

The Papal Consistories and Hungary
in the 15th and 16th centuries

(To the history of the Hungarian Royal
Patronage and Supremacy)

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Írta
TUSOR PÉTER



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THE PAPAL CONSISTORIES
AND HUNGARY
IN THE 15TH–16TH CENTURIES

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Patronage and Supremacy

By
PÉTER TUSOR



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In memoriam P. Johannis Dauner S.D.B.
(1915–2002)

I. THE PAPAL CONSISTORIES

A) THEIR DEVELOPMENT AND CHANGE UNTIL 1600

The history of the papal consistories is closely related to the history of the College of Cardinals, which had a determining role in western Latin Christianity from the eleventh century. Originally, the consistories were public ceremonial judicatures, which were visited by also other people besides the Pope and the cardinals. From the twelfth century it operated as a State council. It was summoned by the order of the Pope and every important ecclesiastical and political decision was made under the chairmanship of the Pope himself.¹ The cardinals, without exception – “*de consensu venerabilium fratrum nostrorum cardinalium*” – released their orders and answered the requests and demands of the secular monarchs.

Several forms of the consistories developed. The most relevant and the most unique of them was the papal conclave. The genuine decision making was in the scope of the secret assemblies (*consistorium secretum*), where only a couple

¹ *Lexikon für Theologie und Kirche I–X*, hrsg. von WALTER KASPER, Freiburg im Breisgau 1993–2001, VI (1997), 294.

of secretaries – who carried out administrative duties – could participate, apart from the Pope and the cardinals. The prelates and the secular leaders – curial officials, bishops staying in Rome, noblemen of the Papal State and diplomats – could only take part in the public consistories (*consistorium publicum*). These were exceptionally splendid events, which followed the protocol, such as delivering judgement, sending legates, seeing foreign monarchs and delegates, etc.

The real governmental role of the secret consistories, where the purple oligarchs had power to limit the authority of the Pope, was ceased by the reforms of Sixtus V (1580–1585). The Pope, the former Franciscan friar, raised the number of the cardinals from twenty-four – which was declared by the Council of Constance – to seventy. As a consequence, the “general assembly” of the cardinals lost its importance in the everyday ecclesiastical administration. Its real senate-like character started to faint. The practice of the papal absolutism, which started with Nicholas V (1447–1455) and accelerated by Paul III (1534–1549), was fulfilled in the sixteenth century. By this time, the papal monarchy did not respect the episcopal or cardinal collegueship.² The cardinals, who were earlier the “se-

² HUBERT JEDIN, *Vorschläge und Entwürfe zur Kardinalsreform*, Kirche des Glaubens. Kirche der Geschichte. Ausgewählte Aufsätze und Vorträge. I: Kirchengeschichtsschreibung. Italien und das Papsttum. Deutschland, Abendland und Weltkirche. II: Konzil und Kirchenreform, Freiburg–Basel–Wien 1966. Kirche der Geschichte, II, 118–147; WOLFGANG REINHARD, *Kardinalseinkünfte und Kirchenreform*, Römische Quartalschrift für Christliche Altertumskunde und Kirchengeschichte (RQ) 77–78 (1982–1983) 157–194; HELMUT JASCHKE, „Das persönliche Regiment“ Clemens’ VIII. Zur Geschichte des päpstlichen Staatssekretariats, RQ 65 (1970) 133–144; PAOLO PRODI, *Lo sviluppo dell’assolutismo nello Stato Pontificio. I: La monarchia papale e gli organi centrali di governo*, Bologna 1968, 87–107; KLAUS JAITNER (Hrsg.), *Die Hauptinstruktionen Clemens’ VIII. für die Nuntien und Legaten*

cret advisers”, the princes of the Church, with whom the Pope regularly consulted in the consistories, became dignified bureaucrats. Clement VIII (1592–1605) adamantly refused to discuss matters of main importance in the consistory. He made the significant decisions within the narrow bounds of his confidants. Around 1600, the consistorial meetings were held only twice a month instead of the former three occasions a week. (At the height of the seventeenth century, it happened that there were only eleven meetings within two years.)

The united and indistinctive consistorial decision making was changed by the more professional congregational model of the technocrat papal absolutism. From the middle of the sixteenth century, certain administrative territories were supervised by separate cardinal committees. There were some permanent offices developing from them: the Supreme Sacred Congregation of the Roman and Universal Inquisition (*Sanctum Officium*) from 1542, responsible for the theological questions, the Sacred Congregation of the Council from 1564, which oversaw the application of the Council’s decrees, the Sacred Congregation of the Index from 1571, which composed the list of the prohibited books and the Sacred Congregation for Bishops from 1572. The planned reorganization of Sixtus V expanded this process. On 22 January 1588 he established fifteen permanent congregations with circumscribed competence and of official nature.³ Among them can be found the already existing ones in a reorganized form. Six congregations dealt with the affairs of the Papal State and nine with the affairs of the universal church.

an den europäischen Fürstenböfen 1592–1605 I–II (Instructiones pontificum Romanorum), Tübingen 1984, I, LXXXII–xcv.

³ The system of the curial offices, their development and competence: NICCOLÒ DEL RE, *La Curia Romana* (Sussidi Eruditi 23), Roma 1970.

A State council, which had a view of all sectors of the administration, ceased to exist due to the cardinals' increase in number, the suppression of the consistory and the establishment of the congregations. The early establishment of the ministerial administration in Rome – which worked in accordance with the division of province – was not based only on the realization that a more effective system could be created. In spite of the Italian dominance, the Curia had always been and remained an international institution, namely, some cardinals had close foreign relationships and interests. The natural requirement of the modern papal absolutism and the need for sovereignty was the elimination of the collateral risk. The structure and development of the Roman court differed in many ways from that of the other European ones. On the one hand, it was an elective monarchy based on universal grounds, on the other hand, in contrast to the other States' "natural" organization, it was divided according to the different factions' attachments to various European States. In the new system, the majority of the cardinals could only play a trifling role, yet there were some cardinals who inspired the confidence of the Pope and received information from his direct colleagues.⁴ It may be the most significant explanation for the rearrangement of the consistorial decision making.

⁴ ANDREAS KRAUS, *Secretarius und Sekretariat. Der Ursprung der Institution des Staatssekretariats und ihr Einfluß auf die Entwicklung moderner Regierungsformen in Europa*, RQ 55 (1960) 43–84, 63–78; MARIA ANTONIETTA VISCEGLIA, *Fazioni e lotta politica nel Sacro Collegio nella prima metà del Seicento*, La corte di Roma tra Cinque e Seicento. «Teatro» della politica Europea. Atti del Convegno Internazionale di Studi (Roma, 22–23 marzo 1996) (Biblioteca del Cinquecento 84, a cura di Gianvittorio Signorotto–Maria Antonietta Visceglia), Roma 1998, 37–91, 43.

The supporting apparatus was provided by the College of Cardinals. The Italian cleric of the *Senatus Divinus* (*clericus Latinus*) was its secretary, whose work was helped by a few *clericus ultarmontanus*. Besides them, there was the traditional and prestigious body of the consistorial lawyers with its hundred members.

In the beginning, their duty was exclusively to prepare the formal-legal acts of the consistories, such as the execution of the donation ceremony of the legal authority's badge, the pallium and to issue the necessary requests.⁵ The genuine administrative duties at the height of the sixteenth century fell in the hands of the direct colleagues of the Pope, the members of the *Famiglia Pontificia*, the secretaries, the papal auditor and his *sostituto*.

The consistories – held in the frame of the traditional, ancient and well regulated ritual – had their own chamber in the Sacred Palace in the Vatican, which was completed under the papacy of Sixtus V. The *Sala del Consistoro Segreto (dello Spogliatoio)* was built as the Renaissance popes' bedroom. It was originally called the *Sala dei Chiaroscuro* after its painted ornamentation made by Raffaello and his associates. At that time, in this chamber the popes were lain in state before their funerals. The public consistories always took place in the *Sala del Consistoro Pubblico (Aula Tertia)*, yet sometimes in the *Sala Regia*. In case of danger, the walls of *Castel Sant' Angelo* pro-

⁵ OTTAVIO PIO CONTI, *Elenco dei Defensores e degli Avvocati concistoriali dall'anno 598 al 1905 con discorso preliminare*, Roma 1905, 1–35; MARIA ROSA DI SIMONE, *La «Sapienza» Romana nel Settecento. Organizzazione Universitaria e Insegnamento del Diritto* (Studi e Fonti per la storia dell'Università di Roma 1), Roma 1980, 36–37.

vided shelter⁶ to the senate of the Holy Roman Church and of its State.⁷ Every now and then, the *Palazzo San Marco* (later called *Palazzo Venezia*) gave place to the meetings.⁸

B) THE FILLING OF THE CONSISTORIAL BENEFICES

The gradual withdrawal of the consistory from the inner, foreign and church policy meant that its focus moved on to the administrative actions in the church, which was controlled by the canons. The consistorial ecclesiastical benefices – all bishoprics, the canonic filling of the important prelatures, the donation of the pallium, the establishment, division and unification of the dioceses, the appointment of the coadjutors and auxiliary bishops and the burden of certain given benefices with pension, etc. – were significant parts of the coordination of the universal church. The questions concerning these benefices were highly debated in the consistorial plenum until the end of the sixteenth century.

After the reform of Sixtus, the preparation of the cases of important nature (for example establishment of new bishoprics) and the discussion of the problematic affairs took place within narrow bounds, in the Sacred Consistorial Congrega-

⁶ *Cfr. Consistorialia Documenta Pontificia de Regnis Sacrae Coronae Hungariae (1426–1605)* (Collectanea Vaticana Hungariae [CVH] I/7), ed. by PÉTER TUSOR–GÁBOR NEMES, Budapest–Róma 2011, n. 80.

⁷ At the end of the period, the usage of the *Sala Clementina*, established by Clement VIII, also occurs. The new papal palace located on the Quirinal Hill gave place to the consistories from the seventeenth century. D.R. DE CAMPOS, *I Palazzi Vaticani* (Roma Cristiana 17), Roma 1967, 184–193 and *ad indicem*.

⁸ *Consistorialia Documenta Pontificia*, nn. 144–146 and 194.

tion (*Sacra Congregazione per l'Erezione delle Chiese e per i Provvedimenti Concistoriali*). This particular organisation's original task should have been the examination of the suitability of the bishop-nominees before the final decision of the consistory on their consecration. In practice, it happened only if a special problem occurred, mostly around the election of the chapters or before a monarchic appointment.

As a consequence, the activities of the congregation being responsible for the consistorial affairs and of the cardinal consistory did not meet. Despite the order of Sixtus V, the consistory did not examine automatically all the appointments of the bishops, the donation of the pallium, neither did the canonical minutes go directly to it. Its meetings were held relatively rarely and randomly in spite of its church administrative and curial rank. However, its decisions proved to be determining, they had serious consequences for the smaller churches.⁹

I. THE EXAMINATION OF THE BISHOP-NOMINEES

As far as the number and importance of the cases concern, the filling of the bishopric chairs was the most relevant out of the consistorial actions controlled by canon

⁹ Its Latin equivalent is: *Congregatio pro erectione ecclesiarum et provisionibus consistorialibus; Congregatio rebus consistorialibus praeposita*. LOUIS JADIN, *Les actes de la Congregation Concistoriale concernant les Pays Bas, la principauté de Liège et la Franche-Comté 1593-1797*, Rome 1935; TIHAMÉR VANYÓ, *Das Archiv der Konsistorialkongregation in Rom und die kirchliche Zustände Ungarns in der zweiten Hälfte des 18. Jahrhunderts*, Festschrift zur Feier des zweihundertjährigen Bestandes des Haus-, Hof- und Staatsarchiv I, Wien 1949, 151-179 (I thank ELRÉD BORIÁN for its copy); and Re, *La Curia Romana*, 113-125 and 580-581.

law. Its essence remained unchanged in the fifteenth and sixteenth century: the preservation of the *successio apostolica* and a valid and regular consecration of a bishop could only be performed if the cardinal consistory, with the chairmanship of the Pope, gave its “approval” to it. The quotation mark is reasonable, since the Holy See’s provision (*provisio*) for the elected (*electus*) – by the Pope or other agents (chapters, public force) – and nominated (*nominatus*) apostle successors’ secular or spiritual endowment was the peak of a complex but more and more refined curial process.

The consistorial process’s actual origin was the conduct of the canonical examination process. From the beginning, the Church paid exceptional attention to make convenient leaders the head of the Christian communities. Already Saint Paul listed the essential criteria for the selection of the bishops.¹⁰ The decretal law codified the necessary features of the episcopal office and specified the procedure of the selection.¹¹ According to this, the nominee, chosen by the chapter, had to appear in person or through two delegates in Rome with the necessary papers. Here, three members of the College of Cardinals (a cardinal bishop, priest and deacon) examined the suitability of the nominee and the legality of the election. Only after this were the papal bulls on the bishoprics’ filling released, which was followed by the consecration ceremony. The extension of the secular and rather royal influence on the appointment of the bishops overshadowed the practice of these rules, which caused their modification throughout the centuries. From the fifteenth

¹⁰ 1Tim. 3: 1–7.

¹¹ c. 7 Cum in cunctis x de elect. 1, 6; c. 44 Nihil x de elect. 1, 6; decr. Nic. p. III. Cupientes c. 16 de elect. 1, in Sexto.

century, the preparatory process was conducted by an appointed cardinal, only after this did the consistory make its final decision. The bull of Alexander VI (1492–1503) stated that only those, who had degrees in theology and secular or canon law, could be nominated.¹²

The regulated type of the canonical process (*processus informativus*), which remained until the 1920s, developed in the sixteenth century. In 1514, the bull of Leo X (1513–1521) stated that in Rome the process should be conducted by a cardinal (cardinal protector), who was in the interest of the nominee's country or order, later he had to report the result of the hearing of witnesses to the three available oldest members (*capita ordinum*) of the three orders of the College of Cardinals, then he could make a proposal in the consistory.¹³ They formed a distinct congregation (*Capitulum Ordinum Congregatio*) by the turn of the seventeenth century; the dean and chamberlain of the College of Cardinals, the major cardinal presbyter, the major cardinal deacon, the *camerlengo*, the vice-chancellor and the chamberlain of the college were its members. The background apparatus was formed by the secretary and chief auditor (*rationator*) of the *Senatus Divinus*.¹⁴ After the bull of Leo X, the examination of the nominees was regulated in detail by the holy Council of

¹² HUBERT JEDIN, *Die Reform des bischöflichen Informativprozesses auf dem Konzil von Trient*, Kirche des Glauben – Kirche der Geschichte II, Freiburg 1966, 451–459, 441–443. For additional related literature see footnotes: 1–8.

¹³ *Supernae dispositionis arbitrio...*, 5 May, 1514. *Bullarium diplomatum et privilegiorum Sanctorum Romanorum Pontificum I–XXIV*, ed. ALOYSIUS TOMASETTI, Torino 1857–1872, V, 604–614.

¹⁴ CHRISTOPH WEBER, *Die ältesten päpstlichen Staatshandbücher. Elenchus congregationum, tribunalium et Collegiorum urbis 1629–1714* (RQ Supplementheft 45), Rom 1991, 191–192 and 233–234.

Trent¹⁵ then by the apostolic constitution (1591)¹⁶ of Gregory XIV (1590–1591).

The examples of the minutes of canonical examinations¹⁷ from the sixteenth century show that these orders of the councils and papal disposals are not new. They improved an already existing tradition in the process after Trent. According to the regulation, the questions raised to the witnesses bore great similarity to the medieval antecedents. One part of them related to the nominee's birth, origin, age, consecration as a priest, his pastoral work, belief, values, knowledge, academic qualification and his church administrative suitability.¹⁸ In case of the transfer to another diocese, in fewer points is examined his main pastoral work. The other set of the questions were pointed to the size of the

¹⁵ Sess. XXIV, *decr. de reform., cap. I: Norma procedendi ad creationem episcoporum et cardinalium.*

¹⁶ *Onus Apostolicae Servitutis...*, 15 May, 1591. *Bullarium Romanum*, IX, 419–424. – The amplifications of Urban VIII (1623–1644) in 1627 (*Si processus...* *Bullarium Romanum*, XIII 581–588) are not touched upon here.

¹⁷ Their location: Archivio Segreto Vaticano (ASV), Archivum Arcis (A.A.), Armadi I–XVIII, between n. 2768–2955 (45 pieces). *Cfr.* REMIGIO RITZLER, *Procesos informativos de los obispos de España y sus dominios en el Archivo Vaticano*, *Anthologica Annua* 4 (1956) 465–498, 466. – The discovery of these initial processes is feasible in other parts of the Archives of Vatican, and the bull of Leo X was not without preliminaries. A Spanish minute-book, found in the volumes of the papal breves (ASV Armarium 39, vol. 10, fol. 264r–266v) from 1464, is the proof of this. JUSTO FERNANDEZ ALONSO, *Proceso informativo la elección de Juan de la Cerda, obispo de Barcelona*, *Anthologica Annua* 6 (1958) 467–478.

¹⁸ The 13 points were increased by a fourteenth, dealing with the assurance of the financial living, which was worthy of a bishop. Such 14-point questionnaire is edited by LUDWIG LITZENBURGER, *Der Informativprozess des Münchener Hofbibliothekars Casimir Haeffelin*, RQ 50 (1955) 230–247, 239–240.

episcopal see, its inhabitants, parishes and spiritual life, the state of the cathedral, its equipment, the chapter and other benefices, the incomes and residence of the bishop, furthermore, to the seminar, the districts of the diocese, its extension and the duration of the vacancy. The process verbal marked the place, the time of the audience, the age, the occupation of the witness and his relationship to the nominee. In the supplement there is the creed signed by the new bishop, the text of the oath and often the documents of birth, education and appointment.¹⁹

The order of the Council of Trent and Gregory XIV brought changes concerning the merits of the content's punctuality, form and execution. The results of the audiences had to be certified in the form of a notarial document, and the conduct was usually the duty of the local papal nuncios. The competence of the metropolitan and provincial council was mentioned at the Council, but after all the canonical process of the filling of the episcopal sees remained the right of the Curia. By all means, the fact, that unlike in the Middle Ages, there was a chance to the conduct of the process even from outside Rome – with the exception of mainly Italian or missionary bishoprics (*liberae collationis*), which were bestowed by the pope – contributed to a great extent to the wide spread of this practice. The cases, technically arranged by the auditor of the nunciature (*auditore*) became the field of regular hitches of formal relations between the representative of the Holy See and the local churches²⁰

¹⁹ The questions can be found in the fore-part of many still extant process verbals. The above mentioned are *cf.*: PÉTER TUSOR, *Eszterházy Károly kánoni kivizsgálási jegyzőkönyvei a Vatikáni Levéltárban*, Eszterházy Károly Emlékkönyv (ed. by Béla Kovács), Eger 1999, 23–42.

²⁰ ALFRED A. STRNAD, *Processus inquisitionis Ecclesiae Viennensis. Materialien zur Geschichte des Fürstbistums Wien aus dem Vatikanischen Geheim-*

2. THE CONSISTORIAL PROCESS

After having arrived to Rome from the nunciature, the verbal of canonical examinations first fell through the examination of *capita ordinum*. Afterwards, its abstract was composed usually at the secretariat of the Cardinal Protector himself, who was assigned to give the report and consistorial proposal. (It cannot be excluded that the verification of the verbal, made by the cardinals “*capita ordinum*”, was only on the basis of the abstracts.) There are two types of these abstracts. The summaries, sustained from the system preceding Trent, are the so-called *relationes consistoriales* (“consistorial reports”). As a consequence, according to the above mentioned, not only did the Cardinal Protector have to make the report and the consistorial proposals on the basis of the abstract – that at times contained enclosures –, but his duty, moreover, the absolute right was also to lead the process. Not only do the relations have a resource value in case of a lost process, but the ones from the earlier period speak volumes.²¹ The name of the abstracts, written after Trent, in the system of Gregory XIV (1590–1591), was *propositiones consistoriales* (“consistorial proposals”). The propositional extract-cards differed from the *relationes consistoriales*, not only in form, rather in the fact that they were mostly made from

archiv, Festschrift Franz Loidl zum 65. Geburtstag (Sammlung „aus Christentum und Kultur” Sonner Band 3; hrsg. v. Elisabeth Kovács) Wien 1971, 267–290, 267–268.

²¹ Their diplomatically thorough analysis is in HIERONIM FOKCIŃSKI’s basic work: *Le relazioni concistoriali nel Cinquecento*, Archivum Historiae Pontificiae (AHP) 18 (1980) 211–261; see also ID., Propozycje konsystorialne w XVI. wieku (Omówienie. Teksty polskie) (Studia Ecclesiastica 18. Historica 11. Fontium Textus 2), Rzym 1994.

the altered verbal of canonical examinations, which were composed on the nunciature.²² Actually, they can be regarded as requests, in which the submitting cardinal – or the nominee – asks for the canonical filling of the given benefice and for the granting of the related absolutions.²³

In the second half of the sixteenth century, the altered form of the process did not concern only the canonical examination. The central event of the *institutio canonica* was the proposal of the filling of the episcopal see. The actual proposal had to be announced on the preceding consistory too, moreover the text of the propositional extract-card had to be announced. According to the regulations, the performance of *praeconisatio consistorialis* (consistorial announcement), which was the given case's "first read" discussion, could only be possible if all cardinals in Rome had received the propositional extract-card of the process verbal at least one day earlier.²⁴

The extract-card was examined by the Pope's personal auditor. He was the one from whom the Pope could gather information about the qualities of the nominee and about

²² The verbal form ('*referam*') of the term of relation often disappears still in the consistorial documents of 1580s and 1590s, too, like that of the propositio's verbal form ('*proponam*'). See *Consistorialia Documenta Pontificia*, nn. 188. 200. 206. 211. 218. 221. 235. 237. 240–244.

²³ "...*prout in hoc memoriali*." Cfr. *Consistorialia Documenta Pontificia*, n. 211.

²⁴ The double decision making, initiated by Gregory XIII, was limp and it was stabilized under Urban VIII: "*Sanctissimus dixit alias solere dari memorialia per diem antequam ecclesiae praeconizentur, et hoc fuisse decretum antiquum et renovatum a felicitis recordationis Gregorii XIII. suo praedecessore. Ideo adverterent, ut darentur praedicto tempore statuta memorialia, alias non permetteret reverendissimis dominis protectoribus et aliis reverendissimis dominis cardinalibus, ut praeconizzarent, et multo minus ut proponerent ecclesias, quarum memorialia praefata non tradiderunt.*" Cfr. ASV Archivio Concistoriale, Acta Miscellanea, vol. 28, fol. 62v–70v.

the state of the vacant diocese. The existence of the “*uditore di Nostro Signore*” can be traced back from Gregory XIII (1572–1585), its role was distinguished at the *liberae collationis* and the *in partibus infidelium* appointment of the bishop. Its additional task – in consultation with the secretary of the consistory – was to put the *praeconisatio* and after it the *propositio* on the list of the succeeding consistory’s agenda. In accomplishing its tasks, its deputy, who was specified to these sort of cases, the *sostituto del concistoro*, assisted more increasingly.²⁵

The sophisticated and more and more stable mechanism was truly suitable for sifting the occurring problems. These could be routine: for instance, the supporting of the bishop from the pension, namely from the allowance, or other benefices’ maintenance, the nominee’s exemption from hindrances of qualification or origin; or they could be extraordinary: for instance, the legal or formal objections to the nomination. The intervention of the Consistorial Congregation became appropriate only in such cases. As a result, the procedure slowed down, or even vanished.

If the preconisation was conducted without any complication, the competent cardinal (*protector*) could make the second proposal (*propositio consistorialis*), already on the following consistory, by reading of the process’s summary. The acceptance – accompanied by signing the date – of this proposal meant the papal provision’s confirmation. The deci-

²⁵ LAJOS PÁSZTOR, *Il sostituto del concistoro ed il suo archivio*, AHP 5 (1967) 355–372; ID., *Guida delle fonti per la storia dell’America Latina negli archivi della Santa Sede e negli archivi ecclesiastici d’Italia* (Collectanea Archivi Vaticani 2), Città del Vaticano 1970, 185–192.

sion was recorded by concise consistorial decrees filed in various registers, namely by “acts” (*acta*).²⁶

After the consistorial actions, the *cedula consistorialis*, which was composed by the utilization of the propositional script’s data, served as a basis for the issue of the bull of appointment – more precisely the *litterae consistoriales* –, which was verified by the Cardinal Vice-chancellor’s transcription (*controcedula consistorialis*).²⁷

3. THE ISSUE OF THE BULLS

The above mentioned steps were followed by the preparation of the provisional bulls’ draft, which bulls were addressed to the nominee, the community, the clergy and the cathedral chapter of the diocese, furthermore, to the metropolitan, the bishops who served the consecration and the local representative of the secular authority. No matter how

²⁶ ERNST PRITZ, *Supplikensignatur und Briefexpedition an der römischen Kurie im Pontifikat Papst Calixts III.* (Bibliothek des Deutschen Historischen Instituts in Rom [BDHIR] 42), Tübingen 1972, 150–156. – The *acta* about the decision was entered into the back of the *cedula consistorialis* already in the 17th century.

²⁷ The analyzing representation of this type of source: LAJOS PÁSZTOR, *Le cedole concistoriali*, AHP 11 (1973) 209–268. By the help of graphology, PÁSZTOR implies that these documents were also prepared by the office of the cardinal protector and the agents sometimes took part in this, as well. I will touch upon the problem again in Hungarian relation. I would like to put emphasis only on the fact that the basis of the *cedula*’s content could not only be the propositional document but – if there was – the decree of the consistorial congregation, which allowed the plurality of benefices, the pension, etc., since the bulls, in contrast to the remarks of the consistory, mention these questions, as well.

surprising it is, this was not the assignment of the Apostolic Chancery but of the *spedizioneri apostolici*, who functioned subordinated to the Apostolic Dataria.²⁸

In contrast to the current researches, not only from the eighteenth century, and even not only did the *per viam secretam/Curiae* go through the Dataria, but the normal process (*per viam Cancellariae*), as well.²⁹ The reason may be found in the fact that the incomes of the Church were treated in this office, a considerable amount of which was from the consistorial benefices. As the practical paper work – which earned less profit, but more smaller benefices' donations –, namely, the composition of the donation certificate was accomplished here, it was obvious that the bulls of the consistorial benefices, which required more attention – though, it was not in their competence – were also phrased by the trained officials of the Apostolic Dataria.

Then, the draft was sent to the Chancery, where the *scrittori apostolici* made the fair copy, which was checked by the *Ufficio del Computatore e Rescribendario* and registered

²⁸ The other ways of expediting the bulls (for example, the *expeditio per Cameram* – whose foundation was necessary to avoid the publicity of the Chancery and to save expenses – and the *per viam correctoris*): THOMAS FRENZ, *Die Kanzlei der Päpste der Hochrenaissance (1471–1527)* (BDHIR 63), Tübingen 1986, 132–161; ID., *I documenti pontifici nel medioevo e nell'età moderna* (Littera Antiqua 6), Città del Vaticano 1998, 71–91. (All of these procedures are related to the stages of the long preparation and the phrasing. In case of consistorial benefices, – which required special knowledge of calligraphy – the parchments with majuscule were finally composed in the Chancery.)

²⁹ This is clearly shown in the conference material of the bench of bishops in Nagyszombat, 1639. PÉTER TUSOR, *Az 1639. évi nagyszombati püspökkari konferencia (A magyar klérus és a római Kúria kapcsolatának válsága és reformja)*, Századok 134 (2000) 431–459, 434; cfr. PÁSZTOR, *Guida delle fonti*, 46.

in the *Ufficio del Registro*. The *Ufficio del Tassatore* defined the duty of the issue. The sum of it was made up of the definite fee of the done stages and the ones in progress. Their payment went in the *Dataria*. The signature of the vice-chancellor and one of the *abbreviatori del Parco maggiore*'s prelates could not be putting to the bulls – again in the Chancery –, until, the *prefetto delle componende*'s confirmation had not been shown to the authorized *spedizionere apostolico* and the *revisore dei conti degli spedizioneri* had not accomplished the examination of the bills.³⁰ Only after the signing could the document be provided with the pendent leaden seal. The procedure did not come to an end with this. The ready-made bull was sent back to the *Dataria*, to the authorized *spedizionere apostolico*, who had to ask the issue of the official duplicate, which was countersigned by the *sottodatarario* in the *Ufficio dei Trasunti*.³¹ The forwarding of the documents, which canonically enabled the consecration of the bishop and his introduction to the benefice – to which the vow of obedience taken by the monarch always belonged – could only happen after this process.

³⁰ In case of bulls of non-consistorial benefices, the signed bull was again checked by the *custode delle suppliche* and the *maestro del registro*, whether there was a difference between the contents of the bull and the licenced request. As in case of consistorial benefices, the basis of the phrasing was not the supplication but the *controcedula consistorialis*. The bull could be compared with this document, however it is not mentioned by the secondary literature.

³¹ The process is described by: NICOLA STORTI, *La storia e il diritto della Dataria Apostolica dalla origini ai nostri giorni* (Contributi alla Storia del Diritto Canonico. Nuova Serie di Studi Storico-giuridici 2), Napoli 1968, 244–247; and the *per Cancellariam* section in more detail: FRENZ, *Die Kanzlei der Päpste*, 105–132.

The consignment of the bulls was the task of a special emissary, that of the agent, just as was the coordination of the procedure running between the offices and the administering the various payments. The most significant sum of the process's duties was the *servitium commune*, generally called annata. The *servitium commune* was half the College of Cardinal's and half the Pope's due. In the second half of the sixteenth century, it already caused a big problem that they wanted to collect it in accordance with the medieval registers; however, the *servitium* was almost nowhere equal to the annual income of the benefice, but to its one third.³² By filling the consistorial benefices, the officers received the 3.5% of the annual income (*servitia minuta*). Besides the sollicitators, who complied with the process, the agents, moreover the Cardinal Protector, who took part in the consistory (*propina*), received an extra fee. Under Sixtus IV (1471–1484), the duties of the bulls and the registers were annually thirty thousand scudi, however under Sixtus V, they were only ten thousand.³³

³² JOSEPH GRISAR, *Päpstliche Finanzen, Nepotismus und Kirchenrecht unter Urban VIII*, Xenia Piana (Miscellanea Historiae Pontificiae 7), Roma 1943, 213–215; MARIO ROSA, *La «scarsella di Nostro Signore»: aspetti della fiscalità spirituale pontificia nell'età moderna*, Società e Storia 10 (1987) 817–845, 832–833. On the question of the consistorial benefices' "taxation": JOHN A.F. THOMSON, *Popes and Princes 1417–1517. Politics and Polity in the Late Medieval Church* (Early Modern Europe Today [1]), London 1980, 78–95. 145–167. 167–181. 181–201.

³³ ADRIEN CLERGEAC, *La Curie et les bénéfices consistoriaux. Étude sur les communs et menus services 1300–1600*, Paris 1911, 157–186; GRISAR, *Päpstliche Finanzen*, 236–237.

* * *

The procedure does not seem expensive and complicated only from the present perspective. The bishop nominees did their utmost to go around the obstacles that they could achieve with the help of a rather new curial office, with the Secretariat of the Papal Breves (*Segreteria dei Brevi*).

In the registers of the Secretariat of the Papal Breves, in contrast to its name, there are many texts of the bulls. Their technical phrasing was the duty of a distinct official, the *abbreviatore di Curia*.³⁴ The essence of the *per viam Curiae* expedition of the papal bulls' was safety, quickness and simplicity. The most ceremonial papal manifestations, which had general church governmental and theological importance, could not be composed in the Chancery where a large number of officials were employed; not to mention the fact that they did not have to struggle with its red tape. The papal decision making could not become its own bureaucracy's hostage. Another circumstance explains why the bulls of the Pope's relatives, cardinals, nuncios, titular and missionary bishops, archbishops and – with papal permission – others were also registered in the Secretariat of the Papal Breves. Concerning the so-called process, the *per viam secretam*, besides the quickness, the main aspect was to avoid the duties, namely the Curia did not want to tax itself. It is not accidental that from the Dataria, which also collected the fees of the consistorial benefices' bulls, only one special official, the *scrittore segreto* participated in the preparation of such texts.³⁵

³⁴ On the *abbreviatore di Curia*: PÁSZTOR, *Guida delle fonti*, 57–62; FRENZ, *Die Kanzlei der Päpste*, 227–228.

³⁵ About the *scrittore segreto*: PÁSZTOR, *Guida delle fonti*, 62–64.

As a consequence, there was a strong relationship between the two processes, between the *per viam Curiae* and the *per viam secretam*. The substantial difference is not in the means of mechanism. While in the case of the former, the constitution, the enacting papal bulls were issued, in the latter, there were the somehow favoured ones. The simplified process was as follows. After the *abbreviatore*, or the *scrittore segreto* had the draft prepared in a proper form according to the criteria of the bull, it was registered in the Secretariat of the Papal Breves. When the vice-chancellor (in this case he is called: *cardinale summatore – cardinalis summista*) and his deputy (the *cardinale sottosommatore*), or their representative signed it, only the preparation and proofreading of the draft with a typical pendent leaden seal in majuscule remained the assignment of the Apostolic Chancery. (In the original bull, usually only the vice-chancellor's or his deputy's and the *abbreviatore*'s, or the *scrittore segreto*'s signature can be found. However, on the bulls of appointment of a cardinal, all cardinals' signatures, who were present at the creating consistory, are listed.)³⁶

The bishop nominees fancied the “secret way”, which was not originally framed for them, not only for the sake of its cheapness, but of its quickness, as well. They rarely, only in reasonable cases, received this favor, due to the mass of the curial officials' contrasting interests. If we go through all the processes from this period, in contrast to the more

³⁶ About the two simplified processes: PAULIUS RABIKAIUSKAS, *Die Gründungsbulle des lateinischen Bistums Smolensk und andere diesbezügliche Papsturkunden (1636)*, AHP 12 (1974), 207–233, 213–215; FRENZ, *Die Kanzlei der Päpste*, 162–164; PRITZ, *Supplikensignatur und Briefexpedition an der römischen Kurie*, 227–250; The concise synthesis of the curial processes and the expedition of the bulls: ID., *I documenti pontifici*, 71–91.

frequent requests, there are only few examples of the process of *viam secretam*.

It was also a complex and separate process to receive the metropolitan archbishops' *pallium*, moreover, there was no opportunity to go on the simplified way.³⁷

³⁷ A brief historical outline of the granting of pallium to the Eastern Catholic metropolitans from the Ancient times: GIORGIO ORIOLI, *La collazione del pallio*, Nuntia (Pontificia Commissio Codici Iuris Canonici Orientalis Recognoscendo) 3 (1976) 88–96; and CLERGEAC, *La Curie et les bénéfices*, 208–212 and 279–280, n. 26. I am writing about the details of the *pallium*'s “condonation” in my monograph on Péter Pázmány's appointment as an archbishop.

II. THE PAPAL CONSISTORIES AND HUNGARY IN THE 15TH AND 16TH CENTURIES

A) HUNGARIAN QUESTIONS ON THE AGENDA OF CONSISTORIES

The discussion of Hungarian questions on the agenda of papal consistories went more or less in accordance with the general trends.³⁸ The frequency and intensity of matters of a political nature was highest in the years preceding and following the Battle of Mohács (1526): between 1517 and 1526 the Ottoman danger threatening Hungary occurred in various connections almost sixty times on the agenda of the sessions that Popes Leo X (1513–1521), Adrian VI (1522–1523) and Clement VII (1523–1534) held with their cardinals.³⁹ The consequences of the lost battle – suitable to their importance – were dis-

³⁸ Naturally, – as usual – these sources did not survive without deduction, either. Many events are not registered in a consistorial acta, though, other documents (letters) mention the consistorial trial. On the other hand, there are certain cases, which were saved by only the consistorial notes, moreover, these notes refer to other documents, which had been lost since then.

³⁹ See *Consistorialia Documenta Pontificia*, nn. 17–78 (with some examples). A source illustration of the Turkish menace in *Supplement*, n. 3.

cussed on nine occasions until March 1527.⁴⁰ Special attention was also paid to the Turkish attacks during 1529 and 1532, the internal political situation of the country, and to managing the consequences of the double election of kings after Mohács.⁴¹ Along with other examples, the role and influence of the members of the Sacred College is convincingly shown by a debate conducted on 6 July 1530 concerning the excommunication of the bishops supporting King John I (Szapolyai, 1526–1540), which was demanded by Ferdinand I (Habsburg).⁴²

Presumably, it is due to the neglectful treatment of sources in Rome during Paul III's pontificate that there is only one document in the consistorial "*acta*" (the special decrees or short protocols of consistories) of the Vatican preserved on the war leading to the loss of Buda.⁴³ There are, however, more entries in the "*acta consistorialia*" on György Fráter's (Martinuzzi) creation as cardinal and the investigation following his murder,⁴⁴ and on the Ottoman campaigns of the 1550s.⁴⁵

It was during 1564–1566 that Hungary once more became as frequent a subject of consistories in Rome as it used to be in the 1520s. The succession of Ferdinand I (1526–1564), the stabilisation of the power of John II (John Sigismund), elected king of Hungary, in the eastern parts of the country, and the last campaign of Suleiman I (the Magnificent) (1520–1566) all reveal the alarm concerning the lost Battle of Mohács that

⁴⁰ *Consistorialia Documenta Pontificia*, nn. 79–87.

⁴¹ *Consistorialia Documenta Pontificia*, nn. 88–107.

⁴² *Consistorialia Documenta Pontificia*, nn. 98. *Cfr. Supplement*, n. 8 too.

⁴³ 1 December, 1540. *Consistorialia Documenta Pontificia*, n. 114.

⁴⁴ *Consistorialia Documenta Pontificia*, nn. 119–123.

⁴⁵ *Consistorialia Documenta Pontificia*, nn. 124–127.

characterized the papal court in the years before the Battle of Lepanto.⁴⁶ Special attention was also drawn to the ascension to the throne of Rudolph II (1576–1608), the acquisition of the Polish crown by Stephan Báthory (1576–1586) and, later, his death,⁴⁷ and to his nephew András Báthory's legation in Rome and his creation of cardinal.⁴⁸ Parallel with the events of the *Lunga Guerra Turca*, the papal consistory began to lose some of its importance. Although it was in just these years that the Papacy made the most significant efforts of its history to liberate Hungary from under the Ottoman rule, we only find consistorial entries from the beginning of the war, between 1593 and 1595.⁴⁹ The only exception is the document on the unsuccessful siege of Kanizsa and the death of Giovanni Francesco Aldobrandini, secular nephew of Clement VIII, the Pope who finally diminished the importance of consistories.⁵⁰

And not even the discussion of these events was done exclusively in connection with political decision making. There are many traces of the legal and ceremonial proceedings of sending and receiving legates⁵¹ or creating cardinals⁵² in the “*acta*”.

Among the Hungary-related cases of the papal consistories, in accordance with the general trends, the filling of consistorial

⁴⁶ *Consistorialia Documenta Pontificia*, nn. 132–153. *Cfr.* also the original letters of Emperor Maximilian II (1564–1576) to Pope Pius V (1566–1572), Vienna, 19th May, 1568 and Prague, 3rd February, 1570. ASV Segreteria di Stato, Principi, vol. 30, fol. 35^rv and 55^r–54^v.

⁴⁷ *Consistorialia Documenta Pontificia*, nn. 178–181 and 186. 203–204.

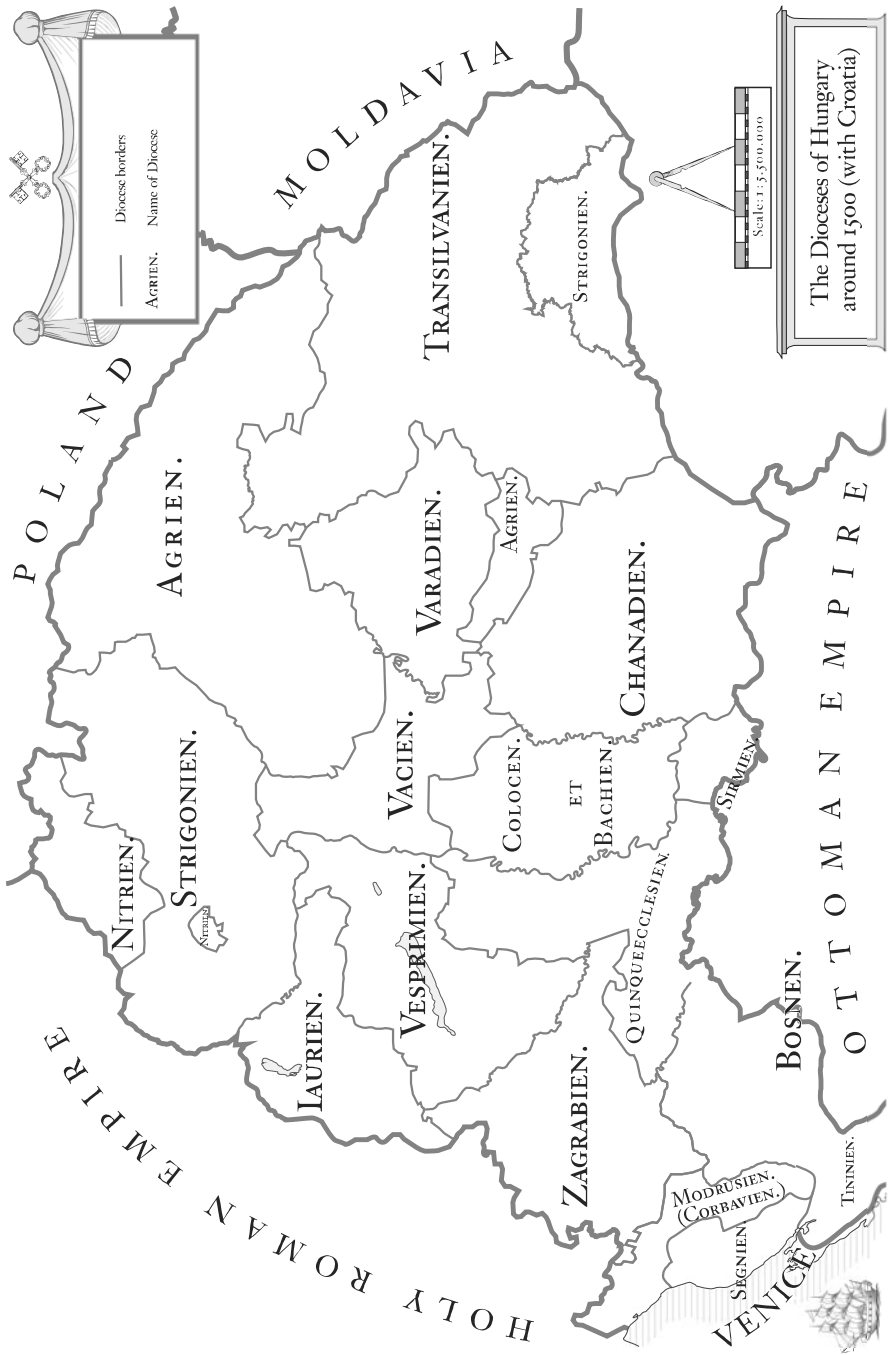
⁴⁸ *Consistorialia Documenta Pontificia*, nn. 196. 198–199. 201. 205. 239.


⁴⁹ *Consistorialia Documenta Pontificia*, nn. 223–234.

⁵⁰ *Consistorialia Documenta Pontificia*, nn. 246–247.

⁵¹ *Consistorialia Documenta Pontificia*, nn. 19. 21. 22. 30. 31. 34. 36. 41. 43. 63. 106–107. 125–127.

⁵² *Consistorialia Documenta Pontificia*, nn. 120. 201. 205. 229 and in the case of György Draskovich n. 202.





 — Diocese borders
 — Name of Diocese



The Dioceses of Hungary
around 1500 (with Croatia)

P O L A N D

M O L D A V I A

A G R I E N .

T R A N S I L V A N I E N .

S T R I G O N I E N .

N I T R I E N .

S T R I G O N I E N .

V A R A D I E N .

A G R I E N .

V A C I E N .

C O L O C E N .

C H A N A D I E N .

L A U R I E N .

V E S P R I E N .

E T
B A C H I E N .

S T R I M I E N .

H O L Y R O M A N E M P I R E

Z A G R A B I E N .

Q U I N Q U E E C C L E S I E N .

B O S N I E N .

O T T O M A N E M P I R E

M O D R U S I E N .
(C O R B A V I E N .)

S E G N I E N .

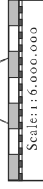
T I N I E N .

V E N I C E

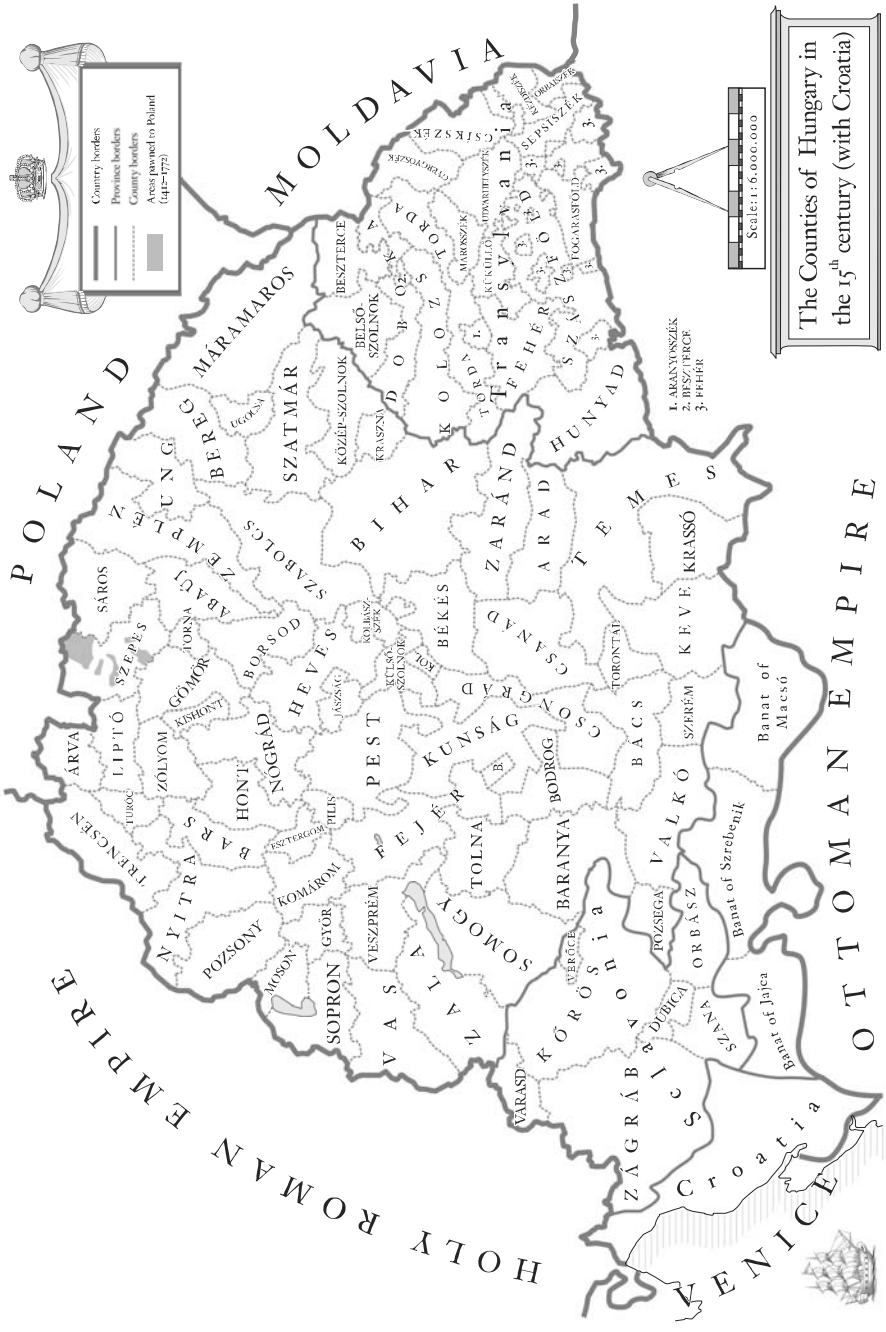




	Country borders
	Province borders
	County borders
	Areas passed to Poland (1412-1772)



The Counties of Hungary in the 15th century (with Croatia)



1. KARANVANSZÉK
2. BESZTERCE
3. PÉTER

Banat of
Macsó

Banat of Szebeniz

Banat of Jajca

Banat of Slavonia

benefices (in this case bishoprics, almost without exception) became more and more dominant. The details of apostolic provisions concerning Hungarian bishoprics are recorded by one *cedula* and copies of seven *controcedulae consistoriales*⁵³ from the second half of the fifteenth century, seven original *controcedulae*⁵⁴ from the beginning of the sixteenth century, from between 1509–1513, and the protocol of an early *processus informativus* from 1518.⁵⁵ These latter documents are at the same time a testimony of Cardinal Tamás Bakócz's influence in the Curia. From the 1530s one *cedula* and six *controcedulae*⁵⁶ remained, and then nine *relationes consistoriales* until 1550.⁵⁷

The operation of the new system after the *Tridentinum* is shown by the forty-three *propositiones consistoriales* produced between 1570 and 1605.⁵⁸ Their value as a source of information is critical in relation to the working procedure of the Holy See, and they also serve as a (and sometimes as the only) source of information on the circumstances prevailing in the Hungarian hierarchy, in the dioceses and episcopal sees by summarising the protocols of canonical investigations, which all got lost or are lying hidden somewhere.⁵⁹ Another unexpected gain is that they also shed some light on the liberal theological ideas, coming rather close to Protestantism, of bishops such as Zakariás Mossóczy. These seemingly insignificant differences, which were nevertheless ex-

⁵³ *Consistorialia Documenta Pontificia*, nn. 1b–8.

⁵⁴ *Consistorialia Documenta Pontificia*, nn. 10–16.

⁵⁵ *Consistorialia Documenta Pontificia*, n. 20.

⁵⁶ *Consistorialia Documenta Pontificia*, nn. 110. 111. 112.

⁵⁷ *Consistorialia Documenta Pontificia*, nn. 113. 116. 117.

⁵⁸ *Consistorialia Documenta Pontificia*, between n. 157 and n. 249.

⁵⁹ Cfr. GÁBOR NEMES, *Adalékok a középkori győri székesegyház pusztulásához*, Arrabona. A Győri Múzeum Évkönyve 47 (2009) 29–40.

tremely important in the age, did not fail to capture the attention of the Roman Curia.⁶⁰

Even richer than the propositions are the related consistorial “acts”. Beside the decree-like entries, which at times merely indicate that a papal provision was made,⁶¹ we also find a fair number of detailed entries on decisions taken on questions of church administration and policies and, sometimes even collateral, diary-like entries, up until the end of the 1570s.⁶² For instance, in 1571 there was a lengthy debate between the cardinals, with the Pope’s active involvement, concerning the appointment of the auxiliary bishops of Zág-ráb (Zagreb) and Esztergom,⁶³ and two years later about the circumstances and validity of the resignation of the historian Ferenc Forgách, bishop of Várad.⁶⁴

There are only few Hungarian examples for the consistory’s traditional activity, passing judgements. In 1520 Pál Várdai was summoned to appear before the Roman Curia⁶⁵ for beating to blood Iacobus Piso, who wrote a poem mocking him, while in 1568–1569, based on the decision of the Holy Office, the famous humanist András Dudith (bishop of Pécs) was excommunicated from the Church.⁶⁶

⁶⁰ Cfr. *Consistorialia Documenta Pontificia*, n. 192 and its notes.

⁶¹ These are complete: *Hierarchia Catholica mediæ et recentioris ævi, sive Summorum Pontificum, S.R.E. Cardinalium, ecclesiarum Antistitum series I–VIII*, ed. by GUILIEMUS VAN GULIK–CONRADUS EUBEL–PATRICIUS GAUCHAT–LUDOVICUS SCHMITZ–KALLENBERG–REMIGIUS RITZLER–PRIMINUS SEFRIN, Monasterii–Patavii 1913–1978 (HC), *passim*.

⁶² See an excellent example in the *Consistorialia Documenta Pontificia*, nn. 176–177.

⁶³ *Consistorialia Documenta Pontificia*, nn. 161–163.

⁶⁴ *Consistorialia Documenta Pontificia*, nn. 174.

⁶⁵ *Consistorialia Documenta Pontificia*, nn. 25.

⁶⁶ *Consistorialia Documenta Pontificia*, nn. 154–155.

B) THE GRANTING OF HUNGARIAN CONSISTORIAL BENEFICES AND THE HOLY SEE

As can be seen from the above overview of the Hungarian relations of the papal consistories, the dominant question was the filling of Hungarian ecclesiastical benefices by canonical provision. A more detailed analysis of this question can only be performed in the context of intensifying State control: Hungarian Royal Patronage and Supremacy.

I. THE HUNGARIAN ROYAL PATRONAGE AND SUPREMACY

There is hardly another question in Hungarian historiography spanning from the time of the establishment of the kingdom to the beginning of the twentieth century, which would have been paid such focused attention, mainly for reasons of current church political interests, as the question of Royal Patronage and Supremacy: the ever increasing control of Hungarian monarchs over ecclesiastical benefices.⁶⁷

Despite the diversity of research efforts, opinions on the question of Royal Patronage and Supremacy (*ius supremi patronatus*) in the modern literature are still not unified. One authoritative opinion, mostly represented by ecclesiastical authors, emphasizes the total illegitimacy, according to

⁶⁷ The classical positivist monographs and source publication, analyzing this question in detail: VILMOS FRAKNÓI, *A magyar királyi kegyúri jog Szent Istvántól Mária Teréziáig*, Budapest 1895; ID., *Magyarország egyházi és politikai összeköttetései a római Szentszékkal I–III*, Budapest 1901–1903; ID., *Oklevéltár a magyar királyi kegyúri jog történetéhez*, Budapest 1899. Practically, the details of these works supply the basis of the former and newer researches.

canon law, of this legal practice, claiming for the monarch some of the competences of papal consistories.⁶⁸ The other, no less notable approach foregrounds a different interpretation of apostolic “privileges”, serving as the legal basis of the sovereign’s influence.⁶⁹ The long-lived view, held not only by historians but also by the Hungarian State and hierarchy from the fifteenth century⁷⁰ until the termination of the Hungarian Kingdom, according to which the Hungarian

⁶⁸ Nowadays, these opinions are represented by PÉTER ERDŐ, *A pápaság és a magyar királyság Zsigmond király idején (1387–1437)*, Magyarország és a Szentszék kapcsolatának ezer éve (ed. by István Zombori), Budapest 1996, 83–95, especially 91. The earlier secondary literature of similar opinion – LAJOS TÖMCÁNYI, FLÓRIS KÜHÁR, FERENC GALLA, SÁNDOR SZENTIRMAI and by others – *ibid.* The newer edition of the study can be found in the volume, published at the Publishing House of Osiris: PÉTER ERDŐ, *Egyházjog a középkori Magyarországon*, Budapest 2001, 200–213 (The relations between Hungary and the Apostolic See under Sigismund); *cf.*: ID., *Állam és egyház jogi kapcsolata a Mobács előtti Magyarországon*, Útjaidon. Ünnepi kötet Jelenits István 70. születésnapjára (ed. by Sándor Bazsányi–Ferenc Horkay Hörcher–Endre Tózsér *et al.*), Budapest 2002, 569–578. – This very opinion was surprisingly agreed by ANDOR CSIZMADIA, as well, who is – being not free of actual political opinions of the twentieth century – the relentless protector of the State assistance. See the other relating works of the legal historian, specialized to the rights of the advowee in his German summary: *Die Entwicklung des Patronatsrechtes in Ungarn*, Archiv für Österreichisches Kirchenrecht 25 (1974) 308–327.

⁶⁹ Its most thorough presentation: ELEMÉR MÁLYUSZ, *A konstanzi zsinat és a magyar főkegyúri jog* (Értekezések a Történeti Tudományok Köréből ú.s. 9), Budapest 1958, 112–131 (for the literature of the Hungarian Royal Patronage and Supremacy, see the introduction of the monograph, 5–8). MÁLYUSZ’s approach is applied by PÉTER KOVÁCS, *A Szentszék, a török és Magyarország a Hunyadiak alatt (1437–1490)*, Magyarország és a Szentszék kapcsolatának ezer éve, 97–117, 97 and 114.

⁷⁰ The latest compendium of the church history of this period: JÓZSEF TÖRÖK, *A tizenötödik század magyar egyháztörténete*, Budapest 2006.

kings, unlike other European monarchs, in accordance with the canons, possessing special apostolic rights, have the widest possible authority over all of the ecclesiastical benefices of the country is not subscribed to by anyone today.⁷¹

2. THE STRENGTHENING STATE CONTROL AND THE CANON LAW

The root of the problem, as with many other dominant legal questions in the Early Modern Age, goes back to the period of the fifteenth century Conciliarism. From this period, in written agreements, the Holy See agreed to the secular filling of the ecclesiastical benefices. It assigned the right of the bishoprics' filling to certain monarchs in concordats⁷² from the fifteenth-sixteenth century. However, more or less, the Papacy consistently enforced the gradually forming statement of the canon law that the royal establishment and providence, the consistorial benefices – especially in the case of the dioceses, let alone the smaller

⁷¹ The most systematized presentation came from the eighteenth century by ÁDÁM FERENC KOLLÁR: *Historia diplomatica iuris patronatus*, Vindobonae 1762; *De originibus et usu perpetuo potestatis legislativae circa sacra Apostolicorum Regum Hungariae*, Vindobonae 1764; and in a memorandum from 1767. KOLLÁR's works are cited by FERENC ECKHARDT, *A püspöki székek és a káptaláni javadalmak betöltése Mária Terézia korától 1918-ig*, Budapest 1935, 1–9. The statement of KOLLÁR is represented in the literature of (LŐRINC SCHLAUCH, KÁROLY KMETY etc.) his bibliography: LAJOS TOMCSÁNYI, *A főkegyúr szerepe a püspökök kinevezésénél*, Budapest 1922, 77, note 1. The last vivid contrast between JUSZTIN BARANYAY and TOMCSÁNYI on the statement of the “curialist” and “regalist”, from the latter's pen: *Vita a főkegyúri jogról*, Budapest 1923. – The objective analysis of the question, based on the issued reports of the nuncios: GYULA SZEKFCŰ, *Magyar Történet III*, Budapest 1939, 237–240. 595–596.

⁷² See the literature cited in the previous chapter.

benefices – cannot go with the right of patronage, since the bishoprics cannot have an advowee. According to the canon law, the secular factor could play a part only in the first out of the three stages of the benefices' filling – designation of the person, the concession and the installation into the benefice (*designatio personae, concessio tituli, introductio in possessionem*). The others are part of the *institutio canonica*, the filling of the given benefice. In case of advowson, the patron has absolute competence in designating the person and only has to present (*praesentatio*) the nominee to the higher ecclesiastical authority. Besides all these, apart from the maintenance commitments, he has other rights, such as at the utilization of the vacant benefice's incomes.

In case of a bishopric, or a consistorial benefice, the Pope has the sole privilege; by a concordat, or by *indultum*, the secular factor could only have the privilege of nomination (*nominatio*). Yet, obviously, not everybody had it, only the sovereign monarchs possessed this right and only over their territory. In justified cases, the nominee could be rejected by the Pope. The *nominatio regia* is a personal privilege, which is not the due of the state but the prevailing monarch. From the ecclesiastical point of view, not only does the successor of Saint Peter give a confirmation to the royal appointment, but, like in the case of the *libera collatio*, he is responsible for the filling of the bishopric (*provisio*) and allows the secular authority's assistance only at the designation.⁷³ Only in case of capitular election (*electio*) with certain

⁷³ ADOLF KINDERMANN, *Das landesfürstliche Ernennungsrecht*, Leitmeritz 1933, 27–40. 87–94; RICHARD POTZ, *Bischofsernennungen. Stationen, die zum heutigen Zustand geführt haben*, Zur Frage der Bischofsernennungen in der römisch-katholischen Kirche (hrsg. v. Gisbert Greshake), München–Zürich, 17–35, 34–35; GERHARD HARTMANN, *Der Bischof: seine Wahl und Ernennung. Geschichte und Aktualität* (Grazer Beiträge zur Theologie-

canonical validity could not talk about the papal confirmation in case of consistorial benefice.

The canonical position became definite by the end of the sixteenth and the beginning of the seventeenth century. Prior to that, Julius II (1503–1513) and Clement VII acknowledged the presentational rights of Charles V (1516–1556) over the Spanish bishoprics, yet the Pope refused it from Henry VIII (1509–1547).⁷⁴ The still existing uncertainty, concerning the canon law at the end of the sixteenth century, offered a large scope for the strengthening of the secular opinion, based on the philosophy of the patronage. There were supporters of this idea already in the Council of Trent, however, they defined their position against those prelates, who regarded the royal assistance explicitly as an abuse (*abusus*) despite the papal privileges. The disadvantageous consequence of the two counter-legal opinions was that not only did the opposing parties

geschichte und Kirchlichen Zeitgeschichte 5), Graz–Köln–Wien 1990, 13–25, 28–30. The analysis of the early modern ecclesiastical and secular legal development, related to the advowson: JÖRN SIEGLERSCHMIDT, *Territorialstadt und Kirchenregiment. Studien zur Rechtsdogmatik des Kirchenpatronatsrechtes im 15. und 16. Jahrhundert* (Forschungen zur Kirchlichen Rechtsgeschichte und zum Kirchenrecht 15), Köln 1987, 53–126 and 127–222. The discussion, in case of smaller benefices – where its sovereign existence was not questioned by the Church – was mainly about the degree of the *circa spiritualia* certificates of the advowee.

⁷⁴ The popes' inconsistency – determined by political powers – with its negative effects are reminded by HANS JÜRGEN BRANDT, *Zwischen Wahl und Ernennung. Zu Theorie und Praxis der mittelalterlichen Bischofsbestellungen im Spannungsfeld von regnum und sacerdotium*, Papsttum und Kirchenreform. Historische Beiträge. Festschrift für Georg Schwaiger zum 65. Geburtstag (hrsg. v. Manfred Weitlauf–Karl Hausberger), Erzabtei St. Ottilien 1990, 225–233, 233.

encumber the filling of the already existing bishoprics, but they also threw obstacles in the establishment of new bishoprics' way.⁷⁵

3. THE FILLING OF THE ECCLESIASTICAL BENEFICES IN HUNGARY BEFORE THE MOHÁCS DISASTER

In accordance with the general European tendencies, from the second half of the fourteenth century secular influence over the granting of ecclesiastical benefices was growing in Hungary as well, which relatively soon became manifested legally in the form of decrees. The decrees stated not only that papal conferments of benefices without the monarch's consent were invalid (1394, 1397), but also placed the enactment of all papal provisions under the monarch's control (*placetum regium*, 1404).⁷⁶ These developments, which in the early phases could be likened most to those in

⁷⁵ JOHANN RAINER, *Projekte zur Errichtung eines Bistum Graz*, *Römische Historische Mitteilungen* 6–7 (1962–1964) 113–136; GEORG DENZLER, *Die Propagandakongregation in Rom und die Kirche in Deutschland im ersten Jahrzehnt nach dem westphälischen Frieden. Mit Edition der Kongregationsprotokolle zu deutschen Angelegenheiten 1649–1657*, Paderborn 1969, 122–152; KINDERMANN, *Das landesfürstliche Ernennungsrecht*, 104–133; ROBERT TRISCO, *The Debate on the Election of Bishops in the Council to Trent*, *The Jurist* 34 (1974) 257–291, 270–275; and in the former noted places. Between 1592–1667, there were only twenty-three establishments taking place, mainly in Italy. HC IV, 389. Another case study on the process and obstacles of the dioceses' foundation: MATTEO SANFILIPPO, *Tra curia di Roma e corte di Francia: la fondazione della diocesi di Québec (1631–1674)*, *La corte di Roma tra Cinque e Seicento*, 481–507.

⁷⁶ MÁLYUSZ, *A konstanzi zsinat és a magyar főkegyúri jog*, 12–14 and 75–84.

England,⁷⁷ went way beyond every contemporary example already in the first decades of the 1400s. What is more, at the Council of Constance, taking advantage of contemporary power relations, King Sigismund of Luxembourg (1387–1437) became the first European monarch to get the Holy See to acknowledge his influence over the conferment of ecclesiastical benefices in his country. The “bull” issued by the College of Cardinals, which got lost for more than four hundred years after the Battle of Mohács, outlined the Hungarian king’s licences in this way:

“From the Grace of God the Cardinal Bishops, Cardinal Priests and Cardinal Deacons of the Holy Roman Church send their salute in God’s name to everyone reading this present letter and ask them to give credit to what is written below without any doubt. Although the Roman Church is obliged to do justice to everyone, it is even more obliged to do so to those who are constantly toiling and labouring to promote peace and unity in the Roman Church as well as in the Universal Church. As His Majesty Sigismund, noble king of Rome and Hungary, with unceasing attention, devoted care and effective efforts, among grave dangers through so many years have been labouring for the unity of Christians and for the peace of this Church, which he is ready to continue with a determined soul, thus this Church in due gratitude is obliged to show favour in doing justice to

⁷⁷ England introduced the “*placetum regium*” already at the end of the fourteenth century. The appeals towards Rome were hindered by the parliamentarian resolutions, moreover the payments, the papal granting of English benefices and the functioning of the collector of the papal tithes were regulated by narrow limits. ROBERT BIRELEY, *The Refashioning of Catholicism 1450–1700. A Reassessment of the Counter Reformation*, Washington 1999, 73.

him and to his countries. When, as contained in the communication submitted to us on behalf of His Royal Majesty, based on ancient tradition the Kings of Hungary present favoured and suitable persons to head the metropolitan and bishopric churches as well as other benefices of this country, in consideration of the great merits of the said Majestic King, and of the fact that the Kingdom of Hungary, lying on the border with the infidels, is known as one of the shields and bulwarks of Christianity, not wanting, in as much as it is in our power, to call into question this tradition, We have in good faith promised to the said Majestic King, as was included in his request, to effectively ensure that the future Pope to be elected with the consent of the Lord and his successors in the Apostolic See will provide for such suitable persons to head the metropolitan and bishopric churches as well as the monasteries of the Hungarian Kingdom, and without paying annates or any other taxes, as the said king and his successors in the Kingdom of Hungary will request. Moreover, those that he will wish to promote to the head of the metropolitan churches will, just as in the case of other churches in Germany, pay reduced annates. Furthermore, the Apostolic See will not interfere in the conferment of any benefice in Hungary and its attached provinces. Furthermore, nobody will be summoned to appear in court with the force of Apostolic letters outside of the aforesaid countries unless the cases of the said countries have lawfully come before the Apostolic See through an appeal. In order to bear testimony to all these we have decreed to issue this present letter and to have it authenticated by attaching to it the seals of three Principals of our College, and we have confirmed this promise and document by undersigning it. Dated 19 September, Sunday,

in the 1417th year of the Lord, in Constance, during the vacancy of the Apostolic See.”⁷⁸

The document signed by twenty-one cardinals took unambiguous measures in the question of annates and minor benefices, the canonical institution of which, after some temporary hesitation, was also placed within the country's borders, under the authority of an ordinary. The case was different with the bishoprics. Sigismund's far-reaching demands were only indirectly satisfied, inasmuch as the document contains an introductory part mentioning, without going into details, that the Hungarian kings' right of presentation (*praesentare*), based on ancient tradition (*ex vetere consuetudine*), will not be called into question in future. At the same time, it only gives authorisation to nominate the persons deemed suitable (although instead of the Latin verb *nominare*, the text uses its *quasi* equivalent *supplicare*). In spite of its cautious formulation, the document provided a basis for considering the Hungarian sovereign's full-fledged influence over the country's ecclesiastical positions formally accepted by Rome in Hungarian legal practice and legislation (as in the laws of the years 1439, 1440, 1445, 1446, 1447, 1458, 1486, 1495, and 1514).⁷⁹

The Hungarian legal conception became crystallised as early as the beginning of the sixteenth century. In a form that was to prevail for centuries, it was formulated by

⁷⁸ The issue, the “research study” and the analysis of the content and form of the text of the bull: MÁLYUSZ, *A konstanzi zsinat és a magyar főkegyúri jog*, 9–19. For the Latin text see also the *Supplement*, n. 1 (with the *facsimile*).

⁷⁹ Their presentation, evaluation and the places of their latest edition: Kovács, *A Szentszék, a török és Magyarország*, 98–104 and 113.

István Werbőczy (in the *Tripartitum* of 1514). According to this formulation, in Hungary the conferment of every ecclesiastical benefice was the king's privilege, while the Pope only had the right of confirmation (*confirmatio*). This tenet is supported by four arguments. 1. In Hungary every church, including bishoprics, various abbeys and provostships, was founded by the kings of the country, therefore as patron lords they are entitled to dispose of these churches. 2. The Hungarian people adopted Christianity not because of apostolic teachings, but because of their monarch, King St. Stephen I (1000–1038). The prelates heading the churches that he had founded were appointed by him, and were approved and confirmed by the Pope. 3. Even if the Pope had had some kind of right, that became obsolete during the 500 years while the filling of benefices was carried out by the kings without papal intervention. 4. This liberty of the country (*libertas regni*) was acknowledged by the Council of Constance in a separate letter of privilege.⁸⁰

Werbőczy's arguments, however, do not in large measure stand the test of historical critique. Many Hungarian benefices were not founded by the king but by aristocrats. In St. Stephen's time we could not even speak about the rights of patrons. Advowson was created in the twelfth century. In the first half of the eleventh century, under the not yet separated concepts of *regnum* and *sacerdotium* the monarch, also being a *caput ecclesiae*, according to both secular and ecclesiastical opinion, as liege lord could freely dispose of all ecclesiastical benefices, without papal consent. (The documents that refer to the pontiff's consent: the founding charter of

⁸⁰ *Tripart.* pars. I, tit. 11.

Pécs is most probably interpolated. On the other hand, the Hartvik Legend, which Werbőczy may have been aware of, dates from a later period and refers to the papal consent given to King St. Stephen specifically in opposition to Gregorian demands.)

If something really did become obsolete in the sixteenth century, it was the sacral role of secular monarchs. This role was the focus of the Investiture Controversy, aimed at eliminating lay investiture, as a result of which, appointments to the most important ecclesiastical offices, ranging from the Pope through bishops and abbots to provosts, were performed by the elective bodies of the Church. The new situation was codified in canon law, built on Gregorian foundations and systematized by Gratianus.⁸¹

A similar process took place in Hungary as well. In the twelfth and thirteenth centuries capitular elections became general, although the kings of the Árpád Dynasty had the right of preliminary or subsequent consent. In the case of minor benefices, the system of individual advowson was also slowly gaining ground, as a form of secular influence encouraging the founding of benefices.⁸² In the suppression of the practice of capitular election the main role was played by the Papacy in Hungary as well, inasmuch as from the middle of the thirteenth century the validity of such an election was made dependent on apostolic confirmation, and then on various legal grounds and because of the chronic functional

⁸¹ The criticism of Werbőczy's thesis at CSIZMADIA: *Die Entwicklung des Patronatsrechtes*, 312–315.

⁸² It was far more complicated than it is described above. *Cfr.*: SZOVÁK KORNÉL, *Pápai–magyar kapcsolatok a 12. században* and LÁSZLÓ SOLYMOSI, *Egyházi-politikai viszonyok a pápai hegemonia idején (13. sz.)*, Magyarország és a Szentzsék kapcsolatának ezer éve, 21–46 and 47–54.

disorders of the election process the Papacy increasingly preserved the right of decision for itself. There is a great number of data to prove that by the Anjou age (1307–1395) Hungary was also characterised by a dominance of papal reservations, which of course did not mean that elections had been eliminated, but simply that they had become less frequent. The process was initially in line with the interests of the king, since it was sometimes easier to come to an agreement with Rome on candidates than with the oftentimes pugnacious chapters.⁸³

The main front line in the time of Constance, however, was between the monarch and the Papacy. Already King Louis the Great (1342–1482) had a tendency to try to suppress reservations, which often favoured foreigners. The break-through came when in 1403 King Sigismund decided to refuse to obey Pope Boniface IX (1389–1404) for political reasons. For almost a decade, he kept the filling of the episcopal sees under his own authority; he administered relocations himself; he used the incomes of vacant benefices for his own purposes. The prelates appointed by the king not only readily took over the governance of their dioceses but they also performed jurisdiction for a long time without any papal involvement.⁸⁴

Presumably this is the time when royal charters of endowment came into existence (although the first of these is only known from August 1417), and along with references to the right of patronage the verbs elect, nominate and present

⁸³ The former researches are summarized by Gy. RÁCZ, *Az Anjou-báz és a Szentszék (1301–1387)*, Mo. és a Szentszék kapcsolatának ezer éve, 55–81.

⁸⁴ MÁLYUSZ, *A konstanzi zsinat és a magyar főkegyúri jog*, 85–90. About the consolidation of the relations, emerging in Konstanz on new conditions, *ibid.*, 91–111.

(*eligimus, nominamus et praesentamus*) occur, and also the expressions of conferment, encompassing all spiritual and secular rights (*cum omnibus iuribus et pertinentiis spiritualibus et temporalibus... dantes et conferentes*), which then solidified for centuries to come.⁸⁵ The terminology of the granting documents, which protests the need and intention to the earliest possible abandonment of the vacant sees, remains as it is, only the naming of the spiritual jurisdiction's granting disappeared. That is how it happened with the original document of Tamás Döbrenthei's appointment as a bishop, given by János Hunyadi and the orders on 16 June 1446,⁸⁶ or with Ippolito d'Este's archiepiscopal deed gift of Esztergom, issued by King Matthias I (Hunyadi-Corvinus) on 1 April 1486.⁸⁷ In the genuine texts of the volumes of the *Formulare* of Kassa from 1502 and 1505 – the transfer of László Geréb to the archiepiscopal see of Kalocsa-Bács and György Szatmáry's to the episcopal see of Pécs – there are the words of “*duximus transferendum, eligendum, nominandum (et praesentandum)*” and “*transferimus, eligimus et nominamus, damusque*

⁸⁵ The document of Péter Rozgonyi, the bishop of Veszprém, is cited by FRAKNÓI, *A magyar királyi kegyúri jog*, 119.

⁸⁶ “...ne eadem ecclesia ulterioris vacationis subiciatur incommodis... auctoritate nostrae gubernationis, specialiter nobis in conferendis dignitatibus et beneficiis ecclesiasticis ac honoribus saecularibus concessa unacum dictis dominis duximus conferendum, immo conferimus et de eodem sibi providemus, ipsumque in eiusdem ecclesiae legitimum eligimus episcopum, nominamus immo nominamus et eligimus, conferimusque et de novo sibi de eodem episcopatu providemus...” FRAKNÓI, *Oklevéltár*, pp. VI–VII.

⁸⁷ “*Illustrem dominum Ippoplitum... auctoritate iuris patronatus nostri regalis, quod instar praedecessorum nostrorum regum Hungariae, sicuti in aliis eiusdem regni nostri ecclesiis, sic et in ipsa ecclesia Strigoniensi habemus, duximus eligendum et nominandum, immo eligimus et nominamus... dedimus, donavimus et contulimus, damus, donamusque et conferimus...*” *Ibid.*, n. 40.

et conferimus”, furthermore, there is the call aimed at the cathedral chapter, the clergy and the community to regard the nominated prelates as their legal higher dignities.⁸⁸

Their complexity shows that the total control of the monarch, going back to the beginning of the fifteenth century, rested on three pillars. It rested not only on administering the right of individual patronage and of feudal endowment of estates over bishoprics, but also on assuming the rights of capitular elections. If this did not cause a considerable shock, it was probably because by then the sovereign’s influence had encompassed the conferment of minor benefices, including capitular dignitaries.⁸⁹ The late medieval stabilization of the State control over the Church administration is shown by the royal behaviour at the granting of bishoprics in the course of the *interregnum*,⁹⁰ by the episcopal,⁹¹ provostal, abbatial and capitular right’s delegation⁹²

⁸⁸ “...*pro vestro vero et legitimo et indubitato domino et praelato vestro tenere et cognoscere, ipsumque venerari ac eidem in omnibus debitam obedientiam et reverentiam semper exhibere debeatis et teneamini*”. *Ibid.*, n. 53 and n. 60. – Geréb’s appointment is already issued by STEPHANUS KATONA, *Historia critica regum Hungariae I–XLII*, Pestini–Posonii–Cassoviae–Claudiopoli–Budae 1779–1813, XVIII, 297–298. On the setting of the formula of the document of the appointment, see: *Egyháztörténelmi emlékek a magyarországi hitújítás korából I–V*, ed. by VINCE BUNYITAY–RAJMOND RAPAICS–JÁNOS KARÁCSONYI, Budapest 1902–1912, nn. 15. 229. 270–272. 341. 348 (cf. *Consistorialia Documenta Pontificia*, Appendix II).

⁸⁹ FRAKNÓI, *Oklevéltár*, n. 54.

⁹⁰ See the quoted example of Tamás Döbrenthei. FRAKNÓI, *Oklevéltár*, pp. VI–VII.

⁹¹ In 1513. FRAKNÓI, *Oklevéltár*, nn. 33. 69.

⁹² The granting of the chapter’s dignitaries could be received by other prelates besides the ordinary. *Ibid.*, nn. 12. 35. – The beneficiaries sometimes felt it necessary to ask for the papal confirmation of the royal grant. *Ibid.*, n. 38.

(for example to cities, seculars),⁹³ moreover by the royal role⁹⁴ represented during the vacant episcopal sees.

The “ancient tradition” referred in the bull of Constance, intended to gain the acceptance of the Holy See, was in fact a rather novel but viable development. The real foundation for Hungarian legislation, which had become consolidated by the beginning of the sixteenth century, beside the rather well-established nature of legal practice in the Hunyadi and Jagiello eras, was the letter of Constance. And it was not only the introductory part, which was formulated in general terms. One of the most important, yet under-emphasised characteristics of the bull of Constance was that it completely eliminated capitular elections – by keeping silent about them. Apart from a few spectacular efforts at resistance, they soon disappeared altogether. And by explicitly acknowledging monarchs’ right of conferring minor benefices, including capitular dignitaries, the letter made possible the obvious interpretation according to which in this way the monarch also obtained the canonical rights which could be gained through capitular elections. This was one of the most important characteristics of bishops’ appointments by the king in Hungary, different from other European examples. This way it became possible for the appointed prelates, consistently addressing themselves by the term *electus*, to not only bear the insignia of a prelate but to also perform many of the functions of an elected bishop. On this basis, Werbőczy could come to the natural conclusion that the Pope had no rights apart from the right of confirmation (*confirmatio*) that was practiced in the case of canonical

⁹³ *Ibid.*, pp. xiv–xv and nn. 11. 34. 70.

⁹⁴ *Ibid.*, nn. 36. 64.

elections. However, we may entertain some doubt concerning the exactitude of contemporary usage of terms.⁹⁵

From this approach we can truly talk about the “ancient traditions”, since the picture did not differ from those circumstances, when the monarchs could put their nominees into the episcopal see by influencing the capitular election. The royal behaviour merely became more unambiguous and exclusive. The papal offensive against the capitular elections in the fourteenth century brought its own punishment for the Roman Curia, itself. The fact that by the sixteenth century the prelates had conferred the benefices of their diocese – with the exception of the abbasies and the independent provostships – proves the reinforcement of the monarch rather than its opposite, since the ordinaries could not possess this license without the royal delegation of rights. As it occurred before, the delegation of the right of the Hungarian Royal Patronage and Supremacy is noticeable in the case of the episcopal sees, though, it only happened occasionally and was only for the aristocrats.⁹⁶

⁹⁵ Only JÓZSEF STOLPA paid some attention to the problem of “*electus*” (*Adalékok a magyar királyi főkegyúri jog történetéhez [A konstanzi bulla]*, Nötter Antal Emlékkönyv. Dolgozatok az egyházi jogból és a vele kapcsolatos jogterületekről (ed. by Pál Angyal–Baranyay Justin–Mihály Móra), Budapest 1941, 1007–1028, 1027, 2. jegyzet). Nevertheless his main argument cannot be right. On the practice of granting of the smaller benefices and delegation of advowson see: JÓZSEF KÖBLÖS, *Az egyházi középréteg Mátyás és a Jagellók korában* (Társadalom- és művelődéstörténeti tanulmányok 12), Budapest 1994, 19–22; MÁLYUSZ, *A konstanzi zsinat és a magyar főkegyúri jog*, 115–122.

⁹⁶ See footnote 93 on the issue of one of the royal *annuentia* for Mihály Ország, Nyitra (1458), for Mihály Pálóczy, Veszprém, Győr, Csánád, Vác, Nyitra (and the provostship in Fehérvár) (1515).

The Pope's attitude towards the bull of Constance was no less peculiar. Learning from the experiences of the Western Schism, King Sigismund in all probability deliberately chose the College of Cardinals. In the legally binding promissory letter of the *Senatus Divinus*, representing stability, he considered his demands and the force of the formulation "for ever" (*in perpetuum*) more widely warranted than in a similar papal act.⁹⁷ As we know, history failed to justify his expectation. The future belonged to the gradually unfolding "modern" and more and more absolutistic papal centralism. Pope Martin V (1417–1431), shortly after Constance, modified and confirmed the statutes of the Apostolic Chancery in a way so that the practice of papal reservations was again interpreted more generally, extending over all vacancies of benefices. Thus the filling of every significant ecclesiastical benefice was brought under the *libera collatio* to be formed on this basis. (In the predominance of papal reservations under Pope Urban V [1362–1370] the crucial role was again given to the regulation of the *Cancellaria Apostolica*, which was otherwise not an exactly elegant source of law.)⁹⁸ In this sense we can in fact speak about a temporary pretermission of the bull of Constance.⁹⁹

⁹⁷ MÁLYUSZ, *A konstanzi zsinat és a magyar főkegyúri jog*, 22–25.

⁹⁸ POTZ, *Bischofsernennungen*, 22.

⁹⁹ This is emphasized by PÉTER ERDŐ, who, in contrast to MÁLYUSZ, regards the rights of the College of Cardinals considerably limited, in course of *sede vacante*. *A pápaság és a magyar királyság*, 89–91. – Apart from the later practice, it proves the accuracy of the temporary legal neglect that the validity of the Chancery's regulation covers only the phase of the pontificate, which was reorganized by the vice-chancellors. (*Vice-cancellarius est ille, qui has regulas regit et ad eius dispositionem dantur in curia et extra eam...*). Cfr. EMIL GÖLLER, *Die Kommentatoren der päpstlichen Kanzleiregeln vom Ende des 15. bis zum Beginn des 17. Jahrhunderts*, Archiv

Nevertheless, the conditions of the fourteenth century could not be fully restored. The efforts of Pope Martin V directed at such a restoration were of a transient nature. His successors one after the other made concordats with the States concerning the filling of bishoprics, signalling a willingness to compromise.¹⁰⁰ Remarkably, no such concordat was made with Hungary. This proves that the bull of Constance remained in force. This fact is underpinned by the legal practice of the Hunyadi and Jagiello eras (1458–1526). The Roman Curia was consistent in filling Hungarian episcopal sees only on the basis of the monarch's nomination. A striking example of the royal influence's turning into a routine is the order of Matthias I (1458–1490) to cardinal Giovanni d'Aragonia in 1481. In this document, the monarch indifferently commanded the protector to dispatch the bulls of the archbishop of Kalocsa without having written about the process to the Pope.¹⁰¹

Independent initiatives were only made based on the most narrowly interpreted papal reservations, when the death of the holder of a benefice did not happen extra *Curiam Romanam*. This right of the Holy See was also acknowl-

für Katholisches Kirchenrecht 84 (1905) 441–460; 85 (1906) 20–34, 259–265, 453–454.

¹⁰⁰BIRELEY, *The Refashioning of Catholicism*, 71–95.

¹⁰¹ “*Interea rogamus paternitatem vestram, quemadmodum etiam prioribus ex speciali fiducia rogavimus, ut curet instare omnibus studiis propter nos, quod sanctissimus dominus noster sine omni mora iubeat bullas confirmationis ipsius electi Colocensis expediri, quas nos, ut prioribus litteris scripsimus, satis sollicitè expectamus. Nos enim illius negocium sanctissimo domino nostro prolixioribus verbis non commendamus, aestimantes, quemadmodum expectamus adhuc, paternitatem vestram nostro potissimum intuitu supplere in hac parte vicem nostram...*” KATONA, *Historia critica regum Hungariae*, XVI, 340–342.

edged by other concordats, and was also applicable on the basis of the concession of Constance, since the rather concisely formulated text did not discuss this problem. The amendment that was necessary from a Hungarian viewpoint took place in 1514. At this time a parliamentary law restricted the Roman visits of prelates, and also demanded guarantees from them to preclude reservations, the legitimacy of which was not called into question. It is a different issue that the Papacy was never actually able to fully enforce its position in this area. As is shown by multiple examples of the bishopric of Eger, the popes could only achieve a consensual solution. By way of compensation, Rome's candidates had to be content with minor benefices.¹⁰²

¹⁰² The survey and the related bibliography of certain cases at Kovács, *A Szentszék, a török és Magyarország, 105–114*. On Eger and on the unexpected situation after the death of Ippolito d'Este in Rome, when even the papal nephew, Giulio Medici, was unable to gain the possession of the benefice, that was governed by the officials of the monarch, and the incomes were supposed to be spent on the defense against the Turks. Cf: NORBERT C. TÓTH, *Az egri püspöki szék betöltésének problémái 1520 és 1523 között. Adatok az egri, szerémi és váci püspökök archontológiájához, Erősségénél fogva várépitésre való. Tanulmányok a 70 éves Németh Péter tiszteletére* (ed. by Juan Cabello–Norbert C. Tóth), 9–18, especially 10. 11. 13. – It seems that the latest Hungarian literature, too, ignores the fact that the papal reservations after the ecumenical councils of Constance–Basel–Ferrara–Firenze were not universal, as they had been in the fourteenth and partly in the fifteenth century. They were replaced by the term of *libera collatio*, as the partner of the royal *nominatio* and the *electio* of the chapter. Their obtainment in Europe was reduced to the above mentioned case. – Such events, like György Szatmáry's, the archbishop of Esztergom, who wanted the papal granting of the archdeaconry in Telegd to be upset in favour of the royal nominee, were already rare exceptions in 1523. See his letter to Ferenc Várday, the bishop of Transylvania, Esztergom, 15 September, 1523. Magyar Országos Levéltár (MOL)

As a matter of fact, neither party was interested in making a concordat. On the one hand, Hungarian demands went way beyond what the Papacy would have been able to openly grant. Thus for Hungary the Constance agreement, which could be interpreted in a way that would fit the country's position, was more than ideal. On the other hand, by relinquishing the right of nomination for all Hungarian bishoprics and renouncing minor benefices altogether, the Holy See had reached the final limits of its own potentials. The conciseness of the agreement and also its early date of formulation, however, left some action space open. As opposed to the German, French and Spanish examples, in the document types coming into existence in the second half of the fifteenth century, including consistorial "acts" (decrees and protocols), *cedulae*, *controcedulae* and bulls, the fact of the monarch's involvement was almost never recorded.¹⁰³

That Papacy, which in 1448 – *de facto* acknowledged the Bull of Constance – already denied that the Hungarian State had any apostolic privileges in controlling the local church administration,¹⁰⁴ took scrupulous care to maintain its principled position in the everyday legislation. A significant example of this is the papal letter of appointment addressed to Fülöp Móré in October 1524, which remarked *expressis verbis* that nobody was entitled to

[*Hungarian National Archives*], Mohács előtti Gyűjtemény [*Medieval Collections*, "Collectio Antemohacsiana"], Diplomatai Levéltár (DL) [*Diplomatical Archives*], n. 82.616 (from the archives of noble family Zichy).

¹⁰³ FRAKNÓI, *A magyar királyi kegyúri jog*, 251; *Consistorialia Documenta Pontificia*, nn. 1b–78.

¹⁰⁴ So did Nicholas V as an answer to the Hungarian orders' request. More precisely, in the Curia was denied the existence of the related Roman documents. FRAKNÓI, *Oklevéltár*, n. 26.

intervene in the filling of the episcopal see.¹⁰⁵ In case of smaller benefices, this cannot be said, namely, there are some papal notes on the assistance and authority of the advowee, moreover, on apostolic privilege.¹⁰⁶ In case of bishoprics, the only known exception is the appointment of Pál Tomori, archbishop of Kalocsa-Bács, where on 4 February 1523 a consistorial *acta* mentions the supplication of Louis II (1516–1526) and the *per obitum* filling of the archiepiscopal see.¹⁰⁷

In spite of the consistorial documents' secrecy, there is no doubt that the other appointments were due to a royal nomination. Besides the principled position, the Holy See respected the role of the monarch. An evident proof for this was that in 1524, Clement VII himself asked Louis II for the appointment of István Brodarich – with whom the Pope had come across on his legation in Rome – which was promised by the Hungarian king in his responsive letter.¹⁰⁸ The fast

¹⁰⁵ "...ad provisionem eiusdem ecclesiae Quinqueecclesiensis, de qua nullus praeter Romanum pontificem hac vice se intrmittere potuit sive potest". AUGUSTINUS THEINER (ed.), *Vetera monumenta Slavorum meridionalium historiam illustrantia maximam partem nondum edita ex Tabulariis Vaticanis deprompta collecta ac serie chronologica disposita*. I: *Ab Innocentio PP. III. usque ad Paulum PP. III.* (1198–1549). II: *A Clemente VII. usque ad Pium VII. (1524–1800) cum additamentis saec. XIII. et XIV.*, Romae–Zagrabiae 1863–1875, I, 584–585 [n. 794].

¹⁰⁶ *Ibid.*, p. 1x and nn. 29. 34. 56.

¹⁰⁷ *Consistorialia Documenta Pontificia*, n. 29 (rightly: "vacanti iam bienium per obitum..."). The HC quotes, as well (III, 172): "pro quo rex Ung. supplic."

¹⁰⁸ "Commendavit mihi aliquoties vestra sanctitas et litteris suis et per magnificum dominum baronem nuntium et oratorem suum personam fidelis mei Stephani Broderici praepositi Quinqueecclesiensis... huic desyderio sanctitatis vestrae, si ullo pacto fueri potuisset procul dubio a me fuisset abunde satisfactum, id tamen quod neque antea, neque in ista proxima ecclesiarum vacatione expleri potuit, prima occasione oblata, nequaquam praetermittetur, et quia eam esse vestrae sanctitatis voluntatem intelligo, et id virtutes etiam, et obsequia Broderici iure expos-

fulfillment of the papal wish was hindered by the fact that the monarch had already pledged the chosen Transylvanian chair to someone else.¹⁰⁹

The royal court of Buda also respected the Roman Curia's interests and sensitivity to canon law. The phrasing of the documents of appointment, addressed to the Pope, was clearly moderate. Although it uses the terms of "*vetustum regni iurispatronatus privilegium*" and *electio, nominatio, translatio, praesentatio*, it lacks the *collatio*, the term for the granting, and the focus is on the act of request. The Hungarian monarch "supplicates" according to the formula of Constance for the papal confirmation ("*confirmatio*") and benediction ("*benedictio*"). It is not a matter of secondary importance that he does not do it with reference to the apostolic privilege, but with the old tradition of the Hungarian monarchs ("*Hungariae regum veteri et usitata consuetudine*") and with his "humility" and "respect" towards the Pope and the Apostolic See ("*singulari animi devotione et observantia*"). Wladislaus II (1490–1515) operated, in accordance with this, at István Podmaniczky's removal from Szerém to Nyitra in 1505.¹¹⁰ It cannot escape our attention that we do not meet here the royal *translatio*'s canonically valid and legitimate (*canonice legitimeque*) description, which can be found in the documents, sent to Rome in 1501, on the filling of the sees

cere videntur, sum ei pro vestrae sanctitatis imperio de ecclesia, in regno meo primitus vacatura omnino provisurus..." The original version of the monarch's letter, dated in Buda, on 5 December, 1524: ASV A.A., I–XVIII, n. 2534; issued: THEINER, *Vet. mon. Slav.*, I, 585 [n. 795]. – See also *Supplement*, n. 2, too.

¹⁰⁹ See the detailed report of Burgio, the papal nuncio in Buda, on this case on 6 December. VILMOS FRANKÓI (ed.), *Relationes oratorum pontificorum 1524–1526* (Monumenta Vaticana Hungariae II/1), Budapest 1884, n. 19, 91.

¹¹⁰ The survived bearer document in the *Formulare* of Kassa is issued in: FRANKÓI, *Oklevéltár*, n. 59.

in Várad and Transylvania.¹¹¹ Nevertheless, at great length, the monarch accounts for – especially with the Osman danger – the necessity of the replacements to Alexander VI, which cannot be regarded as a negligible act in the obtainment of the control over the Church administration.

In case of the appointment and consecration of the auxiliary bishop and of the repeated recourse,¹¹² the phrasing was of a petitioning nature.¹¹³ There is not a proclamation of the

¹¹¹ “*Eos ipsos itaque quorum alterum puta reverendissimum dominum Dominicum ex episcopatu Varadiensi in Transilvanum, alterum vero, reverendissimum dominum Georgium meum et regni mei secretarium ex Vesprimiensi in Varadiensem, omnibus meis id enixe efflagitantibus, canonice legitimeque transtuli, pro mea meorumque praedecessorum Hungariae regum antiqua et usitate consuetudine, sanctitati vestrae praesento, eidemque pro mea perpetua fide, devotione observantiaque, qua semper in sanctitatem vestram et in illam sanctam sedem apostolicam sui humillime supplico, ut huiusmodi mea electionem, translationem, nominationem putationemque solita sua paterna clementia admittere, eosque in praefatis episcopatibus benigne confirmare dignetur.*” Then György Szatmári was recommended, who received the papal confirmation on 14 February 1502, though, he was consecrated as a bishop already as the *antistes* of Pécs. KATONA, *Historia critica regum Hungariae*, XVIII, 298–301. *Cf.* HC II, 254 and 262. (On the basis of the royal letter, we could acknowledge that Szatmári owned Veszprém only by a royal appointment, since the monarch does not even mention the fact of the canonical institution, however it took place on 1 April, 1500. HC II, 266.) – On the appointments of 1501 and the later routinlike translations, see: C. ΤΟΪΗ, *Az egri püspöki szék betöltésének problémái*, 9–10ss.

¹¹² In the letter of Wladislaus II, in 1513–1515, addressing to Leo X, in relation to the bishops of Vác and Transylvania the legal term of *supplicavi... pro confirmatione* can be found. ASV Segr. Stato, Principi, vol. 9, fol. 348^{rv}. (Attributed to Louis II, issued in the following work of JÓZSEF BESZENYEI: *Lettere di principi. Fejedelmi levelek a pápának* [Bibliotheca Academiae Hungariae in Roma (!). Fontes 3], Roma–Budapest 2002, n. III/1.)

¹¹³ For example in course of the request of the appointment of Benedek, canon and lector of Kalocsa-Bács, as an auxiliary bishop, in his letter

legal claim at the curial process's royal pressing, either. Louis II – in his letter, written to Sadoletto, the secretary of the Pope, on 22 May 1526 – announced as a fact that he had appointed Pál Várdai to the bishop of Eger (*eligimus*); he wanted to have his request (*petitio*) finally fulfilled after having written letters to the Pope.¹¹⁴

For the Roman Curia to come to terms with the concessions, which, compared with other concordats, were really unique, was made easier by the fact that in spite of the agreement the annates (*servitium commune*) were regularly paid by Hungary, just as by other countries.¹¹⁵ There occurred a

of 11 July, 1518, Louis II, supported Mihály Keserű's request – at that time, he was the bishop of Bosnia, who fled from the Turks and worked as a secretary in the court – in the following way: "*Quare supplico et ego sanctitati vestrae, ut postulationi ipsius domini episcopi acquiescere ipsi sumque Benedictum lectorem in episcopatum suffraganeum illi ecclesiae dare et consecrari velit, ne ob absentiam episcopi divinus cultus illi imprimis ecclesiae, utpote in limitibus Thurcorum constitutae pernecessarius in aliqua sui parte deficiat.*" ASV A.A., I–XVIII, n. 2839; THEINER, *Vet. mon. Slav.*, I, 568 [n. 769].

¹¹⁴ Its original version: ASV A.A., I–XVIII, n. 2541. *Cfr. Supplement*, n. 4. I could not find its publication. (I thank G. NEMES for the datum and the reference of the documents from the Castle of Saint Angelo, edited by THEINER.) *Cfr. furthermore*, on the "bearer document" of László Szalkai for the bishopric of Eger from 18 February, 1523, which is also a request of a personal nature, and the humble hint to the royal legal claim can only be found at the end: "*Supplico sanctitati vestrae, dignetur iam tandem preces meas humiles ac iustas exaudire et cancellarium meum in ecclesiam Agriensem sublatis impedimentis confirmare... nihil peto, quod sit vel inonestum vel contra dignitatem sanctitatis vestrae... ad quod petendum... ipsius regni mei libertas me impellunt.*" NORBERT C. TÓTH (ed.), *Politikátörténeti oklevéltár Bátori István nádor első helytartóságához (1522–1523)* (A MOL Kiadványai II. Forráskiadványok 50), Budapest 2010, n. 160.

¹¹⁵ MÁLYUSZ, *A konstanzi zsinat és a magyar főkegyúri jog*, 112–114; the sums and the method of payment: JÓZSEF LUKCSICS, *Középkori pápai adó-*

problem only due to the technical transaction of the payment.¹¹⁶ Apart from this, however, no other sources of revenue were available for the Papacy in the lands of the Crown of Saint Stephen. The *spolia* and the revenues of unfilled benefices, as items which were not linked with canonical institution, in accordance with the Hungarian position went into the State treasury. Moreover, the collection of papal tithes fell into the monarch's hand at the time of King Louis the Great, or otherwise was eliminated.¹¹⁷ The restrictions on papal jurisdiction, which already appeared in the bull of Constance, were also gradually instituted through successive laws.¹¹⁸ Appeals to the Curia were also finally suppressed by having the tertiary competence of the primate's court ac-

könyvek, Budapest 1908, 6–17. Yet, the payments of the smaller benefices' annates – in parallel with the number of the supplications, sent to Rome for the sake of their obtainment (*cf.* PÁL LUKCSICS's cited works below, *passim*) – were gradually diminished after Constance. By the end of the sixteenth century, in comparison with the western European scheme, they were scarce, besides, they were not conducted for simple granting reason, but due to a special nature of the canon law (for example the assurance of the given benefice's obtainment in case of resignation). JÓZSEF KÖRMENDY, *Annatae e regno Hungariae provenientes in Archivio Secreto Vaticano 1421–1536* (A Magyar Országos Levéltár Kiadványai II/21), Budapest 1990, *passim*. See, the manuscript of LUKCSICS, which covers the complete Hungarian material of the Apostolic Chancery from 1297–1536. PÉTER TUSOR, *Az Apostoli Kameronak magyar vonatkozású középkori forrásai*, Egyházi műveltség a régi Magyarországon (ed. by László Jankovits *et. al.*), Pécs 2011, m.s.

¹¹⁶ For example at Várdai's appointment as the bishop of Eger (owing to this, the monarch had to supplicate it repeatedly). FRANKÓI, *Relationes oratorum pontificorum 1524–1526*, 389–391 (see more, *ibid.*, 91).

¹¹⁷ RÁCZ, *Az Anjou-ház és a Szentszék*, 75.

¹¹⁸ The latest summary of the question, ERDŐ, *A pápaság és a magyar királyság*, 92–94; and Kovács, *A Szentszék, a török és Magyarország*, 98–99.

knowledged and confirmed.¹¹⁹ Rome had limited authority to intervene in Hungarian church affairs already before 1526. It occurs only in obvious personal abuse of authority, for instance, in the case of András, bishop of Tinin. He was reminded by Clement VII on 20 June 1525 not to keep postponing his consecration, with which he jeopardized the salvation of his community, since he had already received his bulls.¹²⁰

¹¹⁹ The analysis of the history of the tertiary primate's court: PÉTER ERDŐ, *Il potere giudiziario del primate d'Ungheria*, *Apollinaris* 53 (1980) 272–292 and 54 (1981) 213–231, on this period 275–277.

¹²⁰ ASV Arm. XL., vol. 9, fol. 375^{rv}, n. 442 and n. 443; THEINER, *Vet. mon. Slav.*, I, 587 [n. 799].

4. THE HUNGARIAN EPISCOPATE AND THE PAPACY AFTER 1526

a) The appointment of the bishops, the bearer documents

After the Battle of Mohács (1526) the peculiar but consolidated conditions became more radicalised. In Hungary this was manifested in the almost complete expropriation of benefices by the State. The greatest part of provostships and abbeys were transferred as a pledge to secular, and often even to Protestant owners. In the first half of the sixteenth century the pledging of bishoprics also became general practice (e.g. Győr,¹²¹ Nyitra), and some of them were even left unfilled subsequently for years or decades (Esztergom, Eger). The revenues in such cases went to the Chamber.¹²² The situation was not any better when there was an appointed prelate at the head of the diocese. He too had to devote a significant part of his incomes to State purposes.¹²³ It also hap-

¹²¹ The mechanism of the transfer as a pledge and the difficulties of the taking out of pawn on the evidence of the diocese, gained by the Thurzós: GABRIELLA ERDÉLYI, *Bethlenfalvi Thurzó Elek levelezése (Források a Habsburg–magyar kapcsolatok történetéhez)*. I: 1526–1532 (Lymbus Kötetek 1), Budapest 2005, *ad indicem*.

¹²² The thorough analysis of the problem from 1587–1589, by JOSEPH SCHWEIZER: *Die Nuntiatur am Kaiserhofe. II: Antonio Puteo in Prag 1587–1589* (Nuntiaturberichte aus Deutschland nebst ergänzenden Aktenstücken [NbD] IIIa/2/2; Quellen und Forschungen aus dem Gebiete der Geschichte [QuFGG] 14), Paderborn 1912, CXXIX–CXXXVI (Die Vakaturen in Ungarn).

¹²³ On these, FRANKÓI, *A magyar királyi kegyúri jog*, 233–243 and *passim*. – A good review of the period: ANTAL MOLNÁR, *A pápaság és Magyarország a török uralom idején (1526–1686)*, Közép-Európa harca a török ellen a 16. század első felében (ed. by István Zombori), Budapest 2004, 189–217.

pened that he did not even come to own the revenues but was merely paid a pension that was determined by the monarch.¹²⁴

These developments, together with the practice that characterised the late Middle Ages, represented the clearest case of the intertwining of the (Catholic) Church and the State in Europe. Apart from the Hungarian monarch, who could in this way rely on an internal power base that was free from problems of succession and was solely dependent on him, the most fervent enthusiasts and beneficiaries of the system were members of the local hierarchy. In spite of the economic restrictions, the immediate ownership of benefices from the fifteenth century on proved a considerable advantage for Hungarian bishops. This peculiar State-Church structure, just as in France, was characterised by a special ideological background in ecclesiastical circles. The main element beside the tenets of Werbőczy, presumably due to the histories of Antonio Bonfini († 1502) and János Thuróczy († 1489), was an ever more emphatic stressing of St. Stephen's traditions.¹²⁵ These traditions were associated with the interesting implication, which was only informally voiced but more

¹²⁴ Cfr. for example, HELMUT GOETZ (Hrsg.), *Nuntiatur Giovanni Delfinos (1572–1573)* (Nbd III/6), Tübingen 1982, n. 30; the earlier editor of Delfino's reports do not know FRANKÓI's edition.

¹²⁵ Their modern editions: *Antonio de Bonfini, Rerum Ungaricarum decades I–IV 1* (Bibliotheca scriptorum medii recentisque aevorum), ed. BÉLA IVÁNYI et al., Lipsiae–Budapestini 1936–1941; *Rerum Ungaricarum decades IV 2, (Appendix, fontes, index)* (Bibliotheca scriptorum medii recentisque aevorum. Series nova), ed. P. KULCSÁR, Budapestini 1976; *Johannes de Thuróczy: Chronica Hungarorum* (Bibliotheca scriptorum medii recentisque aevorum. Series nova), ed. GY. GALÁNTAI–GY. KRISTÓ, Budapest 1985. These works presumably lead to the change of the *vetera consuetudo* of Constance at Werbőczy to St. Stephen's tradition.

and more often applied in practice, that after their frequent relocations consecrated bishops were not obliged to obtain the papal bulls to sanction their governance of their new bishoprics.¹²⁶ The Hungarian opinion and practice is explained most intelligibly by nuncio Camillo Caetani (1591–1592) to his successor, Cesare Speciano (1592–1598) in his instruction of 1592:

“The root of the problems in Hungary – namely that His Royal Majesty does not fill the episcopal sees, moreover the bishoprics are charged with pensions on the basis of his own authority and the prelates show preference for calling themselves bishops without an apostolic confirmation – is the prelates themselves. They, in order to win their monarch’s favour, state that all the dioceses were founded by their king, St. Stephen, and their kings are more privileged than all the monarchs in Europe. They, practically speaking, practice a sacred jurisdiction over the bishoprics. What one should demand of them, however, they show respect towards the Apostolic See, for which we have to express the signs of love in many different ways...”¹²⁷

¹²⁶ To prove that it did not always mean the neglect of the confirmational process, but its peculiar shortening, see the following presented unique interpretation of János Kutassy on the validity of the *cedula consistorialis*.

¹²⁷ “*Di questi inconvenienti, che si vedono in Ungaria, che sua maestà non provvede alle chiese, che grava i vescovati di pensione d’ autorità propria, li prelati ardiscono di chiamarsi vescovi senza la confirmazione apostolica; ne sono causa l’ stessi prelati, li quali per acquistare la grazia di sua maestà asseriscono, che il santo re Stefano di Ungaria ha fondato tutte quelle chiese, et che i rè loro hanno azione sopra i vescovati più privilegiata che gli altri rè dell’ Europa et giurisdizione quasi sacrata. Et meritano sopra id ciò gran riprensione, sebbene per il resto si mostrano molto devoti della sede apostolica et de suoi ministri, et devono essere trattati con ogni sorte di amorevolezza da vostra signoria con lettere in questo ingresso et poi secondo l’ occorrenze delle loro venute in questa corte.*”

The Hungarian opinion could hardly gain ground even after having sent letters of royal bearer to the Pope after the Battle of Mohács. It seems, the simple supplicant form remained at John I (Szapolyai), of which the royal granting's term of "*collatio*" reduced the value in the Curia's esteem.¹²⁸ Ferdinand I, on behalf of Tamás Szalaházy's bishopric of Eger, made an exceptional request to Clement VII on 24 September 1527.¹²⁹ At the supplication of Pál Várdai's arch-

Biblioteca Casanatense (Roma), ms. 2672, fol. 84r. See its edition, JOSEPH SCHWEIZER (Hrsg.), *Die Nuntiatur am Kaiserhofe. III: Die Nuntien in Prag: Alfonso Visconte 1589–1591, Camillo Caetano 1591–1592* (Nbd IIIa/2/3 = QuFGG 18), Paderborn 1919, n. 284, 584–585; as I happened to copy the whole by hand, I will refer to the original. The document was used by FRAKNÓI, as well, however, he did not make the most of the valuable information. – Cardinal-protector Alfonso Gesualdo (who was well aware of the details, though, he did not have close relations with the Hungarian prelates) launched the curial campaign against the Hungarian bishops' anti-canonical practice, in 1589. The description and the loquacious documents of the exceedingly interesting and important case: FRAKNÓI, *A magyar királyi kegyúri jog*, 275–286; and ID., *Magyarország és a Szentszék*, III, 222–227; ID., *Oklevéltár*, nn. 97–100. (The repeated edition of Gesualdo's letter without referring to FRAKNÓI: SCHWEIZER, *Die Nuntiatur am Kaiserhofe III*, XXI–XXIV, note 3). Cesare Speciano mentions first the possible omission of the obtainment of the papal bulls, though, his information was indirect. On the effort of the nuncios to enforce canon law: FRAKNÓI, *A magyar királyi kegyúri jog*, loc. cit.; *Magyarország és a Szentszék*, III, 259–262; *Oklevéltár*, nn. 101–106; and NATALE MOSCONI (ed.), *La nunziatura di Praga di Cesare Speciano (1592–1598) nelle carte inedite Vaticane e Ambrosiane I–V*, Brescia 1966–1967, *passim*.

¹²⁸ See ASV A.A., I–XVIII, n. 5243; THEINER, *Vet. mon. Slav.*, I, 628 [n. 860].

¹²⁹ FRAKNÓI, *Oklevéltár*, n. 74. See also *Supplement*, nn. 5–6, where the traditional terms of the royal patronage already appear in 1528, like in the case of Pál Várdai, archbishop of Esztergom.

bishopric of Esztergom in 1528, there is already the concept of *ius patronatus* and *praesentatio*, exercised according to the predecessors' example.¹³⁰ From the middle of the century, namely from the proposals of 1550, there are mainly corresponding texts, in which, besides the consolidation of the advowson and the terms of *elegimus et nominavimus* and *praesentamus*, the verb of *supplicare* vanishes, since it is exchanged for the more neutral verb, *rogare*.¹³¹ Likewise, it happened in the royal bearer documents of the late sixteenth century, though, there are some varieties (for example, *electionem, nominationem et postulatiorem...*, *eligeremus, nominaremus et sanctitati vestrae pro imper-tienda benedictione et confirmatione...*).¹³²

b) *The idea and advantages of the
"Bulwark of Christianity"*

In the middle of the sixteenth century Hungarian demands were expanded with one more element. This was the demand that papal bulls should be issued free of charge in the form of annates or other taxes. The payment acquittal was included in the bull of Constance but presumably in the interest of keeping the whole system alive they had not taken

¹³⁰ ASV A.A., I–XVIII, n. 2453; THEINER, *Vet. mon. Slav.*, I, 598 [n. 817].

¹³¹ The originals of the *praesentatio*s of Pécs, Vác, Eger, Tinin, dated in Pozsony on 25 February: ASV A.A., I–XVIII, nn. 5256–5259; *cf.* THEINER, *Vet. mon. Slav.*, II, 8. – See ASV A.A., I–XVIII, nn. 5120 and 5247; THEINER, *Vet. mon. Slav.*, I, 654. 662–663.

¹³² See for example the letters of Maximilian II (Vienna, 8 March, 1569) – and Rudolph II (21 February, 1588) written concerning on different bishoprics: ASV Segr. Stato, Principi, vol. 30, fol. 51^{rv} and vol. 44, fol. 80^{rv}. Edited in the *Supplement*, n. 16 and n. 21. – Another altered expression is, for instance, "*designavimus et nominavimus*". *Cfr.* Also in *Supplement*, n. 19.

advantage of it. The old-new argument was referring to the costs of the fight against the Turks and to the idea of *propugnaculum Christianitatis*. This common denominator was always present in the relationship of Hungary with the Papacy¹³³ in the fifteenth and sixteenth centuries, and greatly contributed to the evolution of the State-Church in Hungary, beginning with Constance, when the idea was born, leading to the seizure of the revenues of bishoprics on the grounds of defense expenses.¹³⁴

The idea of the bulwark of Christianity in this case did not prove effective enough. Although it was on account of this argument, constantly and rightfully referred to by both clerical and secular circles, that the Papacy, contrary to what happened in England in the sixteenth century and in France in the seventeenth century, did never launch a sweeping attack against the Hungarian State-Church system that would have made use of solemn excommunication, and time and again, especially during the Long Turkish War, contributed enormous sums towards the expenses of warfare, in the case of the annates it only granted occasional concessions.¹³⁵ We are aware of only one case where Rome applied sanction

¹³³ The following extract from Giovanni Morone's instruction of 24 October, 1536 is a descriptive example for this: "*Quia regnum Hungariae fuit semper validum propugnaculum et veluti antemurale Christianitatis, ideo iudicavit sanctissimus dominus noster non esse praedictum regnum ob discordiam principum super temporalibus rebus ortam a sanctitate sua in spiritualibus deserendum...*" WALTER FRIEDENSBURG (Hrsg.), *Nuntiator des Morone 1536–1538* (NbD I/2), Gotha 1892, n. 2, 58–59.

¹³⁴ ISTVÁN KENYERES, *Uradalmak és végvárak. A kamarai birtokok és a törökellenes határvédelem a 16. századi Magyar Királyságban*, Budapest 2008, *passim*.

¹³⁵ Cfr. FLORIO BÁNEL, *Gianfrancesco Aldobrandini magyarországi hadivállalatai*, *Hadtörténelmi Közlemények* 40 (1939) 1–33 and 213–228; 41 (1940) 143–156.

against the Hungarian prelates for their illegal possession of benefices, for which they needed to be given absolution in 1554. Cardinal Medici wrote the following about this:

“I introduced the Hungarian dioceses at the consistory according to the royal nomination; their filling was favourable conducted along with the absolution of the bishops from the canonical threats, owing to their control over their diocese without a papal confirmation... I beg..., that henceforth [Your Majesty] do not let an appointed function in his diocese without a papal confirmation, otherwise it would show a bad example to Christianity and can be interpreted here as a sign of detestation [towards the Holy See].”¹³⁶

Previously, Ferdinand I pleaded the fact in vain that the prelates were the head of the country as an excuse for the prelates' pluralism and their anti-canonical possession of benefices and he made promises in vain of the obtaining of the bulls.¹³⁷ The bishop of Modrus, who – owing to the closeness

¹³⁶ “...io proposi in consistorio le chiese d'Ungaria secondo la nomination di quella, et furno espedito favorabilmente, insieme con l'absoluzione per li vescovi che erano incorsi in le censure per haver administrato senza la confirmazione del papa... supplico..., che da hora inanzi non voglia permettere che alcuno nominato da lei s'ingerisca a l'administratione prima di esser confirmato da sua santità, perché è cosa di cattivo esempio in tutta la Christianità, et di qua può esser interpretata, che si faccia a contempto.” To Ferdinand I, Rome, 4 September, 1554. HELMUT GOETZ (Hrsg.), *Nuntiatur Delfinos. Legation Morones. Sendung Lippomanos (1554–1556)* (Nbd I/17), Tübingen 1970, 321, ind. n. 3.

¹³⁷ See the report of nuncio Girolamo Martinego (1550–1554), Vienna, 11 June, 1553, which cites the royal excuse: “essendo gli prelati membri principali del regno, la necessità era tale, che senza notabil pregiudizio non potevano far' di meno.” HELMUT GOETZ (Hrsg.), *Nuntiatur des Girolamo Martinego (1550–1554)* (Nbd I/16), Tübingen 1965, n. 120, 250.

of Venetian territories – was to face an inquisitional process, was saved by the nuncio of Vienna. He insisted that he gave permission to the diocese's administration due to the prolongation of papal *sede vacante* and the royal proposal to Rome. He argued that, the removal of the well-operating prelate would create a scandal, followed by more serious problems, such as the vacancies, or the fact, that the bishopric of Győr was still transferred as a pledge for 50 thousand Forints. Nuncio Delfino completely supplies us with those circumstances that stood as viewpoints for making the Papal Curia reconsider in case of the probable application of the canonical punishments.¹³⁸

Already in 1552, there was a separate cardinal part-congregation established for the Hungarian problems. Although, we do not know much about its functioning, it could be regarded as the archetype of the *Congregazione d'Ungheria*, which operated during the long turkish war.¹³⁹ The administration of the Hungarian affairs took place rather in the *Congregatio Germanica*, yet, the involvement of the Holy Office is out of the question due to the anti-canonical behaviour.¹⁴⁰

To revert to the question of the annates: the stressing of the idea of *propugnaculum Christianitatis* brought only restrained and occasional concessions. The question of paying the taxes

¹³⁸ His report was dated in Vienna, on 12 August, 1556. GOETZ, *Nuntiatum Delfinos*, n. 139, pp. 286–290 and n. 136 and n. 138.

¹³⁹ Cfr. GOETZ, *Nuntiatum des Girolamo Martinego*, n. 78.

¹⁴⁰ “Intorno alle chiese d'Ungheria sua santità ha voluto, che siano considerate nella congregazione Germanica le cose adotte da vostra signoria illustrissima, come si farà per pigliarne poi qualche buon consiglio a gloria di Dio et consolazione di tant'anime, che ivi restano perdute...” The curial order to nuncio Caetani from February, 1592, SCHWEIZER, *Die Nuntiatum am Kaiserhofe III*, n. 223, 446.

had a central role already in 1539, when after a long pause, with the conclusion of the Treaty of Várad a canonical settlement of the Hungarian bishops' situation became possible, which had been prevented by the parallel appointments made by King János I (Szapolyai) and by King Ferdinand I.¹⁴¹ In 1548 and 1550 the problem's solution was urged by parliamentary laws and by a legation sent in the name of the country.¹⁴² The main difficulty for Rome was the fact that already at this time a great portion of taxes would end up in the hands of various officers in the Curia. On the other hand, a general exemption would have made a negative example for other national churches. Nonetheless, the balance

¹⁴¹ On the negotiations of 1539–1540, FRAKNÓI, *A magyar királyi kegyúri jog*, 250–252; ÁRPÁD KÁROLYI, *Adalék a nagyváradi béke s az 1536–1538. évek történetéhez*, Századok II (1878) 591–617. 687–732. 790–840; *cfr. Supplement*, n. 9–10, too. On Statileo's negotiations in Rome and on the problems of the issue and delivery of the bulls, LUDWIG CARDAUNS (Hrsg.), *Nuntiatoren Morones und Poggios. Legationen Farneses und Cervinis 1539–1540* (NBd I/5), Berlin 1909, nn. 6. 17. 233. 235. 329. 330. 334. On 13 March, 1528, Pál Várday, the archbishop of Esztergom, already asked his bulls' free dispatch, referring to the destruction of the Turks, from Clement VII (ASV Segr. Stato, Principi, vol. 5, fol. 144^{rv}), and so did Ferdinand I in his letter of 20 November, 1534. He emphasized that if there was not the threat of the Turks, the archbishop would be willing to pay (ASV A.A. I–XVIII, n. 5101; THEINER, *Vet. mon. Slav.*, I, 627). György Fráter (Martinuzzi) also paid attention to this question (his letter to cardinal Farnese, Várad, 7 February, 1547, ASV Segr. Stato, Principi, vol. 14, fol. 382^r–383^v). See also *Supplement*, nn. 6–7 (case of Eger), 11 (case of Nyitra) and 12 (case of Győr).

¹⁴² The necessity of the filling of the episcopal sees was highlighted by FRAKNÓI, who stated that the texts underlined the ecclesiastical superiority of the monarch and the archbishop of Esztergom. FRAKNÓI, *A magyar királyi kegyúri jog*, 243–244; *Magyarország és a Szentszék*, III, 71–73. See some interesting and important details in the *dispacci* of Nunzio Prospero Santacroce and in the letters of King Ferdinand I, *Supplement*, nn. 13–15.

of the papal state budget was not yet nearly so unfavourable as not to make possible a momentary yielding to the Hungarian demands in 1550.¹⁴³

In 1554, a temporary arrangement suggested by Vienna was made, which fitted both the principle of reservation of curial rights as well as the Hungarian interests, according to which the taxes paid would be directly spent on the maintenance of border fortresses. In the following breve, written by Julius III to nuncio Zacharia Delfino (1554–1556 and 1561–1565) one can read:

“We are sending Thou these bulls of appointment with leaden seal, accompanied by the register of those demands that are deserved by the officials of the Apostolic Chancery and the Roman Curia, who issued these documents. We enjoin Thou to convey the bulls to the bishops apiece and have them pay their debts, which keep by yourself.... We command Thou to give the sum to His Majesty, the king of Hungary or to the one he orders, to devote the fund to those fortresses and bulwarks, which are being built in Hungary against the formidable enemies of Christianity.”¹⁴⁴

¹⁴³ “...non pervenendo questi danari in beneficio di sua santità, ma de diversi ufficiali, come sua maestà sapea esser il solito delli offizi di Roma, et far grazia de quello d'altri era cosa tanto difficile come odiose.” Nuncio Confalonieri to cardinal nepos Odoardo Farnese, Vienna, 4 January, 1541. CARDAUNS, *Nuntiaturen Morones und Poggios*, n. 334, 219; FRANKÓI, *A magyar királyi kegyúri jog*, 243–244. 252–253. 255. — The suspension of the payment of the officials could have caused inner tension in the society of the Papal State, mainly in its middle layer. Cf: WOLFGANG REINHARD, *Staatsmacht als Kreditproblem. Zur Struktur und Funktion des frühneuzeitlichen Ämterhandels*, Vierteljahrschrift für Sozial- und Wirtschaftsgeschichte 61 (1974) 289–319.

¹⁴⁴ Rome, 11 and 22 September, 1554: “...provisionis sub plumbo expeditas litteras nunc tibi mittimus una cum indice iurium atque emolumen-

Ferdinand I, however, failed in his effort to finalise this arrangement.¹⁴⁵ Concerning the annates, a case-by-case agreement would have to be made in the years to come. This was mainly successful,¹⁴⁶ though, not always. On 12 August 1556 nuncio Delfino reported to Rome that János Újlaki, the bishop of Tinin, who had been already inducted into his benefice for a year, did not want to obtain the bulls since he did not have any hopes of dispensing with the annate.¹⁴⁷ According to the report of Stanislaus Hosius (1560–1561) on 30 May 1560, Ferdinand was complaining that under the pontificate of Paul IV (1555–1559) nobody won confirmation from the territory of his countries. Specifically, he suggested that the annates of the Hungarian bishops should be dispensed with, due to Hungary's catastrophic pastoral state, since there were barely ten parish priests in each diocese.¹⁴⁸

torum, quae propter huiusmodi expeditiones camerae apostolicae et Romanae curiae officialibus debentur, tibi mandantes, ut praedictas litteras ipsis episcopis et singulis eorum ita tradas, ut praedicta iura et emolumenta occasione ipsorum expeditionis per eos debita, ab eisdem exigas eaque per te exacta penes te conserves... – Ungariae regi illustri, seu quibus ille iusserit, nostro nomine consignes, in propugnaculis et munitionibus quae ab ipsius serenitate ad praedicti Ungariae regni ab immanissimo Christiani nominis hoste defensionem extruuntur, impendendam, tibi per praesentes committimus et mandamus.” Published: GOETZ, *Nuntiatur Delfinos*, 20–23, nn. 10–11.

¹⁴⁵ See his brief to nuncio Delfino. Augsburg, 8 August, 1555. Published: GOETZ, *Nuntiatur Delfinos*, 330–333, ind. n. 8.

¹⁴⁶ Cfr. for example S. STEINHERZ (Hrsg.), *Die Nuntien Hosius und Delfino 1560–1561* (NbD II/1), Vienna 1897, n. 40; HC III, 98. 161. 172. 216. 259. 294. 301. 304. 313–314. 325. 326. 331. 338. On Rome's willingness, concerning the concessions: MOSCONI, *La nunziatura di Praga*, II, 59 and 69.

¹⁴⁷ “...nè pensa di mandare a Roma, perché dice che non ha un quatrino, et il vescovo Jauriense novamente tornato di costà ha affermato che egli non può sperar grazia circa l'annata.” GOETZ, *Nuntiatur Delfinos*, n. 139, 289–290.

¹⁴⁸ STEINHERZ, *Die Nuntien Hosius und Delfino*, n. 9, 39.

On the Hungarian side, they tried in vain to regard the regular concessions as acquired right, even in the late sixteenth century, however, from the middle of the century the demand of dispensing with the annates was a part of the royal bearer documents.¹⁴⁹ Nuncio Antonio Puteo (1587–1589) warned – in written form, as well – the Hungarian Royal Chancery to phrase that part of the presentational document, which related to the discharge of the annates, in more of a request nature. He added that the Hungarian prelates, as a sign of their willingness to compromise, should pay the *servitia minuta*, the well proportioned tax, owing to the officials besides the items of the fixed documentary tax.¹⁵⁰

c) The canonical processes

The question of the payment of the annates coupled with other difficulties of a technical nature. In the system after the Council of Trent, the bishop's sources of livelihood had to be accounted for and the canonical investigation process had to be conducted in a more precise way. A long series of events show how it burdened the relationships between the Hungarian episcopate and the Roman Curia. On 12 July 1572 Tolomeo Galli, secretary of the Pope, informed Giovanni Delfino, the nuncio of Vienna (1571–1578), of the following:

“As far as the canonical filling of the bishoprics, desired and recommended by the Emperor concerns, in the name of that

¹⁴⁹ *Cfr.* for example the letters of Maximilian and Rudolph: ASV Segr. Stato, Principi, vol. 30, fol. 51r^v and vol. 44, fol. 80r^v. See the *Supplement*, n. 16 and n. 21.

¹⁵⁰ See the instruction left to Alfonso Visconti in 1589. SCHWEIZER, *Die Nuntiatur am Kaiserhofe II*, n. 262, 506.

benevolence that the Holy See desires to show for His Majesty, His Holiness ordered to summon up those documents and processes that were composed under his sainted predecessor and can be found at Cardinal Morone. Yet, I denoted him that these minutes are very incomplete and they do not confirm that their proper livelihood is provided. Neither do they prove that they are consecrated priests, are of legal origin, whether they meet the other requirements of the Council of Trent and they took their creed in a proper form. As a consequence of all these, his predecessor denied the canonical institution. Therefore, His Majesty must be informed that the process should be conducted again, and the minutes should be sent in a proper issue to enable His Holiness to confirm them without affronting God and a scandal. In such cases, as His Majesty is aware, he acts with due foresight.”¹⁵¹

Due to the regulation of Pope Gregory XIII, the bulls were issued – as the cardinals of the Inquisition had not

¹⁵¹ “*Et quanto alla spedizione d’vescovati desiderata et raccomandata da sua maestà Cesarea conforme a la buona volontà, che ha di compiacere a la maestà sua in tutto quel che possa, ha ordinato che si trovino i processi et le scritture mandate sopra ciò in tempo della santa memoria del suo predecessore, li quali sono in mano dell’illustrissimo cardinal Morone protettore. Ma io ho inteso, che detti processi erano molto defettivi, et che oltra il non haversi certezza del modo, con che potessero sostentarsi i vescovi, non constava che li nominati fussero in sacris et nati di legitimo matrimonio et havessero le altre qualità requisite da i sacri canoni et dal concilio di Trento et sopra tutto che havessero fatta come s’usa la professione de la fede, et che questa fu la causa che detto predecessore non passò la spedizione. Onde sarà bene di avvertire sua maestà, affinché i processi si facciano et mandino in buona forma, acciòché sua santità li possa di mettere senza offesa di Dio et sacandalo, convenendo in cose tali, come sa la maestà sua, procedere con grandissimo riguardo.*” GOETZ, *Nuntiatur Giovanni Delfinos*, 46–47, n. 21; and more *ibid.*, nn. 27. 30. 62. 74. 83. 117.

found the “signs of heresy” – without repeating the process¹⁵² and free of charge, considering the Habsburg monarch.¹⁵³ There occurred some problems in the conduct of the process also in the following decades. Especially, when the nuncios granted their duties to the prelates. It happened chiefly in the second part of the 1580s under the nunciature of Antonio Puteo and Filippo Spinelli (1598–1603). In 1588, Puteo entrusted Franciscus de Andreis,¹⁵⁴ the bishop of Scopia and working as the auxiliary bishop of Esztergom, with the conduct of the processes of Tinin, Zágráb, Veszprém, Csanád, Pécs, Várad and Nyitra.¹⁵⁵ Puteo often called his attention not to send the minutes immediately to Rome¹⁵⁶ but to him, since he had to sign them first to make them valid.¹⁵⁷

Under the service of Spinelli, Primate János Kutassy controlled the canonical process.¹⁵⁸ Moreover, we can find examples to a process, where, on the basis of the regulation, the nominee himself organized a part of it, though, without

¹⁵² *Consistorialia Documenta Pontificia*, nn. 164–165 and nn. 166–174.

¹⁵³ “...senza spesa alcuna in grazia de la maestà sua.” The register of Galli to the nuncio, Rome, 31 May, 1573. ALMUT BUES (Hrsg.), *Nuntiatur Giovanni Dolfins (1573–1574)* (Nbd III/7), Tübingen 1990, n. 21, 53.

¹⁵⁴ HC III, 294; *Consistorialia Documenta Pontificia*, n. 161.

¹⁵⁵ *Consistorialia Documenta Pontificia*, nn. 210–213 and nn. 215–218.

¹⁵⁶ By agent Diotalevi, see below.

¹⁵⁷ SCHWEIZER, *Die Nuntiatur am Kaiserhofe II*, n. 66. 82. 170. 331. 334.

¹⁵⁸ *Consistorialia Documenta Pontificia*, nn. 240–244. As a matter of curiosity, in France, after the Council of Trent, under Henry III (1574–1589) and Henry IV (1589–1610) mainly the archbishops and bishops conducted the process, which was obviously not accepted by the Holy See, since in this way, the canonical control over the royal appointment was in the hand of those bishops, who were nominated by the monarch. In 1610, the French ecclesiastics themselves proclaimed the unreliability of the fabricated process verbals to Rome. JOSEPH BERGIN, *The Making of the French Episcopate 1589–1661*, New Haven–London 1996, 62.

much success.¹⁵⁹ This part was the avowal of the Tridentine Creed (*Professio Fidei Tridentina*), which was taken very seriously on the consistorial meetings and almost in case of the smallest mistake, its repeating was ordered.¹⁶⁰ The nuncios usually complied with their duty, so did Zaccaria Delfino¹⁶¹ and Cesare Speciano around 1590.¹⁶² Speciano – who was previously the confidant of Carlo Borromeo – charged commission only in case of Vác in 1597, however, he did not entrust a local bishop but the Jesuit Antonio Possevino.¹⁶³

d) The Roman stage of the institutio canonica

There were two methods of introducing the Roman stage of the *institutio canonica* – or rather the “*expeditio*”, which not only marks the issue of the bulls but it depicts a much longer procedure. Either the representative (agent) of the nominees conveyed the process verbals and other documents to Rome and gave them to the cardinal-protector, or the nuncio sent them over through the papal Secretariat (of State).¹⁶⁴ The delivery of the royal presentational documents to the Pope (and to the protector to deal with the case) was normally the task

¹⁵⁹ “*Qui alligate vengono le sodette scritte et insieme con esse una professione di fede per il nominato alla chiesa di Giavarino dubitando esso, che quella, che si mandò già, non sia fatta intieramente nel modo, che fù avvertito da me...*” SCHWEIZER, *Die Nuntiatur am Kaiserbofe II*, n. 47. Cfr. however *Consistorialia Documenta Pontificia*, nn. 194–195 and n. 236.

¹⁶⁰ *Consistorialia Documenta Pontificia*, nn. 130. 188. 191. 192. 210. 211. 212. 213. 216. 217. 218. 222.

¹⁶¹ GOETZ, *Nuntiatur Giovanni Delfinos*, 46–47, n. 21; and more, *ibid.*, nn. 27. 30. 62. 74. 83. 117.

¹⁶² MOSCONI, *La nunziatura di Praga*, III, nn. 70. 110; IV, n. 15.

¹⁶³ MOSCONI, *La nunziatura di Praga*, IV, n. 49.

¹⁶⁴ SCHWEIZER, *Die Nuntiatur am Kaiserbofe II*, n. 312.

of the imperial legate,¹⁶⁵ however, it happened that the agent organized it.¹⁶⁶

The reformed conduct of the examinations, the meticulous, circumstantial and expensive obtainment of the bulls caused severe problems, not only in the Hungarian relation but also, for instance, in the case of the archbishop of Prague.¹⁶⁷ The problem greatly contributed to the fact that the Hungarian prelates persistently adhered to the ideology of the State-Church, and made even more emphatic the lack of a proper high-level representation in the Curia that would have helped to overcome occasional, concrete problems. They were satisfied with the royal appointment, they neglected their bulls' obtainment or they wanted to use the "back door" during the process. A perfect example of this is that behaviour, when, despite the nuncios' prohibition, the Hungarian prelates – besides that they regarded the request and claim for the concession of the annates as an acquired right – did not feel obliged to pay even the tax for the expediting of the bulls. János Kutassy's, the bishop of Győr (later primate of Hungary), proposition was conducted without any hindrances on the secret consistory on 23 September 1593, in other words, the *institutio canonica* happened. He had the *cedula consistorialis* sent by his assistant with the explanation that this document proved the authoritativeness of the provision, so they did not need to bother about the complicated office charges of the bull. The ingenuity of Kutassy – which demonstrated his

¹⁶⁵ Cfr. for example FRAKNÓI, *Oklevéltár*, n. 80.

¹⁶⁶ This is mentioned by Cardinal-protector Gesualdo in 1583, by criticizing the Hungarian bishops. PÉTER TUSOR, *Purpura Pannonica. Az esztergomi bíborosi szék kialakulásának előzményei a 17. században* (CVH I/3), Budapest–Róma 2005, 57.

¹⁶⁷ BUES, *Nuntiatur Giovanni Dolfins, ad indicem*.

thorough knowledge of the curial inner policy – did not win the appreciation of Nuncio Cesare Speciano. The prelate-diplomat could hardly regain possession of the original document from the bishop of Győr, moreover, he could scarcely persuade the bishop that the document, written as a basis of the draft, was not equal to a papal bull.¹⁶⁸

The behaviour of the Hungarian episcopacy put an emphasis on the lack of a Hungarian higher curial representation, which could solve the temporal or concrete problems. Two out of the three agencies – the cardinal protectorate and the royal embassy – integrated into the system of the Habsburg diplomacy, due to the personal union concluded between the Hungarian and the imperial court in 1556. The practical transformation of the *Protettorato d'Ungheria* to *Protettorato degli stati ereditari* caused numerous problems. The protectors, who operated with a more and more precise bureaucracy,¹⁶⁹ especially Alfonso Gesualdo, regularly had confrontations with the Hungarian practice and ideology. They decided to face this polemy not only as the emissaries of the doctrines of Trent and as the protectors of the canon law. They were also financially involved in this question, since a particular sum from the tax of the *institutio canonica* was their due (the so-called *propina*), however, the Hungarian nominees were not willing to pay it.¹⁷⁰ Nor did they pay,

¹⁶⁸ His reports from Prague on 15 February and 11 May, 1593: MOSCONI, *La nunziatura di Praga*, III, n. 30, 74. n. 77, 178). *Cfr. Consistorialia Documenta Pontificia*, n. 221.

¹⁶⁹ The canonical registers were preserved in the protectorial office of Cardinal Gesualdo, and if it was needed, they could search for the eleven year-old documents.

¹⁷⁰ TUSOR, *Purpura Pannonica*, *loc. cit.*; *cfr. more*, ID., *A magyar korona-bíborosi és bíboros protektori „intézmény” kialakulása és elhalása a XV–XVI.*

when the protector achieved the concession at the Pope and the College of Cardinals. However, Gesualdo proudly announced his achievements to Rudolph II in 1598.¹⁷¹

e) The Hungarian “agenzia” in Rome

This lack of proper representation could not be compensated for by the relatively modern form of communication with the Curia that was developed in the last decades of the sixteenth century. At this time, between 1573 and *ca.* 1600, the Hungarian hierarchy had a permanent *chargé d'affaires* in Rome in the person of the owner of the provostship of Ság, Francesco Diotalevi.

We have scarce information about Diotalevi. György Draskovich mentions in one of his letters that he was Antal Veranchich's secretary, who accompanied his master to Turkey, as well.¹⁷² By 1586 he had been considered to be the Roman *chargé d'affaires* of the Hungarian prelates already for a long time.¹⁷³ As far as Caetani was concerned, he was in

században, Várak, templomok, ispotályok. Tanulmányok a magyar középkorról (Analecta mediaevalia II; ed. by Tibor Neumann), Budapest–Piliscsaba 2004, 291–310.

¹⁷¹ SCHWEIZER, *Die Nuntiatur am Kaiserhofe II*, n. 240.

¹⁷² “...*quique a multis annis dominis praelatis Hungaris, maiestatis vestrae sacratissimae sacellanis Romae inseruivit et nunc quoque inseruit, et qui ad latus reverendissimi quondam archiepiscopi Verantý dum Constantinopoli oratorem ageret maioribus maiestatis vestrae sacratissimae fideliter inseruivit...*”. György Draskovich to Rudolf II on 19 February, 1586. Österreichisches Staatsarchiv (ÖStA), Haus-, Hof- und Staatsarchiv (HHStA), Ungarische Akten (Hungarica), Allgemeine Akten, Fz. 116, fol. 28–29.

¹⁷³ See the preceding note. – LÁSZLÓ LUKÁCS, in his brief biographical note, reckons that his Roman agency's establishment was in 1568 and his death at the turn of the century. He highlights that he was the agent

the inner circle of the Curia, however, according to his writings – and other resources’ *honorabilis* address – he might take only the smaller orders.¹⁷⁴ On 16 September 1586 – probably by Draskovich’s recommendation – after the death of Miklós Telegdy, he won the vacant provostship of Ság. The appointment refers to the services to the Holy Crown, the king and his predecessors as a Roman agent (“*fidelis nostri nobilis Francisci Diotaleuï fidelium nostrorum reverendissimi et reverendorum universonum episcoporum Hungariae in Urbe agentis*”).¹⁷⁵ Yet, he did not receive the whole benefice, he was obliged to share it with Filippo de Monte (“*magister capellae Caesareae et regiae*”),¹⁷⁶ for whom he granted 550 Forints as pension within 4 years. Then, with the assistance of an imperial committee, he paid him up by granting a single allocation of 266 Forint, which could be his one-year income. The compromise of the possession with full power was reached on 23 July 1591.¹⁷⁷ The possible year of Diotalevi’s death is 1603, since the provostship of Ság was already vacant on 5 January 1604, moreover the deed of gift, issued to Faustus Veranchich on 18 December 1604, specifically referred to

of the Hungarian Paulines, and in this position he came to a clash with István Szántó, in relation to the *Collegium Germanicum et Hungaricum* (*Monumenta Antiquae Hungariae. I–IV: 1550–1600* [Monumenta Historica Societatis Iesu 101. 112. 121. 131], Romae 1969–1987, I, 891, note 5 [n. 344]; II, nn. 254. 274. 344).

¹⁷⁴ “*Venerà anco qui presto il signor Francesco Diotalleui, gentilbuomo Italiano, cortigiano vecchio di Roma, che è agente di tutti li prelati del regno, buono molto pratico di quelli humori...*”. Biblioteca Casanatense, ms. 2672, fol. 83v; cfr. SCHWEIZER, *Die Nuntiatur am Kaiserhofe III*, n. 284, 585.

¹⁷⁵ MOL Magyar Kancelláriai Levéltár [MKL], Magyar Királyi Kancellária [*Archives of the Hungarian Royal Chancellery*], Libri regii (A 57), vol. 4, n. 484.

¹⁷⁶ MOL MKL Libri regii (A 57), vol. 4, n. 479.

¹⁷⁷ MOL MKL Libri regii (A 57), vol. 4, n. 625.

his death.¹⁷⁸ The latest researches have also dealt with his character, since nuncio Spinelli's main-instruction of 1598 mentioned his role in the episcopal confirmations. However, KLAUS JAITNER – though, he knew about his “Séez” provostship in Ság and his shuttling between Rome and Hungary (he visited his home still in 1601) – in his notes, confused Diotalevi with his best-known namesake, with Francesco Diotalevi (†1622), who was the referendary of the Apostolic Signatura, then a bishop and a nuncio in Poland.¹⁷⁹ The Hungarian agent could have agreed with such a career, however, his paths were determined by a different way. While his namesake was from Rimini, he was from Fano. This is proved by our sources, implying that he obtained an indigenatus in Hungary: “*Questi processi li doverà portare a Roma il signor Francesco Diotalevi da Fano, ma modo ungaro...*”¹⁸⁰

At present we only have sporadic data concerning his activities. As a secretary to Veranchich, he had on several occasions visited the Curia: made *ad limina* visits, organised the obtainment of bishop's bulls,¹⁸¹ and cooperated in his patron's appointment as cardinal.¹⁸² His tasks included similar

¹⁷⁸ LÁSZLÓ TÓTH, *Verancsics Faustus csanádi püspök és emlékiratai V. Pál pápához a magyar katolikus egyház állapotáról*, A gróf Klebelsberg Kuno Magyar Történetkutató Intézet Évkönyve (ed. by Dávid Angyal), Budapest 1933, 155–211, 176; the newer document of the appointment's publication: 178, note 1.

¹⁷⁹ JAITNER, *Die Hauptinstruktionen Clemens' VIII.*, II, 568, note 5.

¹⁸⁰ MOL MKL Libri regii (A 57), vol. 4, n. 625; MOSCONI, *La nunziatura di Praga*, IV, n. 15 (the quotation is from the report of Speciano).

¹⁸¹ See for example, MOSCONI, *La nunziatura di Praga*, III, nn. 74–83, 117.

¹⁸² “*Itaque cum videretur mihi non sufficere, ut saltem meis humillimis literis maiestati vestrae sacratissimae gratias agerem, nobilem virum Francis-*

C L E M E N S . F . V I]

Carissime in christo fili mi salutem et apostolicam benedictionem. Jam ex literis Al^{ti} tuis quibus ex munio tuo ad nos designato intelligimus eandem Al^{ti} tuiam
 Pauli de vinda a^lis per M^{on} tuam ad ecclesiam Agriensis et tunc vacantem nominati providere ac literas desuper protis ob cau
 ut rem gratiam eidem Al^{ti} tuae faceremus, libenti animo fecissemus, nisi ut ipse summus tuus tibi referre poterit maior
 consistoriales fieri non consueverunt. Post calendias autem octobris, quibus speramus in anima urbe tua cum omnibus Ca
 sancti viti in Macello Martirum diacorum car^{um}, cui relationem commissimus, in consistorio nostro secreto proponi faceremus
 viterbei sub annulo piscatoris die xxviii Junii. M. D. C. xxvii. Pontificatus

+ San. Co. v. Casp. de la. h. ac

F. Colligim?

+ S. h. f. d.

qua p. m. b. n. 2. o. p. t.

non. reg. m. g.

fructu ap. p. m. g. Ep. l. e. s. h. i. f. d. e. l. i. s. n. o. b. i. s.
liber. i. n. d. i. c. t. o. r. d. e. B. u. r. g. o. C. o. n. s. i. l. i. o. C. a. s. p. i.
L. r. o. n. i. s. n. o. t. a. t. a. t. a. n. i. s. C. o. n. s. i. l. i. a. r. i. i. s. v. t. o. r. i. s.
m. o. d. o. a. p. u. d. S. u. m. m. o. s. a. g. r. e. s. t. a. b. u. n. d. e. s.
r. e. g. i. o. n. i. u. m. i. s. D. o. n. v. p. p. m. g. q. u. i. c. a. n. d. e.
p. a. c. e. s. t. u. n. q. u. i. p. o. n. t. a. E. p. i. s. c. o. p. e. r. t. e. l. a.
p. o. s. t. u. n. q. u. i. n. i. s. B. u. r. g. a. n. s. p. a. r. t. i. b. u. s. T. u. r.
r. e. s. i. d. e. n. t. i. u. m. a. p. t. a. L. o. l. i. a. d. m. p. m. g.
D. o. C. a. s. t. a. n. i. s. v. t. l. y. a. n. i. C. a. m. p. a. n. i. s. q. u. a. n. d. o.
c. a. t. a. v. t. s. i. m. i. l. i. t. a. t. i. s. c. o. n. t. r. a. n. t. i. s. p. p. m. g.
q. u. o. d. S. t. u. d. i. u. m. p. a. r. t. i. c. u. l. o. s. p. a. r. t. i. c. u. l. o. s. p. p. m. g.
S. h. e. C. a. s. t. a. n. i. s. h. a. n. s. d. i. c. t. a. n. d. i. s. v. t.
p. r. o. m. o. t. i. o. n. i. s. b. o. n. a. r. u. m. o. p. e. r. a. r. u. m. p. r. o. s. p. e. r. i. s. s. i. t.
a. d. n. o. b. i. s. q. u. e. r. e. n. d. o. a. r. d. i. t. h. o. n. o. r. i. f. i. c. a. t. i. o.
v. t. p. r. o. m. o. t. i. o. n. i. s. p. r. o. p. r. i. i. s. v. t. q. u. o. d. o. i. a. s. u. n. t. b. u. n. d.
v. i. t. a. i. v. t. p. r. o. m. o. t. i. o. n. i. s. a. b. u. n. d. e. s. i. n. i. s. p. p. m. g.
s. u. i. b. o. n. i. t. a. t. i. t. r. i. b. u. i. m. u. s. s. i. b. i. s. q. u. e. o. i. d. p. l. u. r.
m. a. s. q. u. a. n. d. o. v. t. a. g. i. n. a. n. t. i. s. v. t. h. a. b. e. r. a. n. t. i. s.
H. o. s. t. a. n. t. e. s. v. a. n. d. a. n. t. v. i. r. g. i. n. e. s. v. t. s. i. p. r. o.
h. u. m. p. o. r. u. m. h. a. n. s. h. a. n. s. v. t. q. u. o. d. a. l. i. a. n. e. g. o. t. i. a.
v. i. t. a. i. p. p. m. g. a. d. S. e. r. v. i. t. u. s. S. a. n. c. t. i. v. t. C. o. n.
p. r. o. m. o. t. i. o. n. i. s. d. u. o. s. C. a. s. t. a. n. i. s. d. e. f. e. c. i. t. v. i. n. i.
f. e. c. i. t. v. a. n. d. a. n. t. p. r. o. m. p. t. i. d. i. n. e. s. v. t. d. i. l. i.
g. a. n. t. a. S. t. a. n. t. i. l. l. a. s. v. t. h. i. r. i. s. v. t. p. r. o. m. o. t. i. o. n. i. s.
v. t. a. g. e. r. e. v. o. l. u. n. t. s. i. p. p. m. g. v. t. q. u. o. d. v. t. b. i. b. e. r.
v. t. q. u. a. n. d. a. n. t. p. r. o. s. u. m. a. m. e. n. t. i. s.
v. t. p. r. o. m. o. t. i. o. n. i. s. d. u. o. s. p. p. m. g. v. t. p. r. o. m. o. t. i. o. n. i. s.
f. u. n. d. a. t. i. o. n. i. s. p. r. o. m. o. t. i. o. n. i. s. d. e. p. r. o. m. o. t. i. o. n. i. s.
q. u. o. d. v. t. f. e. c. i. t. v. t. p. r. o. m. o. t. i. o. n. i. s. p. r. o. m. o. t. i. o. n. i. s.
b. o. n. o. v. o. l. u. n. t. i. s. p. r. o. m. o. t. i. o. n. i. s. v. t. p. r. o. m. o. t. i. o. n. i. s.
v. t. p. r. o. m. o. t. i. o. n. i. s. v. t. p. r. o. m. o. t. i. o. n. i. s. v. t. p. r. o. m. o. t. i. o. n. i. s.
v. t. p. r. o. m. o. t. i. o. n. i. s. v. t. p. r. o. m. o. t. i. o. n. i. s. v. t. p. r. o. m. o. t. i. o. n. i. s.
v. t. p. r. o. m. o. t. i. o. n. i. s. v. t. p. r. o. m. o. t. i. o. n. i. s. v. t. p. r. o. m. o. t. i. o. n. i. s.
v. t. p. r. o. m. o. t. i. o. n. i. s. v. t. p. r. o. m. o. t. i. o. n. i. s. v. t. p. r. o. m. o. t. i. o. n. i. s.

Augsburg, 27th July 1530. King Ferdinand to Cardinal de Loaysa ("Cardinali Confessori") (detail). See Supplement, n. 8.

Beatisime in Christo Pater E^ungelic^{us} D^{omi}ne D^{omi}ne D^{omi}ne Post humilem Commendationem filialis obsequiis nostris con-
nitium interueniunt. *Commissus Hon. i. Gabrieli Xantho Interuenio nostro apud Romam. eadem fide*
nomine nostro referenda. sicuti ab eo coram intelligere dignabitur. quae eadem Ecclesie Nutrien in Regno
nro Hungarie confirmationem Amatae remissionem concernant. sicut non s. emse rogatus, vt habita
ditto Interuenio solita ac plena fide in ipsi. quae sic verbis nostris dixerit. se superinde ita gerere ex.
hibere velit. prout de Sua benignitate plane conspicimus. *Commendantes promide. Nos dictum nego.*
tium eadem s. a. Vestra per e. accurat^{us} e. hinc misit. Datum in Civitate nra Vienna die xxij. Mensis
Augusti Anno domini M D CCCC LXXI. R^{eg}num Romano A^ust^{ri}aco. xxij.

E. S. V.

Summorum obsequio
Ferdinandus

Vienna, 23rd August 1539. King Ferdinand I to Pope Paul III. See Supplement, n. II.

Rudolphus Secundus, Diuina fauente clementia Electus Ro-
manorum Imperator, semper Augustus, ac Germaniæ, Hun-
gariæ, Bohemiæ, Dalmatiæ, Croatiae, Sclauoniæ &c. &c. Rex
Archidux Austriae, Dux Burgundiæ, Stiriae, Carinthiæ, Carnio-
liæ & Wirtembergæ &c. &c. Comes Tyrolus &c. &c. Quadragesimo
in Christi patri, Domino Decis S. R. E. presbytero Cardinali Az-
zolino. Amico nostro charissimo. Salutem & beneuolentiæ no-
stræ affectum. Quæ in Christo pater. Amicè charissime. Sum
Honorable, Religiosus, deuotus nobis dilectus Bonauentura
de Aquila, Ordinis S. Francisci de Observantia, per plures iam
annos, in Aula nostra Cesaria, Cenciatoris Italici munere ita functus
est, ut tum ob eximiam pietatem, doctrinam ac Viriæ exemplaris pro-
bitatem, cum diuersis alijs optimis animi dotibus coniunctam,
tum etiam ob insignem operam Religionis Catholici à toto eo tem-
pore, non minori cum fructu & laude sua, quam nostra ac alius
omnium satis factione nauatam, dignum se reddiderit, qui ad
maiores Ecclesiasticæ dignitatis gradum eueberetur: Nos
vacante & nouissimè Episcopi Segniensis obitu, Ecclesia is

Prague, 10th December 1586. Emperor and King Rudolf II (I) to Car-
dinal Azzolini (detail). See Supplement, n. 19.

things in later years as well, and it is mainly on his account that in the years 1570–1580 the frequency of papal confirmations, if not exactly to the extent and with the speed expected by Rome, increased significantly.¹⁸³ The urges of the Curia, addressed to the Hungarian bishops, to send somebody to obtain the bulls, often mentioned the name of Diotallevi. It happened only in 1593, when nuncio Speciano did not consider him but the so-called “Signor Castellano”, as the agent. Furthermore, previously, Speciano put the blame also on him that the *cedula consistorialis* was sent to Kutassy. On the other hand, Castellano’s assistance could only be temporal.¹⁸⁴ Besides, not only did Diotallevi represent the Hungarian prelates but for instance also the bishop of Passau at the Roman Curia.¹⁸⁵

The existence of such an agent, often making the way between Italy and Hungary in later years too, was mostly the result of favourable personal conditions: an Italian humanist having links and a benefice in Hungary, who also acquired diplomatic experience in the service of Veranchich, rather

cum Diotalleuium, qui meus in hoc negocio Romae procurator fuit... pro humillimis gratiis agendis ad aulam maiestatis vestrae sacratissimae misi. Itaque maiestati vestrae sacratissimae humillime supplico, dignetur ipsum benigne audire et clementissimis oculis intueri. Quod ego per omnem vitam meam a maiestate vestra sacratissima orationibus et fidelibus servitiis meis promereri contendam.” Draskovich’s already quoted letter to Rudolf II: ÖStA HHStA Ung. Akt., Allg. Akt., Fz. 116, fol. 28–29. Cfr. TUSOR, *Purpura Pannonica*, 54.

¹⁸³ Cfr. SCHWEIZER, *Nuntiatur am Kaiserbofe II*, nn. 36. 42. 83. 170. 331; *Consistorialia Documenta Pontificia*, nn. 183ss.

¹⁸⁴ MOSCONI, *La nunziatura di Praga*, III, nn. 110. 30.

¹⁸⁵ SCHWEIZER, *Die Nuntiatur am Kaiserbofe II*, nn. 78. 165. 184 [p. 343, note 1]. 224.

than of a consciously planned decision based on a recognition of needs.

Diotalevi's activities could not hide the fact that direct contacts between the hierarchy and the Roman centre became incredibly sparse in the second half of the sixteenth century. Between 1556 and 1600 not one Hungarian prelate visited the Eternal City, which is rather striking, especially in comparison with the diplomatic surge of the previous decades caused primarily by the struggle for the throne.¹⁸⁶

f) Rome and the Hungarian hierarchy

Somewhat surprisingly, almost no problem was caused by the fact that, in direct opposition to the Hungarian position,

¹⁸⁶ Cfr. FRAKNÓI, *Magyarország és a Szentszék*, III, 3–71; III. Pál pápa és Farnese Sándor bíbornok Magyarországra vonatkozó diplomáciai levelezései (1535–1549) (Monumenta Hungariae Historica I/16), ed. by LIPÓT ÓVÁRY, Budapest 1879, *passim* (his details are processed by FRAKNÓI). Just as additional data. In March, 1543 a legate visited Rome, by representing the Hungarian orders and asking for subsidy against the Turks, however he was welcomed with a great suspicion, since there was not a hint about Ferdinand in his letter of credence, though, the monarch participated in the Diet of Pozsony. LUDWIG CARDAUNS (Hrsg.), *Berichte vom Regensburger und Speierer Reichstag 1541, 1542. Nuntiaturen Verallios und Poggios. Sendungen Farneses und Sfondratos 1541–1544* (Nbd I/7), Berlin 1912, n. 132. Prior to 1600, in 1556, the last person from the episcopacy to visit Rome was Pál Gregoriánczi, who organized the confirmations. Cfr: GOETZ, *Nuntiatur des Girolamo Martinego*, n. 24; GOETZ, *Nuntiatur Delfinos*, n. 139, 289–290; the documents of his last Roman legateship: ASV A.A., I–XVIII, nn. 1604^{ss}. – For some important members of the Hungarian episcopate from the second half of the sixteenth century see a new approach: ZSÓFIA GÁL-MLAKÁR, *Verancsics Antal korának humanista hálozatában. Vázlat egy kapcsolatháló modellezéséhez*, Publicationes Universitatis Miskolciensis. Sectio Philosophica 14 (2009) 2, 115–144.

the Papacy of the age was even calling into question the Hungarian kings' rights over ecclesiastical benefices. This opinion of the Apostolic See was first voiced in 1539. Its position was openly formulated one decade later. On 4 July 1550, a consistorial decree announced in connection with seven bishoprics (Eger, Pécs, Veszprém, Vác, Nyitra, Zágráb and Tinin) that the bulls should only be dispatched on the basis of a papal disposition ("*ad meram dispositionem sanctitatis suae*"), as the rights of the king of Hungary could not be verified ("*de nominatione et praesentatione regis Ungariae nihil constat*").¹⁸⁷ In fact, an extraordinary situation arose in which after the Ottoman seizure of Buda the royal archive was also lost to the Turks and since the papal privilege could not be authentically certified, as always in the coming years, the Hungarians could only quote the laws and traditions of the country, and a reference to Constance in Werbőczy's history. This was hardly satisfactory in Rome's opinion, especially with regard to the fact that, as has been mentioned, the consistorial documents in general preserved no sign of any involvement by the monarch.

We might not be mistaken if we state that the consistorial decree's issue of 4 July 1550 was for tactical reasons. It was composed in order to settle the matters, its main aim was to prohibit seculars from being granted benefices. Two weeks earlier, on 21 June, the papal breve, which appointed Ágoston Sbardellati, bishop of Vác, to the administrator of Esztergom for two years, mentions the Hungarian monarch's

¹⁸⁷ FRAKNÓI, *A magyar királyi kegyúri jog*, 250–255; the decree which encloses the special annate concession: FRAKNÓI, *Oklevéltár*, 101–102, n. 79; and *Consistorialia Documenta Pontificia*, n. 118. – Cfr. *Supplement*, n. 7, where Pope Clement VII mentions in his brief (*in forma brevis*) the fact of the royal nomination in 1529.

advowson, based on apostolic privilege over Esztergom,¹⁸⁸ moreover, the Curia did not even attempt to enforce its canonical opinion in practice.¹⁸⁹ At the same time, the Roman Curia did not even try to vindicate its position in practice. In 1539 and 1550 the papal bulls were obtained by the monarch's nominees. The same happened in 1554. Thereafter, the framework of a *modus vivendi* started to evolve,¹⁹⁰ in so far as the royal nomination was declared in the consistorial documents. The first known example for this was the consistorial decree, which made György Draskovich the bishop of Zágráb on 22 March 1564.¹⁹¹

The explanation of this practice, that was evolved during the pontificate of Pius IV (1559–1565) and that was probably based on compromise, can be found on the one hand in the Tridentine transformation of the papacy: in the attitude, that intended to sort out radically the problems including its relationship with states. On the other hand the reason must clearly be seen in the strengthening of Ferdinand I's positions and then in the personal union of the Hungarian and the imperial crown (since 1556). In the consistorial protocols of the second half of

¹⁸⁸ The only exception of this could be Esztergom, as the royal rights were exceptionally accepted in the case of primatial see: "*Cum, sicut accepimus, ecclesia Strigoniensis, quae de iurepatronatus charissimi in Christo filii nostri Ferdinandi Romanorum et Ungarie regis illustri, ex privilegio apostolico, cui non est hactenus in aliquo derogatum, esse dignoscitur...*" FRANKÓI, *Oklevéltár*, n. 77, 99.

¹⁸⁹ He tried the observance of the right of *spolium*. His attempts to gain the bequest of György Fráter and János Statilio, the bishop of Transylvania, were vain. CARDAUNS, *Berichte vom Regensburger und Speyerer Reichstag*, n. 106, 217; FRANKÓI, *A magyar királyi kegyúri jog*, 254.

¹⁹⁰ The summary of the confirmations and annate affairs from the middle of the sixteenth century: FRANKÓI, *A magyar királyi kegyúri jog*, 250–255; *Magyarország és a Szentszék*, III, 89–90.

¹⁹¹ *Consistorialia Documenta Pontificia*, 130; HC III, 338.

the sixteenth century the formula *ad nominationem Caesaris uti regis Hungariae* certainly occurs for a good reason.¹⁹²

The Papacy was consistent in trying to exert influence, at times in an urging manner, on the filling of Hungarian episcopal sees only through the court of Vienna/Prague.¹⁹³ The papal diplomacy occasionally made its recommendations of persons to the Habsburg court, for instance, so did they operate in favour of Demeter Náprágy, Pál Baranyay, who finally died in the battle of Mezőkeresztes, the bishopric of György Draskovich in Pécs and the bishopric of Fau-

¹⁹² Cfr. HC III, 98. 161. 172. 216. 259. 294. 301. 304 (Veszprém, 25 September, 1570). 313–314 (Tinin, 26 January, 1571). 325. 326. 331. 338; FRANKÓI, *Oklevéltár*, n. 90. According to GERHARD HARTMANN, as he wrote it in his summary, the date of the obtainment of the nominational right over the Hungarian bishoprics by Ferdinand I, in parallel with the Kingdom of Bohemia, was in 1561. However, it is not precisely true, but he touches upon the essence. *Der Bischof: seine Wahl und Ernennung*, 29.

¹⁹³ A huge amount of examples on this in the reports: GOETZ, *Nuntiatur des Girolamo Martinego*, nn. 88. 116. 120; STEINHERZ, *Die Nuntien Hosius und Delfino*, n. 9; GOETZ, *Nuntiatur Giovanni Delfino*, nn. 2. 8. 11. 12. 22. 25. 27; BUES, *Nuntiatur Giovanni Dolfino*, nn. 49. 50. 71. 101. 112. 115. 116. 132. 142. 157. 175. 252. 292; IGNAZ PHILIPP DENGEL (Hrsg.), *Nuntius Biglia 1566 (Juni) – 1569 (Dezember). Commendone als Legat bei Kaiser Maximilian II. 1568 (Oktober) – 1569 (Jänner)* (NbD II/6), Wien 1939, nn. 75. 106b. 112. 116. 121. 133. 141. 147; JOSEPH SCHWEIZER (Hrsg.), *Die Nuntiatur am Kaiserhofe. I: Germanico Malaspina und Filippo Sega (Giovanni Andrea Caligari in Graz)* (NbD IIIa/2/1; QuFGG 10), Paderborn 1905, p. 214 and nn. 115. 174 (Sega's order to his successor, Antonio Puteo, in case of which chairs' filling he should cooperate with the Hungarian chancellor); SCHWEIZER, *Die Nuntiatur am Kaiserhofe II*, nn. 46. 51. 84; SCHWEIZER, *Die Nuntiatur am Kaiserhofe III*, n. 96. n. 284; MOSCONI, *La nunziatura di Praga*, II, nn. 40. 51. III, n. 31. IV, n. 12. V, nn. 6. 12 (mainly); and FRANKÓI, *A magyar királyi kegyúri jog*, 256–274; *Oklevéltár*, nn. 84–86. 104–106. – Cfr. furthermore, the notes of the consistorial papers. *Consistorialia Documenta Pontificia, passim*.

stus Veranchich in Zengg.¹⁹⁴ We have no knowledge of any one canonical institution having been hindered during the sixteenth century because of a debate concerning “the right of supreme patronage”.¹⁹⁵

Rome did not hesitate to accept the monarch’s patronage in the dioceses under enemy rule and was in fact urging institutions, although not primarily from a pastoral point of view. In his report on 26 October 1572, nuncio Dolfin was for the filling of the archiepiscopal see in Kalocsa, since in this way its suffragant bishoprics would not be without a metropolitan.¹⁹⁶ It was directly stated in the main instruction to Speciano that the monarch should appoint bishops also to the sees in the territory under Turkish rule, since they could function on the Diet with profit.¹⁹⁷ According to the report of 10 August 1592, the nuncio tried to persuade Rudolph II to make the appointments, however he was reluctant to comply, due to the fact that he would have had to arrange the sustentations of the new prelates, as well. The solution thought be found in the wealthier German auxiliary bishops, namely,

¹⁹⁴ STEINHERZ, *Die Nuntien Hosius und Delfino*, n. 84b; SCHWEIZER, *Die Nuntiatur am Kaiserhofe III*, n. 208 and n. 284, 584–585; JAITNER, *Die Hauptinstruktionen Clemens’ VIII.*, I, n. 10, 55–58; MOSCONI, *La nunziatura di Praga*, III, n. 70; THEINER, *Vet. mon. Slav.*, II, 99–100, n. 114; *Consistorialia Documenta Pontificia*, n. 243.

¹⁹⁵ The only – not in relation to a titular see – and well-known refusal was conducted partly due to the nominee’s, the later cardinal Ferenc Forgách, young age, partly due to his “heretic” origin (it is less known). The stories are told by the instruction of Caetano: Biblioteca Casanatense, ms. 2672, fol. 84r; *cfr.* SCHWEIZER, *Die Nuntiatur am Kaiserhofe III*, n. 284, 585; and Gesualdo’s report on 25 April, 1589: SCHWEIZER, *Die Nuntiatur am Kaiserhofe II*, n. 240, 441.

¹⁹⁶ GOETZ, *Nuntiatur Giovanni Delfinos*, 179–180, n. 74.

¹⁹⁷ JAITNER, *Die Hauptinstruktionen Clemens’ VIII.*, I, n. 10, 55–58.

they should have received the titles of the sees in the territory under Turkish rule. The nuncio called the monarch's attention to live up to the unique opportunity that the Pope denied to the other rulers, no matter if it was in contrast to the decrees of the Council of Trent.¹⁹⁸ The priesthood in the territory under Turkish rule was re-established in another way, based on the assistance of the Franciscan monks from Bosnia in the sixteenth century. It was of a more decisive and conscious nature.¹⁹⁹

The Tridentine Papacy relied on the Habsburgs and the hierarchies, controlled and authorised by them, in the territory of the Hungarian King. The popes regarded the Habsburg House as the main force that could ensure the repression of Protestantism. There are almost no tracks of the nuncios' direct intervention in the Hungarian ecclesiastical affairs, they rarely had visits to Hungary, only in case of Diets.²⁰⁰ They intended to make Hungarian clerics obey the canons and introduce the reforms through the Habsburgs.²⁰¹ This is attested to by the interventions they made on several occasions for this purpose in Vienna and Prague, so that Hungarian prelates would not fail to honour their obligations to Rome: to obtain the bulls (which would usually occur after such actions in a "collective" manner); to visit *ad limina*; to abandon the practice of taking over the governance of their dioceses and using their pontifical insignia instantly after their appointment; to conduct the canonical investigations according to the reform regulations, making

¹⁹⁸ MOSCONI, *La nunziatura di Praga*, I, n. 28; see more, FRAKNÓI, *A magyar királyi kegyúri jog*, 262–263.

¹⁹⁹ *Consistorialia Documenta Pontificia*, nn. 116. 175. 176. 177. 208. 209.

²⁰⁰ FRAKNÓI, *Magyarország és a Szentszék*, III, 148–151. 196–204.

²⁰¹ In such "little" cases, like the strengthening of the new calendar's spreading. *Cfr.* SCHWEIZER, *Die Nuntiatur am Kaiserhofe I*, n. 27.

the obligatory profession of faith and profession of Trent; and finally to obey their obligation of residence.²⁰²

Occasionally, we also come across direct influence. In 1587–1588, Nuncio Puteo was nearly begging Péter Herešinczy, the bishop of Győr, to send somebody to Rome to obtain the papal bulls – be it Diotalevi, or somebody else. It would have meant to express their respect towards the Apostolic See, otherwise they could have appeared as if they despised the Pope. As a rare exception, the nuncio, by nearly losing his nerve, divulged the ecclesiastical censorships, though, only in words, because he did not like mentioning them. According to his instruction to his successor, he desired to affect the conscience of the Hungarian prelates.²⁰³ The canonical legitimation of the Hungarian dioceses' administration was usually demonstrated in a “condensed” way; in 1560, 1568, 1573, 1578 and 1583. The occasional arrangements became urging necessity due to the repeated vacancies.²⁰⁴

The representatives of the Apostolic See required the assistance of the State power in the introduction of the Tridentine centralisation's main tool, in the *ad limina* visit and report. In 1589, the Hungarian bishops were reluctant to obey the order – at least one of the bishops had to go to Rome to make a report – of Sixtus V and his Secretariat [of State], conveying by nuncio Alfonso Visconti. They referred to the fact

²⁰² See the earlier noted reports of the nuncios, concerning the filling of the ecclesiastical sees and the conduct of the processes.— To the “collective” royal presentations (nominations) two good examples: *Supplement*, n. 16 and n. 21.

²⁰³ SCHWEIZER, *Die Nuntiatur am Kaiserhofe II*, n. 312. 331. 262, 505–506.

²⁰⁴ HC III, 98. 161. 172. 216. 294. 301. 259. 304. 313–314. 325. 326. 331. 338; *Consistorialia Documenta Pontificia*, nn. 164–174. 191–195. 206–218. 235–237. 240–245.

that they complied with their duties through their agent, which was accepted by Rome, notwithstanding that the permanent residence of Diotalevi – highlighted by the papal Secretariat – was Rome. Already Puteo dealt with the question, and as he informed his successor, he took the necessary steps not only by the Emperor, but also by Archduke Ernst.²⁰⁵

The nuncios were against the manifestations of the practice of the State-Church's ideology already in the second half of the sixteenth century, as an example, they were against the prelates' immediate assumption of the dioceses' administration after their appointment. The effort of the papal diplomacy, namely that, like the Germans, the Hungarian bishops should not receive royal authorisation for taking possession their benefices, was rejected in the imperial court in Prague. Their explanation was that in contrast to the German capitular election, the royal appointment is a guarantee of the decent and "non-heretical" people's appointment so the adoption of the German solution was gratuitous in Hungary. They added, if one of the Hungarian prelates does not take possession of his benefice immediately after his appointment, he could face a severe financial crisis, since the chancery directly gains the control of his former benefice.²⁰⁶

Neither the problems, nor the State role were eliminated, when the Hungarian hierarchy tried to harmonise the canons with the unique local practice, namely, that the ecclesiastical and non-ecclesiastical badges were used right after the royal appointment. It happened that Antal Veranchich,

²⁰⁵ For example SCHWEIZER, *Die Nuntiatur am Kaiserhofe III*, nn. 20. 36. 42 and n. 262, 511; *cfr.* FRAKNÓI, *Magyarország és a Szentszék*, III, 222.

²⁰⁶ On the cases of 1587 see Puteo's report: SCHWEIZER, *Die Nuntiatur am Kaiserhofe II*, pp. 58–59 (= FRAKNÓI, *Oklevéltár*, n. 93).

before the coronation of Rudolph in 1572, applied for the permission of the pontifical liturgical badges' usage – for the earlier appointed bishops – during the holy service from Rome. He referred to the undue length of the confirmation process and to the scarce number of bishops (in the course of the liturgical coronation process, only the consecrated bishops could participate). Although, the Holy See was not refusal, according to cardinal Galli, the request was addressed late, moreover it should not have been submitted by the primate but by the legate of the Emperor. This case is exemplary, since it proves how much easier it was to refer to the ideology of the State-Church than to bother with obtaining curial confirmation.²⁰⁷

Finally, we could mention the nuncios' appeals, in which they urged that, in Hungary, the canonical investigation process should be conducted according to the reform regulations along with the obligatory act of swearing the Tridentine oath and avow of belief,²⁰⁸ moreover, they wanted the residence commitment to be kept.²⁰⁹

Neither could the influence of the Tridentine Papacy on the hierarchy and the State power interfere in the Hungarian system, nor the Protestantism. However, the Tridentine

²⁰⁷ The request of Veranchich, the answer of Cardinal Galli, the description of the coronation: GOETZ, *Nuntiatur Giovanni Delfinos*, nn. 43. 56, furthermore 455–456, *ind.* n. 18. For Veranchich's confirmation, which was applied to the Papal Curia already in 1570, see *Supplement*, n. 17.

²⁰⁸ See the sources quoted concerning the difficulties of the conduct of the processes.

²⁰⁹ The situation of the Hungarian royal court-chancellor was problematic already at this time, however, in his case the nuncio held out the prospect of the papal exemption. STEINHERZ, *Die Nuntien Hosius und Delfino*, n. 29. There occurred similarly a problem with the court-chancellor in 1587: SCHWEIZER, *Die Nuntiatur am Kaiserhofe II*, n. 46.

Papacy did not manage to undermine the close alliance of clerics and power in Hungary, yet they might not want to do, understanding that it was basically not against Rome and could perfectly function in the repression of Protestantism. Apart from the uncertainty of confessional boundaries,²¹⁰ the “consensual Catholicism” of Ferdinand I, Maximilian II and partly of Rudolph II, and the commencing Long Turkish War, it was mainly this intertwining of Church and State that thwarted the immediate introduction of the Tridentine programme in Hungary. In the State power itself, which was Catholic owing to the dynasty, and on the higher decision making level – for instance, in the Secret Council (*Consilium Intimum*),²¹¹ or in the Hungarian Council (*Consilium Hungaricum*) – the Protestant presence was significant. However odd it was, in the appointment of the Catholic bishops, also the Protestant landlords’ vote and opinion was determinate.²¹² This explains, by itself, the peculiarities of the Hungarian episcopacy’s behaviour and the moderate enthusiasm towards the ideas of Trent and towards the regulations of the Roman Curia. It was hardly accidental that the

²¹⁰ These can be traced back the most remarkably in the reports of Antonio Possevino. Cfr. FRANKÓI, *Magyarország és a Szentszék*, III, 158–195; the latest source on the function of the Jesuit diplomat in Central Europe: JOHN PATRICK DONNELLY, *Antonio Possevino S.J., as Papal Mediator between Emperor Rudolf II and King Stephen Bathory*, *Archivum Historicum Societatis Iesu* 69 (2000) 3–56.

²¹¹ The incomplete processing of the Habsburg *Geheimer Rat* monographer: HENRY FREDERICK SCHWARZ, *The Imperial Privy Council in the Seventeenth Century*, Cambridge 1943. (I do not intend to cite here the newer results of the sources on the age of, for example Maximilian II and Leopold I.)

²¹² See for example *Consistorialia Documenta Pontificia*, n. 221 and n. 240 (see the quoted lists of the councils in the notes of these documents).

modification of the Councils' constitution was the emphasised duty of the nuncio.²¹³

As long as the State, controlling the ecclesiastical structures and being served by the hierarchy, did not stabilize its confessional nature and did not and could not launch the repression against the Protestants, the Hungarian realization of the program of Trent was not feasible. Efforts made by the papal nuncios and some committed reform prelates, such as Miklós Oláh (archbishop of Esztergom), György Draskovich (archbishop of Kalocsa, later cardinal), Miklós Telegdy (bishop of Pécs) or András Monoszlay (bishop of Veszprém), were all in vain. The results achieved by the Hungarian hierarchy until the beginning of the seventeenth century were rather insignificant: despite the ever increasing efforts only a few secularised benefices had been regained, and only a minimal Jesuit presence established.²¹⁴ The new generation of priests was educated practically almost only in the small seminary of Nagyszombat (Tyrnavia), founded by Oláh, complemented by some Hungarian students studying in the colleges of Vienna and Olmütz.²¹⁵ Those clerics, who did not

²¹³ JAITNER, *Die Hauptinstruktionen Clemens' VIII.*, I, n. 10 (55–58); n. 35 (252–254); II, n. 71 (568); n. 95 (709–710); ZDENEK KRISTEN (ed.), *Jobannis Stephani Ferrerii nuntii apostolici apud imperatorem epistulae et acta. I/I. 1604 Ian.–Iul.* (Epistulae et acta nuntiorum apostolicorum apud imperatorem 1592–1628, 3), Pragae 1944, n. 2 (9–10). *Cfr.* more MOSCONI, *La nunziatura di Praga*, I, n. 52; II, n. 37.

²¹⁴ The detailed catalogue of the pawned benefices: BUES, *Nuntiatur Giovanni Dolfins*, 418–419, ind. n. 5. For Tridentine reform-efforts of Telegdy and Monoszlay see as source-illustration *Supplement* n. 18 and n. 20.

²¹⁵ All summarized: EGYED HERMANN, *A katolikus egyház története Magyarországon 1914-ig* (Dissertationes Hungariae ex Historia Ecclesiae 1), München 1973², 221–230; GÁBOR ADRIÁNYI, *Der erste Erneuerer des katholischen Lebens nach der Reformation in Ungarn: Primas Miklós Oláh, Erzbischof*

become Protestant, from the higher, middle or lower clergy kept their late medieval, renaissance nature until the end of the sixteenth century.

But importantly, with all that said, the peculiar Hungarian State-Church system was not characterised by an anti-curialism proper. In practice the Hungarian State-Church system went way beyond the conditions in France (in one case the Papacy took action against the non-canonical use of a benefice in Hungary exactly in order to set an example for France), but unlike Gallicanism, it was not supported by publications. The reports of papal nuncios, while condemning the abuses, on several occasions highlighted the “devotion” of Hungarian prelates to the Holy See. This again can only be explained in the context of the war against the Turks.

The lack of militant publications could not however obscure the fact that Hungarian and curial opinions were getting ever further from each other. The unresolved situation of the question of the appointment of bishops carried in itself the risk of several potential sharp conflicts, which up to that point had been avoided due to the flexibility of the Tridentine Papacy. This, however, could no longer be expected from a more rigorous “baroque” Papacy, thinking ex-

von Gran (1493–1568), *Ecclesia Militans*. Studien zur Konzilien- und Reformationsgeschichte. Remigius Bäumer zum 70. Geburtstag gewidmet. I: Zur Konziliengeschichte. II: Zur Refomationsgeschichte (hrsg. von W. Brandmüller–H. Immenkötter–E. Iserloh), Paderborn–München–Wien–Zürich 1988, II, 491–517; On the details of the postponement of Trent’s national pronouncing: ISTVÁN FAZEKAS, *Kísérlet a trentói zsinat határozatainak kibirdetésére Magyarországon*, R. Várkonyi Ágnes Emlékkönyv. Születésének 70. évfordulója ünnepére, Budapest 1998, 154–164; *Id.*, *Oláh Miklós reformtörekvései az esztergomi egyházmegyében 1553–1568 között*, *Történelmi Szemle (TSz)* 45 (2003) 1–2, 139–153.

clusively in Italian dimensions. The changes in the traditional system of relations with the Habsburgs in the first half of the seventeenth century,²¹⁶ and the developing organisation of missions in South-East Europe²¹⁷ threatened with the opening of hitherto unknown front lines. It was so especially because from the period of the Long Turkish War the attention of the imperial court also turned more intensively toward the Balkans.

This became manifested in the ever more frequent conferment of bishopric titles in the area, some of which unquestionably belonged to the Hungarian sphere of interests.

However, the obtainment of the title of Scopia had not caused any problems, the first hindrance of this nature occurred in 1587–1588, though, it did not lead to a significant tension. Nuncio Puteo accepted the *professio fidei* from György Zalotnaky, the newly appointed bishop of Roson, and conducted his process of canonical investigation. Moreover, as in Prague, nobody was aware of the location of the bishopric, the conduct of this phase of the process, dealing with this question, was entrusted to the nominee himself: “*presupponendo esso nominato di far poi esaminare costì sopra il restante, che sarà necessario alla validità del processo.*” Nevertheless, the case was blocked in Rome, since they were not convinced that the right of *nominatio* of this bishopric belonged to the Emperor (as king of Hungary.)²¹⁸

²¹⁶ See my monograph: PÉTER TUSOR, *A barokk pápaság (1600–1700)*, Budapest 2004, *passim*.

²¹⁷ The monographical analysis of the topic: ANTAL MOLNÁR, *Katolikus missziók a bódolt Magyarországon. I: 1572–1647* (Humanizmus és reformáció 26), Budapest 2002.

²¹⁸ SCHWEIZER, *Die Nuntiatur am Kaiserhofe II*, nn. 46. 47. 331. HC IV, 297. See more, *Consistorialia Documenta Pontificia*, nn. 13. 161. 163. – On the

The gradual increase of the arguments of this nature indicated the decline in the cooperation of crucial importance between the Habsburgs and the Papacy in the late sixteenth century, whose consequences the Hungarian Catholic confessionalism's development, represented by Péter Pázmány, suffered.²¹⁹

question of the Hungarian titular bishoprics: JOACHIM BAHLCKE, *A „Magyar Korona püspökei”. Adalék az egyház 17–18. századi társadalom- és alkotmánytörténetéhez*, TSz 48 (2006) 1–24.

²¹⁹ Cfr. all PÉTER TUSOR, *Az egyházi javadalmak betöltése Magyarországon a XV–XVI. században*, *Memoriae tradere. Tanulmányok és írások Török József hatvanadik születésnapjára* (ed. by Ádám Füzes–László Legeza), Budapest 2006, 357–378.

SUPPLEMENT

I.

Constance, 19th September 1417

The bull of the College of Cardinals

The members of the Holy College promise that the Apostolic Holy See will fill the Hungarian consistorial benefices with those, in favour of whom the Kings of Hungary present a supplication.

(Archivum liberae regiaeque civitatis Eperjes,¹ n. 236; MOL DF 228698 – cop. [1417–1500])

Reg., cit. BÉLA IVÁNYI, *Eperjes szabad királyi város levéltára* (Acta litterarum ac scientiarum Regiae Universitatis Hungaricae Francisco-Iosephinae. Sectio Iuridica-politica 2), Szeged 1931, I, 71; *Ed.* MÁLYUSZ, *A konstanzi zsinat*, 9–11.

Miseratione divina episcopi, presbiteri et dyaconi sanctae Romanae ecclesiae cardinales universis et singulis praesentes litteras inspecturis salutem in Domino et infrascriptis fidem indubiam adhibere. Cum ecclesia Romana debitor sit unicuique iustitiam ministrare, quantomagis his, qui assiduis laboribus et impendiis pro eiusdem et universalis ecclesiae pace et unione laborare non desistunt. Cum igitur serenissimus princeps dominus Sigismundus Romanorum et Hungariae rex semper augustus² assiduis curis, gravibus periculis,

¹ Today: Štátny archív v Prešove (Slovakia).

² Sigismund of Luxembourg, king of Hungary (1385–1437) and of the Romans (1410–1437), Holy Roman Emperor (1433–1437).

indefessis laboribus et excessivis impendiis pro unione Christianorum et pace eiusdem ecclesiae continue per tot annos iam laboravit et laborare intensissima devotione non desinat, nimirum eadem ecclesia pro debito etiam gratitudinis ipsum et sua regna tenetur in sua iustitia confovere. Sane cum sicut exhibita nobis pro parte ipsius serenissimi regis insinuatio continebat, ex antiqua consuetudine reges Hungariae pro parte^a existentes consueverant praesentare ad ecclesias metropolitanas et cathedrales ac ad alia beneficia eiusdem regni persona ydoneas eis gratas, nos attendentes praemissa dicti serenissimi regis ingentia merita, quodque idem regnum Hungariae in confinio infidelium constitutum quasi quoddam propugnaculum et clipeus Cristianitatis esse dignoscitur, nolentesque, quantum in nobis est, de huiusmodi consuetudine ulterius dubitari, promittimus bona fide eidem serenissimo regi, sicut eiusdem petitio subiungebat, nos facturos et efficaciter curaturos, quod sumpmus pontifex de proximo Domino concedente assumendus et eiusdem in sede apostolica successores imperpetuum providebunt ecclesiis metropolitanis et cathedralibus et monasteriis praefati regni Hungariae de personis ydoneis, pro quibus supradictus rex et successores ipsius in regno Hungariae pro tempore suplicabunt, sine solutione annatarum vel alterius cuiuscunque exactionis. Ita tamen, quod hii, quos ad metropolitanas ecclesias promoveri postulaverit, moderatas solvant annatas ad instar caeterarum ecclesiarum nationis Germanicae. Item quod sedes apostolica non intromittat se de collatione beneficiorum quorumcunque in regno Hungariae et aliis sibi annexis. Item quod nullus extrahatur extra sua regna praedicta ad iudicia auctoritate litterarum apostolicarum, nisi cum causae praedictorum regnorum per appellationem legitime fuerint ad sedem apostolicam devolutae. In quorum

testimonium praesentes litteras fieri et sigillorum trium priorum nostri collegii iussimus appensione muniri subscriptionibus propriis praesentem promissionem et paginam roborantes. Datum Constantiae, die Dominico XIX mensis Septembris anno a nativitate Domini MCCCCXVII apostolica sede vacante.

Ego Iohannes episcopus Ostiensis, sanctae Romanae ecclesiae cardinalis et vicecancellarius promitto me facturum et curaturum prout superius continetur.³

Ego Angelus episcopus Penestensis,^b cardinalis Laudensis promitto me etc.⁴

Ego Persus^c episcopus Sabinensis,^d cardinalis Yspaniae promitto etc.⁵

Ego Iordanus episcopus Albanensis, sanctae Romanae ecclesiae cardinalis et maior poenitentiarius promitto etc.⁶

³ Jean Allarmet de Brogny, cardinal 1385–1426, vice-chancellor of the Holy Roman Church in 1391 (created as “pseudocardinal” by antipope Clement VII).

⁴ Angelo de Anna de Summariva O.S.B.Cam., cardinal 1384–1428 (Entered the Order of Saint Benedict Camaldolese in the diocese of Lodi; he used the name of the diocese as his own “Cardinal of Lodi”).

⁵ Pedro Fernández de Frías, cardinal 1394–1420 (created as “pseudocardinal” by antipope Clement VII). He was called the “Cardinal of Spain” (that was the *Valido* of King Enrique III of Castilla until 1368; and also of his son King Juan II), or “of Osma” (as the bishop of it from 1379).

⁶ Giordano Orsini, cardinal 1405–1438, major penitentiary 1415–1438. Administrator of the see of Pécs, 4 September 1409 until 13 August 1410, he presided the 5th session in the Council of Constance, on 16 January 1426, he was named a legate in Hungary.

Ego Franciscus tituli sanctae Crucis in Ierusalem presbiter cardinalis promitto.⁷

Ego Iohannes tituli sancti Sixti presbiter cardinalis promitto etc.⁸

Ego Anthonius titulis sanctae Susannae presbiter cardinalis promitto etc.⁹

Ego Alamannus tituli sancti Eusebii presbiter cardinalis Pisanus promisi et subscripsi.¹⁰

Ego Angelus tituli sanctorum Marcellini et Petri presbiter cardinalis Veronensis promitto etc.¹¹

Ego Petrus tituli sancti Crisogoni presbiter cardinalis Cameratenensis^e promitto etc.¹²

⁷ Francesco Lando, cardinal 1411–1426, camerlengo of the Holy Roman Church since 1419 (created as “pseudocardinal” by antipope John XXIII).

⁸ Giovanni Dominici O.P., cardinal 1408–1419. Named by Pope Martin V legate in Hungary in 1418; died in 1419 Buda, Hungary. Buried in the convent of St. Paul the Hermit, Buda. He was beatified by Pope Gregory XVI in 1832.

⁹ Antonio Panciera, cardinal 1411–1431 (created as “pseudocardinal” by antipope John XXIII).

¹⁰ Alamanno Adimari, cardinal 1411–1422, archbishop of Pisa from 1406 (created as “pseudocardinal” by antipope John XXIII).

¹¹ Angelo Barbarigo, cardinal 1408–1418, bishop of Verona from 1406.

¹² Pierre d’Ailly, cardinal 1411–1425, bishop of Cambrai from 1397 (created as “pseudocardinal” by antipope John XXIII).

Ego Thomas tituli sanctorum Iohannis et Pauli presbiter cardinalis Tricaricensis promitto ut superius continetur.¹³

Ego Branda tituli sancti Clementis presbiter cardinalis Placentinus promitto etc. ut superius.¹⁴

Ego Guilelmus tituli sancti Marci presbiter cardinalis ita promitto.¹⁵

Ego A. cardinalis de Thalant^f presbiter ita promitto.¹⁶

Ego cardinalis Remensis ita promitto.¹⁷

Ego Petrus cardinalis de Fuxo ita promitto.¹⁸

Ego Amadeus sanctae Mariae novae sacrosanctae Romanae ecclesiae diaconus cardinalis promitto etc.¹⁹

¹³ Tommaso Brancaccio, cardinal 1411–1427, bishop of Tricarico from 1405 (created as “pseudocardinal” by antipope John XXIII).

¹⁴ Branda Castiglione, cardinal 1411–1443, bishop of Piacenza from 1404 (created as “pseudocardinal” by antipope John XXIII). Apostolic collector in Hungary around 1403, and the administrator of the see of Veszprém from 1411. He was also a papal legate in Hungary.

¹⁵ Gillaume Fillastre, cardinal 1411–1428 (created as “pseudocardinal” by antipope John XXIII).

¹⁶ Antonio de Challant, cardinal 1404–1418 (created as “pseudocardinal” by antipope Benedict XIII), chancellor of Savoya.

¹⁷ Simon de Cramaud, cardinal 1413–1422 (created as “pseudocardinal” by antipope John XXIII), the archbishop of Reims from 1409.

¹⁸ Pierre de Foix (Petro de Fuxo) O.F.M., cardinal 1414–1464 (created as “pseudocardinal” by antipope John XXIII).

¹⁹ Amadeo di Saluzzo, cardinal 1383–1419, camerlengo of the Holy Roman Church (created as “pseudocardinal” by antipope Clement VII).

Ego Raynaldus sancti Viti in Macello sacrosanctae Romanae ecclesiae diaconus cardinalis de Braccicys^g promitto etc.²⁰

Ego Ludovicus sancti Adriani sanctae Romanae ecclesiae diaconus cardinalis de Flisco promitto etc.²¹

Ego Oddo sancti Georgii ad velum amarum^h diaconus cardinalis de Columpna promitto etc.²²

Ego Lucidus sanctae Mariae in Cosmedin sanctae Romanae ecclesiae diaconus cardinalis de Comitibus promitto me facturum et curaturum, ut superius continetur.²³

^a Correctly: '*pro tempore*'. ^b Correctly: '*Paenestrinensis*'. ^c Correctly: '*Petrus*'. ^d Correctly: '*Sabinensis*'. ^e Correctly: '*Cameracensis*'. ^f Correctly: '*Chalant*'. ^g Correctly: '*Brancacis*'. ^h Correctly: '*aureum*'.

²⁰ Rinaldo Brancaccio, cardinal 1384–1427.

²¹ Ludovico Fieschi, cardinal 1384–1423.

²² Oddone Colonna, cardinal from 1405, Pope Martin V (1417–1431).

²³ Lucido Conti, cardinal 1411–1437 (created as “pseudocardinal” by antipope John XXIII). The list loses the name of Cardinal Francesco Zabarella because of his letal illness (died 26 September 1417, of plague), and the names of Cardinals Antonio Corrarior and Gabriele Condulmer (later Pope Eugene IV), who arrived later in Constance. All these 21 subscribing cardinals participated in the conclave of 1417 (8–11 November). Cfr. MÁLYUSZ, *A konstanzi zsinat*, 17–19.

2.

Rome, 10th June 1524

Giacomo Sadoletto to Nuncio Burgio

Pope Clement VII would appreciate if the Hungarian and Polish monarchs appointed suitable people to the bishoprics and these prelates appeared in person in the Eternal City.

(ASV Segr. Stato, Principi, vol. 1, fol. 20r-21v - *conc.*)

Magnifico signor^a

Tra altri necessari et laudabili pensieri che la santità di nostro signore²⁴ hanno dal di [!] della sua assunzione continuamente occupata, è stato non dell'ultimi quello, che di ciasche regno et provincia (come già in questa corte esser solea) vi fussero de vescovi et prelati di l[ette]ratura non vulgare et di vita exemplare. Il che sua santità giudica come ad ornamento de suoi tempi così ad commodo de detti regni potere cedere, se per suoi homini più habilmente potessino consequire, come da sua santità consequirebbono ogni sorte di grazie, et le persone di tali, qui demoranti fussino in le occasioni de tempi honorate et bonificate,^b affinché secondo qui e il capo di tutta la Christianità, così le sue membra tanto più li fussero unite et adherenti. Tal discorso di sua santità si è meritamente exteso ad quelli doi regni di Hungheria et Polonia, come quelli che per la remozione et longinquità loro, et ancho per continua defensione di santa fede, possono bisognare et meritano di essere da sua santità non solo per ambasciadori, ma per tali prelati continuamente raccomandati et adiutati, il che sua santità, se alcun' altro pontifice mai fece, ha intenzione da fare. Scrive adunche ad

²⁴ Pope Clement VII (1523-1534).

quelli doi serenissimi re,²⁵ ad ognuno il suo breve exhortandoli ad eleggere tra prelati de suoi regni alcuno di quelli costumi et lettere, che possino et ad loro maestà, et alla corte di Roma far honore et profitto. Quali doi brevi vi si mandano alligati ‘senza altra copia per essere solamente hortatorii et in questa sententia’^c insieme con doi altri in albis directivi ad essi vescovi seu prelati, che da loro Maestà saranno electi, a quali da vostra signoria poi se li farà el soprascripto, nelli quali in effecto si exhortano ad venire et se li offerisce etc. Et per essere tutti questi brevi tanto ad reges quanto ad episcopos hortatorii solamente et in questo tenore non ve ne mando altra copia. Sarà adunque cura di vostra signoria con quella via più cauta et dextra che si potrà, ne videatur esse ambizio,^d di presentare li il suo et l’altro breve mandare ad quelle Maestà et tanto loro, quanto suoi principali ministri exhortare li in nome di nostro signore ad eleggere et mandar qua alcuno de sui prelati, per disegnare sua santità servirsene in beneficio si di Dio et sua santa fede, praesertim ad questi tempi turbulenti, et si di loro Maestà et di quelli regni,^e ^fadvertendo che la elezione di tal prelati si farria non per favore, ma per le bone qualità et virtù loro, et che sieno in effetto tali, quali sua santità desydera,^g apti al suo servizio, in honor de Dio et conservazione della dignità di questa santa sede.^f

Et perché potria alcun’ dubitare che nostro signore facessi questo, perché detti prelati venissino ad morire qua in corte, per poter poi nostro signore disporre da loro vescovadi ad suo arbitrio, se vostra signoria sentirà tal scrupulo in li animi loro, liberamente li offerirà ogni declarazione, che per

²⁵ Louis II, king of Hungary (1515–1526); Sigismund I, king of Poland (1506–1548).

questa loro presenza in corte non se intenda preiudicato ad alcuno privilegio o prerogativa regia, ad la quale nostro signore etiam senza tal promessa sempre serria per haver rispetto et ampliare le loro grazie et non minuirle, affinché apertamente se li monstre la pura et recta mente di nostro signore, quale tende ad bonum et non ad altro fine, come in ciò vostra signoria pro facultate suae eloquentiae si potrà extendere et condotta che harà la cosa darne avviso. Ad vostra signoria mi raccomando.²⁶ In Roma 10 di Giugno MDXXIII.

[fol. 21v]

Al molto magnifico el signor barone de Burgio,²⁷ nunzio della santità di nostro signore in Hungheria

^a In the top left corner of the page by another hand: 'Giugno, 1524'. ^b This word interlined. Crossed out of the text: 'exaltate'. ^{c-c} Added in the margin. ^d After this word crossed out: 'quel che e più presto carità di loro et zelo della dignità apostolica'. ^e After it crossed out: 'monstrandoli non si far questo ad altro fine da sua beatitudine, che di ornare la corte et acciò che loro ancho partecipino di questa santa sede in ogni commodo [fol. 20v] et dignità loro, che non cedendo sua santità ad niuno de suo' predecessori in amore et affectione verso quelli regni, non vorrebbe mancare di questa parte di felicità al suo tempo, essendo maxime in tanta coniunctione con quelli doi re per mezzo de la maestà Cesarea et ancho per propria benivolentia in minoribus, come sapete, governeretevi adunche con la prudentia et dexterità solita soprattutto che non parghi si vada ad alcuna subtilità ovvero astutia per proprio interesse, come può in le menti di la facilmente cadere'. ^f Added at the bottom of the page (fol. 20r). ^g After this word crossed out: 'degni di esser chiamati'.

²⁶ The author is Giacomo Sadoletto, bishop of Carpentras from 1517, secretary of the papal breves from 1513 and cardinal 1536–1547.

²⁷ Giovanni Antonio Pullone, barone di Burgio, nuncio in Hungary (1524–1526). – Special thanks to TOMI KRUPPA, because he kindly compared the texts of nn. 2 and 13 with their original in the Vatican Secret Archives in November 2011.

3.

*Buda, 8th June 1524**The Pauline Fathers of the Monastery of Buda
to Pope Clement VII*

They inform the Pope that they do not cease to pray, to organize procession for him, for the Holy See and for the whole Christianity, nonetheless for Hungary's rescue from the Turkish menace.

(ASV Segr. Stato, Principi, vol. 2, fol. 204v + 208r – orig.)

Reg. LIPÓT ÓVÁRY, *A Magyar Tud. Akadémia Történelmi Bizottságának oklevél-másolatai I-III*, Budapest 1890-1894-1901, I, n. 1181.

Post devotissima pedum oscula beatorum sanctitatis vestrae cum omnimoda filialis obedientiae promptitudine. Sanctissime pater et domine, domine nobis in universum gratiosissime. Litteras sanctitatis vestrae nobis per Dominicum Mantuanum missas summa, ut decuit, reverentia ac humilitate recepimus, in quibus pie ac paterne mandabat nobis sanctitas vestra, ut processiones in tot et tantis periculis maxime necessarias, quo devotius possemus, creberrime faceremus. Quodquidem mandatum sanctitatis vestrae humiliter et alacriter suscipientes processionem ipsam cum omni devotione incepimus aliisque monasteriorum nostrorum fratribus devotissime faciendam firmissime indiximus, et ingentum ab altissimo omnium nostrum conditore exaudiri merebimur, indies continuabimus. Sed et alias privatas ac publicas orationes pro felici statu sanctitatis vestrae prosperisque successibus proque conservatione et manutentione ipsius sedis sanctae et totius Christianitatis, praesertim huius regni Hungariae, ubi in faucibus infestissimorum Thurcorum constituti sumus, effundere dies et noctes non desistemus. Nos et nostrum ordinem apud sanctitatem vestram recommendatos haberi humiliter supplicantes. Cui nos in perpetuos capellanos iterum

atque iterum commendamus. Ex monasterio nostro ad honorem divi Laurentii martiris supra Budam fundato, sexto Idus Iunii anno Domini millesimo quingentesimo vigesimo quarto.

Eiusdem vestrae sanctitatis
humiles et devoti capellani

frater Johannes vicarius generalis²⁸
fratrum heremitarum sancti Pauli
primi heremitae et conventus suus
ad Sanctum Laurentium supra Budam

[a tergo]

Sanctissimo in Christo patri et domino domino Clementi
divina providentia sanctae Romanae ecclesiae summo ponti-
fici domino nobis in universum gratiosissimo

²⁸ János Zalánkeméni, vicar general (1516–1520 and 1524–1528).

4.

Buda, 22nd May 1526

King Louis II to Giacomo Sadoletto

He urges the papal confirmation of the bishop of Eger, "elected" recently by him.

(ASV A.A. Arm. I–XVIII, n. 2541 – *orig.*)²⁹

Ludovicus Dei gratia rex Hungariae et Bohemiae etc. Reverendissimo domino Jacobo Sadoletto episcopo Carpentratensi,³⁰ secretario sanctissimi domini nostri etc. amico nostro carissimo. Eligimus in episcopum Agriensis ecclesiae fidelem nostrum reverendissimum Paulum de Warda,³¹ de cuius confirmatione scripsimus iam pluries ad sanctissimum dominum nostrum, ut itaque iam tandem nostra haec petitio optatum sortiatur effectum, dominationem vestram reverendissimam diligenter hortamur et rogamus. Velit apud ipsum sanctissimum dominum nostrum intuitu nostri intercedere, quo ipse Paulus in eo, quem diximus, episcopatu con-

²⁹ Cfr. Antonio Burgio's *dispaccio* to Giacomo Sadoletto (Buda, 30 May 1526): "*Lo vescovo di Agria vorria expedire le bolle, et manda una ditta a Roma di una milia ducati. Vorria che si spedissiro le bolle, e non si li donasser poi che primo non pagasse tutta la annata, la qual dice non montar più, che quatro milia et tanti ducati; perché ci é errore in le somme, como vostra signoria porrà vedere per la copia di la lista, che mi mandó monsignor reverendissimo lo camerlingo. Oltra di questi dua milia ducati promette che fra XX giorni darrà securtà di altri mille, che serran pagati a San Michele. El resto si obbliga esso di pagarli a San Nicolo. Vorria però haver un breve in questo mezo, che si potesse ordinare vescovo. Si a sua santità piace, porrà far expedire le bolle et mandarle. Io vederò di recuperare lo dinaro, si Turchi ci lassirano in pace*". Edited in *Relationes oratorum pontificorum*, 388–391, 390.

³⁰ For him see note n. 26 above.

³¹ Pál Várdai, bishop of Veszprém (1521–1524), of Eger (1524–1526), archbishop of Esztergom and primate of Hungary (1527–1549), royal vicegerent (locumtenent) of Hungary (1542–1549).

firmetur. Dominationem vestram reverendissimam feliciter valere optamus, nosque eidem et hoc negotium diligenter commendamus. Datum Budae, vigesimo secundo die mensis Maii, anno Domini millesimo quingentesimo vigesimo sexto.

Ludovicus rex
manu propria

[*a tergo*]

Reverendissimo domino Iacobo Sadoletto episcopo Carpentratensi, secretario sanctissimi domini nostri etc. Amico nostro charissimo [*L.S.*] [*m.a.*] Arm. XI, caps. I, 176

5.

Vienna, 8th November 1528

King Ferdinand I to Cardinal Colonna

He asks for his assistance with Chancellor Tamás Szalaházy's annate and tax free papal confirmation in the bishoprics of Eger. (ÖStA HHStA, Rom, Hofkorrespondenz, Kart. 1, Konv. 20, fol. 107v – *conc.*)

^aCardinali Columnae^a

Ferdinandus etc. Reverendissimo etc.³² Non dubium est nobis dominationem vestram reverendissimam^b iam tandem edoctam esse de virtutibus et meritis, quibus reverendus devotus nobis dilectus Thomas de Zalahaza electus Agriensis, regni nostri Hungariae cancellarius merito^c comprobatur,^d qui nunc a nobis ad ecclesiam Agriensem nuper^e vacantem^f rite et instar praedecessorum nostrorum Hungariae regum praedecessorum nostrorum^g h^hcreatus et^h nominatus fuerit,ⁱ eique ob benemerita sua de confirmatione^l sanctis-

³² Pompeo Colonna, bishop of Rieti from 1508, cardinal 1517–1532.

simi domini nostri non sine auspicio et auxilio dominationis vestrae reverendissimae concedendae [!] quantocius provi-
 deri cupiamus, idque gratis propter ecclesiam Agriensem
 iacturam, quam pro annis abhinc aliquot usque adeo ferit, et
 vix episcopus honeste sustinere^k atque^l sustinere [!] possit,
 ad alendum non parum equitum numerum ad tuenda regni
 huius versus Turcos confinia, ^munde ne spes quidem ulla sit
 qua vel ab episcopo, vel ecclesia sua solvi possit annata.^m
 Quare eandem dominationem vestram reverendissimam plu-
 rimum horatmur, ut tam nostri, quam praemissorum intu-
 ituⁿ eundem electum in hac sua confirmatione modo, quo
 petimus, impetranda bene promotum et adiutum habere
 velit, ita quod huius nostrae commendationis^o minime vul-
 garis effectum^p iuxta animi nostri desiderium plane obtinere
 et assequi^q et nobis quoque dilucide constare possit pristina
 dominationis vestrae reverendissimae in nos et serenissi-
 mam Austriacae nostrae domum affectio,^r de qua nobis op-
 tima quaeque semper sperare et reportare licuit, sicut^t eam
 impresentiarum etiam indubie facturam esse confidimus,
 quod erga eam^u vicissim omni oblata occasione promerebi-
 mur, quae felicissime valeat.^v Datum Viennae, 5^a Novembris
 1528.^w

^{a-a} In the top left corner of the page. ^b After this word crossed out: *'abunde satis edoctam'*. ^c This word added in the margin. ^d Before it eight words, after it one word (*'exstitit'*) crossed out. ^e It is added in the margin. ^f Before this word crossed out: *'per translationem reverendissimi in Christo patris, domini Pauli de Warda archiepiscopi Strigoniensis'*. ^g *Sic!*, repeated. ^h Added in the margin. ⁱ Before this word crossed out: *'et praesentatus'* [!]. ^j After it crossed out: *'et consecratione'*. ^k This word is interlined. Crossed out of the text: *'alere, et nec minus'*. ^l This word added in the margin. ^{m-m} Added in the margin. Some lines crossed out of it: *'sicut eadam dominatio vestra reverendissima ab egregio fideli nobis dilecto Andrea da Sbardellatis, reveren-*

dissimi domini archiepiscopi praenominati ~~e~~me supremo camerario et nuntio nostro³³ clarius intelligere poterit'. ⁿ After this word crossed out: 'velit'. ^o After this word crossed out: 'effectum'. ^p After this word crossed out: 'plane obti'. ^q After this word crossed out: 'possit'. ^r After this word crossed out: 'quam'. ^t This word is interlined. ^u At the end of this word 'que' and after it one word crossed out. ^v In the margin: 'Fiant in simili litterae sex et statim'. ^w In the bottom left corner crossed out: 'In simili ad cardinalem A. de Valle etc.'³⁴

6.

Vienna, 8th November 1528

King Ferdinand I to the College of Cardinals

He asks the cardinals for their assistance with Chancellor Tamás Szalaházy's annate and tax free papal confirmation in the bishoprics of Eger.

(ÖStA HHStA, Rom, Hofkorrespondenz, Kart. 1, Konv. 20, fol. 117v – conc.)

Collegio cardinalium^a

Ferdinandus³⁵ etc. Reverendissimis etc. Cum reverendus devotus nobis dilectus Thomas de Zalahaza³⁶ electus Agriensis, ^bregni nostri Hungariae cancellarius^b superioribus temporibus per nos auctoritate iurispatronatus nostri regii instar

³³ Perhaps the father of András Dudith-Sbardellati (1533–1589), bishop of Tinin (1562), of Csanád (1563) and of Pécs (1563–1567), and brother of Ágoston Sbardellati, canon and provost (of Saint George) of Esztergom (1530), bishop of Vác (1548–1552).

³⁴ Andrea della Valle, bishop of Crotona from 1498, of Mileto (1508–1523), cardinal 1517–1534.

³⁵ Ferdinand I, king of Hungary from 1526, king of the Romans from 1530, Holy Roman Emperor 1556–1564.

³⁶ Tamás Szalaházy, bishop of Veszprém (1526–1528), of Eger (1529–1537), chancellor of the Kingdom of Hungary in the Habsburg royal court of Vienna (*cancellarius aulicus Hungaricus*) 1526–1537.

aliorum serenissimorum Hungariae regum, praedecessorum nostrorum ad ecclesiam Agriensem^c ^dnuper vacantem creatus et^d nominatus^e fuerit, nosque eidem a sanctissimo domino nostro^f confirmationem de more concedi et impertiri cupiamus, visum est ab officio nostro aliorum minime fore, si praelatum hunc de nobis et toto Hungariae nostro regno benemeritum dominationibus vestris reverendissimis commendamus.^g Considerantes itaque praesentem ecclesiae suae statum, quodque bona pars reddituum illius attrita pene et consumpta^h fuit, quod reliquum vero est, vix honorifice episcopiⁱ sustentationi eiⁱ sufficere^k possit, quod in magnum equitum numerum, qui assidue suis et ecclesiae suae impensis in regni praefati confinibus contra Turcos aluntur, questi debet, ^lunde nulla plane spes est, qua vel ab electo vel ecclesia praedicta solvi possit annata.^l Eapropter^m eundem electum tanquamⁿ sanctae sedis apostolicae ^omembrum [!] et servitorem optimum^o dominationibus vestris reverendissimis quam magnopere commendamus, [fol. 11v] easque enixe^p rogamus et hortamur, ut tam nostri quam praemissorum contemplatione velint praefatum electum favore^q et beneficentia sua^r iuxta petitionis nostrae tenorem benigne adiutum et promotum habere, ita quod confirmationem praedictam habito attenuationis ecclesiae suae respectu gratuito consequi et obtinere valeat, idque in praesens a nobis reportet, quod eruditioni, vitaeque et morum eiusdem candori et integritati^s congruit. ^tIn quo eaeadem dominationes vestrae reverendissimae nobis^t rem valde gratam facient, sibi que eundem Agriensem multis nominibus devincient, quod nos erga vestrum omni, dum dabitur occasio, benevolentia nostra^u compensabimus, quae felicissimae valeant. Datum Vienna, 5^a Novembris 1528.

^a In the top left corner of the page. ^{b-b} Added in the margin. ^c After this word crossed out: *'per translationem reverendissimi in Christo patris domini Pauli de Wārda archiepiscopi Strigoniensis vacantem'*. ^{d-d} Added in the margin. ^e After this word crossed out: *'et praesentatus'*. ^f After this word crossed out: *'et consecrationem'*. ^g Before it two illegible words, after it twelve – the person of Szalaházy in general terms appreciating and his miserable financial situation mentioning, furthermore *'nominacionis et praesentationis nostrae confirmationem a sanctitate sua et sacro isto senatu'* demanding – lines crossed out. ^h After this word crossed out: *'esse'*. ⁱ After it crossed out: *'victui aut'*. ^j Added in the margin and before it crossed out: *'atque'*. ^k After it crossed out: *'possit, atque eo minus importare'*. ^{l-l} Added in the margin. ^m Before this word one and half – the low level of the actual revenues mentioning – lines crossed out. ⁿ The word is interlined, before and after it crossed out of the text: *'tamquam servitorem'* + two illegible words. ^{o-o} Added in the margin. ^p Before it two illegible words, after it *'hortamur et'* crossed out. ^q Before this word crossed out: *'gratia'*. ^r After this word seven for me illegible words crossed out. ^s After it a sign of interpolation crossed out with its text added in the margin: *'sicut eaedem dominationes vestrae reverendissimae ab egregio fideli nobis dilecto Andrea de Sbardellatis, reverendissimi archiepiscopi praenominati supremo camerario ac nuntio nostro latius intelligere poterint, quae nobis in eo'*. ^{t-t} Added in the margin, two illegible lines crossed out of the text. ^u After it one word crossed out.

7.

*Viterbo, 29th June 1529**Pope Clement VII to King Ferdinand I*

The Pope can comply with the confirmation of the bishop of Eger after 1 October, when the cardinals return to Rome.
(ÖStA HHStA, Rom, Hofkorrespondenz, Kart. 1, Konv. 16, fol. 37v – orig.)

Carissime in Christo filii noster, salutem et apostolicam benedictionem. Tam ex litteris maiestatis tuae, quam ex nuntio tuo³⁷ ad nos destinato intelleximus eandem maiestatem tuam desiderare, ut ecclesiae Strigoniensi ad praesens certo modo vacanti de persona dilecti filii Pauli de Varda³⁸ alias per maiestatem tuam ad ecclesiam Agriensem etiam tunc vacantem nominati providere, ac litteras desuper gratis ob causas per maiestatem tuam nobis expressas expediri facere dignaremur. Quod profecto, ut rem gratam eidem maiestati tuae faceremus, libenti animo fecissemus, nisi, ut ipse nuntius tuus tibi referre poterit, maior pars cardinalium a curia abessent, sine quorum consilio expeditiones huiusmodi consistoriales fieri non consueverunt. Post Calendas autem Octobris,³⁹ quibus speramus in alma urbe nostra cum omnibus cardinalibus esse negotium hoc coram eis per dilectum filium nostrum Nicolaum sancti Viti in Macello Martirum diaconum cardinalem,⁴⁰ cui relationem commisimus, in consistorio nostro secreto proponi faciemus, et quantum in nobis erit, tuae maiestatis desiderio satisfieri curabimus.

³⁷ Andrea da Burgo, Count of Castro Leone, was the envoy of Ferdinand I in the Papal Court from 1530.

³⁸ Pál Várdai.

³⁹ 1st October.

⁴⁰ Niccolò Ridolfi, cardinal 1517–1550, archbishop of Florence from 1524.

Datum Viterbÿ, sub annulo piscatoris, die xxviii Iunii
MDXXVIII, pontificatus nostri anno quinto.

Blosius⁴¹

[*a tergo*]

Carissimo in Christo filio nostro Ferdinando, Vngariae et
Bohemiae regi illustri

8.

Augsburg, 27th July 1530

King Ferdinand I to Cardinal de Loaysa

He expresses his thanks for his assistance in summoning the Hunga-
rian bishops, supporting King John I, to Nuncio Campeggio by the
Holy See.

(ÖStA HHStA, Rom, Hofkorrespondenz, Kart. 1, Konv. 28, fol. 63rv – conc.)

^aCardinali Confessori⁴²

Ferdinandus etc. Reverendissimo etc. Ex litteris magni-
fici [?] fidelis nobis dilecti Andree de Burgo comitis Castri
Leonis⁴³ ^bsacrae Caesareae et catholicae maiestatis ac^b nostri
consiliarii et oratoris apud sanctissimum dominum nostrum⁴⁴
agentis abunde cognovimus dominationem vestram reve-
rendissimam in causa^c contra episcopos et prelatos regni nos-
tri Hungariae partibus Turcorum faventes extra Romanam
curiam ad reverendissimum dominum cardinalem et lega-

⁴¹ Blosius Palladius, secretary of papal breves, later bishop of Foligno (1540–1547).

⁴² Juan García de Loaysa y Mendoza O.P., bishop of Osma from 1524, cardinal 1530–1546, confessor of Emperor Charles V (1519–1556).

⁴³ Andrea da Burgo.

⁴⁴ Pope Clement VII.

tum Campegium⁴⁵ etc. avocata et simul aliis rebus nostris ipsis apud sanctitatem suam sacramque reverendissimorum sanctae Romanae ecclesiae cardinalium collegium^d bene dirigendis et promovendis bonam operam praestitisse ac de nobis, quoties accidit, honorifice et bene^e loqui, quae omnia suae humanitati^f animique sui^g bonitati tribuimus, sibi que ob id plurimas gratias et agimus et habemus. Hortantes eandem enixe, et si pro tempore tam hoc, quam alia negotia nostra^h ad ⁱsanctitatem suamⁱ sacramque senatum reverendissimorum dominorum cardinalium referri contigerit, ea promptitudine et diligentia,^j ^kqua prius usa est,^k illa tueri, conservare et agere velit, seque erga nos talem exhibere pergat, qualem cum summa mentis nostrae satisfactione hucusque^l deprehendimus. Quod et^m nostro in eam favori et benevolentiae, causaeque, ⁿquam agimus,ⁿ aequitati simul^o et necessitati conveniet, ita id erga eandem dominationem vestram reverendissimam pari officio et vicissitudine^p in rebus^q maioribus digne^r promereri non dubitamus. Quae felicissime valeat. Datum Augustae, 27 Iulii 1530.

^tIn simili ad cardinalem Dertusensem,⁴⁶ Sanctae Crucis,⁴⁷ Neapolitanum⁴⁸

^a In the top left corner of the page. ^{b-b} Added in the margin. ^c After this word crossed out: '*per sanctitatem suam*'. ^d This word added in the margin.

^e The word is interlined, before it one word crossed out. Under it crossed

⁴⁵ Lorenzo Campeggio, bishop of Feltre from 1512, cardinal 1517–1539, legate in Hungary, Germany, England etc.

⁴⁶ Willem van Enckevoirt, bishop of Tortosa from 1523, cardinal 1523–1534.

⁴⁷ Francisco de los Ángeles Quiñones O.F.M., cardinal 1527–1540, he had the title of S. Croce in Gerusalemme.

⁴⁸ Giovanni Vincenzo Caraffa, archbishop of Naples from 1504, cardinal 1527–1541.

out: '*digne*'. ^f After it three words crossed out. ^g This word added in the margin. ^h After this word crossed out: '*istbuc*'. ⁱ⁻ⁱ Added in the margin. ^j After it two words crossed out. ^k Added in the margin. ^l After this word crossed out: '*experti sumus, se gessisset*'. ^m After this word crossed out: '*suo*'. ⁿ Added in the margin. ^o This word is interlined. ^p After it three words crossed out. ^q After this word crossed out: '*pro posse nostro*'. ^r This word added in the margin. ^t In the bottom left corner.

9.

Vienna, 12th June 1539

King Ferdinand I to Cardinal Cesarini

He expresses his thanks for his assistance in postponing the papal confirmation of the Hungarian bishops, supporting King John I, until the publication of the treaty with King John in Rome.
(ÖStA HHStA, Rom, Hofkorrespondenz, Kart. 2, Konv. 23, fol. 1rv – conc.)

^aCardinali Caesarino⁴⁹

Ferdinandus etc. Reverendissimo etc. Perscripsit ad nos honorabilis Gabriel Xanthus internuncius noster, quanto studio summoque animi affectu dominatio vestra reverendissima rerum nostrarum rationes dignitatemque nostram tuendam suscepisset, praesertim in negotio suspendendae confirmationis praelatorum regni nostri Hungariae, eorum nempe, qui partes serenissimi regis Ioannis⁵⁰ sequuntur, donec pacis inter nos confirmatae promulgatio publicitus succedat, de qua nunc vehementer cum oratore ipsius regis Ioannis⁵¹

⁴⁹ Alessandro Cesarini, cardinal 1517–1542, in 1538 legate to the Holy Roman Emperor Charles V and to King François I of France (1515–1547) to negotiate the peace with the Emperor.

⁵⁰ Gabriel Sanchez, was envoy of Ferdinand I in the Papal Court after Andrea da Burgo.

⁵¹ John I (Szapolyai), king of Hungary 1526–1540.

propterea ad nos misso reverendissimo archiepiscopo Colocensi⁵² agimus.

Ea itaque dominationis vestrae reverendissimae officia cum ab optimo et in nos benivolentissimo animo facile videamus, non modo^b pergrato et iocundo [!] nobis accidunt, et ...^c pro omnibus [?] eidem reverendissimae dominationi vestrae meritas agimus et habemus gratias. Hortantes si quoque res istiusmodi studia, quibus nos resque nostras amanter prosequi praesit [?], continuare velit. Nos enim [?] vicissim in his, quae ad honorem et commodum dominationis vestrae reverendissimae illiusque familiae spectare cognoverimus, non defuturi sumus, sicuti hoc et alia praesens internuncius noster latius exponet verbis nostris dominationi vestrae reverendissimae, cui credere velit. Optamus dominationem vestram reverendissimam bene valere. Datum Vienna XII Iunii 1539.

^a In the top left corner of the page. ^b After this word crossed out: *'habemus'*. ^c It's overlapped by a blotch.

⁵² Ferenc Frangepán O.F.M., archbishop of Kalocsa-Bács (1528–1543), bishop of Eger (1538[1539]–1543).

10.

Vienna, 12th June 1539

King Ferdinand I to Fabio Mignanelli

He expresses his thanks for his assistance in postponing the papal confirmation of the Hungarian bishops, supporting King John I, until the publication of the treaty with King John in Rome.
(ÖStA HHStA, Rom, Hofkorrespondenz, Kart. 2, Konv. 24, fol. 1rv – conc.)

Fabio Minianello⁵³ protonotario apostolico^a

Ferdinandus etc. Reverende devote, syncere dilecte. Percepit ad nos honorabilis Gabriel Xanthus internuncius noster,⁵⁴ idemque^b ex relatione reverendissimi domini cardinalis Brundisini⁵⁵ legati apostolici congnavimus, quanto studio synceroque animi affectu et contentione dominatio vestra ^ccausam nostram^c apud sanctissimum dominum nostrum ^dtuendam suscepisset^d in eo, ut iustissimo desiderio nostro de suspendenda confirmatione praelatorum Hungarorum, qui serenissimi regis Ioannis⁵⁶ partes sequuntur, quoad pacis inter nos confirmatae promulgatio publicitus succedat, satisfieret. Eam igitur operam et benevolentiae plena officia dominationis vestrae non solum grata habemus, verum etiam magnopere probamus et de iis ipsum^e amanter complectimur. Hortantes eandem impensius, ut in eo ipso negotio^f voluntatis sententiaeque nostrae iustissimas rationes pro sua autoritate probitateque accurate defendere pergat, ita ut confirmatio iam dicta ex rationabilibus causis per

⁵³ Fabio Mignanelli was a nuncio before Ferdinand I, king of the Romans and Hungary 1538–1539. Auditor of the Sacred Roman Rota and bishop of Lucera from 1540, cardinal 1551–1557.

⁵⁴ Gabriel Sanchez.

⁵⁵ Girolamo Aleandro, archbishop of Brindisi from 1524, cardinal 1536–[1538]–1542, named legate in Germany, Hungary and Bologna in 1538.

⁵⁶ John I (Szapolyai).

nos allegatis differatur tantisper, donec pacis^g publicatio succedat, de qua nunc cum reverendissimo archiepiscopo Colocensi⁵⁷ ipsius regis Ioannis [fol. *rv*] oratore propterea ad nos misso agimus. Id quod erga eandem dominationem vestram libenter dum dabitur occasio, promerebimur. Datum Viennae 12 Iunii 1539.

^a In the top left corner of the page. ^b After this word crossed out: '*nobis*'. ^{c-c} Interlined, under it two words crossed out of the text. ^{d-d} Added in the margin. ^e This word is interlined. ^f After this word crossed out: '*nolit desistere*'. ^g It is interlined.

II.

Vienna, 23rd August 1539

King Ferdinand I to Pope Paul III

He asks for the canonical filling of the bishoprics of Nyitra without annates.

(ÖStA HHStA, Rom, Hofkorrespondenz, Kart. 2, Konv. 21, fol. *6rv* – *orig.*)

Beatissime in Christo pater et domine, domine reverendissime. Post humilem commendationem filialis observantiae continuum incrementum. Commisimus honorabili Gabrieli Xantho internuntio nostro⁵⁸ apud sanctitatem vestram, eidem quaedam nomine nostro referenda, sicuti ab eo coram intelligere dignabitur, quae cum ecclesiae Nitriensi⁵⁹ in regno nostro Hungariae confirmationem annatae remissionem concernant. Beatitudinem vestram enixe rogamus, ut habita dicto internuntio solita ac plena fide in iis, quae sic verbis nostris dixerit, se superinde ita gerere exhibereque velit, prout de

⁵⁷ Ferenc Frangepán.

⁵⁸ Gabriel Sanchez.

⁵⁹ Nyitra, today in Slovakia (Nitra).

sua benignitate plane confidimus. Commendantes proinde nos dictumque negotium eidem sanctitati vestrae perquam accurate et humiliter. Datum in civitate nostra Vienna die XXIII mensis Augusti, anno Domini MDXXXIX, regnorum nostrorum Romani nono, aliorum vero XIII.

[*m.p.*]

Eiusdem sanctitatis vestrae
humilis et obsequens filius

Ferdinandus^a

[*a tergo*]

Beatissimo in Christo patri et domino, domino Paulo III
Divina providentia sacrosanctae Romanae et universalis ecclesiae summo pontifici, domino nostro reverendissimo

[*L.S.*]

^a In the bottom of the page countersign of the Chancery of the Holy Roman Empire (*Reichshofkanzlei*).

12.

Vienna, 22nd March 1540

King Ferdinand I to Pope Paul III

He asks for the papal confirmation of Ferenc Újlaky, bishop of Győr, the cancellation of his annates and the tax free dispatch of his bulls. (ÖStA HHStA, Rom, Hofkorrespondenz, Kart. 2, Konv. 27, fol. 2r^v – conc.)

Pontifici^a

Beatissime etc. Dederamus ad sanctitatem vestram litteras nostras in commendationem vicecancellarii nostri in regno nostro Hungariae Franciscum Wýlaky,⁶⁰ quem in episcopum Iauriensem virtutibus suis id a nobis exigentibus

⁶⁰ Ferenc Újlaky, bishop of Győr 1535–1554.

iamdudum elegimus. Ut idem a sanctitate vestra confirmationem absque solutione annatae obtinere posset, hactenus tamen, cum ex proventibus episcopatus nihil habeat, prout^b beatitudo vestra ex aliis litteris nostris iam intellexit, omnia illius episcopatus bona, tum per Turcas, tum per intestina bella direpta depopulataque sint, nihilque praeter ruinam ipsi electo relictum sit, non habuit facultatem confirmationem ipsam redimendi. Rursum itaque sanctitatem vestra enixe^c rogandam duximus, ut habita ratione calamitatis attritae ecclesiae, deinde nostrae ac reverendissimi domini legati, nepotis sui charissimi petitionis, dignetur non solum annatam condonare, sed confirmationem cum bullis necessariis dicti vicecancellarii nostri expediendam^d et nobis vel ^esuo apud nos nuntio, episcopo Mutinensi⁶¹ transmitti iubere.^e Quod ab ipsa sanctitate vestra omni filiali obsequio promereri conabimur. Cui nos humiliter commendamus. Datum Vienna Austriae, 22 Martii 1540.

^a In the top left corner of the page. ^b After this word crossed out: '*enim*'. ^c This word is interlined. ^d After this word crossed out: '*iubere*'. ^{e-c} Interlined.

⁶¹ Giovanni Morone, bishop of Modena (from 1529), nuncio before Ferdinand I between 1539–1541, cardinal 1542–1580.

13.

Pozsony, 19th November 1548

Nuncio Prospero Santacroce to Cardinal-padrone Farnese

He reports on the events of the Hungarian Diet, particularly, he emphasizes that the Hungarian orders demanded the introduction of the imperial "Interim" and the papal confirmation of the bishops.

(ASV Segr. Stato, Principi, vol. 12, fol. 389r-391v - *cop.*)

Monsignor Prospero Santa Croce⁶² al cardinal Farnese⁶³

Possonia 48. 19. di Novembre

Illustrissimo et reverendissimo padrone

Come scrissi ai xxix del passato⁶⁴ di voler fare, parlai con questa maestà pregandola che non volesse lasciare di abbracciare questa occasione, che s'offerisce per concordia et stabilimento delle cose d'Vngheria, mostrando ancora il pericolo

⁶² Prospero Santacroce elected bishop of Kisamos from 1548, nuncio before the king of the Romans and Hungary, from 5 April 1548 to 25 April 1550; cardinal 1565-1589.

⁶³ Alessandro Farnese, cardinal 1534-1589, grandson of Pope Paul III.

⁶⁴ *Cfr.* Nuncio Prospero Santacroce to the Cardinal-padrone Alessandro Farnese, Pozsony, 29th October 1548 (ASV Segr. Stato, Principi, vol. 12, fol. 387r-389v): "*Alli xxiiii di questo sua maestà cum invocatione Sancti Spiritus et con le cerimonie solite entrò in dieta, dove come prencipe catholico, che è veramente, volle che la prima proposizione, che facesse a questi signori Vngheri fosse super rebus fidei, esortando et comandando a tutti che in eadem fide manerent, in qua maiores sui perstiterunt, et quam tenet sancta nostra ecclesia, et quod omnes alii, qui secus facerent, ut heretici punientur. Che è stata provisione molto necessaria in questo regno, essendo già quasi tutto infetto di diverse heresie, massime quando ci sia il modo di eseguire conforme alla buona volontà di sua maestà. La seconda proposta è stata super iustitia regni et octavis celebrandis, che è genus iudizii. Tertio loco ha dim[an]dato sussidio per le necessità occorrenti, et per le provisioni che bisogna fare per l'avvenire. Adesso questi stati consultano all'ordinario et fra xv o xx giorni si risolverà tutto...*".

nel quale stanno non solo i regni di sua maestà, ma la Christianità tutta quando non ci si provvegga et non tacendo come questi di Fra Giorgio⁶⁵ si lasciano intendere apertamente che 'l Turco s'impatronirà di Transilvania, et che dalle cose passate sua maestà poteva molto ben giudicare, come andariano le seguenti, volendo dire che con questo medesimo modo si persero Buda et le [fol. 39or] altre città di questo regno, che tiene il Turco. Sua maestà mi disse, che queste sono cose vecchie et che ben novit ingenium fratris Georgi et finalmente è tanto persuasa, che se gli diano parole, che non è possibile che voglia credere altro.

Agli ambasciatori di Fra Giorgio, che sono ancora qui, non ha data risposta, se ben loro l'hanno più volte domandata. Con questa occasione sua maestà mi dette conto della cattura di frate Agustino, che come scrissi già fu ritenuto prigioniero tornando da Roma, dicendomi che l'haveva fatto pigliare perche non si era dato a conoscere per ambasciatore, che in quel caso non gli haverà detta cosa alcuna et pur così come intesi che tornava da sua santità, che lo fece rilasciare restituendoli tutte le scritture intatte.

In questa dieta è stata fatta gran instantia da questi signori per haver l'Interim.⁶⁶ Questi vescovi acriter restituerunt.

⁶⁵ Fráter György (Martinuzzi) O.S.P.P.E., bishop of Várad (1534–1551), cardinal 1551. He was the *'valido'* of King John I and King John II elected king of Hungary (1540–1570) (John Sigismund, first prince of Transylvania, 1570–1571).

⁶⁶ «The Augsburg 'Interim' ("Declaration of His Roman Imperial Majesty on the Observance of Religion Within the Holy Empire Until the Decision of the General Council") is the general term given to an imperial decree ordered on 15 May 1548, at the Diet of Augsburg in 1548, after Charles V, Holy Roman Emperor, had defeated the forces of the Schmalkaldic League in the Schmalkaldic War of 1546/47. The first draft of the twenty-six chapter decree was written by Julius von Plug, but several theologians were in-

Ma sopra tutti la bontà di questa maestà, la quale dal primo giorno fu d'opinione di non glielo dare, et ultimamente rispose, che l'Interim fu fatto per gli heretici, che non voleva canonizare loro per tali che havevano veterem et antiquam religionem a Deo Optimo nobis traditam et tot innumerabilibus miraculis confirmatam et huic regioni a suis regibus praedicatam, che secondo quella dovessero vivere, et pur replicando loro, che non gli pareva errare in domandare quello, che la maestà Cesarea haveva stabilito in tutto l'imperio, replico, che questa ancora era una ragione perché non lo dovessero havere, perché sua maestà ha havuto questo regno libero et non dependente dall'imperio in conto alcuno, che così lo voleva conservare, non obstante che nell'imperio ci avesse quella parte, che ogn'uno sa. Onde se hora gli desse l'Interim pareria in un certo modo costituirlo in questa usanza di dover seguitare tutto quello che si facesse nell'Imperio, et dichiarando con molte più parole la mente sua risoluta stabilì questa partita della religione molto santamente.

Quanto al sussidio che sua maestà ha domandato parve d'intendere, che ci sia molta difficoltà, non volendo sua maestà contentarsi di qualche costoro voriano dare, che è due fiorini et mezzo per colono, che così dicono che in ogni modo importeria da 200/M fiorini. Sua maestà vorria 4 per

volved in the final draft: on the Catholic side Michael Holding etc., on the Protestant side Johann Agricola. Although it ordered the Protestants to readopt traditional beliefs and practices, including the seven Sacraments, it allowed for the Protestant clergymen the right to marry and for the laity to receive communion in both kinds. It is considered the first significant step in the process leading to the political and religious legitimization of Protestantism as a valid alternative Christian creed to Roman Catholicism, which was finally realized in the 1552 Peace of Passau and the 1555 Peace of Augsburg. The *Interim* became Imperial law on 30 June 1548.»

colono, et in oltre vorria che si mettesse pena di ribellione et confiscazione di tutti i beni a chi non pagasse in certo tempo, et questa partita da lor gran fastidio, perché non pagano due volte volentieri, et per li tempi passati ancorché siano stati imposti di simili sussidii, non se n'è mai riscosso la metà.

Ho ancora inteso, che sua maestà supplicherà a sua santità per haver l'espedizione delle bolle gratis per [fol. 391r] tutti questi vescovi di Vngheria, attento che non ci è altro vescovo consecrato, che monsignor di Strigonia et gli altri si scusano con dire, che non possono pagare l'annata, stando le cose come stanno adesso. Et questi signori laici in dieta hanno fatta una gran querela, che i prelati non fanno il debito loro, et che in tutto questo regno non ci è altro, che monsignor di Strigonia, il quale è ancora molto occupato,⁶⁷ che administri i

⁶⁷ Cfr. also Nuncio Prospero Santacroce to the Cardinal-padrone Alessandro Farnese, Vienna, 4th January 1549 (ASV Segr. Stato, Principi, vol. 12, fol. 391v–394r): “*Dapoi essendo gionte le lettere di vostra signoria illustrissima dei XIX del passato, fui secondo che mi comanda a render grazie a sua maestà della cura, c’ha tenuta della religione nella dieta di Possonia, et la ricercai da parte di sua beatitudine, che volesse mandare qualche prelato a Roma per la riformazione secondo l’appuntamento fatto con la maestà Cesarea, et le resi conto delle cose di monsignor di Strigonia. Sua Maestà mi disse, che non accadeva ringraziarla di quello, che è suo debito di fare, et che come per lo passato haveva fatto, per l’avenire non mancherà di tener quella cura delle cose religione, che conviene ad un buon principe Christiano. Che quanto al mandar prelati staria aspettando d’intendere che la maestà Cesarea mandasse i suoi, et poi [fol. 392v] non mancherà. Benché mi disse che non staria tanto aspettando questo, quanto che essendoci carestia d’uomini, bisognava che pensasse di chi s’havesse valere in questo caso, laudando molto il proposito di sua santità in fare questa riformazione, come che molto necessaria. Nella partita di monsignor di Strigonia si allargò molto con dire, che sono sette o otto anni, che tratta questa cosa, et che gli pareria honesto, che il regno d’Vngheria, che se non è il primo, non è il terzo della Christianità, dovesse havere un cardinale, et che monsignor di Strigonia era persona da bene et molto favore della religione, nobile, arcivescovo giù tanti anni, et che se ben sapeva, che in’l collegio vi erano molti più degni,*

sacramenti necessarii et principalmente non ci sono preti, perché non ci è chi gli dia gli ordini.

Sua maestà tre giorni sono ha spedito assai secretamente un ambasciatore a Constantinopoli, et hieri disse a molti di questi signori, che haveva nova come il Turco era restato nei confini del Sophi volendo provvedere che non possa passare. Quasi che s'intenda, che'l Sophi sia restato superiore et che seguiti la vittoria. Questa nova dice sua maestà haverla da Ven[et]o, donde vostra signoria illustrissima n'haverà più certezza. In tanto questo aviso faciliterà la spedizione del sussidio.

L'uomo del bassa di Buda che venne a querelar delli X/M d[enari] rubbati, come scrissi per l'altre è stato rimandato da sua maestà con molta intenzione di far fare tal diligenza, che i danari si ritrovino et di già mi pare, che se ne venghi in qualche cognizione.

Qualche venne a dare obediencia a nostro signore per parte [fol. 39rv] del re di Polonia, è stato qui, et dopo lui due altri ambasciatori del re medesimo et della regina, dicono per far querela d'alcuni danni, ch'hanno fatti alcuni sudditi di questa maestà in quel regno. Essendo a messa mi domando se io havea commissione di operar con sua maestà, perché andasse qualche prelato di Roma per la riformaione, dicendomi che lui haveva commissione di farne istanzia co'l suo re

però pensava che vi potesse capere ancor lui, il quale per dire ciò che sua maestà disse, non doveria durare molto essendo vecchio et infermo". – See also the dispaccio of Santacroce from Prague, 4th February 1549 (ibid., fol. 493r–494r): "Parlai con sua maestà per la resolutione di mandar prelati a Roma, lasciandole sapere che monsignor di Strigonia verria voluntieri, mi rispose che presto si risolverebbe e replicando io s'haveva nova che la maestà Cesarea havesse mandati i suoi, mi disse di no[n], ma ch'aspettava lettere di questo di giorno in giorno. Quanto a monsignor di Strigonia, che seria impossibile che venisse e lassasse il regno d'Vngaria, dove e locotenente di sua maestà...".

per parte di sua beatitudine. Gli risposi, che non havevo havute lettere già molti dì, et che l'aspettavo d'hora in hora. Bascio le mani di vostra signoria illustrissima.

14.

Prague, 6th July 1549

King Ferdinand I to Pope Paul III

Referring to the claims of the Hungarian orders and for the disappearance of religion due to the wars, he asks the appointed bishops', especially the bishop of Győr, papal confirmation and consecration of the auxiliary bishops.

(ÖStA HHStA, Rom, Hofkorrespondenz, Kart. 2, Konv. 60, fol. 1r-2r - conc.)

Ferdinandus etc.

^aBeatissime in Christo pater, et domine, domine reverendissime, post humilem commendationem filialis observantiae nostrae continuum incrementum.^a Intelligere potuit sanctitas vestra cum superioribus mensibus in regno nostro Hungariae conventum fidelium nostrorum ordinum et statuum eius regni Posonÿ haberemus, inter caetera negotia de quibus in eo conventu communibus ipsorum fidelium nostrorum votis, nobis supplicatum fuit, petiisse omnes impensius, ut quoniam per haec calamitosa tempora, quibus regnum ipsum nostrum tum externis, tum etiam intestinis et domesticis bellis afflictum est, religionem cultumque divinum multis in locis pessundatum ac pene extinctum esse constaret, ad eiusque restitutionem praelatis in primis et episcopis opus esse videretur, a quibus cum caeteris in rebus, quae ad eorum pastorale munus pertinerent, tum vero impartendis sacris ordinibus Dominici cleri sensim reparatio fieret, quandoquidem vix unus iam aut alter in toto regno consecratus episcopus esset, nos partes auctoritatemque

nostram interponeremus apud vestram sanctitatem, ut electis aliquibus et a nobis iamdudum constitutis episcopis et aliis quoque, qui ad id muneris vel saltem suffraganeorum nomine viderentur esse idonei, gratuitam benigne consecrationem elargiretur. Quod plane liqueret plerosque rei familiaris inopia tenuitateque reddituum, et sumptum magnitudine, quos ad ista facere oportet, a petenda istinc consecratione hactenus absterritos fuisse.^b Huic fidelium nostrorum ordinum et statuum regni nostri Hungariae petitioni, cum propter supradictas [*fol. rv*] rationes pie consentiendum nobis esse duxeramus, tum vero quod aliunde quoque compertum haberemus, quanto in discrimine labore religio in praefato regno nostro, quantique intersit mature ad illius restitutionem modis omnibus sanctitatem vestram prospicere. Cum autem non solum nobis, sed etiam sanctitati vestrae perspectum iam esse possit ex multis memorabilibus cladibus continuisque fere discordiis, quae in praefato regno nostro complures iam annos divina permissione vigerunt, omnium fidelium nostrorum fortunas maiorem in modum imminutas, ac multorum etiam id nichilum esse redactas, praesertim vero pastorum ecclesiarum Dei, quarum vix aliquot adhuc pauce, integre, et tot tantarumque calamitatum expertes in potestate nostra sunt, sed ita, ut earum praesules fovendi a nobis et arces ecclesiaeque ipsorum nostris sumptibus instaurandae, communiendaeque sint, quippe quorum redditus ne quotidiano quidem victui ipsorum sufficiant, quae res fecit, ut confirmationem hactenus istinc redimere non potuerint, his de causis petimus diligentius a vestra sanctitate et eandem vehementer rogamus, ut cum coeteris ecclesiis per nos et nominatis aliquot ecclesiarum episcopis tum vero Iauriensi, quem antehac quoque sanctitati vestrae hoc nomine a nobis commendatum esse sanctitas vestra potest meminisse, gratuitam consecrationem bullarumque clementem expeditio-

nem concedere dignetur. Is enim tantum abest, ut sumptum facere in redemptionem bullarum possit, ut etiam hactenus arcem ecclesiamque suam in faucibus Thurcarum positam atque omnibus fere proventibus nudatam aliunde instaurare et conservare coactus sit, cogaturque in *[fol. 2r]* dies, et vix bene habeat, unde se et ecclesiae suae ministros sustentet. Faciet in hoc sanctitas vestra rem non solum nobis gratam admodum et acceptam, sed plane ad retinendam in hoc regno nostro religionem cultumque Divinum apprimè utilem et salutarem, adeoque etiam necessariam, ut etiam tacentibus cunctis sanctitati vestrae optandum esse videatur, post tot clades, tot tamque acerbas calamitates superesse adhuc aliquot, qui Christianae religionis nomen retinere et propagare studeant, et more maiorum sanctae isti apostolicae sedi debitum honorem tribuant. Nos certe pro tali officio sanctitati vestrae gratias ingentes habebimus. Fideles vero ordines et status regni nostri praedicti, addicti obstrictique erunt vestrae sanctitati in omne tempus et suis posteris. Quemadmodum ista coram latius exponet sanctitati vestrae is honorabilis magister Ioannes canonicus Posoniensis,⁶⁸ cuius verbis benignam audientiam fidemque adhibere sanctitas vestra dignetur. ‘Cui nos reverenter et obsequiose commendamus. Datum Pragae, 6 Iulii anno 1549.’^c

^{a-a} Interlined, by another hand. Above crossed out: ‘*Beatissime in Christo pater etc.*’. Under it crossed out: ‘*Post oscula pedum etc.*’^b Before this word crossed out: ‘*esse*’. ^{c-c} By another hand.

⁶⁸ Iohannes de Hallis, canon of Pozsony (1525–1556).

15.

Prague, 6th July 1549

King Ferdinand I to Don Diego Lasso

Asks to referee the claims of the Hungarian orders mentioned above.
(ÖStA HHStA, Rom, Hofkorrespondenz, Kart. 2, Konv. 60, fol. 2rv – conc.)

Ad regium oratorem Don Didacum⁶⁹ etc.

^aReverende et nobilis^a fidelis dilecte. Ex hoc incluso litterarum exemplo^b cognosces, quid ad sanctissimum dominum scribamus in negotio gratuito consecrationis expeditionisque bullarum cum caeterorum praelatorum per nos in regno nostro Hungariae electorum, tum vel maxime episcopi Iauriensis,⁷⁰ devoti fidelis nobis dilecti. Quare committimus tibi firmiter, ut et hunc Ioannem canonicum Poseniensis⁷¹ cum litteris nostris ad suam sanctitatem introducere cures, ut is et litteras reddere, et mandata in hac re nostra suae sanctitati coram possit exponere, et tu ipse apud suam sanctitatem, et ubicunque videbitur opus esse, instes urgeasque modis omnibus, ut praefatus Iauriensis episcopus [*fol. 2v*] gratis confirmetur et sine sumptibus, quos ille facere nullo modo potest, expeditionem istam consequatur, nostram omnimodam in eo execturus voluntatem. Datum Pragae, 6 Iulii 1549.^c

^a Interlined, under it crossed out: '*Honorabilis devote*'. ^b Before this word crossed out: '*tenore*'. ^c After it with other hand a contemporary German summary (of both letters).

⁶⁹ Don Diego Lasso was the envoy of Ferdinand I in the Papal Court after Sanchez, from the autumn of 1541.

⁷⁰ Ferenc Újlaky.

⁷¹ Iohannes de Hallis.

16.

Vienna, 8th March 1569

Emperor and King Miksa II (I) to Pope Pius V

He presents new prelates to the Hungarian bishoprics.

(ASV Segr. Stato, Principi, vol. 30, fol. 51^rv – *orig.*)

Beatissime in Christo pater, domine reverendissime. Post officiosissimam commendationem filialis observantiae continuum incrementum. Quam variis et horrendis huius saeculi tempora haeresibus sint infecta, quam plurimi a vera et orthodoxa fide atque religione deficientes, in reprobum sensum se dederint, sanctitati vestrae notius esse scimus, quam ut pluribus id declarare nunc oporteat. Hac labe quum regnum quoque nostrum Hungariae, quod ab immanissimo et naturali Christianae fidei hoste, Turca etiam alioquin satis superque est oppressum, non solum non careat, verum etiam multis sectarium diversitatibus teneatur in se misere divisum, officii sane nostri esse putavimus omne nostrum studium, curam atque sollicitudinem diligentius adhibere, quo vera fides ipsa et religio Christiana eodem in regno nostro multis modis oppressa, penitus non intercidat et aboleatur. Ad quod quidem perficiendum nihil prius accomodatius esse cognoscimus, quam si pauculis illis, quae ab immanitate rabieque Turcica adhuc (licet satis lacerae, nonnullae vero penitus oppressae) reliquae sunt, ecclesiis provideamus de idoneis gubernatoribus, qui verae et Catholicae religionis reliquias vigilantia sua cura doctrinaque et exemplo tuerentur et propagarent, haeresibus resisterent, gregemque Christi salutari doctrina verbi divini pascere. Vacantibus itaque eodem in regno nostro Hungariae certis ecclesiis, haud differendum duximus, quin auctoritate iurispatronatus nostri regii, quod circa electionem, nominationem et postulationem praelatorum, instar divorum quondam Hungariae regum, praedecessorum nostrorum felices memo-

rae, habemus, quamprimum eligeremus, nominarem et sanctitati vestrae pro impertienda benedictione et confirmatione praesentarem viros idoneos, doctrina vitaeque ac morum integritate conspicuos nobisque probatos. Quam quidem nostram praesentationem, quod tardius forte, quam par fuisset, faciamus, ipsique noviter electi prius suas confirmationes petere nequiverint, nil aliud in causa fuisse sanctitas vestra putare velit, quam quod vacantes hi episcopatus bonis et proventibus eorum temporalibus, vel a Turca, vel ab aliis nostris hostibus teneantur occupati, et titulares tantum sint, necesseque fuerit electis ipsis aliunde de honesta et dignitati episcopali congrua sustentatione providere, qua quidem in re tempore nobis opus fuit. Postulantur autem inprimis Stephanus Radetius,⁷² alias praepositus Sancti Stephani in ecclesia metropolitana Strigoniensis, per spontaneam cessionem et resignationem Francisci Forgach⁷³ ad manus nostras factam, ad Varadiensem; deinde Ioannes a Monozlo,⁷⁴ praepositus Zagrabiensis per transitionem et apostasiam Andreae Dwdÿth Sbardellati,⁷⁵ ad Quinqueecclesiensem, item Ioannes Listhius⁷⁶ per mortem et decessum Andreae de Kewes ad Wesprimiensem,⁷⁷ ultimo Stephanus Feÿerkewÿ,⁷⁸

⁷² István Radéczi, bishop of Várad (1567–1572) and of Eger (1572–1586), royal vicegerent (locumtenens) of Hungary (1573–1585).

⁷³ Ferenc Forgách, bishop of Várad (1556–1568)

⁷⁴ János Monoszlay, bishop of Pécs (1573–1578) and of Zággráb (1578–1584).

⁷⁵ András Dudith-Sbardellati (1533–1589), bishop of Tinin (1562), of Csanád (1563), of Pécs (1563–1567).

⁷⁶ János Liszthy, bishop of Veszprém (1568–1573), bishop of Győr (1573–1578), chancellor of the Kingdom of Hungary in the Habsburg royal court Vienna (*cancellarius aulicus Hungaricus*) 1569–1577.

⁷⁷ András Köves, bishop of Veszprém (1553–1568).

⁷⁸ István Fejérvöy, bishop of Tinin (1571–1573), of Veszprém (1573–1587) and of Nyitra (1587–1596), archbishop of Esztergom and primate of Hungary (1596), royal vicegerent (locumtenens) of Hungary (1587–1596).

abbas Sancti Martini Sacri Montis Pannoniae per translationem dicti Andreae Dwdith Sbardellati ad Chanadiensem, ad Tini- niensem vacantes episcopatus. Qui quidem postulanti, sive electi et nominati, tanquam personae sedi isti apostolicae adeoque sanctitati vestrae obedientissimae et devotae, cupiunt humiliterque petunt a sanctitate vestra dictis in episcopatibus suis paterna pietate confirmari, munusque consecrationis et benedictionis ipsis impartiri, ut hoc obtento possint officio suo circa pascendum curandumque gregem dominicum citius et commodius vacare. Et quum (ut diximus) ecclesiae, ad quas nominati sunt, partim nullos, partim vero exiguos habeant proventus, propterea quod tres illarum a Turcis, et partes eorum sequentium hostium nostrorum ditione habeantur occupatae quarta vero Wesprimiensis, id quod ex pauculis suis reliquiis cum difficultate habere potest, in milites et defensionem arcis suae finitimae insumere debeat, has confirmationes et benedictiones sanctitas vestra gratis et absque alicuius annatae solutione concedere velit, qua quidem in re nullam speramus a sanctitate vestra futuram difficultatem, quinpotius hosce electos pio et paterno responso quamprimum dignaturam, quum id magna intersit ecclesiae promovendaeque fidei sanctae et pietatis in hoc regno nostro, quibus sanctitatem vestram apprime favere scimus, ipsi vero noviter electi consecuti, quod petunt, munus suum pastorale, tanto alacrius accuratiusque sint obituri. Nobis quoque id gratum faciet sanctitas vestra. Filiali nostra observantia erga eandem promerendum. Cui nos reverenter offerimus et obsequiose commendamus. Datum in civitate nostra Vienna Austriae, octava die mensis Martii, anno Domini millesimo quingentesimo sexagesimo nono, regnorum nostrorum Romani septimo, Hungarici etc. sexto, Bohemiae vero vigesimoprimo.

Eiusdem sanctitatis vestrae obsequens filius
Maximilianus

17.

Prague, 12th January 1570

Emperor and King Miksa II (I) to Cardinal Commendone⁷⁹

He asks for the advancement of the papal confirmation and the grant of the pallium of the new archbishop of Esztergom.

(ASV Segr. Stato, Principi, vol. 26, fol. 8^{rv} – *orig.*)

Maximilianus secundus Dei gratia electus Romanorum imperator semper augustus ac Germaniae, Hungariae, Bohemiae, Dalmatiae, Croatiae, Sclauoniae etc. rex, archidux Austriae, dux Burgundiae etc., marchio Moraviae, comes Tyrolis etc. Reverendissimo in Christo patri, domino Ioanni Francisco, sanctae Romanae ecclesiae tituli sancti Ciriaci in Thermis, praesbytero cardinali Commendono, amico nostro charissimo. Salutem et benevolentiae nostrae affectum. Reverendissime in Christo pater, amice noster charissime. Praesentavimus sanctitati sedis istius apostolicae electum a nobis novum archiepiscopum Strigoniensem Anthonium Verantium,⁸⁰ quem ab ecclesia sua Agriensi, cui hactenus praefuit, transtulimus ad metropolitanam ipsam Strigoniensem petentes a sua sanctitate, ut noviter electum archiepiscopum ipsum in ecclesia sua confirmare, palliumque cum aliis solitis archiepiscopatus insigniis ipsi, ob causas, quas in nostris ad illam literis iustas, e[t] quarum ratio habeatur, dignissimas, pluribus declaravimus, gratis et sine alicuius annatae solu-

⁷⁹ Maximilian II (I), king of the Romans from 1562, king of Hungary from 1563 (crowned), reigns, and Holy Roman Emperor 1564–1576. – Giovanni Francesco Commendone, cardinal 1565–1584, legate before Emperor Maximilian to organize a crusade against the Turks, 1571–1572, favorite of Pope Pius V (1566–1572).

⁸⁰ Antal Veranchich, bishop of Pécs (1553–1557), of Eger (1557–1570), archbishop of Esztergom and primate of Hungary (1569–1573), royal vicergerent (locumtenent) of Hungary (1572–1573).

tione paternae elargiri concedereque velit. Qua quidem in re licet nihil dubitemus suam sanctitatem eam esse habituram nostrae commendationis et intercessionis rationem, quam ipsius erga oppressas, furoreque hostili vastatas ecclesias, pius affectus nobis promittit, hoc ipsum [tam]en negotium paternitati quoque vestrae reverendissimae, quam possumus, diligentissime commendandum duximus. Rogan[tes] eandem, velit se dicto archiepiscopo praestare faventem et benevolum, eamque et res suas apud eius sanctitatem et sedem istam apostolicam ita sibi habere commendatas, ut quod petit, sentiat se favore et promotione paternitatis vestrae reverendissimae nostri [o]b respectum etiam obtinuisse, quod quidem paternitatis vestrae reverendissimae officium omni vicissim benevolentia quovis tempore liben[ter] compensabimus. Eandem optantes foeliciter valere. Datum in arce nostra regia Pragensi, duodecima die mensis Ianuarii, anno Domini millesimo quingentesimo septuagesimo, regnorum nostrorum Romani octavo, Hungariae et aliorum se[pti]mo, Bohemiae vero vigesimo primo.

Maximilianus m.p.

Ioannes Listhius⁸¹ electus Vesprimiensis m.p.

[*a tergo*]

Reverendissimo in Christo patri, domino Ioanni Francisco, sanctae Romanae ecclesiae tituli sancti Ciriaci in Thermis praesbytero cardinali Commendano. Amico nostro charissimo

[*L.S.*]

⁸¹ János Liszthy.

18.

Nagyszombat, 30th September 1571

Miklós Telegdy, canon of Esztergom to Cardinal Commendone

The future bishop of Pécs requests permission for reading the index to prepare himself for the debate with the antitrinitarians and Calvinists' vernacular texts.

(ASV Segr. Stato, Principi, vol. 27, fol. 400^{rv} + 405^{rv} – *m.p. orig.*)

Illustrissime ac reverendissime domine, domine et patrone
observandissime

Servitiorum meorum et orationum devotarum pro vestrae reverendissimae ac illustrissimae dominationis incolumitate humillime commendo.

Ante quadriduum audivi vestram illustrissimam dominationem Viennam venisse, quam libentissime inviserem, nisi partim adversa valetudine prohiberem, partim variis detinerer occupationibus. Gratulor tamen, quod Dominus Deus vestram illustrissimam dominationem tam prolixo itinere ad has partes sanam et integris viribus adduxerit, oroque, ut suam legationem ita perficiat feliciter, quo ecclesia Dei summum ex ea percipiat emolumentum.

Facultatem legendi libros prohibitos, quam Roma expectabam, nondum habeo, et tamen interim cogor invitus eos, qui quotidie apud nos emittuntur antitrinitariorum et sacramentariorum, videre. Obtruduntur enim mihi a catholicis, qui me urgent, ut pro concione, quantum cum Dei adiutorio possum, illis respondeam, ne plebecula utcumque adhuc catholica eiusmodi nugis decipiatur. Scribuntur enim lingua Hungarica, ut possint legi a pluribus et nocere pluribus.

Quapropter supplico vestrae reverendissimae atque illustrissimae dominationi, dignetur mihi eam concedere facultatem. Credo habere vestram illustrissimam dominationem

amplissimam a sanctissimo domino nostro potestatem in sua legatione, unde non dubito posse hoc me beneficio afficere.

Testis mihi Deus est, quod non aliam ob causam peto, quam ut in hac hominum penuria adiuvem Christi ecclesiam.

Habemus in nostro collegio nationis Sclauonicae concionatorem Nicolaum Nowak,⁸² archidiaconum Zoliensem. Si vestra illustrissima dominatio utriusque nostrum impertiretur hanc licentiam, esset longe utilissimum.

Caeterum Andreas Mirandulanus, qui has litteras vestrae illustrissimae dominationi reddet, exponet calamitatem cuiusdam [fol. 400v] presbyteri. Sic tractamur nos in Germania et Hungaria. Dignetur vestra illustrissima dominatio pro amore Dei promovere causam miseri apud Caesarem maiestatem. Quod reliquum est, vestram illustrissimam dominationem Dominus Iesus conservet diutissime incolumem. Datum Tirnaviae, ultima Septembris 1571.

Servitor vestrae illustrissimae dominationis humilis

Nicolaus Telegdinus⁸³
lector ecclesiae Strigoniensis et canonicus etc.

[a tergo]

Illustrissimo ac reverendissimo domino Ioanni Francisco, sanctae Romanae ecclesiae cardinali Commendano ac sanctissimi domini nostri et sedis apostolicae ad Caesarem maiestatem legato de latere etc., domino et patrono observandissimo

[L.S.]

⁸² Miklós Telegdy, canon of the chapter of Esztergom 1561–1586 (from 1570 major provost), bishop of Pécs (1579–1586), apostolic administrator of Esztergom (1573–1586).

⁸³ Miklós Novák, canon of the chapter of Esztergom 1561–1581 (preacher for the Slovaks from 1563, archdean of Zólyom from 1565).

19.

Prague, 10th December 1586

Emperor and King Rudolf II (I) to Cardinal Azzolini

He asks for the advancement of the papal confirmation of the newly appointed bishop of Zengg, his former Italian preacher.

(ASV Segr. Stato, Principi, vol. 44, fol. 76r-77v - *orig.*)⁸⁴

Rudolphus⁸⁵ secundus Divina favente clementia electus Romanorum imperator semper augustus ac Germaniae, Hungariae, Bohemiae, Dalmatiae, Croatiae, Sclauoniae etc. rex, archidux Austriae, dux Burgundiae, Stiriae, Carinthiae, Carniolae et Wirtembergae etc., comes Tyrolis etc. Reverendissimo in Christo patri, domino Decio sanctae Romanae ecclesiae cardinali Azzolino,⁸⁶ amico nostro charissimo salutem et benevolentiae nostrae affectum. Reverendissime in Christo pater, amice noster charissime. Cum honorabilis, religiosus, devotus nobis dilectus Bonaventura de Aquila,⁸⁷ ordinis sancti Francisci de observantia per pluries iam annos in aula nostra Caesarea concionatoris Italici munere ita functus sit, ut tum ob eximiam pietatem, doctrinam ac vitae exemplaris probitatem, cum diversis aliis optimis animi dotibus coniunctam, tum etiam ob insignem operam religioni catholicae a toto eo tempore non minori cum fructu et laude sua, quam nostra ac aliorum omnium satisfactione navatam, dig-

⁸⁴ *Cfr.* Rudolph's letter to Azzolini, dated on the very same day, in which he urged the annate and tax free dispatch of the bulls: '1586. X Decembre, Praga. La maestà Cesarea raccomanda fra Bonaventura nominato alla chiesa di Segni, perché se li dia gratis la confirmazione'. *Ibid.*, fol. 78r-79v.

⁸⁵ Rudolf II (I), king of the Romans from 1575, king of Hungary 1576-1608, Holy Roman Emperor 1576-1612.

⁸⁶ Dezio Azzolini, cardinal 1585-1587, bishop of Cervia from 1585, secretary of Pope Sixtus V (1585-1590).

⁸⁷ Bonaventura da Aquila O.F.M., bishop of Zengg (1587-1591).

num se reddiderit, qui ad maiorem ecclesiasticae dignitatis gradum eveheretur. Nos vacante e novissimi episcopi Segniensis obitu ecclesia ista [fol. 76v] episcopali, sicque legitimo pastore, quo maxime indiget, destituta, vigore iurispatronatus, quod nobis eo in loco competit,^a praefatum Bonaventuram de Aquila in eiusdem ecclesiae episcopum designavimus et nominavimus. Ideoque nunc sanctissimum dominum summum pontificem obnixae ac filiali studio rogamus, ut huiusmodi nominationem nostram ratam gratamque habere, adeoque litteris solitis et necessariis confirmare dignetur. Uti paternitas vestra reverendissima ex ipso designato episcopo Segniensi, qui hac de causa istuc proficiscitur, uberius intelliget. Cum igitur non dubitemus paternitatis vestrae reverendissimae autoritate et apud sanctitatem suam gratia ipsius designati episcopi causam plurimum iuvari posse, praetermittere noluimus, quin has ad eandem daremus litteras. Benevole postulantes, ut praefato Segniensi episcopo suo favore et studio adesse atque efficere velit, ut sanctitas eius in memorata confirmatione ipsi concedenda, tum in aliis etiam se tam benignam atque facilem exhibeat, uti de sanctitatis suae paterna propensaque nobis gratificandi voluntate, praesertim ubi paternitatis vestrae reverendissimae favor et autoritas accesserint, plane confidimus. Factura est in eo rem nobis summopere gratam Caesarea nostra benevolentia per omnem occasionem compensandam paternitas vestra reverendissima. Quam de coetero recte valere cupimus. Datum in arce nostra regia Pragae, die decima mensis Decembris, anno Domini millesimo quingentesimo octuagesimo sexto. Regnorum nostrorum Romani duodecimo, Hungarici decimoquinto et Bohemici itidem duodecimo.

[m.p.]

Rudolphus^b

[*a tergo*]

Reverendissimo in Christo patri, domino Decio sanctae Romanae ecclesiae presbytero cardinali Azzolino. Amico nostro charissimo^c

^a After it '*praefatum competit*' underscored with points. ^b In the bottom of the page countersign of the Chancery of the Holy Roman Empire ('*Reichshofkanzlei*'). ^c After it a short contemporary Italian summary.

20.

Pozsony, 31st October 1587

István Fejérkövy, bishop of Nyitra to Archduke Ernst of Austria

He requests that András Monoszlay, provost of Pozsony, win the provostship of Saint Stephen, incorporated into the chapter of Esztergom, to enable him to publish books (against the Protestants) from its incomes.

(ÖStA HHStA Ung. Akt., Allg. Akt., Fz. 120, Konv. A, fol. 44r-45v - orig.)

Serenissime princeps, domine clementissime

Servitiorum meorum humillimorum in gratiam vestrae serenitatis perpetuam commendatione.

Quantumvis, domine clementissime, ante aliquot dies non-nullos ad praeposituram Sancti Stephani commendaverim serenitati vestrae, attamen cum videam praesenti necessitati magis potiusque incumbere, tum ipsimet ecclesiae Vngariae maiori fieri commodo ac emolumento, si illam eandem^a praeposituram praeposito Posoniensi,⁸⁸ Andreae Monoszloi^a per suam Caesare-

⁸⁸ András Monoszlay, from 1578 canon of Esztergom, in 1580 was canon of Pozsony too, in 1586 provost of the chapter of Pozsony, bishop of Veszprém (1599-1601). He never gained the provostship of Esztergom-Szent-istván, but instead of that later he may have become the provost of Felhévíz near Buda. His works pressed after the dating of this recommenda-

am maiestatem clementer vestra serenitas conferri curaret. Siquidem praepositurae Poseniensis proventus cum admodum sint perexigui et tenues pro ratione suae conditionis, sufficere illi certe non possunt, potissimum cum in libris aedendis [!] iam occupetur, pro quorum inpraessione [!] pecuniam certe admodum necessariam habere debet. Siquidem nulli sint, qui eum in libris aedendis pecuniis pro typographia adiuvent.

Quapropter supplico obnixè serenitati vestrae, ut principi clementissimo dignetur pro mea aliorumque dominorum praelatorum et baronum intercessione ac supplicatione, prout iam et Viennae vestrae serenitati pridem per eosdem supplicatum est, suam operam clementer apud sanctam Caesarem maiestatem pro eodem praeposito Poseniensi interponere, ac hoc exiguum beneficium, ut eidem pro auxilio, ut competentiori sua maiestas conferre dignaretur, supplicamus omnes. Servit enim ecclesiae Dei ac reipublicae in privatis ac publicis, et regni iuribus. Sic enim maiestas sua Caesarea et vestra serenitas huius promotione plurimum certe ecclesiae Dei consulent, ac eandem promovebunt. Dominus Deus vestram serenitatem quam faelicissime [!] conservare dignetur, clemensque responsum a vestra serenitate expecto. Poseny, ultima Octobris 1587.

Serenitatis vestrae

[m.p.]

humilis ac devotus capellanus

et servitor perpetuus

El. Episcopus Nittriensis m.p.⁸⁹

[fol. 45v]

tion letter: *Apologia* (Nagyszombat 1588); *De invocatione et veneratione Sanctorum* (Nagyszombat 1589); *De cultu imaginum*, (Nagyszombat 1589).

⁸⁹ For him see the note n. 78 above.

Serenissimo principi et domino, domino Ernesto archiduci Austriae, duci Burgundiae, comiti Tyrolis etc. Domino et principi clementissimo

[L.S.]

^{a-a} Underlined by another hand.

21.

Prague, 21st February 1588

Emperor and King Rudolf II (I) to Cardinal-nephew Peretti

He asks for the advancement of the annate free papal confirmation of the newly appointed Hungarian bishops.
(ASV Segr. Stato, Principi, vol. 44, fol. 80^{rv} – orig.)

Rudolphus secundus Dei gratia electus Romanorum imperator semper augustus ac Germaniae, Hungariae, Bohemiae, Dalmatiae, Croatiae, Sclauoniae etc. rex, archidux Austriae, dux Burgundiae, marchio Moraviae, comes Tyrolis et Goritiae etc. Reverendissimo in Christo patri, domino Alexandro, sanctae Romanae ecclesiae sanctae Agathae diacono cardinali Peretto de Montealto,⁹⁰ amico nostro charissimo salutem et benevolentiae nostrae affectum. Reverendissime pater, amice noster charissime. Cum non ita pridem, tum per decessum, tum vero per translationem quorundam episcoporum certae ecclesiae cathedrales in regno nostro Hungariae, pastoribus suis legitimis fuissent destitutae, nos pro nostro summo erga ecclesias Dei studio non sumus passi, eas praelatis diutius carere. Quamobrem tam in demortuorum, quam vero translatorum locum alios idoneos episcopos

⁹⁰ Alessandro Peretti, cardinal 1585–1623, vice-chancellor of the Holy Roman Church from 1589.

et virtute praestantes viros elegimus ac substituimus. Et quidem fidelem nostrum reverendum Stephanum Feierkewy⁹¹ in dicto regno nostro Hungariae locumtenentem nostrum ex episcopatu Vesprimiensi, quem hactenus possedit, ad episcopatum ecclesiae Nitriensis per mortem Zahcariae Mossoczÿ⁹² vacantem transtulimus. Ad ecclesiam vero Zagrabiensem translato ab illa ad episcopatum Iauriensem fidele nostro reverendo Petro Heressinczio⁹³ summo in Hungariae aulae nostrae cancellario, honorabilem Gasparum Ztankouachkÿ⁹⁴ maiorem praepositum dictae ecclesiae Zagrabiensis et reverendissimi quondam cardinalis Colocensis⁹⁵ consanguineum promovimus. Varadiensem autem episcopatum titularem reverendissimo Martino Pethe,⁹⁶ antea episcopo Vaciensi, et honorabili Ioanni Kutassÿ⁹⁷ maiori praeposito metropolitanae ecclesiae Strigoniensis Quinqueecclesiensem episcopatum similiter titularem, quem

⁹¹ István Fejérvöy.

⁹² Zakariás Mossoczÿ, bishop of Tinin (1573–1578), of Vác (1578–1582) and of Nyitra (1582–1587).

⁹³ Péter Heresinczy, bishop of Tinin (1569–1585), of Zággráb (1585–1587) and of Győr (1587–1590), chancellor of the Kingdom of Hungary in the Habsburg royal court Vienna (*cancellarius aulicus Hungaricus*) (1586–1590).

⁹⁴ Gáspár Sztankay, bishop of Zággráb (1588–1600).

⁹⁵ György Draskovich, bishop of Pécs (1558–1563), of Zággráb (1563–1578), archbishop of Kalocsa-Bács (1573–1587), bishop (administrator) of Győr (1578–1582), cardinal 1585–1587, royal vicegerent (locumtenent) of Hungary (1585–1587).

⁹⁶ Márton Pethe de Hetes, bishop of Szerém (1582–1583), of Vác (1583–1587), of Várad (1587–1598) and of Győr (1598–1605), archbishop of Kalocsa-Bács (1600–1605), royal vicegerent (locumtenent) of Hungary (1602–1605).

⁹⁷ János Kutassy, bishop of Pécs (1587–1592), of Győr (1592–1597), archbishop of Esztergom and primate of Hungary (1597–1601), royal vicegerent (locumtenent) of Hungary (1597–1601).

Nicolaus quondam Telegdinus⁹⁸ moriens vacantem reliquerat, contulimus. Et quia translato ab ecclesia Vesprimiensi dicto locumtenente nostro necesse erat episcopatum quoque Vesprimiensem idoneae personae conferre, illum magnifico Francisco Forgach de Ghimes⁹⁹ dedimus. Vacientem vero episcopatum per translationem ex eo ad ecclesiam Varadiensem dicti Martini Pethe vacantem reverendissimo Stephano Mathissio,¹⁰⁰ antea Chanadiensi episcopo, et per eius similiter translationem dictum episcopatum Chanadiensem honorabili Paulo Zegedino,¹⁰¹ lectori et canonico Agriensi, Sirmiensem porro episcopatum, quem dictus Martinus Pethe ante aliquot annos, priusquam ex illo ad Vacientem episcopatum transferretur, habuit, religioso fratri Stephano Tarnouio¹⁰² ordinis sancti Pauli primi heremita generalis, et Tininiensem episcopatum, quem dictus cancellarius noster per translationem ex eo ad episcopatum Zagrabiensem iam olim vacantem reliquerat, honorabili Ioanni Chereodÿ¹⁰³ canonico Strigoniensi contulimus iurispatronatus nostri autoritate nixi, qua in conferendis regni nostri Hungariae et partium ei subiectarum beneficiis ecclesiasticis instar antecessorum nostrorum, regum Hungariae utimur. Eos autem sanctitati suae pro accipienda apostolica confir-

⁹⁸ Miklós Telegdy.

⁹⁹ Ferenc Forgách (iun.), bishop of Veszprém (1587–1596), of Nyitra (1596–1607), archbishop of Esztergom and primate of Hungary (1607–1615), royal vicegerent (locumtenent) of Hungary.

¹⁰⁰ István Máthé, bishop of Tinin (1580–1582), of Csanád (1582–1587) and of Vác (1587–1591).

¹⁰¹ Pál Szegedy, bishop of Csanád (1589–1600).

¹⁰² István Nagyszombati, prior generalis O.S.P.P.E., bishop of Szerém (1589–1592).

¹⁰³ János Cheródy, bishop of Tinin (1589–1592), of Pécs (1592–1596) and of Eger (1596–1597), apostolic administrator of Esztergom (1592–1596).

matione praesentavimus, petentes obnixe, ut eam sua sanctitas absque alicuius annatae solutione illi impertiri non gravetur ob rationes ibidem expositas.¹⁰⁴ Itaque paternitatem vestram reverendissimam amice hortamur et rogamus, velit apud eius sanctitatem partes suas interponere, ut gratis ipsam confirmationem dicti praelati obtineant. Quae res nobis erit gratissima, eamque de paternitate vestra reverendissima omni benevolentia promerebimur. Quam bene valere cupimus. Datum in arce nostra regia Pragensi, vigesima prima die mensis Februarii, anno Domini millesimo quingentesimo octogesimo octavo, regnorum nostrorum Romani decimotertio, Hungariae et aliorum decimosexto, Bohemiae vero anno similiter decimotertio.

[*m.p.*]

Rudolphus^a

[*a tergo*]

Reverendissimo in Christo patri, domino Alexandro sanctae Romanae ecclesiae tituli sanctae Agathae diacono cardinali Peretto de Montealto etc. Amico nostro charissimo

^a Under it countersign of the Chancery of the Holy Roman Empire ('*Reichshofkanzlei*').

¹⁰⁴ This document may have been lost.

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ABBREVIATIONS

AHP	Archivum Historiae Pontificiae
BDHIR	Bibliothek des Deutschen Historischen Instituts in Rom
CVH	Collectanea Vaticana Hungariae
HC	Hierarchia Catholica
MHH	Monumenta Hungariae Historica
MHI	Monumenta Hungariae Italica
NbD	Nuntiaturberichte aus Deutschland nebst ergänzenden Aktenstücken
QuFGG	Quellen und Forschungen aus dem Gebiete der Geschichte
RQ	Römische Quartalschrift für Christliche Altertumskunde und Kirchengeschichte
TSz	Történelmi Szemle [<i>Historical Review</i>]

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A PÁPAI KONZISZTÓRIUMOK ÉS MAGYARORSZÁG

MAGYAR ÜGYEK A KONZISZTÓRIUMOK NAPIRENDJÉN

A pápai konzisztóriumok napirendjén szereplő magyar ügyek tárgyalásának alakulása kisebb-nagyobb eltérésekkel megfelel az általános trendeknek. A politikai vonatkozású ügyek gyakorisága és intenzitása a Mohácsot megelőző és követő évek során volt a legnagyobb: 1517 és 1526 között majd hatvan alkalommal szerepelt különféle összefüggésben a Magyarországot fenyegető török veszély X. Leó, VI. Adorján (1522–1523), VII. Kelemen (1523–1534) és bíborosaik tanácskozásának napirendjén. A csatavesztés következményeit 1527. márciusáig kilenc alkalommal tárgyalták. Szintén kiemelt figyelmet kaptak az 1529 és 1532 során bekövetkező török támadások, az ország belpolitikai helyzete, a kettős királyválasztás következményeinek kezelése. Több példa mellett meggyőzően mutatja a Szent Kollégium tagjainak befolyását, szerepét a János-párti püspökök I. Ferdinánd által követelt kiközösítése kapcsán 1530. július 6-án folytatott vita.

Vélhetően III. Pál (1534–1549) pontifikátusa mostoha római forrásviszonyainak tudható be, hogy a Buda elvesztéséhez veze-

tő háborúskodásnak csupán egyetlen egy nyomát találjuk a vatikáni konzisztoriális aktákban. Fráter György bíboroskreációjáról, és a meggyilkolását követő vizsgálatról, az 1550-es évek török hadjáratairól már ismét több bejegyzés tanúskodik.

Az 1520-as évekéhez hasonló intenzitással Magyarország 1564–1566-ban szerepelt a római konzisztóriumokon. I. Ferdinánd (1526–1564) utódlása, János Zsigmond (1559–1571) hatalmának stabilizálása és II. Szulejmán (1520–1566) utolsó hadjárata a Mohácsot övező aggodalom jeleit mutatják a még a lepantói diadal előtt álló pápai udvarban. Szintén komoly figyelmet kapott 1575–1576 folyamán II. Rudolf (1576–1608) trónra lépte és Báthory István (1576–1586) lengyel királysága, majd halála, illetve unokaöccsének, Andrásnak római követsége, bíborosi kinevezése. A tizenöt éves háború eseményeivel kapcsolatban már kitapintható a konzisztórium szerepének visszaszorulása. Noha történelme során a pápaság ezekben az években hozta először a legkomolyabb áldozatokat Magyarország felszabadítására a török félhold uralma alól, konzisztoriális bejegyzésekkel szinte csupán a háború elején, 1593–1595 között találkozunk. Az egyedüli kivételt Kanizsa sikertelen ostromának és – a konzisztóriumokat végképp háttérbe szorító – VIII. Kelemen világi neposa, Giovanni Francesco Aldobrandini ott bekövetkezett halálának bejelentése jelentette.

Már mindezen kérdések tárgyalására sem kizárólag a politikai döntéshozatal összefüggésében került sor. Sok esetben a legátus-küldés, -fogadás, bíboroskreáció jogi, ceremoniális eseményei hagytak nyomot az aktákban.

A pápai konzisztóriumok magyar eredetű ügyei közül általános trendhez igazodva a konzisztoriális javadalmak – itt kivétel nélkül a püspökségek – kánoni betöltése az egyre inkább meghatározó mozzanat. A magyarországi püspöksé-

gek apostoli províziójának részleteiről már a 15. század második feléből egy *cedula*, és hét *controcedula consistorialis* másolata, illetve a 16. század elejéről, 1509–1513 között hét eredeti *controcedula*, illetve 1518-ból egy korai *processus informativus* jegyzőkönyve nyújt képet. Utóbbiak egyúttal Bakócz Tamás folytonos kúriai befolyásának is bizonyítékai. Az 1530-as évekből egy darab *cedula* és hat darab *controcedula*, majd 1550-ig bezárólag kilenc *relatio consistorialis* maradt ránk.

A *Tridentinum* utáni rendszer működését az 1570 és 1605 között készült negyvenhárom darab *propositio consistorialis* mutatja. Forrásértékük már nemcsak a szentszéki ügymenetre nézve meghatározó, hanem a kivétel nélkül elveszett vagy lappangó kánoni kivizsgálási jegyzőkönyvek összegzéseiént a hazai hierarchia, illetve egyházmegyék, püspöki székvárosok viszonyaira is áttekintő, olykor hiánypótló adatokkal szolgálnak. Nem várt hozadékuk, hogy püspökök, mint például Mossóczy Zakariás még szabadabb, a protestantizmushoz közel álló teológiai gondolkodására is némi fényt vetnek. E számunkra nüansznyi, ám a korban hihetetlenül fontos eltérések nem is kerültek el a pápai Kúria figyelmét.

A propozícióknál is nagyobb bőségről árulkodnak a vonatkozó konzisztoriális akták. Az olykor pusztán csak a pápai provízió megtörténtéről árulkodó dekrétumszerű bejegyzések mellett, szép számmal az egyházkormányzati és egyházpolitikai döntéshozatalt érdemi részletességgel megörökítő határozathozatallal, sőt – akár párhuzamosan is – diáriumszerű bejegyzéssel is találkozhatunk az 1570-es évek elejéig. A bíborosok között a pápa aktív részvételével például 1571-ben hosszas vita folyt a zágrábi és esztergomi segédpüspök kinevezéséről, illetve két évvel később a történetíró Forgách Ferenc váradi püspökségről történt lemondásának körülményeiről, érvényességéről.

A konzisztórium hagyományos, ítélethozatali ténykedésére csupán elvétve találunk magyar példát. 1520-ban a Iacobus Piso versbéli csipkelődéseit véres ütlegekkel megtorló Várdai Pált idézték meg ünnepélyesen a római Kúriába, 1568–1569 folyamán pedig a Szent Hivatal határozata nyomán Dudith Andrást közösítették ki az Egyházból.

A MAGYAR KIRÁLYI FŐKEGYÚRI JOG

A pápai konzisztóriumok magyar vonatkozásainak fentebbi áttekintéséből is kitűnik, hogy a meghatározó szerep a magyarországi egyházi javadalmak kánoni betöltésének jutott. E kérdés behatóbb tanulmányozása nem valósítható meg másként, mint az erősödő állami kontroll: jelesül a magyar királyi „(fő)kegyúri jog” kontextusában.

A magyar uralkodók egyházi javadalmak felett mind korlátlanabban gyakorolt ellenőrzése: a „főkegyúri jog” problémaköre mellett aligha van a magyar historiográfiának még egy olyan, az államalapítás korától egészen a 20. századig ívelő kérdése, amely – leginkább az aktuális egyházpolitikai érdekek miatt – hasonló mértékben a történeti érdeklődés középpontjában állt volna.

A szerteágazó kutatások ellenére a „főkegyúri jog” (*ius supremi patronatus*) megítélésében a modern szakirodalom sem alakított ki egységes álláspontot. Az egyik, főként egyházi szerzők által ma is képviselt mérvadó felfogás a pápai konzisztóriumok kompetenciájának prejudikáló joggyakorlás teljes kánonjogi illegitimitását hangsúlyozza. A másik, nem kevésbé figyelemre méltó megközelítés az uralkodói befolyás egyházjogi alapjául szolgáló szentszéki „privilégium” eltérő értelmezését helyezi előtérbe, amit a megfogalmazás

módja tett lehetővé. Azt a sokáig virulens, nemcsak a törté-
nészek, hanem a magyar állam és hierarchia által a 15. szá-
zadtól a királyság megszűnéséig vallott nézetet, miszerint
Magyarország királyai Európa uralkodóitól eltérő módon, a
kánonokkal összhangban, különleges apostoli jogosítványok
birtokában a lehető legszélesebb körű rendelkezéssel bírtak
volna az ország összes egyházi javadalma felett, ma már sen-
ki sem vallja.

* * *

A probléma gyökere, mint a kora újkorban számos egyéb
meghatározó jogi kérdése, a 15. századi konciliarizmus idő-
szakára nyúlik vissza. Az általános európai tendenciának
megfelelően a 14. század második felétől Magyarországon is
egyre nagyobb mértéket öltött a világi befolyás az egyházi
javadalmak adományozása felett, amely viszonylag korán
törvényi, dekrétumi formában nyilvánult meg. A rendelke-
zések nemcsak azt mondták ki, hogy a királyi beleegyezést
nélkülöző pápai adományozások érvénytelenek (1394, 1397),
hanem az összes pápai rendelkezés életbeléptetését uralkodói
kontroll alá helyezték (*placetum regium*, 1404). A kezdeti
szakaszában leginkább az angliaihoz hasonlítható fejlődés a
gyakorlatban már az 1400-as évek első évtizedeiben messze
túllépett minden kortárs példán. Sőt a Konstanzi Zsinaton
(Luxemburgi) Zsigmond királynak – a pillanatnyi erőviszo-
nyokat kihasználva – az európai államok közül elsőként si-
került a Szentszékkal elismertetnie befolyását országa egy-
házi javadalmainak adományozására. A Bíborosi Kollégium
által kiállított, és Mohács után több mint négyszáz évig
hasztalanul keresett „bulla” a következőképpen körvonalaz-
ta a magyar király jogosítványait:

Az Isteni Irgalmasságból a Római Szent Egyház püspök-, presbiter-, és diakónus bíborosai mindenkinek és kinek-kinek, aki jelen levelet olvassa üdvözlét mondanak az Úrban, és kérik, hogy az alulírottaknak kétségek nélkül hitelt adjanak. Jóllehet a Római Egyház bárkinek köteles igazságot szolgáltatni, még inkább [*tartozik ezzel*] azoknak, akik nem restek, hogy folytonos fáradozásaikkal és erőfeszítéseikkel az ő és az Egyetemes Egyház békéjéért és egységéért tevékenykedjenek. Mivel tehát a felséges fejedelem, Zsigmond úr, a Rómaiak és Magyarország mindig magasztos királya szűnni nem akaró gondviseléssel, odaadó törődéssel és hathatós erőfeszítésekkel, súlyos veszélyek közepette már annyi éven keresztül folyamatosan fáradozott a keresztények egységéért és ennek az Egyháznak békéjéért, amire eltökélt lelkülettel továbbra is kész, így ezen Egyház a köteles hála fejében is tartozik neki és országainak igazságukban kedvezni. Midőn pedig – amint ezt magának a felséges királynak érdekében hozzánk benyújtott közlés tartalmazta – ősi hagyomány alapján Magyarország mindenkori királyai szokták eme ország metropolitai és püspöki egyházai, valamint más javadalmi élére az alkalmas és nekik kedves személyeket bemutatni, Mi, tekintettel a mondott felséges király elősorolt hatalmas érdemeire, és arra, hogy Magyarország hitetlenek határán fekvő királysága a kereszténység egyik védőbástyájaként és pajzsaként ismeretes, és nem akarván, amennyire rajtunk áll, ezt a hagyományt továbbra is kétségbe vonni, jóhiszeműleg megígérjük a mondott felséges királynak, amint az ő kérése magában foglalta, hogy megtesszük, s hathatósan biztosítjuk, hogy az Úr majdani engedelmeivel megválasztandó pápa és utódai az Apostoli Székben a Magyar Királyság metropolitai és püspöki egyházai, valamint monostorai élére alkalmas és olyan személyekről fognak mindörökre gondoskodni, méghozzá annáták és bármi más kirovás megfizetése

nélkül, akiket a nevezett király és időszerinti utódai Magyarország királyságában kérelmezni fognak. Még hozzá úgy, hogy azok, akiket majd a metropolitai egyházak élére kér előmozdítani, Németország egyéb egyházainak példájára mérsékelt annátákat fizessenek. Továbbá, hogy az Apostoli Szék nem avatkozik bele Magyarország és a hozzá csatolt tartományok semmiféle javadalmának adományozásába. Továbbá hogy apostoli levelek erejével senkit se idézzenek perbe mondott országain kívülre, csak akkor, ha az említett országok ügyei fellebbezés révén törvényesen jutottak az Apostoli Szék elé. Mindezek tanúbizonyságára rendeltük el jelen levelünk kibocsátását és Kollégiumunk három előjárója pecsétjének ráfüggesztésével történő hitelesítést, megerősítve ezt az ígérvényt és iratot saját aláírásainkkal. Kelt Konstanzban, az Úr születésének 1417. esztendejében, szeptember hónap 19. napján, vasárnap, az Apostoli Szék üresedése alatt.

A huszonegy bíboros aláírásával ellátott irat egyértelműen rendelkezik az annáták és kisebb javadalmak kérdésében, mely utóbbiak kánoni intézménye átmeneti tétovázás után ugyancsak az ország határain belülre, ordináriusi illetékeség alá került. A püspökségek esetében ez egyáltalán nem mondható el. Zsigmond messzemenő igényeinek csupán közvetve tesz eleget, amennyiben előjáróban megemlíti, hogy a magyar királyok – közelebbről nem részletezett – ősi hagyományon (*ex vetere consuetudine*) alapuló bemutatási (*praesentare*) azaz kegyúri jogát a továbbiakban nem kívánja kétségbe vonni. Ugyanakkor egyedül a megfelelő személyek megnevezésére ad felhatalmazást (bár nem a *nominare*, hanem az ezzel egyenértékű *supplicare* igét használja). Az óvatossággal megfogalmazás ellenére az irat alapot szolgáltatott arra, hogy a hazai gyakorlat és törvények sorában testet öltő jog-

alkotás (1439. 1440. 1445. 1446. 1447. 1458. 1486. 1495. 1514) az ország egyházi tisztségei feletti teljes körű uralkodói befolyást Róma által formálisan is elfogadottnak tekintse.

A magyar államjogi felfogás már a 16. század elejére kikristályosodott. Évszázadokra meghatározó alakjában Werbőczy István fogalmazta meg 1514-ben. Eszerint Magyarországon minden egyházi javadalom adományozása a király joga, a pápát kizárólag a *confirmatio* illeti meg. Tételét négy érveléssel támasztja alá. **1.** Magyarországon minden egyház: püspökség, apátság, prépostság alapítói a királyok voltak, tehát a rendelkezés ezek felett mint kegyurakat, őket illeti meg. **2.** A magyarság nem apostoli tanításra, hanem uralkodójának, Szent Istvánnak köszönhetően tért a kereszténységre. Az általa alapított egyházak élére ő nevezte ki a főpapat, mindehhez pápai jóváhagyást és megerősítést nyert. **3.** Ha lett is volna a pápának valamiféle joga, az elévült 500 év alatt, amikor is a királyok a beneficiumok betöltését háborítatlanul gyakorolták. **4.** Az ország ezen kiváltságát (*libertas regni*) a Konstanzi Zsinat is elismerte külön privilégiumban.

Werbőczy érvelése jórészt nem állja ki a történeti kritika próbáját. Számos magyarországi javadalom nem királyi, hanem főúri alapítás volt. Szent István korában még egyáltalán nem beszélhetünk patrónusi jogokról. A kegyuraság a 12. század szüleménye volt. A 11. század első felében a még szét nem való *regnum* és *sacerdotium* jegyében az uralkodók egyben mint *caput ecclesiae* – mind a világi mind az egyházi felfogás szerint – hűbérúrként szabadon rendelkeztek az összes egyházi javadalommal, ehhez nem volt szükségük pápai jóváhagyásra. (Az ezt említő dokumentumok: a pécsi alapító levél több mint valószínű, hogy interpolált. A Werbőczy által is ismerhetett Hartvik-legenda pedig későbbi keletkezésű, és már kifejezetten a gregoriánus igények ellenében említi

a pápai beleegyezést.) Ha valami végleg elévült, az éppen a világi uralkodók szakrális szerepe volt. Ez ellen irányult, a laikusok teljes kiszorítását tűzte zászlajára az investitúra-harc, amelynek eredményeként a fontosabb egyházi tisztségek betöltése – kezdve a pápától a püspökön keresztül az apátokig, prépostokig bezárólag – az egyházi választótestületek kezébe került. Az új helyzetet a gregoriánus alapokon álló, Gratianus által rendszerezett kánonjog tételesen is kodifikálta.

Magyarországon hasonló folyamat ment végbe. A 12–13. században általánossá váltak a káptalani választások, bár az Árpád-házi királyok előzetes vagy utólagos egyetértést gyakorolhattak. A kisebb javadalmak esetében lassan a magánkegyúri rendszer is utat tört magának, mint a világi befolyás lehetővé tételének az alapításokat ösztönző formája. A káptalani választás gyakorlatának visszaszorításában a fő szerepet itthon is a pápaság játszotta, amennyiben a 13. század derekától érvényességét apostoli megerősítéshez kötötte, majd különféle jogcímeken, illetve a választás menetében állandósuló működési zavarok miatt a döntés jogát növekvő mértékben magának tartotta fenn. Adatok sora bizonyítja, hogy az Anjou-korra már Magyarországon is a rezervációk túlsúlya jellemző, ami természetesen nem a választások megszűnését, csupán visszaszorulását jelentette. A folyamat kezdetben megfelelt a királyi érdekeknek, hiszen Rómával olykor könnyebben zöldágra lehetett vergődni a saját jelölteket illetően, mint a gyakran harciasnak bizonyuló káptalanokkal.

A fő frontvonal Konstanz idejében már az uralkodó és a pápaság között húzódott. Már Nagy Lajosnál kitapinthatóak a gyakran idegeneknek kedvező rezervációk visszaszorítására irányuló törekvések. Az áttörés akkor következett be, amikor Zsigmond 1403-ban politikai okokból felmondta az engedelmességet IX. Bonifácnak. A püspöki székeket majd egy évti-

zedig saját hatáskörében töltötte be; maga intézte az áthelyezéseket; az üresedésben hagyott javadalmak jövedelmeit saját céljaira használta fel. A király által kinevezett főpapok egyházmegyéjük kormányzását nemcsak hogy azonnal átvették, hanem joghatóságukat minden pápai közreműködés nélkül huzamosabban gyakorolták is.

Vélhetően ekkorra vezethető vissza az uralkodói adományozó-iratok kialakulása (noha az első ilyen csak 1417 augusztusából ismert), s tűnnek fel a kegyúri jogra való hivatkozás mellett a választjuk, nevezzük és bemutatjuk (*eligimus, nominamus et praesentamus*), valamint az összes lelki és világi jogokat felölelő adományozás (*cum omnibus iuribus et pertinentiis spiritualibus et temporalibus... dantes et conferentes*) évszázadokra állandósuló kifejezései. Összetettségük azt mutatja, hogy az 15. század elejére visszavezethető teljes uralkodói ellenőrzés három pilléren nyugodott. Nem egyszerűen csak a magánkegyuraság és a feudális birtokadományozás formájának a püspökségek feletti alkalmazásán, hanem a káptalani választások jogosítványainak átvételén is. Ez azért nem okozhatott különösebb megrázkódtatást, mivel az uralkodói befolyás ekkor már kiterjedt a kisebb javadalmak adományozására, így a káptalani dignitásokéra is.

A konstanzi bullában említett és a Szentszékkel elfogadtatni kívánt „ősi hagyomány” tehát valójában igencsak új keletű, ám annál életképesebbnek bizonyuló fejlemény volt. A 16. század elejére rögzülő magyarországi jogalkotás valós alapjául a Hunyadi- és Jagelló-korban jószerével már zavartalanul érvényesülő gyakorlat mellett a konstanzi elismervény szolgált. S nem csupán annak általánosságban fogalmazó bevezetője. A konstanzi egyezmény egyik legfontosabb, és a kutatás által nem eléggé hangsúlyozott jellemzője, hogy – hallgatásával – végleg kiiktatta a káptalani választásokat.

Ezek néhány látványos utolsó ellenállási kísérlettől övezve hamarosan el is tűnnek. Azáltal pedig, hogy kifejezetten elismerte a kisebb javadalmak feletti királyi adományozási jogot, beleértve a káptalani méltóságokét, lehetőséget nyújtott arra a kézenfekvő értelmezésre, hogy ezzel az uralkodóra háramlottak a káptalani választások alapján elnyerhető kánoni jogosítványok is. A hazai királyi püspökkinevezéseknek ez az egyik legfontosabb, más európai példáktól eltérő sajátossága. Így vált lehetővé, hogy a kinevezett főpapok *electusként* – magukat következetesen ekként is címezve – nemcsak viselték főpásztori jelvényeiket, hanem a választott püspökök számos funkcióját is gyakorolták. Werbőczy ennek nyomán magától értetődően vonhatta le következtetését, hogy a pápának az egyébként a kánoni választás esetében használatos *confirmatio*n kívül semmi más jogosultsága nincsen. Igaz, az egzakt korabeli fogalomhasználattal kapcsolatban táplálhatunk némi kételyt.

Nem kevésbé volt sajátos a konstanzi egyezményhez való pápai viszonyulás. Zsigmond választása a nyugati egyházszakadás tapasztalataiból okulva minden valószínűség szerint szándékosan esett a Bíborosi Kollégiumra. Ennek a stabilitást jelentő szervezetnek kötelező erejű ígervényében messzemenőbben biztosítva látta igényei kielégítését, a szövegben szereplő „mindörökre” (*in perpetuum*) formula érvényességét, mint egy hasonló jellegű pápai aktusban. Mint tudjuk, a történeti fejlődés nem igazolta számítását. A jövő a fokozatosan kibontakozó „modern”, mind abszolutisztikusabb vonásokat mutató pápai centralizmusé volt. V. Márton röviddel Konstanz után olyan értelemben módosította, illetve erősítette meg az Apostoli Kancellária szabályzatát, hogy ismételten kiterjesztőleg – vagyis az összes javadalomüresedésre alkalmazhatóként, alkalmazandóként – értelmezte a pápai rezer-

vációk gyakorlatát. Azaz minden fontosabb egyházi javadalom betöltését az ez alapján kiformalódó *libera collatio* alá sorolta. (A pápai rezervációk V. Orbán alatti túlsúlyra jutásakor szintén – az egyébként nem túl előkelő jogforrásnak számító – kancelláriai szabályozásé volt a döntő szerep.) Ebben az értelemben valóban a konstanzi egyezmény – ideiglenes – mellőzéséről beszélhetünk.

A 14. századi viszonyok mindazonáltal már nem voltak maradéktalanul visszaállíthatók. A Colonna-pápa ilyen jellegű törekvései csupán átmenetinek bizonyultak. Utódai sorban kötötték az államokkal a püspökségek betöltésére vonatkozó – kompromisszumos megoldást tükröző – konkordátumokat. Feltűnő, hogy magyar viszonylatban erre nem került sor. Elmaradása több mint elégséges bizonyítéka a konstanzi egyezmény érvényben tartásának. A Hunyadi- és Jagelló-kor gyakorlata ezt támasztja alá. A Kúria következetesen csak uralkodói előterjesztés alapján töltötte be a hazai püspöki székeket. Önálló kezdeményezésre csupán a legszűkebben értelmezett pápai rezerváció alapján került sor, vagyis ha a javadalom viselőjének elhalálózása nem *extra Curiam Romanam* történt. A Szentszéknak ezt a jogát az egyéb konkordátumok szintén elismerték, s a konstanzi engedmény alapján is alkalmazható volt, mivel a szűkszavú szöveg nem tért ki a problémára. A magyar szempontból esedékessé vált korrekció 1514-ben következett be. Ekkor országgyűlési törvény korlátozta a főpapok római útjait, illetve különféle garanciákat követelt meg tőlük a rezerváció kivédésére, melynek jogosultságát egyébként nem vonta kétségbe. Más kérdés, hogy Róma valójában e téren sem tudta maradéktalanul érvényre juttatni álláspontját. Mint azt az egri püspökség többszöri példája mutatja, csupán kompromisszumos megoldást tudott kiharcolni. Jelöltjeinek kárpótlásként egy-egy kisebb javadalommal kellett megelégedniük.

Konkordátum kötése tulajdonképpen egyik félnek sem állott érdekében. Egyrészt a hazai igények messze túlmutattak azon, amit a pápaság nyíltan elismerhetett volna. Magyarország számára tehát több mint ideális volt a saját felfogás szerint értelmezhető konstanzi megállapodás. Másrészt a Szentszék már azzal is, hogy a kisebb javadalmakról való teljes körű lemondás mellett kivétel nélkül az összes magyarországi püspökség nominációs jogát megengedte, lehetőségei végső határához érkezett. Az egyezmény szűkszavúsága és főleg korai eredete ugyanakkor számára is hagyott némi mozgásteret. A német, francia és spanyol példákkal ellentétben a 15. század második felében kialakuló kúriai irattípusokban: konzisztoriális jegyzőkönyvekben, cédulákon és kontrocédulákon, valamint a bullákban szinte sosem szerepel az uralkodói közreműködés ténye. A többi konkordátummal összevetve valóban páratlan engedményekbe való beletörődést megkönnyítette a Kúria számára, hogy a megállapodással ellentétben az annátákat, pontosabban a *servitiumot* – egyéb országokhoz hasonlóan – rendszeresen megfizették Magyarországról. E legjelentősebb tétel mellett egyéb bevételi források viszont nem álltak a pápaság rendelkezésére a Szent Korona uralma alatt álló területekről. A *spoliumok*, interkaláris jövedelmek, mint nem a kánoni institúcióhoz kapcsolódó tételek – szerves összefüggésben a magyarországi felfogással – az államkincstárt gyarapították. A pápai tizedek behajtása pedig már Nagy Lajos korában uralkodói kézbe jutott, illetve megszűnt. A pápai bírászkodásnak már a konstanzi dokumentumban megjelenő hazai korlátozását szintén folyamatos törvényi szabályozással sikerült fokozatosan érvényre juttatni. Nagy nehezen a Kúriához történő fellebbezéseket is visszaszorították a primási bíróság harmadfokú kompetenciájának elismertetésével és megerősítésével.

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A mohácsi csatavesztést, illetve a kettős királyválasztást követően a sajátos, mégis konszolidáltnak tekinthető viszonyok radikalizálódása jellemző. Ez magyar részről a javadalom szinte teljes körű állami kisajátításában nyilvánult meg. A prépostságok, apátságok nagy része zálogba adás révén világi, gyakran protestáns kézbe került. A 16. század első felében szintén bevett gyakorlattá vált a püspökségek elzálogosítása (például Győr, Nyitra), majd ezt követően olykor évekig, évtizedekig tartó üresedésben hagyása (Esztergom, Eger). A bevételek ilyenkor a kamarát gazdagították. A helyzet akkor sem volt sokkal rózsásabb, ha kinevezett főpap állt az egyházmegye élén. Jövedelmei tetemes részét ekkor is állami célokra kellett fordítania. Előfordult, hogy birtokába sem jutott a bevételeknek, hanem csupán az uralkodó által megállapított penziót kapott.

E fejlemények a középkor végére kialakult gyakorlattal ötvözve Európán belül a legtisztább államegyházi formációt jelentették. Az uralkodók mellett, akik ekképpen öröklési problémákkal nem terhelt, pusztán nekik kiszolgáltattott belső hatalmi bázisra tettek szert, a szisztéma leglelkesebb híve és haszonélvezője a hazai hierarchia volt. Az anyagi korlátozások ellenére a javadalmak azonnali birtokbavétele a 15. századtól kezdve nem csekély könnyebbséget jelentett a magyar püspökök számára. E sajátos államegyházi struktúrát a franciához hasonlóan az egyháziak körében is különleges ideológiai háttér jellemezte. A legfőbb elem Werbőczy tétélei mellett vélhetően Bonfini és Túróczi történeti munkáinak köszönhetően a Szent István-i hagyományok még nyomatékosabb hangsúlyozása volt. A szent királyhoz kapcsolt tradíciók azzal a sajátos – igaz, csupán informálisan han-

goztatott, a gyakorlatban mindazonáltal többször alkalmazott – következtetéssel párosultak, hogy a már felszentelt püspökök gyakori áthelyezésük esetén nem kötelesek új püspökségük kormányzásához a pápai bullákat megszerezni.

A magyar igények a 16. század derekán még egy újabb elemmel bővültek. Mégpedig a pápai bullák annáta és egyéb illetékektől mentes kiállításának követelésével. A fizetési kedvezést már a konstanzi egyezmény is magában foglalta, de feltehetően az egész rendszer életben tartása érdekében nem éltek vele. A régi-új indok a török elleni harc költségeinek, a *propugnaculum Christianitatis* eszméjének hangoztatása volt. Ez a közös nevező teljesen áthatotta a pápaság és Magyarország 15–16. századi kapcsolatait, és nagyban hozzájárult a hazai államegyház kialakulásához – kezdve Konstanztól, amikor is az idea először fogalmazódik meg, egészen a püspökségek bevételeinek lefoglalásáig a védelmi költségek címen. A kereszténység védőbástyájának ideája ebben az esetben nem bizonyult kellőképpen hatásosnak. Jóllehet ez a magyar oldalról, mind az egyháziak, mind a világiak részéről állandóan és joggal képviselt érv áll annak hátterében, hogy a pápaság Anglia 16., valamint Franciaország 17. századi példájával szemben sosem indított átfogó, az ünnepélyes kiközösítés fegyverét is bevető támadást a hazai államegyházi gyakorlat ellen, és rendre, különösen a tizenötéves háború idején óriási összegekkel járult hozzá a hadikiadásokhoz, az annáták ügyében csupán alkalmi engedményeket sikerült elérni.

A díjfizetések kérdése már 1539-ben központi szerepet játszott, amikor is a váradi béke megkötésével hosszas szünet után először vált lehetővé a magyar püspökök helyzetének kánoni rendezése, amelyet addig a kettős, Szapolyai- és Habsburg-kinevezések nagyrészt megakadályoztak. 1548-ban és

1550-ben egyenesen országgyűlési törvények és az ország nevében küldött követség sürgette a probléma megoldását. A fő nehézséget Róma számára az jelentette, hogy az illetékek jórészt már ekkor is közvetlenül a különféle kúriai tisztviselők kezébe jutottak. Másrészt egy általános felmentés negatív példával szolgált volna más nemzeti egyházak számára. Mindazonáltal a pápai államháztartás helyzete még korántsem volt annyira kedvezőtlen, hogy 1550-ben pillanatnyilag ne engedett volna a magyar követeléseknek. 1554-ben egy olyan, Bécs által felvetett köztes megoldásra került sor, amely mind a kúriai jogfenntartás elvének, mind a magyar érdekeknek megfelelt, tudniillik, hogy a megfizetett illetékeket közvetlenül a végvárok fenntartására fordítsák. I. Ferdinánd azonban hiába kísérelte meg ennek véglegesítését. Az annáták terén a későbbiekben is mindig esetről-esetre kellett egyezsége jutni. Ha ez többnyire sikerült is, egyéb technikai nehézségekkel párosulva – például az új püspök megélhetési forrásaik igazolása, a kánoni kivizsgálási eljárás megfelelő formában történő lefolytatása – a probléma nagyban hozzájárult ahhoz, hogy a magyar főpapok kitartóan ragaszkodtak az államegyházi ideológiához, s még hangsúlyosabbá tette a megfelelő, az alkalmi, konkrét problémákon átsegítő, magasabb szintű kúriai érdekképviselő hiányát.

A megfelelő szintű érdekérvényesítést nem tudta pótolni az sem, hogy a kapcsolattartásnak a 16. század utolsó évtizedeiben korszerűnek mondható formája alakult ki. A hazai hierarchiának ugyanis 1573 után 1600 körül állandó római ügyvivője volt a sági prépostságot birtokló Francesco Diotallevi személyében. Működéséről jelenleg csak szórványos adatok állnak rendelkezésre. Veranchich Antal titkáraként már korábban is többször megfordult a Kúriánál: *ad liminát* végzett, szervezte a püspökök bulláinak megszerzését, közre-

működött kenyéradója bíborosi kinevezésében. Feladatai ezt követően is hasonlóak voltak, s nagyrészt az ő érdemének tudható be, hogy az 1580–1590-es évekre a megerősítések gyakorisága, még ha nem is a Róma által elvárt mértékben és gyorsasággal, de szembetűnően megnövekedett. Az Itália és Magyarország között a későbbiekben is gyakran közlekedő ágens létezése leginkább a kedvező személyi adottságoknak: egy magyarországi kötődésekkel és javadalommal rendelkező, Veranchich szolgálatában diplomáciai tapasztalatokra szert tevő olasz humanista rendelkezésre állásának tudható be, mintsem egy tudatosan előkészített, a szükségletek felismerésén alapuló döntésnek.

Diotalevi ténykedése nem feledtetheti azt aényt sem, hogy a hierarchia közvetlen érintkezései a római központtal hihetetlenül meglazultak a 16. század második felében. 1556–1600 között egy prelátus sem fordult meg személyesen az Örök Városban, ami különösen a megelőző évtizedek első-sorban a trónviszály okozta diplomáciai pezsgésével összevetve szembetűnő.

Némileg meglepő módon a korban alig okozott problémát az a tény, hogy a pápaság a hazai felfogással szemben a korszakban már azt is kétségbe vonta, hogy a magyar királyoknak az egyházi javadalmak felett bármilyen jogosítványa lenne. Az Apostoli Szék ebbéli felfogásának először 1539-ben adott hangot. Álláspontja nyíltan egy évtizeddel később fogalmazódott meg. 1550. július 4-én konzisztoriális dekrétum mondta ki hét püspökséggel kapcsolatban (Eger, Pécs, Veszprém, Vác, Nyitra, Zágráb és Tinin), hogy a bulákat pusztán pápai rendelkezés alapján (*ad meram dispositionem sanctitatis suae*) kell expediálni, mivel Magyarország királyának jogai nem igazolhatók (*de nominatione et praesentatione regis Ungariae nihil constat*). Valóban az a kü-

lönleges helyzet állott elő, hogy magyar részről, mivel a királyi levéltár Buda elfoglalása után török kézre került, a valóban megkapott pápai privilégiumot sem tudták hitelesen igazolni, csupán – mint ezentúl is mindig – az ország hagyományaira, törvényeire és Konstanznak Werbőczy általi említésére hivatkoztak. Róma szemében ez vajmi kevés volt, kiváltképpen, hogy mint említettük, általában a konzisztoriális iratokban sem volt nyoma az uralkodói közreműködésnek.

A Kúria ugyanakkor meg sem kísérelte, hogy felfogásának a gyakorlatban is érvényt szerezzen. 1539-ben és 1550-ben az uralkodói jelöltek kapták meg a pápai bullákat. Ugyanez volt a helyzet 1554-ben. Ez alkalommal már egy *modus vivendi* körvonalai kezdtek kirajzolódni, amennyiben ettől kezdve a kúriai iratokban, igaz, korántsem következetesen, de rendre említésre kerül az uralkodói nomináció ténye. Az okot egyértelműen I. Ferdinánd pozícióinak megerősödésében, majd a magyar korona és a császári cím perszónaluniójában kell keresnünk. A 16. század második felének konzisztoriális jegyzőkönyveiben bizonyára nem véletlenül szerepel az *ad nominationem Caesaris uti regis Hungariae* formula.

A pápaság következetesen csak a bécsi/prágai udvaron keresztül igyekezett hatást kifejteni – sokszor sürgetőleg – a hazai püspöki székek betöltésére. Itt tette meg alkalmankénti személyi javaslatait is. Nem tudunk arról, hogy bármilyen, úgymond a „főkegyúri jog” körül folytatott vita miatt akár egy kánoni intézüció is csorbát szenvedett volna a 16. század folyamán. Róma habozás nélkül teret adott a hódoltságba került egyházmegyék uralkodói címadományozásának, kifejezetten sürgette azt, igaz, elsősorban nem lelkipásztori megfontolásból. A pápák a Habsburg-uralkodóházban látták legfőbb zálogát a mind nagyobb teret nyerő protestantizmus

visszaszorításának. Rajta keresztül igyekezett a hazai klérust a kánonok betartására, a reformok életbe léptetésére készíteni.

Határozottan erről tanúskodik a Bécsben és Prágában a célból tett többszöri intervenció, hogy a magyar főpapok ne mulasszák el római kötelmeiket: a bullák megszerzését (amelyekre rendszerint az ilyen akciók után, „tömbösítve” került sor); az *ad limina* látogatást; hogy hagyjanak fel az egyházmegyék kormányzásának kinevezésük utáni azonnali átvételével és a főpapi jelvények használatával; hogy a kánoni kivizsgálást a reformelőírásoknak megfelelően folytassák le a kötelező hitvallás és trienti esküformula letételének kíséretében; s végül hogy tartsák be a rezidencia-kötelezettséget.

A tridentínus pápaságnak azonban nem sikerült kikezdenie a klérus és a hatalom szoros szövetségét. A konfesszionális határok körvonalazatlansága, I. Ferdinánd, Miksa és részben II. Rudolf „kompromisszumos katolicizmusa”, a ki-robbanó hosszú török háború mellett legfőképpen ez az összefonódás hiúsította meg a trienti program azonnali hazai megvalósítását. A pápai nunciusok, valamint egy-két olyan elkötelezett reformfőpap igyekezete, mint Oláh Miklós és Draskovich György, vagy Telegdy Miklós és Monoszlay András hiábavalónak bizonyult. A hazai hierarchia által a 17. század elejéig felmutatott eredmény igen csekély volt: a mind gyakoribb erőfeszítések ellenére csupán néhány szekularizált javadalom visszaszerzése, a minimális jezsuita jelenlét megteremtése. A papi utánpótlást jószerével csak az Oláh alapította kicsiny nagyszombati szeminárium biztosította, szórványosan kiegészítve a bécsi és olműtzi pápai kollégiumokban tanuló hazai diákokkal.

Nem szabad viszont figyelmen kívül hagyni, hogy a sajátos magyar államegyházi struktúra mindemellett nélkülözte

a tulajdonképpeni antikurializmust. A gyakorlatban ugyan messze túllépett a franciaországi viszonyokon (a pápaság egy ízben kifejezetten avégből lépett fel a kánonellenes javadalomhasználat ellen, nehogy mintául szolgáljon a franciáknak), a gallikanizmussal ellentétben teljesen hiányzott viszont a publicisztikai háttér. A nunciusi jelentések az abúzusok elítélése mellett többször is kiemelik a magyar főpapoknak a Szent-szék iránti „odaadását”. Ez elsősorban megint csak a török elleni harc összefüggésében magyarázható.

A publicisztikai harc hiánya mégsem feledtethette, hogy a magyar és kúriai felfogás minden korábbinál messzebbre került egymástól. A püspökkinevezések kérdésének tulajdonképpeni megoldatlansága számos ponton magában hordozta az éles konfliktusok veszélyét, amelyek elkerülését mindaddig a tridentianus pápaság rugalmassága tett lehetővé. Egy kizárólag itáliai dimenziókban gondolkodó, rigorózusabb barokk pápaság esetében erre már aligha lehetett számítani. A Habsburgokhoz fűződő hagyományos viszonyrendszer megváltozása a 17. század első felében, a missziószervezés dél-kelet-európai kibontakozása addig teljességgel ismeretlen frontok megnyitásával fenyegettek. Kiváltképpen, hogy a tizenöt éves háború időszakától kezdve a császári udvar érdeklődése is mind intenzívebbé vált a Balkán iránt. Ez többek között az ottani, egykor némely esetben kétségkívül magyar érdekszférába tartozó püspöki címek egyre gyakoribb adományozásában is megnyilvánult.

Misztótfalusi Kis Miklós (1650-1702) betűivel
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