

## LEGISLATIVE SOURCES

### 1

#### *CONSTITUTIONES ANTIQUAE*

#### **Introduction**

The *Constitutiones antiquae*, in the text we read today, were very probably drawn up on the occasion of the General chapter held in Florence in 1289 and are certainly of the period before 1295, when the series of *Cosntitutiones novae* begins; this title stands for the decrees promulgated by the general chapters. Forty years previously, in 1249, Cardinal Raniero of Santa Maria in Cosmedin, legate of Pope Innocent IV, by his letter *Devotionis vestre*, had taken under the protection of the Apostolic See the prior and friars of Monte Senario and had confirmed for the new foundation the adoption of the Rule of St. Augustine – conceded before 1247 by Bishop Ardingo of Florence – completed by other norms to harmonize it.

The rule and norms were confirmed, together with an undertaking not to possess immovable goods, taken on by the community in 1251, by Alexander IV in 1256. After this first official recognition, the growth of the Order in the following decades made necessary a more organized structure and the primitive body of statutes was completed by dispositions made by general chapters, which often decreed norms similar to those of other Orders of a monastic-mendicant inspiration. Some spiritual elements characteristic of the original experience of the Seven on Monte Senario, especially the idea of poverty and contemplation, gradually became less marked so as to let come forward the lines of a vocation to a life “according to the way of the apostles” – because this is the original meaning of the term “apostolic life” – which was evolving and maturing in the Order.

Reading the first written Servite legislation from a modern angle can give an impression of strangeness: at first sight, it seems a text geared to complicating life, full as it is of minute prescriptions, often repetitive, as if it wished to regulate and even control every bit of the friar’s life.

But if we can immerse ourselves in the anthropological and cultural context and the spiritual atmosphere which permeated those times, we will become aware that behind this apparent state of things, there lies hidden a clear intention: to give real meaning to everyday life and to avoid living it in a banal way.

The spirituality of the first generation of Servites is heavily marked by a symbolic dimension: in this context, life itself is a liturgy. The penitential aspect is celebrated in the *service to Our Lady* which Servites chose as the dimension which gives meaning, direction and harmony to their style of life. For this reason, the different prescriptions, especially those concerning the liturgy and the penitential style – i.e., continual “conversion” in a fraternity aiming at maintaining a constant contemplative attitude (forgiveness, fraternal correction, co-responsibility in maintaining the spiritual level of the community, ascetic commitment, sobriety, etc.) – are emphasized by words and deeds which help the friar to keep his basic commitment constantly in mind.

This way of life, while common to the spirituality of the Orders of the same age, presents some characteristics which allow us to discern a specific, individual and somewhat origin spiritual shape, right from chapter 1: *De reverentiis beatae Marie virgini exhibendis*. A particular awareness of the presence of the Mother of Christ permeates the entire liturgy – from the churches which must be dedicated to her to the daily invocation before every canonical hour and the special *Vigilia de Beata* including the prescription of acts (bows, genuflections) that express the awareness of the friars that they are *servants* and of the merciful intercession of Our Lady – and extending to other realms such as the meaning of the habit and the obligation to salute Our Lady going in and out of the priory. This presence of St. Mary is emphasized in the more important acts of the life of the Order: indeed, it is ordained that elective chapters – at all levels – after the *Te Deum*, should end with the verse and prayer to the Bl. Virgin. The black color of the habit, too, and the remembrance of the *viduitas*

(widowhood understood as deprivation of her Son) of Our Lady recalls another symbolic, religious sign, one of great depth and commitment, i.e., humility and penance, and consequently, the awareness that the world cannot have the fullness of joy but aims towards it, in solidarity with the suffering of the world, witnessed to by reference to the image of Our Lady who suffers because she is deprived of her Son.

The original attention to poverty is made clear in many places and is elevated to the status of the very identity of the Order: it is permissible, for example, to put aside the normal form of liturgical celebration and to adapt to what it is possible to use, according to the books available, since they “consider themselves to be the poor of Christ”.

Austerity, as the means of expression of an attitude of poverty, is pointed out in several places, in particular in the norms concerning clothing [cloth of little value], the permitted foods, fasts, limits to gifts on the part of candidates to the Order. Poverty, however, has a wider value that embraces the whole of life: it is because of this understanding of “having nothing of one’s own “that friars on journeys and who therefore live off the assistance given them “in the name” or “for the love” of, except at very precise liturgical times, can derogate from any norm of the Constitutions and use with grateful humility whatever is offered them.

A mark of this new, fraternal and deep understanding is the attention given to suffrages for deceased friars, which is particular to the Servites as compared to the other legislative sources whence derive our Constitutions. Other special features are found in the organization of the life of the Order.

The deep spiritual value of the *Constitutiones anti-quaе* is witnessed to by the fact that, notwithstanding the passage of time and the different forms Servite legislation assumes in the course of the centuries, even today not only are the basic inspirations of the *Constitutiones antiquae* still in evidence, but also a large part of the prescriptions characteristic of the Order from the earliest times: the presence and reverences of St. Mary (sometimes even the ancient formulae are preserved to the letter as, for example, the *Vigilia* of Our Lady or de *Beata*), the color of the habit, the amicable remembrance of the dead and the norms for chapters.

The *Constitutiones antiquae* depend on and are similar in many parts to those of other Orders of the same age or older, but they also contain certain original characteristics which we wish to point out. They comprise 25 chapters, of which the first is entirely original in its placement and the creative yet unifying summary of references to St. Mary. Furthermore, somewhat original are the chapters on suffrages for the dead, the habit, those who can be admitted into the Order, the officials, those on journeys, the formula for profession, prohibitions and the general chapter.

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### **Editions**

P. M. S OULIER, *Constitutiones antiquae fratrum Servorum sanctae Mariae a s. Philippo Benitio anno circiter 1280 editae*, in *Monumenta OSM*, I, Bruxelles 1897, p. 7-17 (introduction), p. 27-54 (text).

### **Bibliography**

F. A. DAL PINO, *I frati Servi di s. Maria*, I, p. 206-235; 899-905; 1044-1073; 1318-1325.

## **CONSTITUTIONES ANTIQUAE OF THE FRIARS SERVANTS OF SAINT MARY**

### Chap. I - Acts of devotion Towards the Blessed Virgin Mary

Every Saturday and every Wednesday, the mass of St. Mary is to be celebrated in community. On Saturday the *Gloria in excelsis Deo* and the *Credo* are also to be sung, and all the norms proper to a semi-double feast are to be observed, unless solemn feasts or other feasts that are not to be omitted fall on those days. In this case, if it is not possible to sing two masses in the same day, these are to be celebrated in other days of the same week. In any case, the mass of the day is not to be omitted and is to be heard in community by all the friars and is to be celebrated either by the priest who has celebrated the mass of St. Mary, or by another.

The *Vigil of Our Lady* is to be recited every evening, with three readings and two responsories, and after the third reading the *Salve Regina* is to be said; on Friday, it is to be recited as on a feast of double rite and two candles are to be lit.

The hebdomadarian, at the beginning of every canonical hour, having said the *Pater Noster* quietly, immediately adds the first *Ave Maria*, gratia plena, *Dominus Tecum*, in the same tone with which he says *Deos in adiutorium meum intende*, and the friars reply *Benedicta tu in mulieribus et benedictus fructus ventris tui*.

The reader, also, before beginning the reading, is to intone the same salutation, i.e., *Ave Maria* up to *fructus ventris tui* inclusive, except at the reading for Compline, at the chapter Pretiosa and in the Easter Triduum.

Every priest who has not sung the mass of St. Mary, having celebrated the ordinary mass, is also to read the mass of St. Mary. If it is a case of the conventual mass, the friars are not to go away, but all are to hear it.

Furthermore, in the hymn *Memento salutis*, the verse *Maria Mater gratiae* is to be inserted.

The memorial of the Bl. Virgin Mary is always to be made, with the antiphon, verse and prayer, at Vespers and Matins, except on double feasts.

In the same way, at Vespers and Matins, the memorial of Bl. Augustine is to be made, with the antiphon, verse and prayer, except on double feasts and when the suffrages are not recited. In the mass, his memorial is made at the prayer *A cunctis*, when it is said.

The *Salve Regina* at the end of every hour and after the community mass is not to be omitted at any time of the liturgical year, except during the Easter Triduum.

Every evening, the *Salve* is to be sung with great devotion after the reading of the *Vigil of Our Lady*, when this is sung; when and if the *Vigil* is not sung, the *Salve Regina* is to be sung at the end of Compline. All the friars present in the priory, including the provincials and other officials, are to take part from the very beginning, having put aside every other task; and the bell is to be rung so that the friars cannot put forward excuses.

Every church of our Order and high altar are to be erected and consecrated in honor of Our Lady, when there are no particular obstacles.

On the big solemnities, when the canonical hours of Our Lady are omitted according to the rite of the Roman Curia, they are to be recited with devotion by the friars, in groups of two or three, in the way they consider most suitable.

No other feast that falls within the octave of the Nativity of the Bl. Virgin Mary is to be celebrated, except the feast of the Holy Cross; they are to be postponed until after the octave. Where the church or an altar are dedicated to her, the feast of St. Anne is to be celebrated with double office. On the feast of St. Augustine, the double office is always and everywhere to be celebrated.

No one is to dare to introduce into the divine office by adding or subtracting anything, thereby departing from what has been stated above, without the permission of the general chapter.

## Chap. II – Liturgical celebrations.

The mass and the other divine offices are to be celebrated according to the rite of the Roman Curia, always adding the above-mentioned acts of devotion towards the Bl. Virgin Mary, except for the use of the psalter and the Gallican melody.

If, however because of a scarcity of books, it is not possible to observe this custom, it is lawful for the poor of Christ to celebrate any other office according to the books at their disposal and the usages of those among whom they find themselves.

At Matins, Prime, Terce, None, Vespers and Compline, the bell is to be rung twice. It is rung three times for a double feast, but only at Vespers and Matins. All the friars, at the first signal, are to leave their tasks and prepare themselves, so that at the second bell they are immediately ready to go into church in an orderly and dignified way.

All are to participate together assiduously at mass, at the canonical hours and at the other divine offices that are celebrated in community up until their end.

The non-cleric friars are to go to church for Matins, Mass and Vespers and are to stay there until they have finished their hours: in place of Matins, they are to say sixty *Pater Noster*; in place of Prime, fourteen; in place of Terce, fourteen; in place of Sext, fourteen; in place of None, fourteen; for Vespers, twenty-five; for the *Vigil of Our Lady*, seven; for Compline, fourteen.

When the office for the dead is celebrated the non-cleric friars shall say, in place of *Vespers and the Vigil* of the dead thirty *Pater Noster*. The clerics who do not know how to recite the canonical hours shall also say the *Pater Noster*, as indicated for the non-cleric friars.

The recitation of all the hours and the other divine offices in church is to be done with brevity and without dragging it out, so that the devotion of the friars and others present does not fail. That is, the full-stops and pauses are to be observed, and the voice must not prolong final (vowels), but is to stop, as stated above, with brevity and without drawing them out. This norm, however, is to be observed with due adjustments according to the different liturgical seasons.

The kiss of peace is given only on double and semi-double feasts, on Sundays and during the mass of St. Mary which is celebrated on Saturdays.

All the friars must go to confession at least twice a week. They must take communion on the following feasts: the first Sunday of Advent, the Nativity of the Lord, the Epiphany, Ash Wednesday, the Supper of the Lord, the Resurrection, the Ascension, Pentecost, the four festivities of Our Lady, i.e., the Purification, the Annunciation, the Assumption, and the Nativity, the feast of the Apostles Peter and Paul in the month of June and that of All Saints.

### Chap III – Bows.

The friars, when they go to choir for the office, having first made a deep bow to the altar, are to go each to his own place, according to their seniority by age of entrance into the Order, the priest-friars, however, being all together.

After the sign given by the prior, having bowed deeply or genuflected according to the liturgical season, they are to say the *Pater Noster*. When the prior has made another sign, they are to get up.

Having begun the hour devoutly in this way, they are to turn toward the altar and make the sign of the cross to strengthen themselves. At the *Gloria Patri*, up until the *si-cut erat*, they are to bow deeply, as far as their knees, one choir towards the other. They are to do the same every time the *Gloria Patri* of the psalms is said, at the last verses of the hymns, at the penultimate verse of the *Benedicite canticle*; at the *Suscipe deprecationem nostram* when the *Gloria* is sung in the Mass; from *Ex Maria Virgine*, et homo factus est, when the *Credo* is sung at the *Quos pretioso sanguine rede-misti* when the *Te Deum laudamus* is said; at the first collect of the mass after the *Dominus vobiscum*, at the prayer of the mass of Our Lady and at their respective *post-communio*; in each canonical hour, at the collect of the day and of St. Mary; at the prayer *Sancta Maria* of the *Pretiosa*; every time the name of St. Mary is pronounced; at the *Salve Regina*; at the *Ave Maris Stella*.

The reader, moreover, after having said *Jube domne benedicere*, is to remain bowing deeply until the end of the blessing; and so again, every time that the *Pater Noster* or the *Credo* is said quietly; at the prayers that are said after the *Credo* at Prime and Compline.

When the office is sung, one choir turns toward the other. In all the other seasons, having observed the bows and the genuflections mentioned above and below, the friars are to remain turned towards the altar, during the mass as well as the hours; during the mass, when the prophecies, the epistles, the graduals, the tracts or the verses are sung, those who are not singing must stay sitting down. When the psalms of the office are sung, we sit down or we stand up alternately, up until the *Laudate Dominum de celis*.

Every time that the friars pass in front of the altar, they are to bow deeply with reverence.

### Chap. IV- The genuflections.

We kneel on ferial days, only at the *Pater Noster* which is said at the beginning of the hours; at the *Pater Noster* which is said before the orations; at the *Credo* which is said at Prime and Compline; at the orations and at the collect of the day, for the suffrages and at the *Salve Regina* which is added to every hour immediately after the *Benedicamus Domino*; and when this has been said, together with its verse and the prayer, the *Fidelium animae* and the *Pater Noster* are said.

Furthermore, we kneel down during the mass, at the first collect of the day, at that of Our Lady and at their respective *postcommunio*, from after the *Orate fratres* until the *Agnus Dei*. Moreover, when the *Salve Regina* is sung, up to the second salve; at the *Ave Maris Stella* when it is sung; at the introit *Salve sancta parens*; at the verse *Veni sancte Spiritus*; and at the *O crux ave spes unica*. Outside the priory, however, as regards bows and genuflections, we conform to the usages of those among whom we find ourselves.

### Chapt. V – The suffrages of the dead.

For every friar that dies, the office with nine lessons and conventual mass for the dead are to be sung in every priory. Every priest is to say three masses and the other clerics an entire psalter. Those who don't know how to read are to recite three hundred *Pater Noster*.

The anniversary of the dead friars is to be celebrated four times a year, i.e., on the second day after the feast of the Purification of St. Mary, the day before the Vigil of the Nativity of Bl. John the Baptist, the first day after the octave of the Assumption of St. Mary and the day after All Saints. For each of these suffrages, an office identical to the one here described for the anniversary of deceased parents is to be celebrated.

The anniversary of deceased parents is to be celebrated the day after the octave of the Epiphany, and the office of the dead with nine readings and the conventual mass are to be sung. Every priest is to say one mass, and the other clerics the seven penitential psalms. Those who do not know how to read, are to recite fifty *Pater Noster*.

The anniversary of the benefactors is to be celebrated on the first day after the octave of the Nativity of St. Mary, and is to be celebrated as indicated for the anniversary of deceased parents.

#### Chapt. VI – Silence.

Our friars are to observe silence in the dormitory, in the cells and in choir, from after Compline up to Prime, and in the refectory while they take food, during the first meal and during the other meals.

They are to observe silence at the common table, both in the refectory and outside it, the priors as well as the others, except for the friar greater in authority among them, and only to ask for the things necessary for the table, and then addressing only the server with a brief and quiet request, in such a way that it can scarcely be heard by the others. The friar greater in authority may dispense the other friars from the silence both in the priory and elsewhere, when he retains it convenient to do so.

In the chapter, no one is to speak unless asked by the prior; then he is to reply briefly and quietly, limiting himself to what is pertinent to the question. If someone behaves in a way contrary to what has been expounded above or even only contrary to one of these things, he may be punished at the discretion of the prior.

#### Chapt. VII – Fasting.

We observe the fast all the days uninterruptedly from the Feast of all Saints up to the Nativity of the Lord, from Fiftieth Sunday up to the Resurrection of the Lord.

From the Resurrection of the Lord until the following fiftieth Sunday, we fast on Fridays. In times of fasting, after Sext, the bell is rung for the ablutions of the hands and then the friars go in to table.

Fasting is observed on the Vigil of Pentecost, on Ember Days, on the Vigils of Sts. John the Baptist, Peter and Paul, James and Lawrence, the Assumption of St. Mary, St. Bartholomew, the Nativity of St. Mary, Sts. Mathew, Simon and Jude, All Saints, the Purification and Annunciation of St. Mary.

We take food as during Lent from the feast of All Saints up to the Nativity of the Lord, on Ember Days, on the four vigils of Our Lady, on the Vigils prescribed by the church and every Friday, unless the feast of the Nativity of the Lord or of St. Mary falls on that day.

Friars who are travelling are not bound to fast on Friday from the Feast of the Resurrection to All Saints. During the whole of Advent, even if they are not observing fasting, they should make use of food as in Lent.

From the Feast of All Saints up until Advent, friars on journeys outside their priory may eat everything put in front of them except meat.

At other times, however so as not to be a weight on those among whom we find ourselves, we can, according to the saying of the Gospel<sup>1</sup>, we can eat all things that are put before us in the name of Christ.

We also fast on Good Friday, for the whole day, wherever we are, on bread and water.

No one, apart from the aforesaid fasts, is to be so bold as to fast at his own personal judgement.

#### Chap. VIII – Food.

At the time established, before dinner and supper, the bell is rung for the washing of hands; then the friars sit together in silence, outside the refectory in the appointed place. Then the bell is to be rung until all the friars have come into the refectory. Then the cantor is to intone the *Benedicite*. Then the cantor is to begin the verse and the friars proceed with the blessing; at the end of this, they sit at table.

When they have got up from the meal, they are to go in procession into church, according to custom, reciting the psalm *Miserere mei Deus* or another psalm according to the liturgical season, and there they finish the thanksgiving.

None of the friars present at the meal is to remain there without permission, except the servers and the guardians. All those who did not take part are to eat at the second meal, so that it is not necessary to have a third.

Special dishes are not to be prepared, different from those prepared for the community, for servers and helpers, but the food is to be the same for all.

A friar is not to pass a dish to another friar. The prior, however, may offer to the one on his right or on his left the portion of food assigned to him.

The priors are to eat in the refectory and are to content themselves with the food of the community. The sick are to do the same, as well as those who receive guests and the other friars, unless the prior sometimes permits someone, for a reason, to eat outside the priory.

At no time of the year is meat to be eaten in the priory, but food can be seasoned with meat sauce. The priors may sometimes dispense their own friars from this, but always with respect for the rule.

Our friars, the priors as well as those under them, should not take meals outside the priory in the places where there is a priory of ours, but only with the bishop or in religious houses or those of honorable clerics or lay people. And this rarely, and with the permission of the prior.

If a friar notices that the one sitting beside him lacks a common food, he is to ask the server for it.

If a server or another person at table, while serving or eating, should commit a fault, he is to ask pardon when the friars get up from table; and he is to return to his place after a sign from the prior.

Nothing pertaining to food is to be kept in individual cells. But all is to be kept and distributed by the one in charge. The conventual prior cannot concede permission to a friar to keep food in his cell, except for a few aromatic or curative herbs, apples or pears, and these only in small quantities.

No meal should be prepared outside the priory, except for a very sick friar and with the permission of the prior. If food is sent in from outside to someone in particular, it is to be handed over to the procurator. If the person concerned is sick, it is to be distributed among the sick; if he is healthy, among the healthy; if he is a visiting friar, among the visitors; and this up to the third day from his arrival. No food can be sent out of the priory without the permission of the prior.

Friars passing through the community are to be looked after lovingly, depending on their fatigue and the length of their journey.

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<sup>1</sup> Lk 10, 8.

No one is to invite a stranger to the guest house to eat or drink without the permission of the prior, with the exception of religious as regards drinking.

Friars on journeys are never to buy meat during their journey, without having first obtained permission from the prior, and only in the case of evident sickness; in such a case, it is lawful for their companion to consume the same food as the sick friar.

If, however, meat is given them out of love for God, they may eat it freely. But if anyone has procured or obtained it by trickery, he is to be deprived of meat for a month.

#### Chapt. IX – The evening “collation”.

In time of fasting, after the first bell for Compline, the friars are to enter the refectory upon a signal of the server for the *collation*.

When all are sitted, the reader, having said *Iube domne benedicere*, does the reading. Then, when the blessing has been giving, i.e., *Noctem quietam et finem perfectum*, etc., at a signal from the prior, the server is to say *Be-nedicite*. When the hebdomadarian has given the blessing, i.e., *Largitor omnium bonorum benedicat potum servorum suorum*, those who wish to, may drink.

At a sign of the prior, the reader is to say *Tu autem Domine*. The friars reply *Deo gratias*, and then go into church.

#### Chapt. X – The sick.

The prior is to be careful not to be negligent about sick friars: they, in fact, must be looked after so that they may quickly recover, as our father Augustine states<sup>2</sup>.

If someone has an illness that does not make him too weak, that does not oblige him to remain in bed, and if the customary fasts do not make him lose his appetite, he is not to remain lying on a mattress, nor is he to break the customary fasts or change from refectory food.

Those who wish to undergo a blood-letting and take an “extraordinary” medicine, are to do so on medical advice and with the permission of the prior.

Those who have undergone a blood-letting are allowed meat and wine for at least two days.

Those who have taken the “extraordinary” medicine are to be provided for with greater understanding according to the fatigue of their body.

An infirmary is to be provided in our priories, in which the sick may be placed and restored to health. The other friars, however, are only to eat in the common refectory or in the guest house. If it happens that a prior becomes sick, he is to be looked after with the others in the infirmary.

Friars with leprosy are to be looked after in an isolated place within the walls of the priory. If the place is too small, or another legitimate cause does not allow this, they are to be transferred by the prior general, or by the prior provincial within the territory of his province, to another priory of our Order.

#### Chapt. XI - Beds and the way to sleep.

Our friars are not to sleep on woolen mattresses, but they can sleep on straw pallets or mattresses of leaves or on straw. They may have pillows under their head and sheets of wool and of hemp.

The sick and guests are allowed to sleep on mattresses of wool and to have linen sheets. Outside the convent, they can use the beds that are prepared for them so that those who host them are not put to disturbance, they are to sleep without a cloak and sandals, but with the tunic, scapular and belt, unless they are impeded by a serious sickness.

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<sup>2</sup> *Rule 3, 5*

Every time that someone sleeps without tunic or scapular, he is to kneel on the ground without the scapular and eat bread and water.

No friar who is received into the common dormitory may have a special place to sleep, but only to keep possessions there.

A light is to burn at night in every dormitory. All the cells are to be closed in the same way, except for the corridors.

#### Chapt. XII – The habit.

Our friars are to wear garments of wool. The tunic, the scapular and the cloak are to be of Italian or German cloth, black in color; the undertunic can be of cloth of local production or imported.

They are not to use clothes of linen, except for their drawers. Our habits are not to be mended or lined with linen, no friar is allowed to wear fur if it is not black.

The length of the tunic girded by the belt is not to go beyond the back of the foot; the sleeves are to be completely sown.

The length of the scapular is not to go beyond half of the leg, and its width not beyond the shoulders. The cloak is to be sown the length of a palm on the chest, and is to be a palm's width from the ground. The belt is to be of black leather, with clasps of black bone or iron, not sown, without a ferrule and without any ornamentation; on the belt little sharpened knives are not to be hung or those with a sculpted, engraved or silvered handle, nor are there to be any cords of silk, or seals, or purses.

Priors are allowed, however, to carry seals and purses; the other officials, only purses.

Every year each friar is to be given two gold florins for personal clothes; he should use them exclusively for this purpose without keeping aside anything; if someone behaves in a different way, the rest of the money is to be taken away from him.

The two tournois that use to be given to all the friars above and beyond the two gold florines, are from now on to be destined to the Studium in Paris; and they are to be paid when the clothes are paid for. Every provincial is to collect these tournois in his province and to bring them with him to the general chapter.

#### Chapt. XIII – The tonsure.

The tonsure is to be worn on the upper part of the head, not small, as befits religious, in such a way that between it and the ears there are no more than three fingers of hair. Furthermore, above the ears, the head is to be shaved. The tonsure is to be done twice a month, thrice at the most.

#### Chapt. XIV – Those who are received into the Order.

No one is to be received into the Order at an age below sixteen years or above sixty, except with the authorization of the prior general.

Those who have abandoned another Order and the professed in an Order or of any religious confraternity are not to be received into the Order without the consent of the general chapter.

No one of illegitimate birth is to be received into the Order, without the permission of the prior general.

No one is to enter our Order except in the priory of the territory in which he is born, with the exception of the places where there is a general Studium for foreign students, and this always with the consent and permission of the priory of the territory of provenance of the candidate, if there are friars there, or with special permission from the prior general.

Those who wish to wear our habit, before being received, are to be diligently examined by the prior together with another *discretus* on all those things which might prevent his entrance: if,

i.e., he is married, or in a servile condition, or implicated in judicial proceedings, or belonging to another profession, or a carrier of a hidden disease, or is excommunicated, a bigamist or irregular.

And if it is discovered that a novice received after this examination has lied about any one of the points under examination, the prior who received him may expel him.

When a novice wishes to give to the friars something of the value of forty *soldi*, or more, of current money, he is to offer it on or before the altar, and a public document is to be drawn up about this oblation. What he offers for his own clothing, is to be spent as soon as possible for this purpose.

No one is to be received as a cleric if he is not able to sing and is not competent in grammar.

All these can be done by the conventual prior with his council and the consent of the friars of his priory, consulted in three chapters; or with the knowledge and consent of the general or of the provincial. The general, however, can receive anyone, with the positive opinion of the *discreti* of the priory or place where he is, when they have been consulted in three chapters.

#### Chapt. XV – The novices.

The prior is to entrust the novices to a diligent master for their education, so that he can instruct them on all that concerns the Order.

In church or wherever they behave with negligence, he is to try to correct them, in so far as he is able, with a word or a sign.

He is to procure for them, as far as he is able, the things needful for them. For public faults, if they ask pardon from him, he must impose a penance or declare the fault in chapter.

He is to teach them to have humility of heart and of body, according to the saying: “Learn from me, for I am meek and humble of heart”<sup>3</sup>.

He is to teach them to go to confession frequently, with simplicity and discretion; to live without anything of their own, to put aside their own will in favor of that of their superior; to always observe obedience.

He is to instruct them on how to behave everywhere and on every occasion; how to always keep the place assigned to them, how to bow to whoever offers or takes always something of theirs, speaks ill or well of them; how to behave in the cells; how not to have wondering eyes; how to pray and for what; how they should do this silently, so as not to disturb anyone; how to ask pardon in chapter or wherever they are reprovved by the superior.

If someone has in some way scandalized a brother, he is to remain prostrate at his feet, until the latter allows him to get up in peace.

They must also be educated not to enter into dispute with anyone. In everything they are to obey the master.

In procession, they are to pay attention to the companion at their side.

They are not to talk in the places or at the times forbidden.

They are not to inwardly judge anyone; if they see something done that seems wrong to them, they are to try to think that it is something good or done with a good intention: human nature often makes mistakes in judging.

They are not to speak about anyone absent, unless to speak well of him.

They are to use the discipline frequently.

They are to drink with both hands and sitting.

They are to diligently look after the books, the clothes and the other things belonging to the priory.

If they have asked anything of a prior, they are not to ask it of another as well, without explaining the cause; nor, if they have asked it of a superior authority, are they to go to a minor one.

Before profession, the confessions of the novices are to be heard, after they have been diligently instructed as to how to confess and all the rest.

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<sup>3</sup> Mt 11, 29.

The novices, before profession, are to pay their debts and to lay the rest at the feet of the prior so as to be completely free.

Furthermore, during the time of their testing, they are to diligently study the psalmody and the divine office.

During the year of novitiate, they are not to be sent without necessity to distant places, nor are they to be engaged in any office of the priory.

The clothes of the novices are not to be given away before profession without his consent.

They are not to receive sacred orders before profession.

The novices, when the time of their profession draws near, are to be sent to the prior general or the prior provincial with letters in which the vote of all the professed friars of their priories is noted, unless they have been admitted to profession with special permission of the prior general or of their respective provincials.

If one does not wish to make profession at the due time, he is to be sent away from the fraternity.

We also wish that the novices observe silence between themselves and with other people; however, with the permission of their prior or their master, they may speak even with persons with whom it is forbidden to do so.

#### Chapt. XVI – Profession.

This is the way of pronouncing profession:

*I [...], make profession,  
and promise to Almighty God,  
to the Blessed Virgin Mary,  
and to the whole court of heaven, and to you, friar [...],  
prior general of the friars Servants of Saint Mary, of the Order of Saint Augustine, and all  
your successors,  
obedience, to live without property, and chastity, and to live according to the Rule of  
Blessed Augustine, for all the time of my life, in this Order.*

When it is pronounced into the hand of someone else, it is made like this:

*I, [...], make profession,  
and promise to Almighty God,  
to the Blessed Virgin Mary,  
and to the whole court of heaven, and to you, friar [...], prior provincial or prior  
conventual of ..., on behalf of [...],  
prior general of the friars Servants of Saint Mary, of the Order of Saint Augustine, and all  
his successors,  
obedience to live without property, and chastity, and to live according to the Rule of  
Blessed Augustine, for all the time of my life in this Order.*

When the profession has been made, the public document is drawn up about it, at the expense of the priory of provenance of the friar who has made profession, and it is to be kept in the chest with three keys of the same priory.

The habit of the novices, at their profession, is to be blessed as follows:

Show us, O Lord, your mercy. *And grant us your salvation.* The Lord be with you. *And with your spirit.*

Let us pray.

Lord Jesus Christ, who dared to put on the garb of our human nature, we invoke the abundance of your immense generosity, so that you may deign to bless this habit which our holy Fathers decided to wear as a sign of innocence and humility, so that whoever wears it may merit to be clothed with you.

Through Christ Our Lord.

*Amen.*

Then it is blessed with holy water.

#### Chap. XVII - Travelers.

When the friars are sent outside the priory, he who sends them is to choose one of them as their guardian; if no one is chosen, the elder acts as guardian.

Those who have, under obedience, to go from one place to another, are to kneel before him who has given the order, and ask his blessing.

Before leaving the priory, they are to go together to the altar or image of the Bl. Virgin Mary and there prostrate themselves with devotion; they are to do the same upon their return. They are to do this act of devotion every time they leave the priory.

They are not to go to places different from those to which they have been sent.

If one commits a fault in this regard and does not accuse himself of it, the companion who is present and can prove it, is to be held to accuse him.

They are not to take with them more than ten *soldi* of money and they are in no way to think of carrying with them gold or silver or money.

They are not to dare to carry letters or other documents, except those that they have heard read before the prior.

No one is to undertake a journey alone with someone who does not wear our habit.

No one is to go to monasteries of women or their houses or to female recluses or to speak with them or their servants, without permission of the prior general or of the provincial of the province in which such priories are situated, unless they go there processsionally with other religious or clerics or for a funeral, with the permission of the local prior.

No one, not even the provincial, is to go to such places, without the consent of the majority of the chapter of the priory of the region in which such priories are found.

When a friar is sent to one of these priories, the opinion of the chapter is equally required. Whoever acts in a contrary manner, by that very fact incurs a sentence of excommunication.

Friars on a journey are to take with them testimonial letters and as soon as they arrive in the priory, they are to consign them to the prior or the vicar. If they do not do this, the friars are not to admit them to the common table. If they commit any fault in the priories where they have lodge or in the province in which they are travelling, the prior provincial or conventual, or, if it is the case, their vicars, in whose jurisdiction they find themselves, are to have the faculty of correcting them as their own friars.

The prior is to honor a visiting prior who arrives at his priory. The guest, however, without his counsel, is not to wonder around the city or to delay there. No visiting friar is to incur a debt or make a profit without the permission of the prior whom he is visiting.

#### Chapt. XVIII – The authority of the officials of a priory.

The prior general is to have full power in spiritual and temporal things. He is also to have full power to dispense from any disposition of the Constitutions with the counsel and the deliberation of several *discreti*.

He is to be held to visit in person, or by means of the vicars, all the priories of our Order situated on this side of the Alps, at least once a year; and those on the other side of the Alps, once in the triennium. He can, for an evident need of the Order, contract a debt of up to one hundred golden

florins, with the advice of his principal councilors (*soci*), but not for greater amounts without the advice of the provincials of Italy.

The prior provincial is not to contract debts without having spoken about them with all the priors of his province. In his province, he covers the office of general, unless the latter wishes to reserve something to himself. He is to be held to visit all the priories of his province at least three times a year, and even more often if he thinks it necessary.

Visitating friars are sent by the prior general when the need is seen. They are to listen to and diligently correct any abuses by priors provincial or conventual, or by the friars in general. Priors provincial too, when they see the need, are to send visitators. These are to diligently correct the abuses of priors conventual and all the friars of their provinces.

The prior conventual is not to allow his friars to accede to a secret order without the authorization of the prior general or of his provincial. If the friar who has been ordained has a public document of his ordination drawn up, he is not to keep it himself, but is to keep it in the chest with three keys of the priory from whence he comes.

The prior is not to send a friar from one province to another, unless it is for the benefit of his priory. He is not to build or to demolish a building without the advice of his *discreti*.

He is not to set a time-limit or a denial of a debt or a legacy, without the advice of the *discreti*.

He is not to keep, for any reason, a blood relative of his or of another friar of the priory as a domestic servant in the priory.

He is to have the full power of correcting the friars of the priory according to our Constitutions, taking the advice of his *discreti* for serious misdeeds.

He is to convene the chapter at least every Friday, immediately after Matins, and therein hear the friars' accusation of their faults.

When he leaves the priory, he is to elect a vicar to whom it is to pertain to give attention and care to the priory, correct the culpable, and to act in all other things in accordance with what the prior has delegated or allowed.

He is to have the Constitutions of the Order read in community, at least six times a year.

We establish that conventual priors are not to leave the priory for more than three days, without the authorization of the majority of the community.

No friar of our Order, without the authorization of the prior general, is to keep an outsider with him to teach, in such a way that the customs of the Order are thereby corrupted.

In every priory, there is to be a procurator, elected by the major and more senior part of the chapter, to whose hands is to come all the money given to the priory as a gift, or offered at the altar or come into the hands of the friars in whatever other way. He is to spend and administer this money with authorization of the prior. He is to register all the money received and spent, in such a way as to be able to render a monthly account to the prior and the *discreti*.

The procurator is to be careful not to impose limits or to refuse legacies, without the advice of the prior and the *discreti*.

We establish that the priors who also exercise the office of procurator, whenever they do not give account of their office as decreed by the preceding article, are to receive the discipline once and are to eat bread and water on the ground once; and if the seriousness of the fault requires it, even more times, in accordance with the advice of the prior general and the definitors.

In every priory, there is also to be a vicar of the prior, equally elected by the majority and more senior part of the chapter, who is to dispense and provide the necessary for the friars, the sick, the healthy and visitors with diligent care, in everything concerning food, shoeleather and work tools, but not anything else. With his permission or with that of the prior, the furniture of friars away from the priory may be repaired.

The vicar of the prior cannot give permission for a friar to eat outside the priory without the authorization of the prior.

A prudent and careful friar is to be elected as sacristan, and he is to have diligent and honorable care of the things of his office. He is not to take, nor is he is to lend or give away anything belonging to his office, to a friar or an outsider, without the permission of his prior.

The refectorian is to be thrifty and discrete; he is to diligently watch over the bread and the wine and everything that pertains to the table; every day, he is to distribute to the servers the bread and the wine and the other needful things, according to the season. After the friars of the second meal have eaten, the server at the table is to re-consign everything to him.

The door-keeper is to be prudent, honest and secure, and execute whatever pertains to his office, as pointed out to him by the prior.

#### Chapt. XIX – Prohibitions.

No one is to keep for himself money conceded to him for his use or anyone else's. Permission to do so is to be given to no one. It is to be deposited in the chest with three keys. A friar, however, can make a deposit with the prior, the vicar, the procurator or the sacristan, up to ten *soldi* of current money, but no more.

It is to be lawful for each of the aforesaid officials to keep for himself his own money, up to the aforesaid sum. If anyone acts differently, such money is to be taken away from him. The vicar, the procurator or the sacristan are not to give back money deposited without the authorization of the prior, nor are they to spend it without his permission.

Anyone who has other people's money in deposit is not to spend it without the authorization of the owner.

No one is to receive in deposit anything or to give it to another without the permission of his prior.

Furthermore, no one is to sell a book or anything else of the Order, above the price that they cost.

No priest of our Order is to hear the confessions of our friars, of lay people or of women, without the permission of the prior general or the prior provincial. We concede, however, that the priests can absolve each other, except for cases reserved to the prior.

We establish that no lay or converse friar is to wear the clerical tonsure.

We further establish that priors conventual are bound to inspect the drawers, the desks and the bags of the friars in their absence once a month; equally, that the prior general, the prior provincial and the visitators, in the course of their visitations, are bound to inspect all the things belonging to the priors and to all the friars. If things are found that do not belong to them, they are to be replaced in the common property of the priory.

Women are not to be admitted into the choir of the religious, except for the four feasts of Our Lady, Good Friday, whenever the people come in procession when the bishop is present and on the feastday of the priory.

No one is to speak to a woman outside confession nor even hear her confession, unless in the presence or the sight of another friar, or of another honorable person.

A prison is to be built in every priory where it is possible to do so, and leg-irons are to be bought.

No one is to send letters to a friar or an outsider, without first showing them to the prior; if they are sent by an outsider to one of our friars, they are first to be presented to the prior.

No one is to be elected prior general, or his vicar, or a visitator if he has not been in our Order for four continuous years.

No one is to sell or to buy, give or receive anything without the permission of the prior. Whoever acts diversely, shall be deprived of what he has received.

We establish that conventual priors can contract a debt for a clear benefit of their priory, after hearing the advice of their own *discreti*, up to the amount of twenty-five li re of current money; if more, with the authorization of the prior general, or of the prior provincial, or of the visitator.

They are to present to the general chapter every year an account, drawn up and sealed in conventual chapter, of all the debts of their priory and the reasons for the debt.

No one is to involve himself in judicial trials or proceedings, nor assume role of distributor or dispensor of movable or immovable goods for outsiders or for novices, without the permission of the prior. Not even the prior himself can do this, without the advice of the *discreti* of his priory.

#### Chapt. XX – Minor faults.

It is a minor fault:

If a friar, as soon as the bell has been rung, delays in preparing himself to go into church with composure and good order, by not leaving aside all tasks with due speed, when he should.

If one is not present at the Gloria of the first psalm.

If one in choir, having made a mistake in reading or singing, does not immediately bow before all. If one, instead of being intent on the divine office, shows himself to be distracted by wondering with his eyes or by undevout behavior.

If one makes a noise in the dormitory or in the cells.

If one is not ready for the reading at the appointed time.

If one pretends to read or to sing what has not been approved by common agreement.

Thus also it is a minor fault if someone says or does something slothful in preaching or elsewhere.

If one induces others to laugh by laughing uproariously or by making faces or jokes.

If one turns one's eyes vulgarly to vain things often while travelling through squares or villages.

If one falls asleep during the readings.

If one is not present to hear the reading at the appointed times.

If one reads forbidden books.

If one treats negligently the furnishings of the church or the altar.

If one does not replace carefully one's clothes or books in the appointed place, or treats them with negligence.

If one takes clothes or other things given or conceded to a friar, without his authorization.

If one breaks or loses a household good.

If one spills food or drink on the ground.

If a book from which a reading has to be done is missing because of the negligence of someone.

If he says or does something about which the friars feel offended.

If one takes a drink before the grace.

If one delays in coming back to the priory at the appointed time.

If one does not take part in the chapter, a meeting, or does not come to the common table.

If one denies or affirms something swearing as is common in speaking.

If one pronounces a vulgar or vacuous word or, more seriously, is accustomed so to do.

If one of those who occupy an office such as the priors in the care of the convent, the masters in teaching, students in studying, scribes in writing, cantors in their duties, procurators in procuring exterior things, the one in charge of clothing in providing, keeping and mending clothes, the guardian of the sick in procuring the necessary for the sick as also in carrying out what is needed for in the case of the death of a friar, and anyone else, in the tasks as signed to him, behaves with negligence in what is require of him.

A penitence that seems fitting to the one who is in charge is to be imposed on those who accused themselves or who are accused of the above-mentioned things.

#### Chapt. XXI – Serious faults.

It is a serious fault:

If one, in the presence of lay people, descends to dishonorable argument with someone.

If one injures anyone of the friars.

If one deliberately lies.

If one has the habit of not observing silence.

If one defends his own abuse or that of another.

If one, going too far in an accusation, ends up by causing an argument.

If one is found to inveigh with wickedness, with vulgar and empty words or with maledictions, against someone who has been accused or against anyone else.

If one reminds a friar about a past fault for which he has already made expiation.

If one, with evil intention, speaks badly about one's parents, one's brothers or the family of anyone of the friars.

If one, going to places where there are women, gazes at them insistently, if he does it habitually, if he speaks alone with a woman outside confession and not about honorable things.

If one breaks the fast without reason and permission.

For these and other similar faults, there are to be imposed in chapter three corrections and fasting on bread and water for three days on those who ask pardon and have not been publicly accused.

On those who are publicly accused a correction is to be added as well as a day of fasting. Furthermore, songs and penitences are to be imposed on them, at the discretion of the prior and in proportion to the faults.

Those who, having been sent outside the priory, pretend to return without permission or delay beyond the agreed time, are subjected to the same punishment.

If someone murmurs about food and clothing or anything else, to the point where scandal is given.

Every friar is to be careful about accusing anyone of any fault whatsoever, without being able to prove it, if the one accused denies it and the accuser is not able to prove the accusation, he is to be punished more severely than for the fault he has denounced.

So that vices do not remain hidden, everyone is to manifest to his superior what he has seen or heard.

#### Chapt. XXII – More serious faults.

It is a more serious fault:

If one by his non-availability or by manifest rebellion is disobedient to his superior or dares to arrogantly argue with him, within or outside the priory.

If some openly oppose their priors or leaders, by means of conspiracy or plot or malicious agreement.

If, however, friars, not malevolently but truthfully, have something against the superior which should not or cannot be tolerated, first have to admonish him privately with all humility and charity, for his own personal correction; if then, having been warned several times, he does not wish to correct himself, the matter is to be made known to the prior provincials or to the visitators when they come to that priory, or to the definitors of the provincial or general chapter.

The friars are not to dare to defame their superiors in any way.

If one strikes another.

If one is found to be stealing.

If one hides something given to him especially if it is something that it is forbidden to accept; and whom Bl. Augustine states should be condemned with the same judgment as for theft.

If someone falls into a sin of the flesh.

All these are to be placed in prison and there they are to fast every Wednesday and every Friday on bread and water and they are not to come out without the authorization of the prior

general; and they are to be as novices; and no office of any kind is to be given to them, until the general chapter decides otherwise.

If someone falls into carnal sin outside the priory, the friar who is with him is to see to explaining this fault to his prior, so that it may be corrected as soon as possible.

After correction, the friar is not to return to the place where he has committed such a fault, unless he has behaved himself so religiously as to be rightly thought able to do so, by the definitors of the general chapter.

If such a sin remains hidden, by secret investigation about the time and the person, the one guilty is to do fitting penance.

If one has sin and wishes to confess to the companion who already knows about the matter by other means, the latter may not hear his confession.

In the same way, if someone induces another person to a sin of the flesh or uses violence against that person, he is to be punished with the same punishment.

#### Chapt. XXIII – The most serious fault.

The most serious fault is incorrigibility on the part of one who is not afraid to admit his own faults, but refuses to undergo the consequent punishments. The precept of our father Augustine applies to such a person: “Even if he does not go away by himself, he is to be rejected by our community”<sup>4</sup>.

Such a one, therefore, stripped of the religious habit and clothed in lay dress, is to be forced to go away. And since he has rejected his profession in his heart, so he is to be constrained to put aside the external signs of his profession. This, however, in the case where the friar has been sound of mind and of hearing up to that time.

Authorization to come back is not to be conceded to anyone, in any way or for any reason, so that the Order and canonical discipline are not undermined when the religious habit, worn by unworthy persons, is disdained.

#### Chapt. XXIV – Apostates.

Whoever has left the Order after having made profession, upon his return, is to fast for entire year, once a week, on bread and water, eating on his knees at the common table, and is to receive a discipline every week. He is to be placed last at table and in choir and, as in the case of a novice, no office whatsoever is to be entrusted to him.

If this friar is also a priest, he is not to hear confessions until a different disposition has been made by the prior general.

If, during the time he was in apostasy, he has lead an immoral life, he is to be punished more severely at the discretion of the prior general.

If he leaves the priory a second time and then comes back, the punishment is to be doubled. If he does it a third time, the punishment is to be trebled.

Years spent in apostasy are not to be counted for the order of precedence, but he is to go back to after those who have more years of profession than he had when he left the priory.

Besides the penances already mentioned, he is not to exercise any role of authority in the Order for five years.

No chapter may give the vote to those who have not been admitted to the role of authority for five years.

The prior general, however may use mercy with them in accordance with the seriousness of the fault.

No one, once he has left our Order, is to be accepted again without the permission of the prior general or provincial. The prior provincial in his turn, is not to accept anyone who has left another province.

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<sup>4</sup> Rule 4, 9.

## Chapt. XXV – The general chapter.

We establish that the general chapter is to be held each year on the kalends (1<sup>st</sup>) of May.

The prior general, his *soci*, and all the prior provincial are to participate in the chapter. Every conventual prior of a house where there are thirteen friars with the cloak, is to come, with two companions, elected by the majority and more senior part of the priory. The prior, with only one companion, is to come from houses where there are only twelve friars or less.

All the friars are to reach the place where the chapter is to be celebrated on the day before the kalends of May, but not before. If one arrives at the chapter before the appointed time without the permission of the prior general, he is to pay a large tournois every day from the money assigned to him.

If the elected friars do not want to come to the chapter and obstinately refuse, they incur the fault of disobedience by this very fact and every day they are to eat bread and water at the common table on their knees, until the capitular friars have returned to their priory from the chapter. This punishment is to be applied, unless the chapter itself, condones the fault and other friars are elected in their stead.

If some of the aforesaid friars who are to participate in the general chapter do not go, they may not delegate their vote to others, but they are to send the money that they should have brought to the chapter.

And this notwithstanding. The general chapter is to be celebrated by those who had arrived beginning on the day of the kalends of May with the following order:

first of all, our Advocate is to be invoked with great devotion, on their knees, with the recitation of the antiphon *Salve Regina* without singing, with the verse *Ora pro nobis* and the oration *Concede nos*.

Then the sermons are to be heard; these must be brief and succinct, if there are any present who wish to make them and having received permission from the prior general. Those who wish or who are able, can listen to the sermon for their edification.

After the sermon, given that help must be given to the needy as soon as possible, the names of the friars who have died that year are announced; a common absolution is said for them, with the psalm *De profundis*, *Kyrie eleison*, *Pater noster*, with the verse *A porta inferi* and the oration *Absolve*. At that point, all those who are not part of the chapter are to leave.

When these have left, four definitors are elected by the capitular friars as follows: each of the capitulars is first to write his own name and then the names of the definitors elected.

When these have been written, they are announced in the capitular assembly and the names of the electors and the elected are read aloud. No one is to be elected a defini-tor except from triennium to triennium.

The friars electors are to avoid making any election, either in the general chapter or in other chapters, upon recommendation or with other evil intents, but only as the Lord inspires them.

The definitors, immediately after their election, are to keep silence with all and among themselves, unless there are three of them together, or two together with the prior general, or by the permission of the chapter itself, the priors provincial and the other priors are immediately to consign the seal to them with the letter of their jurisdiction.

Then the same definitors are to correct the prior general, his *soci* and all those that hold office as delegates.

The prior general and the four definitors are to correct priors provincial and conventual and other friars accused of serious abuses.

Then the chapter is to elect two friar priests who stand alongside the prior general in the correction of the definitors for eventual faults committed before the chapter.

Then if new decrees are presented, they are to be made known to the capitulars; the decrees that receive the consent of the majority of the chapter are to be drawn up in a separate book, not with the old decrees, until they have received the approval of three annual chapters. Decrees that

had not been sent by a priory and sealed with the seal of their prior are not to be accepted or discussed at the general chapter.

The prior general with the four definitors are then to elect the priors provincial and conventual and distribute the other friars throughout the houses of our Order.

When the benefactors of the Order have been remembered and other useful things deliberated, the priors provincial and conventual of all the Order are to be announced.

Immediately after the announcement the *Te Deum laudamus* is to be sung and the bell rung. Afterwards, the verse *Ora pro nobis Sancta Dei Genitrix* and the prayer *Concede nos* are said or sung. Common confession and absolution is then celebrated, and those present are blessed.

The same procedure is to be observed analogously in provincial chapters.

In the general chapter, this procedure is always to be observed. The capitular friars cannot modify or make any innovation for the chapter in hand without the consent of all. In the same way, neither the prior general nor the prior provincials may in any way change a general statute of the Order or an ancient custom commonly observed unless they have the approval of three successive chapters.

By virtue of the Holy Spirit and obedience, we command that it be strictly observed that no one is to dare to make public to outsiders the reason for the deposition of a prior general or an abuse committed by him and his consequent correction, or a chapter secret, or the dissent of definitors or friars of the Order, in order that our Order be not disturbed or defamed.

If anyone does the contrary deliberately, he is to be considered excommunicated and schismatic and a destroyer of our Order, he is to be completely left out of the communion of all until he has completely satisfied his punishment.

We command, with the same severity, that no one dare to work, by word or deeds, for the division of our Order, if anyone does so, he too is to fall under the same punishment.

We establish that the definitors are to have full power in the correction of the abuses of the prior general. Their sentence is to be inviolably applied, so that no one may licitly appeal against a sentence of theirs. If someone does appeal, his recourse is to be considered null and as something that has not happened.

We prohibit recourse in our Order, given that we have not entered the Order to strive, but to be converted from our sins.

We equally establish that no religious of another Order of profession, no lay person of any Order or dignity or profession or life whatsoever is to be admitted for any reason whatever to the chapter deliberations.

The prior general and the definitors are to determine, at every chapter, the date and the place of the celebration of the next general chapter.

## GLOSSARY

### APOSTATES

Religious who left the Order after profession of the next general chapter. without permission of the superiors; in order to understand the meaning of the term, it must be remembered that at the time of the *Constitutiones anti-tiquae* one definitive profession was made, at the end of the novitiate, i.e., solemn profession and that the Church, in that century, did not hold it possible to “dispense” from monastic vows.

### BLOOD-LETTING

Removal of blood, the basis of medical therapy for certain infections.

**CITRAMONTANE, GERMAN OR ULTRAMONTANE CLOTH**

Indicate woolen cloths, with different weaves and stitching, but always rough.

**COLLATION**

Monastic evening meal in time of fasting, during which Cassian's *Collationes* were read.

**CONSECRATED CHURCH**

A church for which a special rite, consecration, had been celebrated, which brought with it certain liturgical privileges and a corresponding role, with duties attached; it is recognizable by the 12 crosses marked on its internal walls in "memory" of the 12 apostles.

**CONVENTUAL MASS**

Daily celebration of the Eucharist, closely connected to the Liturgy of the Hours, and part of the liturgical obligations of priories: our present-day community Mass.

**CORRECTION IN CHAPTER**

Way of exercising fraternal correction in the conventual chapter according to the *Rule* of St. Augustine and monastic tradition.

**DEFINITORS**

Friars elected during a general or provincial chapter to decide certain questions, especially disputes and penal cases.

**DISCIPLINE**

Indicates an instrument of penance made of a wooden handle with cords of leather or hemp; also the infliction of the penalty of whipping.

**DISCRETI**

Councilors of the conventual prior.

**EXTRAORDINARY MEDICINE**

Usually a blood-letting or purge, outside those normally administered according to contemporary medical practice.

**FEAST OF DOUBLE RITE**

Up to Vatican II, a term used to indicate one of the ritual grades that characterized the way of celebrating a liturgical memorial from a "simple" rite to a "solemnity". This included the number of psalms and readings, and the length of the celebration (e.g., with or without an octave), and other rubrics.

**FIRST MEAL**

In communities, especially large ones, the midday meal was served twice, in such a way that everyone, including those waiting on table, could eat together and nobody had reason to go to the kitchen alone or to eat by himself.

**GALLICAN USAGE**

Liturgy originating in, and proper to, France. Gallican musical notation (*francigena nota*) meant Gregorian Chant.

**GENERAL *STUDIUM***

Community appointed for the formation of students from the whole Order, usually dependent on the prior general.

#### GOLDEN FLORINS

Florentine coin.

#### GOLD TOURNOIS

Coins of French origin.

#### GRADUALS

Short verses of Scripture, taken from the psalms, that were sung or recited between the readings at Mass, where today we would have the responsorial psalm.

#### HEBDOMADARIAN

Friar charged with presiding the Liturgy of the Hours and community Mass during a week. This was done according to a weekly rota, hence the title “hebdomadarian.”

#### INTROIT

Antiphon which begins the celebration of Mass.

#### MATINS

Part of the Liturgy of the Hours that was recited late in the evening or during the night, before dawn. Usually joined to Lauds so as to make a sort of single night prayer.

#### OFFICE OF THE DEAD WITH NINE READINGS

Way of celebrating the Office of Readings for the dead, in which were inserted nine short readings: six from the Bible, Old and New Testaments, and three from the Fathers of the Church.

#### OFFICIALS

Friars holding an office (charge) at the elective mandate of the conventual chapter.

#### ORDER OF PRECEDENCE

In forming a procession, or in taking their places in a “common” place, such as the chapter room, the choir or the refectory, the friars placed themselves according to their order of profession, i.e., who his older in the Order had precedence over the others.

#### *PRETIOSA*

Prayer of intercession addressed to the martyrs (*Precious in the eyes of the Lord is the death of his faithful...*), which was recited in the first part of the Liturgy of the Hours as it was distributed throughout the day, therefore early in the morning.

#### POINTS

Refer to the small dots placed above and to the right of Gregorian musical notation to indicate a slight prolonging of the note.

#### RUBRICS

“of the Roman Curia” or even “according to the usage of the Roman Curia”: the liturgical ritual used by the Roman Church, taken up by almost all Mendicant Orders at that time.

#### SEMI-BOUBLE RITE

## V. FEASTS OF DOUBLE RITE

## SIXTY PATER NOSTER

A sort of rosary.

## SUFFRAGES

Prayers recited in the community at the daily remembrance or on the anniversaries of dead friars, relatives and benefactors.

## TONSURE

A special sort of hair-cut, circular in shape, by which the individual was co-opted into a monastic Order or into the clergy. It was also a Minor Order, suppressed by Paul VI.

## TRACT

## V. GRADUALS

*CONSTITUTIONES NOVAE\**

## OR CAPITULAR DECREES

**Introduction**

From among these decrees, produced by general chapters from 1295 to the letter of constitutional reform *Regimini universalis Ecclesiae* of Clement VI in 1346, those given here concern: the liturgy, participation in the Divine office and meals, the cultural formation of the friars, fasts, the quality of cloth for clothes, the formation of novices, the choice of superiors, the care of sick friars, almsgiving at the door of the priory, the prohibition of civil offices.

A reading of these documents confirms that they hold to the basic inspirations behind the *Constitutiones antiquae* and underline their importance in the daily life of the Order.

**Editions**

*Constitutiones novae sive ordinationes factae in capitulis generalibus 1295-1473*, ed. P. M. SOULIER, in *Monumenta OSM*, II, Bruxelles 1898, p. 5-59.

\* By the name *Constitutiones novae* is meant the decrees that general chapters of the Order, starting in 1295, issued to bring the *Constitutiones antiquae* into line with the changing conditions of the times.

**Bibliography**

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ID., *Tentativi di riforma e movimenti di osservanza presso i Servi di Maria nei secoli XIV-XV*, in *Spazi e figure*, cit., p. 253-287.

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## CAPITULAR DECREES

### **1298 May 1, Città della Pieve.**

#### *Liturgy*

In the Chapter celebrated in Città della Pieve, in the year of the Lord 1298 on May 1, we have decided that the friars are to recite the office of Our lady in choir on the feasts that the Lord Pope, Boniface VIII, has recently established to be of double rite, and this after having first recited the office of [the feast of] double [rite].

### **1299 May 1, Viterbo.**

#### *Liturgy*

Thus also, from now on, the octave of Bl. Augustine is to be celebrated in the whole of Our Order; if a feast happens to fall within the octave, the office of the feast is to be celebrated with the commemoration of the octave; on the octave day the office of double [rite] is to be celebrated as on the feast day *Cultural formation*

Thus too, no book from the priory is to be sold without the permission of the prior general or provincial: and the gains must be used, in their entirety, for the purchase of another book for books, chosen according to the opinion expressed by the wiser [majority] part of the chapter, nor is it lawful, without any exceptions, to spend the money otherwise.

### **1300 August 5, Pistoia.**

#### *Liturgy*

Thus too, every Saturday, the office of Bl. Mary is to be sung in this way, i.e., on Friday, Vespers of Bl. Mary are to be sung, while the Vespers of the day are to be recited before singing the aforesaid office; Matins is to be celebrated in the same way, unless on that Saturday there falls a feast of double for semi-double rite; in this case, the office is to be celebrated according to the rite of the Roman Curia.

### **1304 May 1, Città di Castello.**

#### *Liturgy*

In the Chapter celebrated in Castello on 1 May in the year of the Lord 1304, we have decided that, in all the priories of our Order, the office of double rite is always to be celebrated on the feast of St. Peter Martyr, of the Order of Preachers.

#### *Cultural formation*

Thus too, that the friars who are each year charged by the general chapter to teach the friars, in whatsoever faculty, are to receive from the priors where they do their teaching three florins of gold for their clothing. And they are to be held to come to the chapter every year, at the expense of the priory where they are teaching, unless it has been allowed them, by the prior general or provincial, to stay at home for a clear and manifest reason. And they are to have a voice in the general chapter,

like the priors and other discreti who participate in the chapter. And furthermore, they are not to be held to bring money for the expenses of the general chapter.

**1307 May 1, Viterbo.**

*Fasts*

We likewise establish that during the general or provincial chapter no meats are to be eaten. Thus too, every Saturday, out of reverence for Our Lady, no fats are to be used in cooking.

**1316 May 1, Montepulciano.**

*Cultural formation*

In the chapter celebrated in Monte Pulciano in the year of the Lord 1316 on 1<sup>st</sup> May, it was decided that no friar of our Order, of whatever status or dignity, from henceforward is to presume to study Canon Law or Civil Law under the tutelage of any doctor without the permission of the General chapter, so that more profitable types of study for our Order may not be hindered by the study of Canon or Civil Law. And whoever contravenes this norm will forthwith incur a sentence of excommunication.

**1320 May 1, Bologna.**

*Care of the sick*

Since we have heard that some priors do not have sufficient care for the sick, we wish that, as regards the duty of assisting the sick as soon as possible, the priors of the priories are to have careful diligence.

*Alms-giving*

Furthermore, we wish and order that at no time are the friars to be negligent in distributing alms at the door, according to the possibilities of the priories.

*Fasts*

We have heard, from the report of persons worthy of faith, that in some priories the Friday fast is not observed, sometimes to the scandal of those nearby. Wishing, therefore, to place an end to this disorder, we order priors provincial and conventual and those who are their deputies that they cannot and must not presume to ever dispense when the friars are doing a community fast, except if that day happens to coincide with the solemnity of the Nativity of the Lord, the Circumcision or Epiphany, or with a festivity of Our Lady.

*Cultural formation*

Wishing to take care of the students, whichever faculty they attend, so that they may know the time we allow them [to bring to completion] their studies, we wish and ordain that whosoever, from this time on, is studying grammar, logic or physics must complete their courses within three years. And whoever, upon completion of the time allowed, is not in a position to the higher levels of knowledge, is to be deprived both of the lower studies and the higher, and for the future is not to be admitted to study by anyone other than the prior general.

**1324 May 1, Orvieto.**

*Liturgy*

As regards [the chapter of the Constitutions on] the service of the liturgy, with the unanimous approval of the chapter so as to raise canticles of praise and to implore the patronage of the most Bl. Joseph, Spouse of the Glorious Virgin our Lady, it has been added that, in every priory of our Order, the feast of the most Bl. Joseph, 19 March, is to be celebrated with double rite.

**1325 May 1, Florence.***Clothing*

General chapter held in the year of the Lord 1325, on 1st May, without the discreti of the priories. In this chapter, the prescription made at the Chapter of Montepulciano was taken up again and renewed, concerning the prohibition of the purchase of cloth which costs more than four Pisan lire per length [canna], leaving discretion to the friar [to decide upon] what is to be bought, in such a way, however, that the friars are not to dare to go beyond the measure befitting the honor of the Order as regards the value of the cloth.

**1328 May 1, Siena.***Admission to the liturgy*

Since religious have, first of all, to give fitting praise to God, to which they are bound seven times a day according to the words of the Prophet<sup>5</sup> and the prescriptions of law, and since the prior general and the definitors have learned from the report of friars worthy of belief that some, forgetful or unmindful without any [real] reason for excuse from this duty, are wont to omit the recitation of this canonical office, as is also known because it is known and spoken about publicly among them; the aforesaid prior general and definitors, desiring to correct this vicious negligence, have established and ordained that priors provincial and conventual are to constrain those friars whom they suspect of the aforesaid negligence to come to choir, without excuses. If thereafter they are absent from choir with due permission, then they are to recite the canonical hours along with another friar. If they are unable to show the testimony of a friar with whom they have recited the said hours outside choir, of that day they are to practice abstinence, on bread and water, without exception. For the sick, a servant is to be charged with reciting the office with them or, if the sick are not able to recite this, he is to recite it while they listen.

*The master of novices*

Thus also, with the intention of having a more diligent care of the novices, the prior general and the definitors have ordained on the strength of holy obedience and [in the name] of the Holy Spirit that in every priory there is to be deputed a friar, a religious person who has the fear of God, to be the master of the novices; if it is not possible to find a friar from the priory capable of [assuming this charge], then one is to be taken from another priory: so that he may instruct the novices and the young men who have been accepted in the fear of God and the observance of the commandments. No other friar is to mingle with them, or seek to become a friend of one of the novices of young men. [These] are to sleep near their master, get up when he gets up, and in the same way go with him to choir, the refectory and the other [community] places, and return along with him. Any other friar, apart from the master or another appointed by the prior to deputize for him during his absence, who has taken aside or mingled with a novice or young man, if, when admonished by the superior before one or more [witnesses], does not desist from mixing or being familiar in this way, is to be punished as a person convicted of a crime.

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<sup>5</sup> Ps 119, 164

*Priors*

Thus too, since those who preside must be the first as regards life, teaching and example, [the capitulars] exhort and admonish the general, the present one and he who is to come, *pro tempore*, and the definitors of the chapter to ensure that the priors provincial and conventual and the readers [that they are to elect] should be such as to correspond to the aforesaid qualities.

*The habit*

Thus too, since outward vesture should signify humility and penance, and for this reason the holy fathers prescribed that it should be worn precisely as a sign of humility and penance, in regard to the chapter on serious faults where it is written: *All these are to be put in prison without the habit*; the same prior general and definitors declare that the habit is not to be taken away from those who have humbly recognized themselves responsible for the faults they have committed, and which are otherwise well-known, and who have patiently submitted to the required penance.

*Cultural formation*

Thus also, since through sacred doctrine religious are illustrious and of advantage to the whole world, the prior general and the definitors decide that the Order is to purchase a house in Paris, where the study of knowledge is rigorous to an exceptional degree, so that at least four friars may be able to live there. These friars, once sent, are to study there for three years, nor must they be called back before the expiry of the three years unless they are found wanting in their way of life. This to be done through the general chapter and by the decision of those who participate in the chapter, obliging them [in conscience] that the most suitable by intellectual capacity and quality of life are to be chosen for the aforesaid *studium*. Each one of these is to be provided with a Bible, the sentences<sup>6</sup>, and the other things necessary for food and clothing, at the expense of the entire Order. One of the four designated, who appears to be the most suitable for this purpose, is to be placed over the others, and they may not leave the house without his permission; [this friar] is to have the task of informing himself about the progress of the others, as well as correcting them in those things he thinks need it; the others are to show him obedience as to their superior.

*The common table*

Thus too, since in the Constitutions express mention is made of the places where the healthy and the sick may take food, whether they be simple friars or superiors, it is not lawful for anyone to eat anything outside these places, viz., the refectory, the guest house and the infirmary. Since the prior general and the definitors have found that some friars, above all those most relevant by dignity, are eating in their cells, which is shameful and gives great disturbance to others, they have ordered, by virtue of holy obedience, that no one is to dare to eat or drink in any way in his cell, but that, concerning this, every abuse is to be removed and the norm of the Order observed.

*The obligation of participating in the liturgy*

After these Constitutions, fra Peter ordered as follows: We, fra Peter, prior general, exhort and admonish and, under pain of the penalty mentioned below, we ordain that every friar, especially priors, readers and preachers, even more so at those times when the readers and preachers are not engaged in the task of teaching or preaching, are bound to come to choir, without any exceptions. And on this point we admonish, enjoin and clearly ordain priors provincial, present and future, and their vicars, on their visitations of individual priories, to inform themselves accurately about the negligence of the aforementioned priors, readers or preachers. And if any one of these, i.e., of the aforesaid priors, readers or preachers, be found negligent to a notable degree and, having been admonished by them, do not correct themselves, then they are to proceed against anyone who thus

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<sup>6</sup> The *Four Books of the Sentences of Peter Lombard* († 1160), the most famous theological compendium of the Middle Ages.

behaves as in the case of a useless individual. And on this, we make them answerable in conscience and, in regard to this matter, we delegate them to act on our behalf. The preachers, on the days or at the time when they are not engaged in the task of preaching, are to be corrected by the superiors just like the other friars. To these, furthermore, we wish to grant general permission not to get up at night.

**1336 May 1, Bologna.**

*Prohibition of civil offices*

The teaching of the apostles warns us that he who fights for the Lord is not to meddle in things of the world<sup>7</sup>. For this reason, by this decree we forbid, under pain of excommunication which we announce by this document against all who contravene these orders, any friar whatsoever of the Order in the whole of Italy to presume to accept or exercise any office whatsoever in any city or castle, without a special permission from the prior general, which must be by letters patent, signed and confirmed by the same prior general by means of his seal.

**1337 May 1, Bologna.**

*Liturgy*

Thus too, in order to implore the patronage of our blessed father Augustine, the feast of his translation is to be celebrated throughout the whole Order on the last day of the month of February with double rite.

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<sup>7</sup> 2 Tim 2, 4.