THE CAPPELLA OF BIRKIRKARA: 1402

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After 1578 the Roman Church was divided by the schism between two papal obediences, the Roman and the Avignonese, and in the Kingdom of Sicily this complication was further confused by the political situation resulting both from internal quarrels and from Aragonese intervention in that island. (1) Such difficulties increased the opportunities available to those in search of benefices, since there were more popes and bishops who could confer appointments. Competing popes were encouraged to augment their incomes by making provisions, because those to whom they granted benefices had to make payments to the papal camera. Popes could take advantage of legal clauses and constitutions which gave them rights to interfere in appointments according to considerations which were carefully set out in their lengthy bulls of provision.

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

2. Text in Corpus Juris Canonici, pars ii, ed. E. Richter (2nd ed: Leipzig, 1879), 1207-1209. The language of the bull published here should not be regarded as proof that the Dean of Malta's benefice was an office with cura animarum.
otherw ise have resulted from his illegitimate birth, perhaps because Bernardus had become a priest without such a dispensation or maybe because he wished to reinforce the legality of his position. Bernardus certainly became Dean; he resided on Malta where in 1421 he was one of two vicarii of the maior ecclesia, and he was still Dean when he made his will on 4 January 1442. (3)

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

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

5. A. Luttrell, "Le Origini della Parrocchia a Malta," in Pievi e Parrocchie in Italia...
6. Valletta, Archiepiscopal Curia, Visitatio Dusina (Copy C), f. 155. This is the earliest reference to the church at Tal-Gharghar having been a parish church. The tower named Ta' Cieda at L'Imliera stood in a field which was named after Sant'Elena and was traditionally associated with her cult. Excavations showed the tower to have been occupied in Imperial Roman times, to have had a Roman cistern and to have had within it "a great number of Saracen burials, some outlined in stones": Report on the Working of the Museum Department for the Year 1960 (Malta, 1962), 6 and Fig. 3. It seems unlikely that a Christian church would have been built directly on a Muslim cemetery but the church may well have been close to the remains of the tower.
"rollo" of 1436 listed *La Capella di Birkarkara cum terris suis* which was then held by Don'ius Mattheus Galia, probably a Cathedral Canon, and was worth 20 uncia. (7) As late as 1544 the parish church of Birkirkara was still being described ambiguously as dedicated to Santa Maria or Sant'Elena. (8) The centre of the parish seems to have been moved at some point before 1402 from the outlying Sant'Elena at Tal-Gharghar to Santa Maria in populous Birkirkara, (9) with the Birkirkara church retaining its dedication but the parish continuing to regard Sant'Elena as its patron saint. (10) Presumably, therefore, the dedication to Santa Maria had been established some time before 1402. This new parish church was apparently the church at Mrieheil which had a curved apse (11) and which was therefore probably medieval; it too presumably dated before 1402.

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

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

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

10. In the seventeenth and eighteenth centuries Sant'Elena remained the parish patron while the church at Gharghar was considered to have been the original parish church: G. Bujeja, *Storia Critica sulla Vita di Elena Imperatrice* (Malta, 1873), 82-88, and E.B. Vella, *Storja ta' Birkirkara bil-Kollegjata Taghua* (Malta, 1934), 36-38, 47-49 et passim.
12. Proper names are capitalized but no corrections or modernizations are introduced.
quondam Symon de Sacka olim eiusdem ecclesie decanus, decanatum ipsum tunc obtinens Capellam sancte Helene alias sancte Marie de Birkarkam meleuitiane diocesis que curata existit tunc uacantem canonice sibi collatam pacifice assecutus illam vracum decanatu prefato post et contra Constitutionem pie memorie Johannis pape xxiiij predecessoris nostri que incipit execrabilis nulla super hoc canonica dispensatione obtenta pluribus annis detinui[ij]t fructus perciptiens ex eisdem Nos attendentes quod si est ita nulius preter Romanum pontificem hac uice decanatu predico disponere potuit siue potest pro eo quod idem predecessor omnes dignitates personatus et officia ceteraque beneficiar ecclesiastica cum cura et s.ne cura per Constitutionem huissusmodi uacatura collationi et dispositioni sue et sedis apostolice reseruans decreuit ex tunc irritum et inane si secus super hijs aquaquam quaus auctoritate sc.enter uel ignoranter contingerit attemptari, ac uolentes dicto Bernardo qui presbiter est et cum quo alias ut non obstante defectu natalium quem patitur de clerico in minoribus dumtaxat ordinibus constituto genitus et soluta ad eos etiam sacros ordines promouerit et duo beneficia ecclesiastica etiam si alterum ipsorum curatum foret recipere et retinere posset fuit auctoritate apostolica dispensatum Postquamquidem dispensationem prefatus Bernardus ad huissusmodi ordines rite promotus in Canonicam dicte ecclesie canonice receptus fuit premiourum intuitu gratiam facere speciali discretioni uestre per apostolica scripta mandamus quatenus uos uel duo aut vnus vestrum per uos uel alium seu alios decanatum predictum qui dignitas non tamen maior post pontificalem in dicta ecclesia existit et culdis fructus reditius et prouentus Septuaginta florenorum auri secundum comunem extimationem ualorem annuum ut ipse Bernardus asserit non excedunt si ut premititur uacat etiam si tanto tempore uacauerit quod eius collatio iuxta Lateranensis statuta Concilij ad sedem predictam legitime deuoluta uel etiam si decanatus ipse dispositione apostolice specialiter reseruatus existant et curam habeat animarum et ad eum consueverit quis per electionem assumi dummodo tempore dat[ium] presciendum non sit in eo alciuus specialiter ius quesitum cum omnibus iuribus et pertinencijs suis prefato Bernardo auctoritate nostra conferre et assignare curet.s Inducentes eum uel procuratorem suum eius nomine in corporalem possessionem decanatus iuriumque et pertinentiarum predictorum et defendentes inductum amoto exinde quoliber illic.to detentore ac facientes eundem Bernardum uel dictum procuratorem pro eo ad dictum decanatum ut et moris admicti sibiique de ipsius decanatus fructibus redditiibus prouentibus iuribus et obuentionibus vnuersis integre responderi Contradictores auctoritate nostra etc. Non substanibus tam felicis recordato:onis Bonifatij pape viij etiam predecessoris nostri quam alijs constitutionibus apostolicis neconon statutis et consuetudinibus ipsius ecclesie contrarijs iuramento confirmat:one apostolice uel quacumque firmitate aliqua roboratis Seu si aliqui super prouisionibus sibi faciendis de dignitibus personatibus uel officijs ipsius ecclesie speciales uel alijs beneficijs ecclesiasticis in illis partibus generales
dicte sedis uel legatorum eius litteras impetrarent etiam si per eam ad inhibicionem reservationem et decretum uel alias quomodolibet sit processum quibus omnibus predictum Bernardum in assecutione dicti decanatus uolumus anteferrī sed nullum per hoc eis quo ad assecutionem dignitatum personatum uel officiorum aut beneficiorum aliorum prejudicium generari Aut si venerabili fratri nostro Episcopo et dilectis filiis Capitulō Meleuitanis uel quibusuis alijs comuniter uel diuisim ab eadem sancte sede indultum quod ad receptionem uel prouisionem aliquius minime teneantur et ad id compelli aut quod interdici suspenderi uel excommunicari non posse quoque de dignitatis personatis uel officiis ipsius ecclesie aut alijs beneficiis ecclesiasticis ad eorum collationem prouisionem presentacionem elect. onem seu quamuis aliam dispositionem coniunctim uel separatum spectantibus nulli ualeat prouideri per litteras apostolicas non facientes plenam et expressam ac de urbe ad urbe uum de indulto huiusmodi mentionem et qualibet alicie dictae sedis indulgentia generali uel speciali cuiuscumque tenoris existat per quam presentibus non expressam uel totaliter non insertam effectus huiusmodi gratie impediri ualeat quomodolibet uel differre et de qua cuiusque toto tenore habenda sit in nostris litteris mentio specialis Seu si dictus Bernardus presens non fuerit ad prestandum de observandis statutis et consuetudinis ipsius ecclesie ratione dicti decanatus solitum iuramentum dummodo in absentia sua per procuratorem ydoneum et cum ad ecclesiam ipsam accesserit corporaliter illud prestet Aut quod idem Bernardus Canoniciatum predictum cuius fructus redditus et proventus Trium florenorum auri secundum extimationem predictam ua'orem annuum non excedit canonicum noscitur obtinere Nos enim cum dicto Bernardo ut decanatum predictum si ei presentium uligore conferatur recipere et retinere libere et licite ualeat defectu pred.cto ac Pictauensis Concilij necnon quibuscumque alijs constitutionibus apostolicis ac statutis et consuetudinis supradictis contrarijs nequaquam obstantibus auctoritate apostolica tenore presentium de uberioris dono gratie dispensamus Et insuper prout est irritam decernimus et inane si secus super his quoquam quais auctoritate scierint uel ignoranter actemptatum forsan est hac tentus uel impositerum contigerit actemptari datum Rome apud Sanctum Petrum Idus Nouembris Anno Quartodecimo. Jac. xxviiij de Eberam"