

## RECONSTRUCTING FORMULARIES The charters of the episcopal chancery of Porto in the Middle Ages

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### Résumé

This study aims to reconstruct the formularies of a specific type of documents, namely the charters of confirmation of rectory produced in the episcopal chancery of Porto in the Middle Ages. In order to achieve this goal we study the non-essential formulas found in the protocol, text and eschatocol of each one of the 80 collected charters, as well as the forms of validation used in these documents. The joint study of the *dictamen* and the *validatio* thus allow the reconstruction of the *modus faciendi* of the chancery, and its evolution, with regard to the production of these types of confirmation. We concluded that there were, in fact, “formulary rules” that only exceptionally have been broken. And for being exceptions, these documents deserve special attention and their study proved that the changes appeared only in specific situations. To evaluate the originality of the formulary of the confirmations of rectory made in this Episcopal chancery we preceded a comparative study of the same type of charters produced in other Episcopal chanceries, i.e. those of Coimbra, Lamego and Zaragoza.

In the course of document research conducted for the purpose of preparing master’s and PhD theses<sup>1</sup>, we were unable to find any formularies that served as the basis for drafting the documents produced at the episcopal chancery of Porto. Consequently, we had to analyse primary and secondary formulas in more than 400 documents issued by the chancery, between 1113 and 1406. The aim was to “reconstruct” the formularies on the basis of which the hundreds of documents were prepared. It was thus possible to determine, for each formula the period(s) in which it was most used, and in which type of documents.

An examination of the formulas in the protocol, in the text and in the eschatocol, including the *invocatio*, *intitulatio*, *inscriptio*, *salutio*, *arenga*, *notificatio*, *narratio*, *dispositio*, *sanctio*, *corroboratio* and dating clause showed that certain formulas were practically compulsory in some documents, in a specific phase or in the entire period, and were clearly not used in other documents. By focusing our attention on the types of documents existing in greater numbers, it became increasingly clearer that notaries followed, in fact,

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<sup>1</sup> Respectively, M. J. Oliveira Silva, *Scriptores et Notatores. A produção documental da Sé do Porto (1113–1247)*, Porto, 2008, and ead., *A Escrita na Catedral: a chancelaria episcopal do Porto na Idade Média*, Lisboa, 2013.

certain rules, whether in forms, “standard documents” or in other kinds of instruments used in the preparation of chancery written documents. For that reason, we sought to identify the formulary structure of some of those documents by examining the incidence of certain formulas. Yet, after the *mundum* was drawn up, it lacked proper validation in order to be complete, so that it could subsequently be promulgated and issued. The forms of validation for each type of document were not chosen randomly; rather they had to meet the demands of the charter. For this reason, in addition to the analysis of the non-essential formulas, it was important to determine how the various documents produced in the chancery were validated. The joint study of the *dictamen* and the *validatio* thus enabled the reconstruction of the *modus faciendi* of a chancery, and its evolution, when producing a particular written document.

This study was only feasible if there were a significant number of a specific type of document, distributed over an extended chronological period. Of all the types of documents produced in the episcopal chancery of Porto, particularly significant are the eighty charters of confirmation of rectory dated between 1255 and 1400. To have a full picture, we prepared a table containing all eighty documents and indicating the non-essential formulas found in the protocol, text and eschatocol. In the text part, we also added the disposition, which is mandatory in the *acta*, but as we noted an evolution in this disposition, we chose to include it in the analysis. A second table shows the forms of validation of these charters.

### I. The “rules” of the *dictamen* and *validatio*

The first conclusion that emerges from the analysis of the table is that certain formulas were, in fact, systematically chosen. We have concluded that in the protocol the “rules” determined the use of only one secondary clause: the greeting. Only two of the eighty confirmations do not include this clause<sup>2</sup>. As for the *salutatio* forms, it was found that the model chosen is directly related to the grantor of the document. In other words, the bishops used both the forms of greeting and blessing, while the canons and vicars used only the greeting. The expression *salutem et benedictionem* was used the most often by the prelates, and is the only one used from the early 14<sup>th</sup> century, while during the episcopate of D. Vicente Mendes (1260–1292) the forms *Salutem et gratiam Jhesu Christi* and *cum benedictionem, salutem et gratiam (sic) Jhesu Christi* were used<sup>3</sup>. Canons and vicars used various models, some more than others, including *Salutem in domino Jhesu Cristo*, *Salutem in Domino sempiternam*, *Salutem in Eo qui est omnium vera salus* and *Salutem in filio Virginis gloriose*.

In two cases, the *invocatio* was also part of the protocol, through the forms *In nomine Jhesu Christi amen*, in a charter dated September 1285, and *In Dei nomine amen*, in

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<sup>2</sup> Namely in the documents dated 1285.09 and 1292.12, respectively *Censual do Cabido da Sé do Porto: Códice membranáceo existente na Biblioteca do Porto*, ed. by João Grave, Porto, 1924, p. 197–198 and 70.

<sup>3</sup> An abbreviated form of the model was used by D. Sancho and D. Geraldo, namely “cum benedictionem salute”.

another charter dated May 1341<sup>4</sup>. Since the forms of these documents are exceptionally different, we will discuss them later.

We have not included the form of address in the table, since this is an essential formula of the protocol. However, we highlight the fact that all confirmation *acta* are addressed to the parishioners (*universis* or *omnibus parrochianis*) of the churches under whose rector they were invested. In fact, only five documents, which will be discussed further ahead, were addressed to the rector himself.

In the text, the “norms” prescribed the use of the notification, the *narratio* and the final clauses, and as was required, the dispositive clause. As regards the notification, only five documents do not include it, but these are cases of unusual forms which we will discuss later. In the remaining documents, the form used was always *Noveritis quod*. The only two exceptions to this form of notification are found in the 1285 and 1292 documents, which, as we will see, have a different formulary structure. In these cases, the notifications used were, respectively, *Noverint universi presentis scripti seriem inspecturi* and *Noverint universi*.

With regard to the *narratio* we noticed that it included almost always the identification of the patron(s) responsible for the rector’s presentation. The form used is, invariably, *ad presentationem (capituli..., patronorum..., etc.)*. However, from the early 14<sup>th</sup> century, two other elements began to regularly appear in the narration, whereas before they were used more sporadically: reference to the cause of the presentation/confirmation and reference to the reputation of the confirmed rector. Regarding the latter, the form used was almost always a *de cuius ydoneitate nobis constitit evidenter*. As to references to the cause, they varied between *vacante ecclesia... per mortem*, *vacantis per renuntiationem* or *vacante... per renuntiationem... ex causa permutationis*. That is, death, renunciation and transfer are the three reasons given in the narration.

Since there was an evolution in the forms employed, the only essential formula of the *dictamen* that we examined was the dispositive clause. This evolution was reflected in an increase in the number of elements included not only in the dispositive but also in the final clauses. At first, in a period between 1255 and 1280, the dispositive was limited to the expression *instituimus in rectorem eiusdem ecclesie*, preceded by the name of the rector and by the name of the church in question. The final clauses were limited to one sentence addressed to the recipients of the charter, i.e., the *parrochianis*. It began with *Mandantes vobis* and compelled the parishioners to obey the rector (e.g., *obediatis cum iuribus eiusdem ecclesie et sententias quas idem pro iuribus ipsius ecclesie rite tulerit in rebelles*). However, from 1280 onwards, it was also “mandatory” to include other elements in the dispositive clause, related to the need to implement the canon law, enshrined in the council’s dispositions and in the diocesan statutes, to which the documents themselves refer. From that moment, the documents mention the *Epistola Pheliberti episcopi* and the *Constitutiones domini Gregorii*, i.e. the letter which the bishop Fulbert of Chartres (1006–1028) wrote to William V, count of Poitou and duke of Aquitaine, on the reciprocal

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<sup>4</sup> Respectively, *Censual do Cabido...*, p. 197–198, and Coimbra, Arquivo da Universidade de Coimbra (AUC), Gav. 8A, mç.3, n° 140.

duties of the vassal and lord, in 1020<sup>5</sup>, and the constitutions of pope Gregory X, resulting from the 2<sup>nd</sup> Council of Lyon, held in 1274. Indeed, we know that bishop D. Vicente Mendes attended this council<sup>6</sup>, having returned to Porto between late 1279 and early 1280. In fact, his first confirmation of rector after he returned, that we know of, refers to both the Epistle and the Constitutions<sup>7</sup>. The sentence in question is: *et quod omnia et singula quantum ei possibile fuerit adimplebit que in epistola Pheliberti episcopi et in constitutione domini Gregorii super iuramentum huiusmodi continentur videlicet etc.*

Where applicable, the dispositive also mentioned the need for the confirmed rector to be promoted *ad omnes ordines* or *ad sacerdocium* within a year. Should this not happen, the rector would lose his position, thus fulfilling the *constitutionem Concilii Lugdunensis*, which is mentioned in these terms in the documents.

The *statuta sinodalia* were also often mentioned in the dispositive clause. They sometimes mentioned the status of a certain bishop, e.g. the *statutam seu ordinationem factam et ordenatam per bone memorie domnum Vincencium olim Portugalensem episcopum*<sup>8</sup>. In this case, this is a direct reference to the synod constitutions confirmed and enacted by D. Vicente Mendes in 1265<sup>9</sup>.

When the chapter and bishop of Porto had the right of patronage, jointly or *in solidum*, the final clauses would mention the reserved census. The documents would then include the sentence *evidenter reservato censsum* (sic)..., *annuatim solvendarum ipsi capitulo*...<sup>10</sup>, or similar sentences.

From the first decades of the 14<sup>th</sup> century, the charter would also refer to the investiture of the rector. The expression used was always *investimus ipsum... personaliter* or *pre-sencialiter*, and only the instrument used by the grantor to implement the action varied. Indeed, the *birretum* was the first and most often used by both bishops and vicars. The *annulum* also served to invest on eight occasions. Of these, four referred to investitures ordered by Bishop D. Vasco Martins (1328–1342)<sup>11</sup> and three by D. João (1373–1389). In

<sup>5</sup> For more information on this document, Gérard Giordanengo, « Epistola Philiberti. Note sur l'influence du droit féodal savant dans la pratique du Dauphiné médiéval », in *Mélanges d'archéologie et d'histoire*, vol. 82 (1970), p. 809–853.

<sup>6</sup> In January 1274, the bishop was already in Lyon, where he received a bull from the pope granting forty days of pardon for all the faithful men who gave alms to the monastery of Santa Clara de Entre-os-Rios: Lisboa, Arquivo Nacional/Torre do Tombo (AN/TT), Mosteiro de Santa Clara do Porto, mç. 67, doc. 27. In May, the bishop sent a letter confirming the presentation of André Mendes as the rector of the church of Santa Marinha de Vilar de Porcos, done by the vicar João Eanes in 1271 (AN/TT, Mosteiro de S. Salvador de Moreira, mç. 9, doc. 27). On 23 July, meeting in a council, he was part of the group of archbishops and bishops who granted forty days of pardon to all those from their dioceses who contributed financially to the construction of the church of Santa Maria de Regla, in León: *Colección documental del Archivo de la catedral de León (1269–1300)*, vol. 55, dir. José M<sup>a</sup> Fernández Catón, León, 1994, doc. 2340, p. 12.

<sup>7</sup> AN/TT, Gav. XIX, mç. 1, doc. 9 (insert).

<sup>8</sup> Porto, Arquivo Distrital do Porto (ADP), Cartório do Cabido (CC), Livros dos Originais (LO), 1688, fl. 8 (insert).

<sup>9</sup> *Censual do Cabido*..., p. 541–542. In fact, D. Vicente Mendes confirmed and enacted the constitutions done by his predecessor, D. Julião Fernandes (1247–1260), for which we do not know the original document. On this matter, see *Synodicon hispanum*, dir. Antonio Garcia y Garcia, Madrid, 1982, p. 344–346.

<sup>10</sup> This sentence was extracted from the document dated February 1283: *Censual do Cabido*..., p. 301–302.

<sup>11</sup> Respectively, AN/TT, Mosteiro de S. Cristóvão de Rio Tinto, mç. 5, p. 1, n<sup>o</sup> 13, n<sup>o</sup> 17, n<sup>o</sup> 129, and *Censual do Cabido*..., p. 267–268.

an exceptional case, the general vicar and the governor of the diocese (appointed by the bishop who was absent)<sup>12</sup> used his seal. The *capucium* appears twice, the first belonging to the general vicar and on another occasion to the priest of a church of the diocese of Porto (who acted as the commissioner of the dean and vicar of the cathedral offering the vacancy)<sup>13</sup>. The object chosen was followed by the possessive pronoun *nostrum*, used by the bishops, or *meum*, used by the general vicars or other ecclesiastical members.

Without exception, the “formulary rules” of the confirmation charters stated that two secondary clauses had to be included in the eschatocol, namely corroboration and dating. Sometimes, corroboration clause consisted only in the sentence *Nos* (or *Ego*) *ratas habemus* (or *habeo*) *atque firmas*, or of another similar sentence, without mentioning the document validation methods. Yet, these methods were often revealed through the enunciation *In huius rei testimonium...* or in similar terms. The seal of the grantors, used in all eighty *acta*, is shown as *patentem litteram sigilli nostri munimine consignatam*, or *has nostras patentes litteras duximus concedentes sigillorum nostrorum munimine communitas*, or even *presentes institutionis litteras concessi sigilli... munimine comunitas*<sup>14</sup>, etc. With regard to the signatures, used as we will see from the early decades of the 14<sup>th</sup> century, we noted that the signatures of notaries were never included. The appointment of prelates is mentioned once only in a document dated September 1400, the last one in the *corpus* under study, as follows: *has presentes litteras manu nostra conscriptas*, mentioning the appointment of bishop D. Gil Alma (1399–1407)<sup>15</sup>. Chirography, the notary *signum* and the inclusion of witnesses were forms of *validatio* used exceptionally; therefore, they do not include the formulary “rules” for corroboration clause.

The dating also appeared in all the confirmations, and included both the chronological date and the topical date. The formula often used to introduce the date is *Datum apud...* or *Datum in...* In two occasions, we find the form *Datum et auctum* (sic) *in...*<sup>16</sup>, and in another two cases *Actum est hoc apud...*, the latter used in documents whose form is different from the usual<sup>17</sup>. The chronological date always appears as day/month/year. In most charters, the year is expressed in the Hispanic Era, following a common practice in Portugal until the early 15<sup>th</sup> century<sup>18</sup>. However, in the first two decades of the 14<sup>th</sup> century, some documents appeared with the date in the Era of Christ, namely *Anno Domini* or *Anno a Nativitate Domini*. However, this was only used preferably from the second half of the 14<sup>th</sup> century. In presenting the day, the traditional Roman form of counting

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<sup>12</sup> João da Ponte, canon of Astorga, general vicar of the bishop of Porto, D. Pedro Afonso, appointed governor by document dated 17 August 1346. This document is included in the investiture as a clergyman (October 1348), and states: « investiens ipsam per meum annulum presencialiter de eidem [ecclesia] », AN/TT, Mosteiro de S. Salvador de Vairão, mç. 9, doc. 26.

<sup>13</sup> Documents dated 25 May 1341 and May 1389: respectively AUC, Gav. 8A, mç. 3, n° 140 e n° 181.

<sup>14</sup> Respectively: AN/TT, Mosteiro de S. Salvador de Moreira, mç. 9, doc. 33, and AN/TT, Mosteiro de Santa Maria de Tarouquela, mç. 8, n° 19, ADP, CC, LO, 1687, fl. 55.

<sup>15</sup> AN/TT, Mosteiro de S. Salvador de Moreira, mç. 12, doc. 35.

<sup>16</sup> Respectively AN/TT, Mosteiro de S. Salvador de Moreira, mç. 10, doc. 17, and AN/TT, Mosteiro de S. Salvador de Paço de Sousa, mç. 1, doc. 2.

<sup>17</sup> Dated September 1285 and December 1292: *Censual do Cabido...*, p. 197–198, and p. 70.

<sup>18</sup> José Saraiva, « A data nos documentos medievais portugueses e asturo-leoneses », in *Revista Portuguesa de História* [Coimbra], vol. 2, 1943, p. 25–220; A. H. Oliveira Marques, « Era », in *Dicionário de História de Portugal*, vol. 2, Porto, s.d., p. 411; Avelino de Jesus da Costa, « Calendário », in *Dicionário de História de Portugal*, vol. 1, Porto, s.d., p. 435–438.

backwards, or regressively, the *nonas*, *idus* and *kalendas*, was used until the beginning of the 14<sup>th</sup> century. From then on, it was superseded by the direct counting of days, from the beginning to the end of each month<sup>19</sup>.

Having examined the *dictamen*, we focused our attention on the *validatio* of the eighty *acta*. It was noticed that the norm “forced” the use of the grantor’s seal. Initially, the seals belonged to the bishop or the cathedral’s clergymen (vicars, canons, etc.). However, from the early 14<sup>th</sup> century, they were “replaced” by the *sigillum curiae* (used precisely by the general-vicar or by someone replacing him). In the 1310s, the signature of the grantors – either of the prelates, vicars of other clergymen – were always added to the seals, i.e., the validation of the document consisted of the seal and signature of the grantor. From the early 1330s, the signature of the notary who drew up the document was also added to the *validatio* of the confirmations along with the seals and signatures of the parties.

## II. “Exceptions”

In some cases, the “formularly rules” of the *dictamen* and *validatio* were broken. And precisely because these documents are exceptions, they deserve special attention, since their study has showed that the changes only relate to specific situations.

The first charter of confirmation of rectorry that is different from the norms followed until then dates from September 1285. The reason for these differences lies in the content of the document: bishop D. Vicente Mendes presented and invested Miguel Peres as the rector of the church of S. Fausto da Régua, since this church was under his patronage (as the bishop of Porto and not personally)<sup>20</sup>. Along with confirming the rector, the prelate also established the income to be paid annually to the episcopacy, from the assets and properties belonging to the church. The rector also agreed to repair and to rebuild the church, the houses and everything else that needed repairing. Both the bishop and the rector corroborated the document (*Nos memorati episcopus et rector fecimus fieri*) and ordered the notary of the curia (Martinho Soares) to have two letters drawn up, one for each, *per alphabetum divisas*, in the presence of several witnesses. That is, in addition to confirming the rector, the charter established his duties, and he accepted them, becoming not only a recipient but a signee of the written document. This situation is not repeated in any other case, since, as we have mentioned, the recipients of the other *acta* were the parishioners of the churches in question. Because the document has no address, it would not be logical if it had a greeting. On the other hand, it is not surprising that an invocation has been included. Similarly, it is also understood that the dispositive and final clauses are different from the usual ones. For example, it would not have made sense if there had been references to the duties of the parishioners because they are not the recipi-

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<sup>19</sup> This change is directly related to the increasing use of the vernacular, where it was always used, and was also « imported » to the documents in latin (M. J. O. Silva, *A Escrita na Catedral...*, p. 151–155). This change started in a previous period, more precisely during the episcopacy of D. Pedro Salvadores (1235–1247): M. J. O. Silva, *Scriptores et Notatores...*, p. 128–129). See, on this matter, Olivier Guyotjeannin, Benoît-Michel Tock, « *Mos presentis patrie*. Les styles de changement du millésime dans les actes français, XI<sup>e</sup>–XVI<sup>e</sup> siècle », in *Bibliothèque de l’École des chartes*, vol. 157, n<sup>o</sup> 1, 1999, p. 43–109.

<sup>20</sup> *Censual do Cabido...*, p. 197–198 (« in ecclesia seu camera nostra Santi Fausti de Regua »).

ents. Moreover, in other forms of *validatio*, the absence of the episcopal seal over the use of chirography, of the notary *signum* and the list of witnesses is justifiable.

Some rules<sup>21</sup> were also “broken” in the *dictamen* of the confirmation dated December 1292. In this case, the reason seems to be the fact that before confirming the rector, the bishop had to judge *in iudicio* the controversy related to the rights of patronage of the church, which is narrated in the document<sup>22</sup>. It is understandable that in this context two letters were drawn up (to the “winning” patrons), *per alfabetum divisas*, before witnesses, with the notary *signum*. The absence of a greeting is also justified because the document has no address, and also the final clauses intended for the parishioners.

This same reason, i.e. the existence of conflicts over the right of patronage, would have caused the change in the confirmation structure done in May 1341<sup>23</sup>. Here, the general vicar confirmed Gonçalo Martins as the rector of the church of Santa Maria do Vale (Feira), after inquiring about the presentation of that church. Unlike all the previous ones, this charter was addressed to the rector, referred to as *dilecto in Christo*, and not to the parishioners. This explains the absence of a notification and may also justify the use of an invocation. It also explains the lack of a final clause according to which the *parrochiani* had to subordinate to the confirmed rector, and justifies the oath of obedience of the rector, in the first person singular (*Ego vero Gonsalvus Martini... juro ad sancta Dei Evangelia...*). The presence of several witnesses, included in the validation forms, may have been related to the fact that there had been a process involving the presentation.

Some changes in form that appear in the three investitures of October 1341 and April 1342 also deserve some attention. As in the document of May 1341, all these confirmations were addressed to the invested rectors (using the expression *dilecto nobis in Christo*), representing the exceptions to the rule. On the other hand, none of these documents have a notification, but they have a greeting, followed by the same preamble: *Tue merita probitatis, quibus superno Domino nosceris abundare, nos inducunt ut tibi reddamur ad gratiarum actiones liberales*<sup>24</sup>. The merits of the addressee are visible in this *arenga*, justifying the generous action of the bishop, i.e. the confirmation of the clergyman for the position of rector. This preamble is found in pontifical documents granting ecclesiastical benefits<sup>25</sup>, and it is very likely that the writer would have used them to make the change in the *dictamen*. This “import” of one of the papal preambles may have been the responsi-

<sup>21</sup> ADP, CC, LO, 1687, fl. 59; *Censual do Cabido...*, p. 70.

<sup>22</sup> The controversy arose between the church of Porto (represented by the dean) and the monastery of Cedofeita, on the one hand, and certain knights, on the other hand, on the presentation of the church of S. João de Guidões. After reading various « cartis antiques », the bishop invested Martinho Martins as the rector of the said church, presented by the dean of Porto and by the abbot of Cedofeita, since the courts decided that they were the patrons.

<sup>23</sup> AUC, Gav. 8A, mç. 3, n° 140.

<sup>24</sup> AN/TT, Mosteiro de S. Cristóvão de Rio Tinto, mç. 5, p. 1, n° 13, 17 and 129; ADP, CC, LO, 1688, fl. 16.

<sup>25</sup> E.g., in a « littere gratiose » by Urban V, of January 1367, addressed to João de Donegan, granting him the archdeaconry of Down: « Probitatis et virtutum merita, super quibus apud nos fide dignorum commendaris testimonio, nos inducunt ut tibi reddamur ad gratiam liberales » ([http://www.isle-of-man.com/manxnotebook/manxsoc/msvol22/adx\\_d39.htm](http://www.isle-of-man.com/manxnotebook/manxsoc/msvol22/adx_d39.htm), accessed in June 2012); or in another papal bull by Gregory XI, of January 1371, granting the canonry, stipends and archdeaconry of Calatrava to Pedro de Tenório: « Probitatis et virtutum merita quibus personam tuam fidedignorum testimonio juvari percepimus, nos inducunt ut tibi reddamur ad gratiam liberales » (Vicente Beltrán Heredia, *Bulario de la Universidad de Salamanca, 1219–1549*, t. I, León, 2001, p. 413). See the various examples of harangues in papal documents, among which one very similar to those of the investitures

bility of the bishop signing these *acta*, D. Vasco Martins. Note that D. Vasco lived several years in the papal Curia, leaving only in 1335 when he was already the bishop of Porto (appointed since 1328)<sup>26</sup>. In fact, this *arenga* was used in the chancery of Porto only in the charters signed by this bishop<sup>27</sup>.

Following the preamble, we have the narration, which begins with the expression *Cum itaque* (and not, as would be customary, by the pronoun *quod*). As usual, the narration includes the confirmation of the clergyman's reputation, yet in these four documents this confirmation was strengthened, mentioning: *quia per nos* [bishop] *diligenter examinatus tam de ydoneitate persone sue quam vita et conversatione aliis que meritis idoneus et repertus*. This emphasis seems to be directly related to the words of the *arenga*.

Curiously, the bishop did not sign these four documents, although he is one of the parties. We know that D. Vasco was in the diocese but as he says in a document of March of 1341 he was *multis nostris nostreque Portugalensis ecclesie negociis occupat[us]*<sup>28</sup>. Because of that, he committed a cause in the hands of one of his general vicars<sup>29</sup>. Those *negocia* should be the reason for which he did not sign the documents but a person called *Franciscus Dominici* (in the October 1341 documents) and another called *Fernandus Stephani* (in the 1342 document). Both are witnesses in those documents, another unusual validation form in the investiture letters. The former, Francisco Domingues, appears as canon of Porto, and the other, Fernando Esteves, as the rector of S. Nicolau de Cabeceiras (diocese of Braga). Other testimonials confirm that they had both been general vicars of D. Vasco Martins<sup>30</sup>.

The two last exceptions to note are the lack of a notary signature on the documents of 1351 and 1352<sup>31</sup>. This may be due to the fact that the grantor Bishop (D. Pedro Afonso) was in Alva de Tormes and Muriel, in the diocese of Salamanca. Indeed, the palaeographical examination showed that the handwriting in both documents does not match the handwriting of any of the notaries of the See, but the *dictamen* follows the rules used in the chancery of Porto.

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of Porto clergymen, mentioned in Ovidio Cuella Esteban, *Bulario Aragonés de Benedicto III (I): la Curia de Aviñón (1394–1403)*, Zaragoza, 2003, p. 41–42.

<sup>26</sup> On this prelate, Maria Helena da Cruz Coelho, Anísio Miguel de Sousa Saraiva, « D. Vasco Martins, vescovo di Oporto e di Lisbona: una carriera tra Portogallo ed Avignone durante la prima metà del Trecento », in *Colóquio internacional A Igreja e o clero português no contexto europeu*. Lisboa, 2005, p. 117–136.

<sup>27</sup> The investiture of a clergyman in May 1342, i.e., still during the episcopacy of D. Vasco, did not have this preamble, but the grantor was not the bishop, rather João Palmeiro, general vicar (AUC, Gav. 8A, mç. 3, n° 141).

<sup>28</sup> AUC, Gav. 8A, mç. 3, n° 140.

<sup>29</sup> Namely Fernando Esteves.

<sup>30</sup> Francisco Martins is mentioned as such in [1328–1342]: AN/TT, Mosteiro de S. Pedro de Cete, mç. 1, doc. 35; and Fernando Esteves between August 1332 and April 1342: respectively, AN/TT, Mosteiro de S. Salvador de Moreira, mç. 10, doc. 32, and AN/TT, Mosteiro de S. Cristóvão de Rio Tinto, mç. 5, p. 1, n° 13. In November 1347, Francisco Martins is mentioned as canon of Porto and *domesticus illustrissimi domini Alfonsi regis Portugalie: Monumenta Portugaliae Vaticana*, vol. I, ed. by António Domingues de Sousa Costa, Roma-Porto, 1968, doc. 268, p. 138–139; and in April 1250, is referred as canon of Porto, Évora and Lisbon and also as *utrisque iuris peritum: ibid.*, doc. 367, p. 185–186, but we don't know if he became *peritus* before or after he signed those three documents.

<sup>31</sup> Lisboa, Biblioteca Nacional de Portugal (BNP), n° 136P, and AN/TT, Mosteiro de S. Cristóvão de Rio Tinto, mç. 5, p. 1, n° 19.

### III. Formulary originality?

In order to assess the originality of the formulary of the confirmations of rectory produced in the episcopal chancery of Porto, we conducted a comparative analysis of the letters drawn up in other episcopal chanceries. We examined thirty six *acta* from the chancery of Coimbra, produced between 1229 and 1318<sup>32</sup>, and eleven from the chancery of Lamego, between 1274 and 1348<sup>33</sup>. The total number is not very high (fourty seven documents), but it corresponds to the total documents of this nature produced in both chanceries during the chronological period under study, i.e. the comparative analysis of these two chanceries is as wide-ranging as possible.

With regard to the *dictamen*, we focused on the four secondary clauses that have always been part of the Porto's documents (safeguarding the exceptions already mentioned) – in other words, the *salutio*, the notification, the corroboration and the dating. We also focused on the forms of *validatio* of the charters in question.

All the *acta* examined, either from Porto, Coimbra or Lamego, have an element in common: the eschatocol includes the corroboration and the dating clauses. The differences lie in the remaining parts of the documents. In fact, we noted that in the protocol of the Coimbra charters, the greeting is present in less than a half of the documents (17 out of 36). Indeed, at first (between 1229 and 1253), it is constantly used, then it appears occasionally (between 1260 and 1300), and is once again part of the formulary from the early 14<sup>th</sup> century. As for the forms of *salutatio*, they varied between *Salutem et benedictionem*, the most regularly used<sup>34</sup>, as in Porto, and *Salutio* (sic) *in Domino*<sup>35</sup>, although one document contains the version *Salutem in domino Jhesu Christi*<sup>36</sup>. With regard to the documents from Lamego, we noted that all eleven documents had a greeting. As in Porto, the choice of the *salutatio* depended on the grantor: the bishops chose *Cum benedictione salutem* ou *Salutem et benedictionem*, while the vicars used both *Salutem in Domino* and *Salutem in Eo qui est omnium vera salus*.

More usual, the confirmations in Coimbra include the notification, although it is not found in six documents. In these cases, which together seem to be exceptional, the text begins immediately with the narration, normally through the expression *Cum ecclesia... vacavisset* or *vacat...*<sup>37</sup>. In Lamego, the *notificatio* was always used through the expression *Noveritis quod* (the same one that appears in almost all the *acta* produced in Porto).

Regarding the validation forms, as in the Porto chancery, in Coimbra and Lamego the grantor's seal was used in all investitures. The only exception was in a document dated December 1348, from Lamego, which was only validated by the signature of the notary. Other than the seal, other forms of *validatio* are rare. In Coimbra, a list of witnesses was

<sup>32</sup> The document survey was done based on Maria do Rosário Barbosa Morujão, *A Sé de Coimbra: a instituição e a chancelaria (1080–1318)*, Lisboa, 2010, p. 692–749.

<sup>33</sup> The documentary corpus was chosen based on Anísio Miguel de Sousa Saraiva, *A Sé de Lamego na primeira metade do século XIV (1296–1349)*, Leiria, 2003, p. 891–931.

<sup>34</sup> Present in eleven documents.

<sup>35</sup> Present in five documents.

<sup>36</sup> Dated 20 December 1303: AN/TT, Sé de Coimbra, 2<sup>a</sup> incorp., mc. 7, n<sup>o</sup> 349.

<sup>37</sup> Namely in documents dated April 1260 (AN/TT, Sé de Coimbra, 1<sup>a</sup> incorp., mc. 16, n<sup>o</sup> 31), April 1317 (AN/TT, Sé de Coimbra, 2<sup>a</sup> incorp., mc. 68, n<sup>o</sup> 2498), December 1317 (AN/TT, Sé de Coimbra, 2<sup>a</sup> incorp., mc. 63, n<sup>o</sup> 2310f) and April 1318 (AN/TT, Sé de Coimbra, 2<sup>a</sup> incorp., mc. 58, n<sup>o</sup> 2157).

used in a confirmation<sup>38</sup>, probably because it was preceded by court proceedings. As we have already mentioned, in the Porto charters, the presence of witnesses is also related to controversies solved *in iudicio*. We did not find the signature of the respective grantor in any document from Coimbra, whether of a bishop, a vicar or of any other ecclesiastical member. In Lamego, however, the first document signed by the bishop dates from December 1320, and another one appeared in July 1333 and May 1345. The notary's signature, however, was only found twice in Coimbra<sup>39</sup> and once in Lamego<sup>40</sup>. Note that in Porto the signature of the parties was one of the validation forms from the 1310s on, and of the notaries from the early 1330. In the counterpart chanceries examined, these forms were never or hardly ever used during the periods analyzed.

In this comparative analysis, and in order to better evaluate the "formularly originality" of the *acta* of Porto, we used the studies conducted by Pilar Pueyo Colomina on these same documents issued in Zaragoza, between September 1348 and February 1350, and copied in the "registro de actos comunes" [records of communal acts]. This period has specific characteristics, since the plague epidemic swept across this archbishopric for many years. For this reason and for others, in less than two years there were more than three hundred charters of confirmation, fifty nine of which of rector<sup>41</sup>. In Porto, we only collected four within this same period.

Although the difference in number is great, the fact is that we can establish a comparison since the documents of Zaragoza, as Pilar Pueyo argues, have always followed the same form. First, the author highlights that this form resembles a papal bull to provide for vacant positions<sup>42</sup>. Because they were copied in a registry book, the forms usually appear in short. Notwithstanding, we can conclude that the only clause included in the protocol was the greeting, expressed through *Salutem et dilectionem*<sup>43</sup>. In Porto, this clause is also ubiquitous but this form of greeting has never been found, rather preferring, as we have already mentioned, the expression *Salutem et benedictionem*. But the biggest difference between the Portuguese and the Zaragoza investitures is found in the text, more precisely in the use of a preamble. In fact, similarly to the papal bulls, all charters done in Zaragoza have a *arenga*, while in Porto, as mentioned previously, only those produced in the episcopate of D. Vasco Martins have this clause. Both of them begin with the form *Tue merita probitatis...*, thus enhancing the merits of the beneficiary<sup>44</sup>. The use of this form in the text is directly related to the address in the documents. The confirmations in Zaragoza were always aimed at the rector receiving the confirmation, while in Porto, except for the

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<sup>38</sup> Dated July 1277: AN/TT, Sé de Coimbra, 2ª incorp., mç. 55, nº 2105.

<sup>39</sup> Both done by João Eanes in April 1292 and June 1293: AN/TT, Sé de Coimbra, 2ª incorp., mç. 67, nº 2441, and AN/TT, Mosteiro de Santa Cruz de Coimbra, 2ª incorp., mç. 61, cx. 65, s/n. On this notary, see M. R. B. Morujão, *A Sé de Coimbra...*, p. 415–419.

<sup>40</sup> Namely in December 1348: A. M. S. Saraiva, *A Sé de Lamego...*, doc. 43-II, p. 889–890.

<sup>41</sup> Pilar Pueyo Colomina, « La peste negra en la diócesis de Zaragoza: el registro de actos comunes del arzobispo Guillermo de Agrifolio (1348–1350) », in *Aragón en la Edad Media* [Zaragoza], nº 10–11, 1993, p. 705–735, on p. 715.

<sup>42</sup> *Ibid.*, p. 708. According to the author, the formularly is very similar to the one used in the diocese of Valencia (*ibid.*, p. 708, n. 11).

<sup>43</sup> *Ibid.*, p. 710. According to the author, the form normally used in Valencia and Barcelona was *Salutem in Domino* (*ibid.*, p. 710, n. 20).

<sup>44</sup> *Ibid.*, p. 710.

documents signed by D. Vasco Martins, they were always intended for the parishioners of the church in question.

As in the charters produced in Porto, so too the ones in Zaragoza include the *narratio* with the name of the patron and the reasons for the new document<sup>45</sup>. The content of the provisions of both chanceries is also similar, mentioning the investiture and, where applicable, the need for the beneficiary to reach priesthood. The biggest difference lies in the verbs used in the provisions. In Porto, the verb used was always *instituimus*, while in the Aragonese counterpart the verb chosen was *conferimus et providemus*<sup>46</sup>. As in the documents produced in Porto, the duties of the rector, such as place of residence, obedience to the bishop and the payment of a census, are found in the clauses attached to the document<sup>47</sup>. Finally, the confirmations of Zaragoza include corroboration (announcing the forms of validation) and dating. Corroboration is expressed through a form identical to the one used in Porto, namely *In quorum omnium testimonium presentes litteras...*, to which is added the validation through the embossed seal<sup>48</sup>. Regarding the date, it begins by *Actum et datum*<sup>49</sup>, which, as noted before, was hardly ever used in Porto. However, the diocese of Aragon, like the diocese of Porto, also used the direct counting to indicate the day and the Era of Christ for the year<sup>50</sup>.

## Conclusion

The overall analysis of the *dictamen* of the confirmations of rectory produced in the chancery of Porto, between 1255 and 1400, reveals a uniform choice of the forms of the protocol, the text and the eschatocol. However, it also reveals some evolution felt from 1280, adding elements to the dispositive clause in order to meet the most recent council norms. Furthermore, the increase in the number of validation forms, especially from the first half of the 14<sup>th</sup> century, also led to the inclusion of more elements in the *corroboratio* to announce those *validatio* forms.

The comparative study of the charters produced in Porto, in Coimbra and in Lamego revealed that their formularies have some similarities but also some differences. The similarities are found in the systematic presence of corroboration and dating in the eschatocol. With respect to Coimbra, the major differences are in the irregular use, by the chancery, of the greeting and the absence of the validation through the signature of the grantor. In relation to Lamego, despite the small number of investiture documents analyzed, we concluded that the formulary is similar to Porto's as to the use and forms of greeting and notification. Regarding the validation, and unlike Porto, apparently no rule was established since the signature of the grantor appears in an irregular manner.

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<sup>45</sup> *Ibid.*, p. 711.

<sup>46</sup> *Ibid.*

<sup>47</sup> *Ibid.*, p. 712–713.

<sup>48</sup> *Ibid.*, p. 713.

<sup>49</sup> *Ibid.*, p. 714.

<sup>50</sup> *Ibid.*

With respect to the comparison of the *acta* done in Zaragoza between 1348 and 1350, we have concluded that these are very similar to those produced in the episcopacy of D. Vasco Martins. That is to say, they have the same form as some of the exceptions, and not of the documents produced in accordance to the formulary “rules” followed in the Porto chancery between 1255 and 1400.