donations *causa mortis*, and in all the other dispositions *inter vivos* of which they were aware; the Commissioner was authorised to open 'secret testaments' after the death of the testators. To all those who revealed to him the authentic information, he had to pay 2½% of the amount encashed by the Rev. Fabrica in that particular case.
3. A notary was to be employed to keep all the acts of the 1st and 2nd *instantia*, all instruments concerned with the proceedings and to take notice of all cases being heard; he had to keep all sentences passed by the Tribunal and the relative condemnation or otherwise; on a separate book he had to note all the income and the payments effected.
4. No money was to be taken in hand, but an immediate delivery of the amount was to be made to the *Depositario* chosen by the Resident Bishop: this official had to make all the necessary transactions and pay the Commissioner the sum of 20% of all the amount entered; all the rest had to be deposited with the *Depositario* in Rome every three months with the least expences possible.
5. Every month a *NOTA* of all cases opened and of the money cashed down was to be sent to Rome.
6. Every three months a balance sheet was to be forwarded to the S. Congregation, and debts were to be paid without any excuse.
7. The least possible tax was to be collected which was according to that [p.75] paid in the spiritual and temporal courts.
8. No *composicione* could be made in all cases without the explicit permission of the S. Congregatione; the officials could not accept any donation; a penalty of loosing the office and of the payment of double the amount would be imposed.
9. They should not dare inflict any ecclesiastical punishment nor could they fix the relative 'advise' without first diligently seeing to all possible solutions.
10. No substitute commissioner could be elected without the approval of the S. Congregatione.
11. No sort of indulgence, dispensation or absolution could be given according to a former custom, after the decree of Pius IV in 1663.
12. Poor people and those who earn their living *proprio sudore* and all wretched persons could not be fined any tax.
13. No portion or amount of money which was attributed to the Rev. Fabrica by different legacies could be entered unless obligations were paid or agreed upon by churches or other sacred places according to the legacy.
14. The following rules were to be observed when taking into consideration and applying the pious legacies:
Pious legacies, having no details or no burden or to be considered for once only, if they were not fulfilled within one year from the death of the testator or the liberation of the *vinculo* condition, were to be applied as to the fifth part to the Rev. Fabrica and all the rest to the *legatarii*; if three years elapsed from the mentioned date, one half was to be given to the Rev. Fabrica and the rest to the *legatarii*.

If the legacies had an annual burden of anniversary masses or for the celebration of divine offices for which unmobile property or amounts of money had been left to render annual *censo*, their annual income since the death of the testator was to be applied to the Rev. Fabrica, leaving untouched unmobile property and fixed deposits for future income.

The annual income of marriage legacies which were not forwarded to poor *zitelle* by the heir or by the executor were to go to the Rev. Fabrica.

15. With the exception of legacies left to erect 'Chapters' or to build chapels and cemeteries, or to install organs or pay for bells, or any similar object, old legacies were to be sought only for the last thirty years.
16. All legacies with very uncertain details left only for 'once' were to be applied to the Rev. Fabrica; if these were perpetual, only the part as yet unfulfilled by the heirs was to be applied to the Rev. Fabrica.
17. When the legacies' amount did not exceed 3 *ducati* the oath of the heirs regarding their fulfilment was to decide their application if they had been left during the last ten years; otherwise they were not to be considered.
18. All persons summoned must within three days produce testimonials or [p.76] documents to prove their accomplishment of the legacy; otherwise they were to be asked to pay for their contumacia.
19. When a person was summoned and he was found not guilty he could not be declared as such unless previously he had asked for, in which case a small amount of money was to be paid by him. When non ecclesiastical mobile property had been alienated, all the property was to be restituted to the church, after which restitution all past interests were to go to the Rev. Fabrica.
20. Since all the above matters could not be concluded without the presence of a Procurator Fiscalis, Commissioners were to see that Patent Letters would be sent by the S. Congregation to the appointed persons.
21. When a commissioner was relieved from his office through his own fault, he could not ask for any privileges or payments due to him; he could keep whatever he had already encashed.
22. Only the S. Congregatione could solve any doubt on different interpretations.
23. These *ordini* were to be fixed in public where the Tribunal stood.
24. A heavy penalty of 500 golden scudi was to be paid by the *commissarii* for transgression or negligence of the above orders.

Though further development in the nature of the Holy Congregation and of the Commissioners and its deputies, may not interest this paper, it may suffice to say that radical reforms were made by Alexander VII in November 1660. As Inquisitor and Apostolic Delegate in Malta he had first hand information and was directly involved as superintendent of the Tribunal of the Rev. Fabrica, in the running of the particular commissariati. Further reforms were made by Innocent XII and later still by Benedict XIV in 1751. It has been the Edict published by Pius IX in 1863 that shadowed this old Congregation and its tribunals. The last reform of the Roman Curia as given by the *Regimini Ecclesiae* of Paul VI in 1967 totally suppressed the Congregation of the Rev. da Fabrica di San Pietro and substituted it by an administration office of the same Basilica under the direction of a Bishop.

In Malta, the Tribunal of the Rev. da Fabrica died away along with the Inquisition to which it was attached by Alexander VII in 1655.

The Reverenda Fabrica in Malta

The first reference made by Rome on sending a Commissioner to Malta who might have special powers and who would help to release the tension between the Head of the Church and the Head of the State of Malta, is found in 1626 in the correspondence of the Order, which had its representative in Rome.

[p.77] During the 18th Century, the relations between the State and the Church in Malta grew worse than ever since both Bishop Cagliares and Grand Master De Paule were continually infringing each other's rights and privileges; frequent correspondence with the Roman Curia testifies the alleged tension and friction.

In September 1626, the Grand Master wrote directly to Cardinal Doria and asked him insistently to draw the attention of Cagliares ordering him to behave properly with the Grand Master.¹⁵

Sanliger, the Grand Master's representative in Rome, obtained from the Holy See a sort of a proposed project which might help so that relations might become better and tension released at least in some matters. A Commissario is mentioned, whose office would be to settle some problems in Malta. De Paule could never understand the nature of this mission and asked for further explanation.¹⁶

Meanwhile, the Grand Master continued to protest strongly with Cardinal Barberini on the behaviour of the Bishop and insisted that he would prefer that if any mission of a permanent nature in Malta was to be sent in the person of a commissioner, this should be entrusted to the person of the Inquisitor. "This would be more acceptable to us, the more so that even His Holiness the Pope prefers such settlement."¹⁷ A new Commissioner might not know fully well the real circumstances of the island.¹⁸

One of the points which created and upheld this tension must have been the administration and the fulfilment of pious legacies bequeathed by the members of the Order or concerning the Order's Chapels and hospitals.

In this respect, the solution proposed by Rome, i.e. the institution of the Tribunal of the Rev.da Fabrica might have helped; on the other hand, such institution would not be welcome by the Bishop as his powers would be reduced and the Bishop's relatives would not have remained sheltered under his patronage. Correspondence clearly shows the Bishop's strong opposition to the new institution, nonetheless against the person himself who was chosen by the Holy See.¹⁹

The Popes, on the responsibilities of whom the building of St. Peter's was heavily pressing, were showing great interest in the islands of Malta and Gozo; in earlier times, Pope Pius V helped in the building of the new city of Valletta; Paul V showed keen interest in the island of Malta, the winter abode of St. Paul; [p.78] the islands were governed by a Religious Order, directly dependent on the Pope — the correspondence could not but have reached him frequently — the presence in the diocese of some of the best Inquisitors; everything created in the Roman Curia an atmosphere of interest and knowledge. Even the good number of priests who read their studies and obtained degrees in various seats in Rome helped to render the Holy See conscious that Malta could help for the impellent needs of St. Peter's.

Dal Pozzo agreed that the office and Tribunal of the Rev.da Fabrica had been established in Malta at the request of De Paule, who thereby tried to restrict the bishop's jurisdiction.²⁰ Ferris believes that a Maltese priest, Dr. Nicolò Mangione, having suggested

¹⁵ A.O.M., MS 1405, letter dated 10.9.1626.

¹⁶ *Ibid.*, letter dated 15.10.1626.

¹⁷ *Ibid.*, letter dated 3.11.1626.

¹⁸ *Ibid.*, letter dated 30.11.1626.

¹⁹ A.I.M. (R.F.), *Corr.*, Vol. 40, fol. 3 and A.A.M.. *Brev. et Cost. Apost.*, Tom. I, fol. 455.

²⁰ Dal Pozzo, I, 766.

this initiative to the Congregation, obtained for himself the mandate and erected the Tribunal in spite of Bishop Cagliares, whose jurisdiction he diminished.²¹

Different elements might have influenced the decision. The Holy Congregation of the Rev.da Fabrica on the 19th September 1626 — the same month during which Sanliger informed the Grand Master that a Commissario will be sent to Malta — sent the Letters Patent to Dr. Nicolò Mangione, a Maltese priest from Naxxar, nominating him as the first Commissioner and Judge General, Deputy of the Illustrissimi Cardinali, in the Islands of Malta and Gozo.²² The Cardinals empowered him to constitute the Tribunal and erect the Office of the Rev.da Fabrica.²³

Unfortunately Dr. Mangione could not accept this mandate and “with great sorrow” refused to execute it. He asked the Congregation “to provide with another person the mansion of this office.” The reason brought forward by Mangione was that owing to the death of his brother Benedict — 20th March 1627²⁴ — a new responsibility fell upon him, i.e. to upbringing and educate the surviving eight children. Other difficulties were also foreseen for the erection of the Tribunal in Malta being “a new initiative in such a distant state from the Holy See.”²⁵

This appointment had already been accepted “graciously” by the Grand Master who estimated very highly Dr. Mangione; he expressed his hope that many pious legacies since old time forgotten or hidden by the capricious heirs would be fulfilled and tension would be released in the island between the leading heads.²⁶

Mgr. Herrera, the Inquisitor and Apostolic Delegate, was pleased with the [p.79] new Commissioner and felt himself greatly honoured to have Dr. Mangione at his side; the Inquisitor promised to help and to do all in his power that the new Institution may prosper and obtain good results.²⁷

Don Mangione’s decision to accept the mandate of the Holy Cong. came after the second letter addressed to him by the Ill.mi Cardinali one year later. These included in their second letter a copy of a memorandum in favour of Don Mangione sent to the Holy Congregation by Notary Pietro Sammut; though reluctantly, in a very long letter to the Congregation, Don Mangione accepted the mandate on two conditions; first the full approval of the Inquisitor on his choice; second: that the Depositario would not be chosen by the bishop, as Chapter 4 of the Instruction indicates, because otherwise the bishop would choose “one of his admirers and exempt him from the jurisdiction of the Grand Master; this would cause harm to the office and would offend the Grand Master; neither would any notary accept to work for the Tribunal in spite of the Grand Master’s offence”; he humbly asked that the Depositario would be elected by the Inquisitor after consultation with the Grand Master.²⁸ Moreover, Don Mangione, being meticulous, asked in the same letter whether the bishop’s familiares and those of the Holy Office (Inquisition) were to be sought for the fulfilment of the pious legacies, since many of them were rich and were bound to fulfill many legacies of considerable amount.²⁹

The reaction of Bishop Cagliares at the news of the appointment was desperately negative; he opposed both the Grand Master and the Inquisitor. The Bishop felt greatly hurt

²¹ A. Ferris, *Storia Ecclesiastica di Malta*, p. 238.

²² A.I.M. (R.F.) *Actorum Civilium Libr I*, fol. 1.

²³ A.F.S.P., 2o Piano, *Ser Armadi*, Vol. 285, 74r.

²⁴ A.P. Naxxar, *Lib. Mort.* I, 37r.

²⁵ A.F.S.P., 2o Piano, *Ser Armadi*, Vol. 262, 461r.

²⁶ *Ibid.*, *Ser.* 10, Vol. 27, fol. 222.

²⁷ *Ibid.*, *Ser. Arm.*, Vol. 262, fol. 362.

²⁸ *Ibid.*, 2o Piano, *Ser. Arm.* Vol. 262, fol. 316.

²⁹ *Ibidem.*

by the letter of Ginnasio, the Cardinal Secretary and insisted that no Commissioner was ever needed in the island; the bishop even accused Don Mangione as being scandalous in his behaviour and asked for his removal immediately.³⁰ This appointment was moreover judged as intruding in the bishop's sphere of activities and jurisdiction; his wrath was great.

Further correspondence between the bishop and the Holy Congregation reveals that relations between Cagliares and Don Mangione were greatly tense. The bishop had seriously accused Don Mangione and had relieved him previously of his office as Procurator and Chaplain of the Monastery of the Benedictine Nuns in Mdina because the latter dared to hear the confession of a sick nun in her room without asking the bishop's consent and without being accompanied by another nun or by the Superior herself. The bishop judged Don Mangione as trying to create a possible manner of living in Malta exempt from the bishop's jurisdiction. According to Cagliares this reason made Don Mangione [p.80] insist on the Holy Congregation to appoint him Commissioner of the Fabrica. On the other hand, Don Mangione's fear lest he may ever become the bishop's subject is frequently referred to in Mangione's letter to the Congregation.

Late during the year 1627, the Tribunal was created and the proceedings in the Office of the Rev.da Fabrica had already began, for which the Holy Congregation's Secretary congratulated Don Mangione.³¹

Don Mangione appointed Dottor Michele Dalli as Notary Magnificus of the Tribunal and chose his *banca* as the official seat of judgement and head Office of the Reverenda Fabrica in Malta (Valletta). The Procuratore Fiscale's name which appears on the first documents was Notary John Baptist Falsone; the names of Oliverius Seychell of the Holy Office and Angelo Debono of the Magna Curia appear as the first *cursori*. Among the first persons summoned to court were Valerius Mizzi J.U.D., Nicholas Saura and Matteolo Delia. The first decree or *Editto* was published by Don Mangione — bearing all protocol and solemnity — on the 15th March 1628.

All persons concerned, i.e. notaries, archivists, accountants, administrators, even parish priests or any other person were asked to report to the Commissioner and present to him an authentic copy of all instruments or part of it, if it contained anything of interest to the Rev.da Fabrica. A 2½% of the sum of money received by the Rev.da Fabrica would go to the Notary or person who had revealed the will when the whole *negotio* was terminated. All were asked to follow this rule within three months of the publication of the edict under a penalty of 60 scudi in gold and excommunication.³²

The publication of this first decree gave vent to a whole inferno of protests and reaction: the parish priests succeeded in persuading De Paule himself, so far greatly satisfied with the institution of the Tribunal to protest on their behalf to the Sacred Congregation.³³ A strong protest came from the Vicar General against whom Don Mangione issued an inhibition act forbidding him and all Curia Officials to interfere in the matters which may concern the Rev. Fabrica. The stubborn Vicar General had even declined to see the letters patent when they were presented to him according to the terms of reference of the Commissioner. The Commissioner had to bring back with him two witnesses, the second time that he had to present the documents again to the Vicar General, as recommended by the Inquisitor. The Inquisitor ordered the Notary of the Fabrica to draw a declaration to this effect, to put down

³⁰ *Ibid.*, 1o Piano, *Ser. 2*, Pacco 19, fol. 515.

³¹ A.A.M., *Brev. et Cos. Ap.*, Tom. I, fols. 335, 347, 359.

³² A.I.M. (R.F.) *Act. Civ. Liber I*, fol. 3.

³³ A.F.S.P., 2o Piano, *Ser. Arm.*, Vol. 263, fol. 495.

the whole proceedings in the *Actuum Civilium Liber*,³⁴ and subsequently to send the [p.81] whole report to Rome.³⁵

The decree was published for the second time later during the month and it was fixed to the main doors of the Matrix of St. Lawrence, of the churches of Valletta and of the Cathedral in Notabile.³⁶ Notwithstanding the renewed protest by the bishop, Don Mangione carried on with his research, investigations and judicial proceedings. Two cases may be noted: he asked clarifications and dispositions from Rome to prohibit ships from sailing to Barbaria because he wanted to summon in court some persons engaged on them³⁷; he found out that Meccanuccio Angelo, by will, left rents amounting to 500 scud, per annum to the Jesuit Fathers obliging them to build a college in Gozo; the Dominican Fathers had to substitute them if the former refused, instead, the Jesuits renounced to the estates in favour of the bishop without any approval of the Holy See.³⁸ Michelangelo Delia inherited 2,000 scudi from his father Paul, and since he renounced to fulfill the pious obligations thereon, he wanted his case to be heard by the bishop, knowing fully well that the Curia would set him free.³⁹

More difficulties and interference from the Curia were obstructing Don Mangione's difficult task. In his letter to the Congregation on April 29th, 1628, Don Mangione professed his faithfulness to the Holy See "even if I will have to shed my blood in the service of the Holy See and of this Holy Congregation"; this utterance could not but be thought of had not rumours been spread that the Curia Officials were ready to put Magione to the *galera* if he would continue with the execution of the Congregation's mandate.⁴⁰

The Congregation's note to the bishop on this matter carried this conclusion: These Eminent Cardinals would be very pleased to know that you show him (the commissioner) respect and reverence, seeing in him their worthy minister; you must help him in all that is required so that he may carry on quietly the difficult exercise of his office; in every moment that you see him in need, you will back him and give him your counsels with care and love as you would do these things to all persons subject to this Holy See. May we be all obliged to you and ask the Lord to grant you all prosperity."⁴¹

Still Mangione's fear did not fade away; he "beseeches only this favour: that your goodness, benignity and love would never allow you to dismiss me of this commission — I firmly hope that Divine Providence will be grateful to [p.82] me — and will not leave me to become subject of the bishop's jurisdiction, who will surely proceed against me and would make me die in his palace with harsh cruelty and unkindness."⁴² So he wrote to the Holy Congregation.

His fears, however, came to be true: Domenico Mangione, his brother, who in August has been appointed Sostituto Procuratore Fiscale, was assassinated late in the evening while returning home from his fields; he was 55 years of age.⁴³ Though it might have been the aftermath of a quarrel in court, the Commissioner attributed it to the fact that his brother had been appointed Sostituto Proc. Fiscale.⁴⁴ Mangione insisted with the Congregation to order

³⁴ *Ibid*, Vol. 264, fo.3ss. A.I.M. (R.F.) *Act. Civ. Lib. I*, fol. 6.

³⁵ A.F.S.P., 2o Piano, *Ser. Arm.*, Vol. 264, fol. 33.

³⁶ A.I.M. (R.F.) *Act. Civ. Liber I*, fol. 5.

³⁷ A.F.S.P., 2o Piano, *Ser. Arm.*, Vol. 264, fol. 33, 170.

³⁸ *Ibid.*, fol. 174.

³⁹ *Ibid.*, fol. 176-177.

⁴⁰ A.I.M. (R.F.) *Corr.*, Vol. 40, fol. 3. A.A.M., *Brev. et Const., Ap., Tom. I*, 455.

⁴¹ *Ibid.*, p. 467.

⁴² A.F.S.P., 2o Piano, *Ser. Arm.*, Vol 264, fol. 600v.

⁴³ A.P., Naxxar, *Lib. Mort. I*, fol. 32.

⁴⁴ A.F.S.P., 2o Piano, *Ser. Arm.*, Vol. 267, fol. 167r et v, 498; vol. 268, fol. 280.

the Inquisitor to proceed by criminal action in court. Less than two years later, Don Mangione reported another assault on one of the officials of the Tribunal of the Fabrica, the *Attuario*.⁴⁵

Another difficulty arose during the early beginnings of the Reverenda Fabrica. Notary Andrea Allegritto, the notary of the Bishop's Court, together with Notary Ferdinand Zarb had laboriously asked all the Notaries of the island to subscribe to a protest against the Commissioner's decree and to ask payments for their fatigues. The Commissioner saw a connection in this affair with the attitude of the Curia against his tribunal and referred the matter to Rome. Fortunately enough, Don Mangione informed the Congregation later that only four notaries, led by the Curia's Notary continued in their contestation; all the others forwarded the necessary information asked.⁴⁶

The bishop forwarded some reasons for his reluctance to the erection of the Tribunal. He wrote to the Congregation putting forward his convictions: "I say just this one thing to the Cardinals: there are only 60,000 people living in the island, out of whom there are not even one hundred who live on regular income; all the others live on rendering service to one another and the greater part live only on alms... I performed eight General Apostolic Visitations and I saw that all pious legacies were fulfilled with due care ... the Maltese people try to live to a high reputation and make interesting wills without having really any capital or movable property; I could never put such legacies into execution."⁴⁷

Don Mangione answered to these insinuations giving names to Rome of the rich persons whom he had already summoned to court: Mizzi, Saura and Delia.

According to Don Mangione, the bishop succeeded even to make the Grand Master change his mind about the function of the Tribunal in Malta; both the Bishop and the Grand Master did not like to have any person living in Malta [p.83] without being a subject to their jurisdiction.⁴⁸

Other letters and warnings continued to arrive from Rome addressed to the Bishop. The Secretary of the Congregation explained further on the terms of the Commissioner as the Minister of the Sacred Congregation in Malta; he reminded him that the Supreme Pontiffs had threatened with the penalty of excommunication all those who directly or indirectly prevent the Rev. Fabrica from pursuing its rights. Three months later, in July 1628, the Secretary wrote again to acknowledge that many may be poor and needy; but the letter goes on: "It is the intention of these Eminent Cardinals, full of zeal and charity, as it behoves to their persons and to the piety which moved to the institution of the Tribunal in the island, that the pious wills, which were not fulfilled, had to be looked after with great care, goodness and justice in order to suffragate the souls of the testators themselves and to give judgements on cases heard by the Tribunal ... Dr Mangione is held responsible to proceed with care, not to enforce those who deem it impossible for them to pay, and kindly help those who can pay to do it immediately; this means that the Tribunal means to edify and not to destruct and destroy."⁴⁹

Notwithstanding all opposition, Mangione writes: "Now that difficulties have been overcome, I will not fail to do everything diligently."⁵⁰ During the months of July and August 1628, the *cursori* were busy delivering letters of summons to a long list of persons coming from all walks of life; 25 persons were enlisted for the first month, among whom some priests and ladies. Many officials of the Grand Master and relatives and familiares of the Holy Office

⁴⁵ *Ibid.*, vol. 273, 694r et v.

⁴⁶ *Ibid.*, vol. 265, fol. 21.

⁴⁷ *Ibid.*, vol. 264, fol. 270, 527.

⁴⁸ *Ibid.*, vol. 272, fol. 689ss.

⁴⁹ A.A.M., *Brev. et Const. Ap.*, Tom. I, p. 467.

⁵⁰ A.F.S.P., 2o Piano, *Ser. Arm.*, Vol. 264, fol. 496.

were found to be debtors.⁵¹ Regarding these, the Secretary of the Sacred Congregation urged the Commissioner “to use charity and justice, and to give to all the opportunity to appeal to Rome. Still great respect was always insisted upon especially to be shown to the person of the Grand Master.⁵²

During these months — July, August, September, 1628 — the sum of 7,595 scudi⁵³ was fined in different cases heard by the Tribunal; besides, the richer persons, amongst whom Pietro Cassar, Matteolo Delia, Don Leonardo Felice and Dr. Angelo Manduca, had already appealed their cases to Rome.

Though the Commissioner had a warning from Rome to keep the number of Officials as low as possible — owing to the salaries and mostly to the problem of ‘exemption’ — Don Mangione had to ask the Procuratore Fiscale to appoint an Assistant to look after the cases coming from the rural part of the island, which he really did in the person of Mangione’s brother, Domenico, who was [p.84] later assassinated.⁵⁴ In September 1629, Dr. Pietro Mompalao J.U.D. was asked to take the post of Procuratore and Dr. Giacomo Muscat J.U.D. as Depositario; D. Ludovico Xara was appointed as Depositario during the office of Mgr. Alfieri as Inquisitor. Even new *cursori* were appointed — a particular one for the island of Gozo.⁵⁵

Reports on the huge success of the Tribunal were immediately sent to Rome by both the Inquisitor and by the Commissioner himself. Don Mangione was proud that he had always been guided by the counsels of the Inquisitor whom he consulted very frequently, never to go astray from the Congregation’s orders and commands.

As the quantity of cases and the number of documents increased heavily, the Tribunal sought ways and means to prevent abuses and to foster trust and courage among those who were still reluctant and obstinate to co-operate. On the 12th of September 1628 a new decree was fixed to the doors of the principal churches seriously warning all parsons concerned that a special penalty of excommunication reserved to the Holy See would be incurred by those who might abuse in producing forged documents or create prejudices against the Tribunal.⁵⁶

Owing to the continuous increase in work, Don Mangione admitted that the *banca* of Michele Dalli became too small. It had been through the efforts of Mangione that the Tribunal had been instituted in Valletta, the city where the Grand Master himself lived and where all other tribunals, even that of the bishop, were strictly forbidden. But now owing to “the pilings of documents hanging over their heads” and the busy *cursori* and *mandatari* pressed by lack of space, the place became insufficient. Later on Ghigi had deemed it terribly unsuitable for the Tribunal; he described it as a poor room, at the mercy of a notary, subject to a licence from another person or to all possible insults of nervous businessmen, a place in Valletta where one could suffer any possible extravagant assault.⁵⁷ The choice fell on a house, ‘beneath the church of St. Vincent of Valletta’ which had been confiscated by the Rev.da Fabrica from Meccanuccio who did not fulfil marriage legacies imposed on this house. Owing to the appeal to the Inquisitor, and thence to Rome, time passed by and no other mention is made about it.⁵⁸

⁵¹ *Ibid.*, vol. 265, fol. 295-296.

⁵² A.I.M. (R.F.) *Corr.*, vol. 40, fol. 114-15.

⁵³ A.F.S.P., 2o Piano, *Ser. Arm.*, Vol. 265, fol. 295.

⁵⁴ A.I.M. (R.F.) *Act. Civ. Liber I*, fol. 20.

⁵⁵ *Ibid.*, fol. 64.

⁵⁶ *Ibid.*, fol. 30.

⁵⁷ F.Ch., *A.I.* 3, 437r et v.

⁵⁸ A.F.S.P., 2o Piano, *Ser. Arm.*, vol. 288, 342v.

Under the usual solemn protocol, a special decree was published for the island of Gozo in April 1630. It called for all to abide by the dispositions of the Holy Congregation of the Reverenda Fabrica, repeating the same orders [p.85] and threatening the same penalties. This decree was read and published by D. Salvatore Pontremoli, Rector of the Matrix and copies were fixed to the doors of St George's and St. Augustine's in Rabat.⁵⁹

The Regular Clergy, their houses and their confraternities were very frequently chosen as legatees of many families in Malta and Gozo; "an infinite number of perpetual mass legacies were left to the Regular Clergy, whose obligations they could not fulfill — the religious priests were smaller in number..... and some of them preferred to say votive masses."⁶⁰ Don Mangione on the 10th of March 1633 issued a special decree to the effect "that they, under the penalties of payment of 40 scudi to the Rev. Fabrica and of major excommunications, should reveal to this office all mass legacies and the fulfillment of the same..."⁶¹ Naturally this edict was contested and the Commissioner asked the Congregation to send a special Apostolic Delegate who would order the Religious Communities to submit themselves to the order of the Rev. Fabrica. The Cardinal Secretary informed Don Mangione that his orders had to be obeyed and that this same information was to be published to "ensure that the pious wills of the deeds are accomplished." No further authorisation was needed.⁶² A second edict had to be issued because the religious orders insisted on their exemption. On the 3rd of January 1637 the Sacred Congregation had abrogated all privileges and exemptions granted to the Religious Orders so far.⁶³

The Tribunal with Don Mangione as the Chief Justice and Deputy of the Sacred Congregation was moving on very steadily but a sad incident happened in mid-August 1630 which made the wealthy and the men in authority to launch a new attack on the Tribunal, even the removal from office of Don Nicolò Mangione was asked for by the Grand Master.

Notary Falsone, the Procurator Fiscale, had been cited in court and had to appear before the judges of the secular forum. Falsone tried to defend himself by proving that he had the "exemption" and — what became worse — he accused the magistrate of incompetence. In Court no one was present to testify the belonging of Falsone to the Tribunal of the Rev. Fabrica and consequently he was kept in jail for further hearings. Now Nicolò was summoned to give testimony: Don Mangione availed himself of this opportunity to condemn the court for previous bad administration of Justice quoting his brother's death: the presumed killer had been imprisoned only for a few days in his house and a few months later he had been walking in the streets of the city as all free citizens. The Procuratore was set free, but Don Mangione was denounced [p.86] to the Castellano and to the Grand Master. The Commissioner Mangione refused, moreover, to punish Falsone for his misdeeds and for his misbehaviour in court. The Commissioner's refusal was considered as a contempt of the secular arm.

The rich and the wealthy, though very few in number, were too close to the Grand Master and since they were the people whom the Rev. Fabrica was after, they succeeded to influence greatly the Grand Master. Some of the Knights Gran Croce were summoned by the Tribunal of the Fabrica; they were not happy. All these found a golden opportunity to make De Paule take a different stand from that so far used towards the Tribunal and Don Mangione. The Ambassador of the Order to the Holy See, Altobrandino, was asked to deliver a letter of

⁵⁹ A.I.M. (R.F.) *Act. Civ. Liber I*, 59r et v.

⁶⁰ A.F.S.P., 2o Piano, *Ser. Arm.* Vol. 279, fol. 250.

⁶¹ A.I.M. (R.F.) *Act. Civ. liber I*, fol. 163r.

⁶² *Ibid.*, *Corr.* Vol. 40, fol. 155r.

⁶³ *Ibid.*, *Act. Civ. liber I*, fol. 283 A.

the Grand Master to the Congregation together with an explanation dictated by the Castellano. The Grand Master asked the Congregation to remove Don Mangione from Office.⁶⁴

Another two accusations were added: the Commissioner had added a superfluous number of officials to the Tribunal, thus exempting a great number of *vassalli* from military service, and creating a prejudice to the defence of the island. The Commissioner had also tried to inspect the administration of the Hospital of the old city which was of royal origin and which had never before been subject to similar inquiries by the Church.⁶⁵

At this time, Don Filippo Borg was acting Inquisitor; he did not dare take the case in hand, so the contenders could only correspond with Rome. Don Mangione wrote immediately to the Congregation to explain his position and availed himself of the opportunity to raise again the case of his brother's assassination, moreover he accused Dr Matteolo Imbroli who presided the Court of sacrilegious deeds and defended firmly his Procurator Fiscale.

The Sacred Congregation acknowledged receipt of all the correspondence on the 17th September 1630. The Inquisitor was asked to summon both and ask them to submit an apology for what happened. The Grand Master was satisfied and no other reference is then made to this quarrel.

A few months later, on the 11th January 1631, the Secretary of the Congregation addressed another letter to Don Mangione asking him to avoid all circumstances which might lead to contrasts with any other eminent person; charity should be the continuous guide in his proceedings.⁶⁶

With Mgr Serristori as Inquisitor and superintendent of the Rev. Fabrica the work at the Tribunal went on smoothly — though at times slowly owing to pressure of work on the Inquisitor who was hearing all cases in the 2a istanzia.

[p.87] Mgr Chigi was appointed Apostolic Delegate to Malta on the 10th of June 1634 — previously in April he had been transferred to Malta as Inquisitor — he arrived in Malta on the 19th of October. His great interest in the Rev. Fabrica was immediately noticed. He had been authorised by the Sacred Congregation to hear and judge in the 2a istanzia all appeals from the sentences given by the Tribunal in Malta.⁶⁷ After examining the whole situation he launched his idea of reform, though he refused for himself the difficult task of becoming Commissioner of the Rev. Fabrica. His projects of reform were only realised when he was elected to the Supreme Pontificate by means of a Brief dated 21st May 1655. One may ask whether Malta and Gozo, scarcely populated with poor people could have helped such a big worthy enterprise as the building of St Peter's or whether all big efforts undertaken by the Naxxar priest and all his retinue were worth while; the more so relevant the question may be when one comes to note that at the same time the Tribunal was instituted in Malta, the Basilica was already consecrated. The solemn rite of the consecration did not in any way mean that funds were not still needed for the completion and the embellishment of the church. The cathedra was not yet built up, the main 'piers' were not ornamented and the big piazza was not yet even planned by Bernini. Documents and continuous intrigues show us that the funds raised in the island were greatly appreciated, looked for and accepted heartily by the Sacred Congregation.

However, this does not mean that Malta's property and capitals bequeathed as pious legacies were drained for the sumptuous decorations of the Basilica in the Vatican.

The poor, the pest-stricken, the needy orphans and the unmarried mothers, the monasteries and the poor churches were not deprived of their lawful inheritance. The Tribunal

⁶⁴ A.F.S.P., 2o Piano, *Ser. Arm.*, Vol. 272, fol. 685 ss.

⁶⁵ *Ibid.*, 1o Piano, *Pacco*, 27., *Ser.* 2, f. 807r.

⁶⁶ A.I.M. (R.F.) *Corr.* Vol. 40, fol. 43r.

⁶⁷ V. Borg, *Fabio Chigi Apostolic Delegate in Malta*, p. 50.

sought to urge all persons to fulfill all pious obligations; this was its principal aim; those who tried by fraud or otherwise to strip the souls in purgatory, the needy on earth and the material buildings for their needs from what had been left to them by pious founders, were summoned in court, punished — at times too severely — and a part of the interests due or part of the capitals stolen were transferred for a good cause.

Moreover the Rev. Fabrica obtained indulgences from the Holy See — which were frequently reconfirmed — which enabled it to help very generously all those who had been in distress: the strict, disciplined commissario and his ministers under the supervision of the Inquisitor and Apostolic Delegate distributed — at times — all the revenue of the whole year.

The Tribunal saw that the legacy in favour of the church of San Paolo fuori le mura be fulfilled according to the will of Gian Paolo Manduca. Orders were given that the church of the Annunciation in Borgo be repaired; even the [p.88] penalty income due to the Fabrica was given for the damaged building. The Church of the Damascena had all its property restored back to it by a sentence of the First Judge and Commissioner. The Tribunal interested itself even when the property was sold without Apostolic Approval.⁶⁸ Similarly the Sacred Congregation destined funds for the Parish Church of St. Paul's in Valletta which accidentally had been threatening to collapse.⁶⁹ The parish churches of Mosta, Gharghur and St. Lawrence in Borgo received generous contributions.

Needy persons were always given what was necessary for them in difficult circumstances. A striking figure who appeared to be greatly in need was His Excellency Mgr Pachomino, bishop of Corone. The Capuchin Fathers were given help in cash. Far greater contributions were made to the Monastery of St. Peter in Notabile and the Monastery of S. Scholastica in Borgo: a large number of nuns lived in it, but they had scarcely roofed rooms to live in: half of all the revenue was spent to make a kitchen, sleeping rooms and all the necessary sanitary accommodation. The 'Home for the Orphans,' the Monastery of the Repentite, the Convent of St Theresa received help. The special safe home for the *Malmaritate* had been looked after by the administration of the Fabrica. Other particular cases are found to have been given necessary attention and help. Money was given at times to the families by the Commissioner himself, who personally was a great benefactor, at other times, money was given to the Parish Priest for distribution to poor families; several times the *capo del popolo ossia contestabile* was entrusted with the distribution of alms.

Frequent cases were sentenced to bestow dowries or marriage legacies as entrusted to them by the wills of their fathers: Alessio Bonnici, Nicolò Saura, Valerio Mizzi, Pietro Cassia and other rich people were all summoned and cited in court for this purpose.⁷⁰

Malta's contribution to the Rev. Fabrica did not come from collections or by raising of funds which would have enslaved more the people of Malta, rendered poorer by the continuous domain of the foreigners; the Maltese priest entrusted by the Sacred Congregation, under the supervision of the Inquisitor, eradicated the abuses in the execution and administration of pious wills and legacies bequeathed to families, churches, confraternities and for the repose of the souls in purgatory. The administration of Justice with 'equity and love' did not captivate the Maltese citizens but directed them to grow and acknowledge their brothers' rights and their fathers' love.

⁶⁸ A.I.M. R.P., *Act. Civ. Liber I*, 417 Ar.

⁶⁹ *Ibid.*, *Corr.* Vol. 40, fol. 1194r.

⁷⁰ *Ibid.*, fol. 53r.