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## The Life and Hungarian Legations of Cardinal Gregorius de Crescentio\*

The study deals with the ecclesiastical caereer and the Hungarian legations of Gregory, the cardinal deacon of S. Maria in Aquiro (1188–1200?), then the cardinal presbyter of S. Vitalis (1200?–1207?). Gregory was of noble origin and an important member of the college of cardinals at the end of the 12<sup>th</sup> and the outset of the 13<sup>th</sup> century. His activity in the service of the popes was quite complex, among other things he acted as auditor in the Curia and fulfilled diplomatic missions of various kinds as well. He visited the Hungarian Realm twice, first in 1199–1200 whilst his task was to help the reconciliation of King Emeric with his younger brother, prince Andrew. Gregory's second Hungarian legation covered a series of ecclesiastical issues in 1207, for instance he investigated, whether the election of the king's brother-in-law, Berthold of Merania as archbishop of Kalocsa legitime was. Furthermore, the paper intends to analyse the nature of the cardinal's authorizations as well.

Keywords: papal legate, Cardinal Gregory, Hungarian Kingdom, papal-Hungarian relations, papal judge-delegate



Gregory, the cardinal deacon of S. Maria in Aquiro (1188–1200?), then the cardinal presbyter of S. Vitalis (1200?–1207?), was one of those cardinals who were commissioned to the Hungarian Kingdom as a papal legate. His activity in Hungary was only one of his assignments important for the papacy, since he had tasks worth mentioning in Italy as well. His first legation to Hungary, as we shall see, is significant from different points of view, such as his ecclesiastical career and the local events.

Gregory was the uncle of Gregorius Crescentio, who later also joined the papal service.<sup>1</sup> He was the offspring of the noble Crescentius

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<sup>1</sup> For the identification of the Gregories see KISS 2019; MALECZEK 1984. p. 183; SOLYMOSI 2017. p. 28–35.

family,<sup>2</sup> but was not directly related to the clans of similar name, which had a great influence on the life of Rome and the whole Patrimonium Petri in the 10–11<sup>th</sup> centuries. The members of the Crescenzi-Ottaviani family were for instance the counts of Sabina and the ancestors of the Monticellis.<sup>3</sup> However, the Crescentiuses appeared in Rome only in the 12<sup>th</sup> century without any evident relation with the old Crescenzis. Their connection to the Cenzi family is mentioned several times but cannot be proved either.<sup>4</sup> The confusion of the Latin and Italian variations of the Crescentius/Crescenzi/Cenzi names raise difficulties in certain cases. However, there is proof that the Crescentiuses belonged to the nobility of Rome at the end of the 12<sup>th</sup> century in one of the sources about Gregory.<sup>5</sup> Namely Innocent III (1198–1216) entitled him *vir genere nobilis*<sup>6</sup> in 1207 when he was assigned to Hungary for the second time. The cardinal's testament provides data about his family as well.<sup>7</sup> His nephews are known, Leo and Crescentius, the sons of Cencius Roizus who deceased in 1207, and Cencius and Johannes Mancinus, the sons of Crescentius also deceased by 1207.<sup>8</sup>

### **Gregory's Career and his Papal Authorizations**

According to the sources, Gregory was given a significant ecclesiastical function in March 1188 when Pope Clement III (1187–1191) appointed him as deacon cardinal of S. Maria in Aquiro.<sup>9</sup> Gregory got into the forefront of papal policy later, in the time of Celestine III (1191–1198). He had an important role with Albinus

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<sup>2</sup> TILLMANN 1975. p. 382.

<sup>3</sup> The opponent of Pope Alexander III, the antipope Victor IV came from this family. MALECZEK 1984. p. 77.

<sup>4</sup> MALECZEK 1984. p. 90.

<sup>5</sup> MALECZEK 1984. p. 77.

<sup>6</sup> RPR nr. 3196, RI X. nr. 138.

<sup>7</sup> PARAVICINI BAGLIANI 1980. p. 3, 107–109

<sup>8</sup> PARAVICINI BAGLIANI 1980. p. 107, fn. 1.

<sup>9</sup> ZIMMERMANN 1913. p. 30, fn 1; MALECZEK 1984. p. 90–91; TILLMANN 1975. p. 382. On the other hand, Cristofori gives one single person (with Crescenzi Gregorio name) between 1188 and 1208, considering the latter date hypothetical. CRISTOFORI 1888. p. 214.

d'Albano<sup>10</sup> in the agreement of Tancred of Sicily<sup>11</sup> with the papacy (in June 1192, the so-called Gravina-concordat).<sup>12</sup> The delegates of the pope set off at the end of May 1192, and Albinus and Gregory last

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<sup>10</sup> Albinus (?–1197) was the cardinal bishop of Albano from 1189 until his death. He wrote about the early period of his life in his work *Digesta pauperis scolaris Albini* (LC 85–89.). According to it, he became an orphan at an early age, and then his uncle, a monk took care of him. After the uncle's decease, he studied with his close associate called Richard (his brother?), later bishop of Orvieto (1177–1201), until he was called to Rome to be a cardinal. Albinus was thought to have come from Milan or to have been the offspring of a significant family of Pisa, but based on his work he is more likely to have been born in the town of Gaeta. Anyway, it is almost certain that he was supported by his relatives, or at least this is what his fast advancement in his ecclesiastical career suggests. In one of Urban III's charter dated on 29<sup>th</sup> June 1186, Albinus appears with the title *magister*, presumably he studied theology and philosophy, but it is not known at which university. First he had the office of cardinal deacon of S. Maria in Nuova in the time of Pope Lucius III from 1182 (4<sup>th</sup> January 1183 – 13<sup>th</sup> March 1185), then in 1185 he was appointed cardinal presbyter of S. Crucis in Jerusalem. In 1186, he went to Verona for unknown reasons, then from February 1188 to March 1189 his signature was present on the solemn papal privileges. The first charter signed as the cardinal-bishop of Albano dates back to 31<sup>st</sup> May 1189, whereas the last to 9<sup>th</sup> July 1196. The date of his death is uncertain, but it must have happened prior to March 1198, as Pope Innocent III referred to the bishop from this point as deceased. It is fairly improbable that an honorable member of the cardinals' college like Albinus would have stayed away from the events and so from the papal sources. Thus, he was likely to pass away at the end of 1196, at the latest by 1197. In his career he was the court's auditor, legate and papal vicar, and participated in managing the finances of the Apostolic See. He was assigned to Sicily in 1188, when Pope Clement III sent him with Peter, the cardinal presbyter of the S. Laurentius in Damaso to the court of King William II in Palermo. The reason for his legation was the fact that the Norman ruler had taken neither his oath of allegiance, nor his oath of vassal of the pope, in spite of the provisions of the Benevento concordat in 1156. The legates were successful, as proven by several sources. Albinus carried on successful negotiations with the Sicilian king, Tancred in 1191 in Messina. Based on Tancred's privilege issued for the town of Gaeta, it can be supposed that Albinus was then in the kingdom as a papal vicar (before Innocent III's pontificate, the office of the papal vicars was not confined to Rome, the *vicarius* could substitute the Head of the Church designating him, anywhere and any time. The sermon might as well have been an important part of the office of the vicar. (Blumenthal 1982. 32.). Then in 1192, he was assigned as the mentioned legate with Gregory. As a matter of fact, Celestine III finally had to acknowledge Tancred as the predecessor of Henry II after Henry VI's leaving, which meant that the pope needed his bishops' service. As a result, the concordat of Gravina was concluded in June 1192. The two bishops met the king personally in July in Alba Fucente and received his oath of allegiance in the pope's name. From Pope Innocent III's later documents Albinus is known to have decided in the case of the appeal of the archbishop of Milan in 1194, to perform the consecration of Daniel the bishop of Rossi in 1196, and to be present at the consecration of the S. Laurentius in Lucina church as well. See MALECZEK 1984. p. 76–77; BLUMENTHAL 1982. p. 10–11, 18–33; MONTECCHI PALAZZI 1986. p. 626–628; KARTUSCH 1948. p. 79–82.

<sup>11</sup> At the beginning of 1190, after the death of the Sicilian king William (the Good) II (1166–1189) in the previous year, through his wife Constance, who was the youngest daughter of King Roger II (1130–1154) the Holy Roman emperor, Henry VI (1190–1197) put in a claim for the throne. Against him, the nobles of the kingdom elected Tancred (1190–1194), the count of Lecce, the illegitimate grandson of King Roger II, refusing the foreign, German candidate. The new Norman king later captured Henry VI's wife, thus the emperor had to go back to German territory. However, Tancred himself died in 1194, not long after his eldest son's death. MOLNÁR 2004. p. 63–64; BLUMENTHAL 1982. 3p. 0–31; MATTHEW 1992. p. 285–291.

<sup>12</sup> TILLMANN 1975. p. 382; MALECZEK 1984. p. 91; AUBERT 1986. p. 1457. About the events that led to the concordate of Gravina see note 10 and BLUMENTHAL 1982. p. 31.

signed in the papal court in Rome on 23<sup>rd</sup> of May.<sup>13</sup> The agreement with Tancred did not only renew the previous Benevento-concordat,<sup>14</sup> but it was in certain points more advantageous for the papacy.<sup>15</sup> Albinus and Gregory's next delegation happened at the end of June,<sup>16</sup> when they met Tancred in the town of Alba close to Abruzzo, who made there a solemn oath of allegiance before the legates of the pope.<sup>17</sup>

Gregory must have returned to the papal court after these events, as a charter of Innocent III from 1198 suggests. The pope wrote on 2<sup>nd</sup> of March to Archbishop Philip of Milan, in connection with his quarrel with the abbot and convent of S. Donato di Scozola in Sesto-Calende. This papal letter informs us about the former measure of Celestine III, who had ordered Gregory and Hugo of SS. Silvestrus et Martinus<sup>18</sup> in the case as auditors.<sup>19</sup> Their activity is not known in details, however, it seems certain that Pope Innocent III rejected the request of the abbot, and did not confirm the verdict of the bishop of Ferrara against the archbishop, but approved the former decision favourable for the archbishop made by the bishop of Verona.<sup>20</sup> The activity of Gregory as auditor is further reflected in another papal charter, which

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<sup>13</sup> MALECZEK 1984, p. 367, nr. 65. It is interesting that others suppose that Albinus last signed on 15<sup>th</sup> May, Gregory on 12<sup>th</sup> May. FRIEDLAENDER 1928, p. 78.

<sup>14</sup> The agreement of Pope Hadrian IV (1154–1159) and William I (the Bad) (1154–1166) in 1156. As a consequence of the increasing isolation caused by the Byzantine and Norman-Sicilian attacks, the pope was forced to make compromise on behalf of the latter. In the agreement, the pope acknowledged William as the king of Sicily and his authority over Puglia, Calabria, Campania, Capua, the Amalfi-coast, Naples, Gaeta, Marche, Abruzzo. See NORWICH 1970, 196–200. See the text of the agreement of Benevent: MGH Const. I. p. 590–591, nr. 414.

<sup>15</sup> The king swore allegiance to the pope, agreed on receiving a legate permanently to the mainland and delegates to the islands every five years, furthermore, Tancred had to take the royal office personally from the pope. FRIEDLAENDER 1928, p. 78–79. See the text of the agreement of Gravina: MGH Const. I. nr. 417.

<sup>16</sup> It is not sure that we can speak about two legations, as researchers claim it might only have been the test of Tancred's promise. BLUMENTHAL 1982, p. 31.

<sup>17</sup> FRIEDLAENDER 1928, p. 78. See the text of the oath of allegiance: MGH Const I. nr. 418.

<sup>18</sup> Hugo presumably came from a local Roman family and started his ecclesiastical career as archdean of Saint Peter cathedral before he was appointed in 1190, or perhaps in 1191 by Celestine III as cardinal of S. Martinus which title he held until his death in 1206. His name appears many times in the sources as auditor, e.g. he was appointed by Innocent III to examine the circumstances of the death of Bishop Conrad of Würzburg. Hugo functioned also as papal penitentiary and as mediator in 1203 in Terracina. His signature appeared for the last time on a papal privilege issued in February 1206. RI I, nr. 53, fn. 12; MALECZEK 1984, p. 107.

<sup>19</sup> "Cumque dilectus filius G(erardus), tunc prior nunc nunc vero abbas eiusdem monasterii, et G., nuntius adverse partis, super hoc ad sedem apostolicam accessissent, bone memorie C(elestinus) papa, predecessor noster – supradictis omnibus per dilectos filios nostros Hug(onem), tituli sancti Martini presbyterum, et G(regorium) sancte Marie in Aquiro diaconum, cardinales quos eis auditores concesserat [...]" – RI I. nr. 37, RPR nr. 31. The term *auditor* appeared in the sources under the pontificate of Celestine III, and it became one of the main tasks of the cardinals later. See MALECZEK 2013, p. 75.

<sup>20</sup> RI I, nr. 37.

was issued on 13<sup>th</sup> April 1198, because of the problems connected to a prebend in the Cathedral of Our Lady in Antwerp.<sup>21</sup> The cardinal was this time appointed as the sole auditor of the case, which was later settled in favour of Lambert, the holder of the prebend. Innocent III ordered the archdeacon, the cantor of the cathedral and the chancellor of Tournai to support the claims of Lambert.<sup>22</sup> Under the pontificate of Celestine III Gregory was appointed for a further case as auditor, this time together with the cardinals Jordanus of S. Pudentiana<sup>23</sup> and Soffredus of S. Praxedis.<sup>24</sup> The leader of the process between the bishop and the convent of Angoulême<sup>25</sup> became after them Peter deacon cardinal of S. Maria in Via Lata.<sup>26</sup> The aforementioned

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<sup>21</sup> “Cum autem G., procurator eius, ad nostram presentiam accessisset, B. clericus ex parte prefati Lamberti se ei adversarium esse proposuit. Unde est dilectum filium nostrum G(regorium), sanctae Marie in Aquiro diaconum cardinalem, concessimus auditorem. Ex cuius postmodum relatione cognovimus, quod cum idem B. pluries vocatus ad causam fuisset, multotiens a presentia dicti cardinalis discessit contumax et tandem a presentia nostra se penitus abstentavit” – RI I, nr. 90. RPR nr. 76.

<sup>22</sup> RI I, nr. 90.

<sup>23</sup> Jordanus was the member of the family Ceccano. He began his ecclesiastical career as the abbot of the Cistercian monastery of Fossanova in 1176 and became ten years later the member of the College of Cardinals, first as a deacon, later as priest. Right after his elevation Jordanus was ordered by Pope Clemens III to examine the quarrel about the election of the archbishop in Trier. He visited right after that Cologne and the territory of the present-day Belgium. His juridical activity is reflected in many charters issued in this time. In May 1199, he appeared again in the papal court, before Celestine III mandated him as legate in France. He was ordered together with Octavian of Ostia to make peace between Richard Lionheart and the group led by his brother, the later John Lackland and the archbishop of Rouen. The legation of the cardinals seems to be of problematic nature, they could not even agree upon the necessary actions. Jordanus returned to the Curia in 1193, where he acted many times as judge even under the pontificate of Innocent III. In 1199, he was sent to Ancona as legate to prepare a campaign against Markward of Anweiler. His council was sought later many times by Innocent III concerning the matters of the Cistercian order until his death in 1206. See MALECZEK 1984. p. 86–88.

<sup>24</sup> Soffredus originated from the Italian town of Pistoia, before his elevation to the cardinalate he was the member of the local chapter as a *magister*. His juridical expertise had an enormous effect on his later activity. Pope Lucius III made him cardinal of S. Maria in Via Lata in 1182 and Soffredus got his first mandate as a legate in 1187 from Clemens III. He was sent to France to negotiate between King Henry II and King Philip II. He was successful in this matter, so was he in the next year handling the quarrel between Pisa and Genoa, likewise in 1189 between Parma and Piacenza. In the summer of the same year he traveled to Trier, because of the aforementioned disputed election. Under the pontificate of Celestine III, he was mostly present at the papal court, where he acted many times as auditor. Soffredus became the cardinal of S. Praxedis in 1193. Five years later he was sent to Venice and to the Holy Land to take care of the affair of the planned crusade. In 1201, he was elected to the archbishopric of Ravenna in his absence, but the pope refused to confirm him. Soffredus returned to Rome in 1205, where he died in 1210. MALECZEK 1984. p. 73–76.

<sup>25</sup> 29th May 1198. “Quibus primo dilectos filios J(ordanum), tituli sancte Pudentiane, et S(offredum), tituli sancte Praxedis, presbyteros, et G(regorium), sancte Marie in Aquiro, et Postmodum P(etrum) sancte Marie in Vialata, diaconos cardinales, concessimus auditores” – RI I, nr. 214, RPR nr. 223.

<sup>26</sup> Petrus Capuanus came from a noble family of Amalfi. After his study in Paris he was called to Rome by Pope Celestine III because of his theological works. Peter was created cardinal of S. Maria in Via Lata. In the summer of 1195, he was appointed rector of Benevento and legate to Sicily. In the next year, he travelled through northern Italy and Austria to Bohemia and

Soffredus was the associate of Gregory in a further case as well,<sup>27</sup> they had to come to a decision in the procedure against Albericus, prior of the monastery of S. Lorenzo in Spello. However, they failed to do so, and the prior was removed from his position according to a charter of Innocent III issued on 1<sup>st</sup> February 1199.<sup>28</sup>

In October 1198,<sup>29</sup> Innocent III appointed Gregory after a longer curial stay *rector*<sup>30</sup> of the duchy of Spoleto, the county of Assisi and the surrounding areas, in other words, he represented the papal power in this territory until the summer of 1199.<sup>31</sup> It can be considered Innocent III's first measure to create administration with central control for the *Patrimonium Petri*.<sup>32</sup>

After returning to Rome, Gregory was first time commissioned as a legate to the Hungarian territory. At the end of 1199, Pope Innocent III sent him to Hungary<sup>33</sup> to deal with the problems of the Hungarian

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Poland, where he was present even in the time of the election of Innocent III. The new pope mandated him immediately with a new legation, he had to take care the affair of the planned crusade. Peter first travelled to France to mediate between the French and the English kings, where he handled the matrimonial problems of Philip August II as well. He returned to Rome in 1200, and he was appointed cardinal of S. Marcellus. During his stay in the papal court, Peter often acted as judge, but in 1202 he traveled to Venice, Constantinople and the Holy Land because of the crusade. His activity was, however, not entirely successful, and the pope blamed him for it. Peter returned to Rome in the autumn of 1206 or early 1207, but he could never regain his position as an important member of the College of Cardinals. Thereafter he concentrated his attention on his hometown and made several foundations there. He died in Viterbo in 1214. MALECZEK 1984. p. 117–124.

<sup>27</sup> “Sed cum ab eis non fuerit in ipsa questione processum, a dilectis filiis nostris S(offredo), tituli sancte Praxedis presbytero, et G(regorio), sancte Marie in Aquiro dicaono, cardinalibus commissa fuit.” – RI I, nr. 542 (545), RPR nr. 587.

<sup>28</sup> RI I, nr. 542 (545).

<sup>29</sup> “Inde est, quod paci et tranquillitati vestre paterna volentes sollicitudine providere, dilectum filium nostrum G(regorium), sancte Marie in Aquiro diaconum cardinalum, virum utique providum et discretum, quem inter alios fratres nostros speciali caritate diligimus vobis duximus preponendum et ut vestre pacis et salutis regimen ulterius exequatur, utramque potestatem, spiritualem videlicet et temporalem, ei vice nostra commissimus, ut dum in eo potestas utraque convenerit, utraque adiuta per alteram liberius valeat exerceri. Cui dedimus in mandatis, ut vos tamquam ecclesie Romane filios speciales diligit et honoret et sic iura nostra procuret, ut aliena non ledat, sed quod suum est unicuique studeat conservare” – RI I, nr. 356, RPR nr. 927.

<sup>30</sup> Cf. MALECZEK 2013. p. 76.

<sup>31</sup> MALECZEK 1984. p. 91; AUBERT 1986. p. 1457; MOORE 2003. p. 40; TILLMANN 1975. p. 382. The latter work published it without date. The power of the pope was extended over a significant part of Middle Italy in the time of pope Innocent III. The ‘Papal State(s)’ consisted of four parts: Toscana Romana, Campagna-Marittima, the duchy of Spoleto, and the Marquisate of Ancona. No special authority emerged to rule them, there were no high-ranking officials designated, the popes practised supreme power over these territories with the members of the College of Cardinals, considering the territories’ customary law and the local specialities. First the cardinals ruled as legates, later as rectors. By the 1220s, a stable system had developed, thus each region had their own rector, who was appointed by the pope for several years. The rectors had to give account of the finances of the territories in the Papal Court. MOLNÁR 2004. p. 66–67; WALEY 1961. p. 91–124.

<sup>32</sup> MALECZEK 1984. p. 91

<sup>33</sup> Cf. SWEENEY 1984. p. 121.

church, and the fight between King Emeric (1196–1204) and the monarch's younger brother, Prince Andrew.<sup>34</sup> In the second, presumably more significant issue Konrad, the archbishop of Mainz assisted him.<sup>35</sup> Moreover, he had to gain the support of the Hungarian king for the guelfs in the imperial struggles for succession.<sup>36</sup> As for the beginning of Gregory's legation, a papal charter dated on 26<sup>th</sup> November 1199 provides information. As Gregory signed this document,<sup>37</sup> we can assume that his legation started afterwards. He was also supposed to intervene in the conflict of Poppo, the provost of Aquileia and the chapter on his way to Hungary. The conflict concerned certain incomes in Carinthia, as described in the agreement of the litigants drawn up on 4<sup>th</sup> of January 1201.<sup>38</sup> Gregory probably arrived in the Hungarian Kingdom at the beginning of 1200.<sup>39</sup> His task was first mentioned in a letter sent to the chapter of Split on 2<sup>nd</sup> March by Innocent III.<sup>40</sup> According to the papal document, the main reason of the legate's assignment was the fight between the king and the prince.<sup>41</sup> Gregory's efforts in Hungary must have been fruitful, as King Emeric and Prince Andrew concluded

<sup>34</sup> See SWEENEY 1999; SZABADOS 1999; SZABADOS 2000; GÁL 2019.

<sup>35</sup> MALECZEK 1984. p. 91. See CFH nr. 1215.

<sup>36</sup> AUBERT 1986. p. 1457. Only the previous (struggle for the throne) is mentioned by László Solymosi. SOLYMOSI 1996. 50. According to Moroni, Gregory – who was assigned by the pope to settle the Sicilian fights and to prepare the crusade – had to draw Hungary into the Syrian action against the infidels in alliance with the Austrian prince, Leopold VI. MORONI 1840–1861. p. LXXXIII, 174. Tillmann also refers to a part of Thomas of Spalato's work, where Gregorius de Chrescencio (!) was entrusted in the case of the canonization of Ladislav I. THOMAE SPALATENSIS p. 134–137. However, the canonization took place in 1192, and the Gregory mentioned here was in fact Gregorius de Sancto Apostolo.

<sup>37</sup> MALECZEK 1984. p. 91, 379, nr. 63a. In Eubel's view, he last signed on 4<sup>th</sup> July 1199 with the title of the S. Maria in Aquiro. HC I, 3, fn. 1. See MALECZEK 1984. p. 379, nr. 61. His first signature after his return was dated on 3<sup>rd</sup> February 1201, but still with his previous title. MALECZEK 1984. p. 380, nr. 74. In his mentioned rank his last signature dates to the 1<sup>st</sup> July 1201. See MALECZEK 1984. p. 380, nr. 83.

<sup>38</sup> MALECZEK 1984. p. 91, fn. 228; RI II, nr. 104 (113).

<sup>39</sup> See MALECZEK 1984. p. 91, 339; ZIMMERMANN 1913. p. 204.

<sup>40</sup> “[...] communicato fratrum consilio legatum illuc duximus a nostro latere cum potestatis plenitudine destinandum, dilectum videlicet filium nostrum G. Sancte Marie in Aquino diaconum cardinalem” – AÜO I, 88, MNL OL DL 361 21, RPR nr. 966.

<sup>41</sup> Adding that it hindered meeting the commitments of the crusade. “[...] qualiter multis et magnis necessitatibus regni Ungarie intellectis, que festinanum subsidium requirere videbantur, et provisione Sedis Apostolice indigere, cum nec alius nobis subventionis modus congruentior vel eque congruus appareret, ne mora dispendium ad se traheret, et ex dilatione illius regni communis impediretur utilitas, quod in devotione Apostolice Sedis et gratia ita iam dudum solidatum extitit et incessanter existit, ut ipsius prospera et adversa tanquam propria reputemus [...]” – AÜO I, 88. There was a charter of similar tone written in the papal chancellery addressed to the Hungarian prelates, who were called to help the legate in all possible ways as well. “Monemus proinde discretionem vestram propensius et hortamur per apostolica scripta precipiendo mandantes, quatinus eundem cardinalem tamquam honorabilem membrum ecclesie et legatum Apostolice Sedis recipientes humiliter et devote, ac honorificentia debita pertractantes, ipsius salutaria monita et precepta teneatis firmiter et servetis, et teneri ac servari a vestris subditis faciatis” – AÜO I, 88, RPR nr. 977.

peace in 1200. The details of the agreement are described by the Royal Chronicle of Cologne,<sup>42</sup> which does not mention Gregory's role.<sup>43</sup> However, there is a reference to the agreement and the legate's activity in the register of Pope Innocent III, in the text of a letter sent to Prince Andrew on 9<sup>th</sup> November 1203.<sup>44</sup> Another clue for the legate's activity is to find in the *gesta* of Innocent III written by an anonymus author in the early 1220s.<sup>45</sup>

In addition to the enmity in the royal family, Gregory had to deal with settling the issues of the clerics. We do not have any source about it, but we know data referring to another ecclesiastical province that is not the province where the legate was designated to.<sup>46</sup> Namely Innocent III's letter written to Pregrinus the patriarch of Aquileia on 1<sup>st</sup> March 1201 mentions the latter's oath before the legate. Gregory and Peregrinus met either on Gregory's way to Hungary or on his return trip.<sup>47</sup>

Thus Gregory's legation started at the latest on 2<sup>nd</sup> March 1200, at least it can be traced back to this date, however, its ending, though we probably know its *terminus ante quem*, is still uncertain. Werner Maleczek dates Gregory's first appearance among the signatories of papal charters to 3<sup>rd</sup> February 1201, when in his opinion Gregory was already the cardinal presbyter of S. Vitalis, to which position he had been appointed by Innocent III at the end of 1200, on 23<sup>rd</sup> December.<sup>48</sup>

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<sup>42</sup> MGH SS rer. Germ. 18, p. 168. The information found its way into other western narrative sources as well. E.g. the second and third continuation of the Klosterneuburg Chronicle (*Annales Claustroneoburgenses*, *Continuationes Claustroneoburgenses* II et III. – MGH SS 9, p. 620, CFH I, nr. 1753; MGH SS 9, p. 634, CFH I, nr. 1754) and Paltram Vatzio (CFH III, nr. 4164). See KÖRMENDI 2008. p. 5, fn. 10; 57–58, 69. Some of them know about the role of Konrad the archbishop of Mainz, which in fact cannot be proven with charters.

<sup>43</sup> From the pope's perspective, the most important point of the peace was that Emeric and Andrew agreed to participate in the crusade. In their absence, they wished to entrust Leopold VI to rule the country, and in case of their death the other sibling would have inherited the kingdom. MGH SS rer. Germ. 18, p. 169.

<sup>44</sup> "Compositionem inter te, et carissimum in Christo filium nostrum illustrem regem Ungarie, in dilecti filii G. tituli Sancti Vitalis presbyteri cardinalis, tunc Apostolice Sedis legati, manibus versatam et ab eo postmodum confirmatam" – CDH II, p. 413, RI VI, nr. 155 (156). Cf. RPR nr. 2016; HAGENEDER 2000. p. 98; SZABADOS 1999. p. 104–105. Smičiklas (CDCS III, nr. 27.) dated it to 5<sup>th</sup> November wrongly, although it appears with "*nonis novembris*" in the text he published. We have to point out that the two charters give two different titles beside Gregory's name. Anyway, the dating of the papal charter cannot be accidental, as the relative peace lasted until 1203, when Andrew attacked the king again. However, close to Varaždin (Varasd) Emeric captured his brother. Cf. THOMAE SPALATENSIS 140–142. For other sources see KÖRMENDI 2008. p. 5, 15–19. For the critic of the so-called "Varaždin scene" see KÖRMENDI 2012.

<sup>45</sup> "Papa per Gregorium S. Maria in Aquiro diaconum cardinalem, quem legatum in Hungariam destinavit, reformavit pacem inter Henricum regem et Andream, fratrem eius, ducem, quorum guerra totum pene regnum Hungariae devestabat" – CFH II, nr. 2514.

<sup>46</sup> For the question of the legates' provinces see FIGUEIRA 2006.

<sup>47</sup> TILLMANN 1975. 382, fn. 156a. Cf. RPR nr. 1309.

<sup>48</sup> MALECZEK 1984. 91, 289. Cf. FRAKNÓI 1901. p. 37–38.



What is interesting is that the Viennese historian contradicts the facts previously written by himself about Gregory at the end of his monumental work introducing the members of the College of Cardinals, in the chart of the cardinals' signature. As for this work, in 1201 the legate still had the title cardinal deacon of S. Maria in Aquiro. As the cardinal presbyter of S. Vitalis, it was the first time on 7<sup>th</sup> March 1202 that he signed a solemn papal privilege.<sup>49</sup> Yet, we also have to consider that under Innocent III's reign, separate creations rarely occurred, in general, several clerics were together promoted. After December 1200, there was a new designation to bishop only on 9<sup>th</sup> March 1202.<sup>50</sup> The transfer, and thus determining the exact date of the end of Gregory's first Hungarian legation is made even more difficult, as according to Eubel, Gregory can be found as cardinal deacon in the papal charters until 4<sup>th</sup> July 1199, but as a presbyter he had to be confirmed between 9<sup>th</sup> March 1202 and 21<sup>st</sup> July 1207.<sup>51</sup>

Presumably, the difficulties arisen from Gregory's titles have caused the discrepancy in the opinions. The view that Gregory's Hungarian delegation was considered so successful in the papal court that Innocent III gave him the title of S. Vitalis, can be traced back here.<sup>52</sup> If we accept Maleczek's data, namely that Gregory signed in 1201 having his old title, then at least we have to question the direct link between the cardinal's Hungarian activity and his transfer, as there are almost one and a half years between them.

In this case, we have to turn to another source for help. In 1201, Gregory participated in the hearing of a case of jurisdiction between the abbot of Sainte- Geneviève and the bishop of Paris with Johannes Lombardus, cardinal bishop of Albano.<sup>53</sup> The two bishops listened to the parties, then recorded their complaints and made a report to the consistorial trial.<sup>54</sup> We are given a clue in a charter of Innocent III

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<sup>49</sup> MALECZEK 1984. p. 380, nr. 74 and 381, nr. 90; PARAVICINI BAGLIANI 1980. p. 3, nr. 1.

<sup>50</sup> In connection with the cardinals' papal designation, it is important to point out that under Innocent III's pontificate – following the previous practice – they took place connected to the four Lenten times of the year, on the Saturday before Palm Sunday and on Good Friday. MALECZEK 1984. p. 289.

<sup>51</sup> HC I, 3, fn. 1.

<sup>52</sup> MALECZEK 1984. p. 91, 380. (at the end of 1200, before 3<sup>rd</sup> February 1201); AUBERT 1986. p. 1457. (before 9<sup>th</sup> March 1202); CRISTOFORI 1888. p. 89. thinks that Di Crescenzo Gregorio (!) had the office between 1189 and 1208. Cf. TILLMANN 1975. p. 382, fn. 148.

<sup>53</sup> Johannes came from Lombardia and became the cardinal presbyter of S. Clemens in 1189, then in 1199 Pope Innocent III designated him for the office of the cardinal bishop of Albano. He had to give up his previous bishop's office (Viterbo, 1188–1199) with this designation. In the Curia, he mostly dealt with litigious matters, as a cardinal bishop he carried on acting in legal matters, his signature can be found on the solemn papal privileges until 1210. HC I, p. 3, fn. 1, p. 7, 35, 40, 532; MALECZEK 1984. p. 94–95.

<sup>54</sup> The trial referred to the *jurisdictio spiritualis*, that is the question of the synodic obligation, the saint oils, the chrism, the marriage fee and the parochial rights. As a result of Gregory and

dated to 23<sup>rd</sup> December 1201, which can be a decisive proof in connection with Gregory's office held in 1201. We can read in the text that the pope commissioned the bishop of Albano and Gregory, the cardinal presbyter of S. Maria in Aquiro to examine the case, and Gregory was the cardinal presbyter of S. Vitalis at the end of December.<sup>55</sup> This data does not exclude the possibility that Gregory won his newer cardinal's title after June 1201,<sup>56</sup> however, as it was a longer-lasting trial, it is more probable that Innocent III promoted him – alongside with others – in December 1200, maybe with regard to his activity in Hungary as well. The mentioned letter of Innocent III, which he sent to Peregrinus the patriarch of Aquileia on 1<sup>st</sup> March 1201 and which mentions S. Vitalis as Gregory's titular church, confirms this supposition.<sup>57</sup>

We have to return to Gregory's role in hearing the case briefly, as in connection with the practices of the auditors, we can raise the question whether both of them were actually in Rome during the trial. As for Johannes, he can be found among the signatories of the solemn papal charters in 1201, so on 23<sup>rd</sup> December,<sup>58</sup> whereas Gregory – as we have already mentioned – appeared there after 1<sup>st</sup> July 1201 again only from 7<sup>th</sup> March 1202.<sup>59</sup> Innocent III's mentioned charter does not say so, and with the knowledge of the activity of the auditors working in the papal court, it is highly improbable that one of them would have travelled to the scene and conducted the proceedings,<sup>60</sup> although we cannot exclude this possibility either.

In 1202, Gregory tried to intervene on behalf of Berard, the archbishop of Messina<sup>61</sup> by Innocent III, who had been suspended from his office and excommunicated by the pope in 1200, because in the autumn of 1200 he had taken sides with Walter of Palearia.<sup>62</sup> In 1205, Gregory

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Johannes's activity, Innocent III decided that the bishop previously had not possessed the parochial rights, then the abbey of the Saint Peter monastery in Vezelay and Auxerre, and the deacon of Orléans examined the case as delegated judges. They heard the witnesses of the parties, and with their own seal they sent report to Rome. FOREVILLE 1992. p. 23. RPR nr. 1543. (24<sup>th</sup> December 1201).

<sup>55</sup> "[...] et dilectum filium G., sancte Mariae in Aquiro Diaconum, nunc vero tituli sancti Vitalis Praesbyterum Cardinalem dedimus auditores." – SAUVAL 1724. I, p. 390, RPR nr. 1543.

<sup>56</sup> According to the chart of Maleczek, he last signed using his old title on 1<sup>st</sup> July 1201. MALECZEK 1984. p. 380, nr. 83.

<sup>57</sup> RPR nr. 1309.

<sup>58</sup> MALECZEK 1984. p. 381 nr. 86.

<sup>59</sup> MALECZEK 1984. p. 380, nr. 83 and p. 381, nr. 90.

<sup>60</sup> HERDE 1970. p. 20, 183–184, 374; MALECZEK 1984. p. 329–332; HERDE 2002. p. 24–30; BRUNDAGE 2008. p. 137; BARABÁS 2013. p. 176–177.

<sup>61</sup> HC I, p. 337; GAMS 1931. p. 950.

<sup>62</sup> MALECZEK 1984. p. 91. Walter of Palearia (Pagliaria) was the bishop of the Italian Troia, then Catani. (HC I. p. 176, 499; GAMS 1931. p. 937, 944.) He was known for being the

became the governor of the Sancta Agatha church.<sup>63</sup> Intriguingly, a certain deacon of Sancta Agatha church is mentioned as a witness in his testament as well. According to Agostino Paravicini Bagliani, Nicholas (Nicolaus) was the member of Sancta Agatha in Monasterio (dei Goti) church. He also supposes that Gregory's governorship can be linked to this church.<sup>64</sup>

The last papal charter containing Gregory's signature and made before his second legation in Hungary was dated on 11<sup>th</sup> September 1207.<sup>65</sup> This was the last occasion that Gregory's signature appeared among the cardinals' names on a solemn papal privilege, which suggests that he deceased either during his legation in Hungary or soon after.

Again, the most significant part of the information about the cardinal's second Hungarian legation is provided by the papal sources. In fact, with regard to the Hungarian situation, Innocent III

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relentless enemy of the Sicilian Norman dynasty. Thus in 1191 he supported Henry VI on his first campaign. As a matter of fact, the emperor considered himself as heir of the deceased William II by right of his wife, Constance. Walter then followed Henry to Germany as well, when the emperor was forced to leave Italia. The second campaign after the death of King Tancred in 1194 was finally successful for the emperor, and Walter gained the office of the chancellor of the kingdom. After Henry's death in 1197, Constance, mother of the child Frederick II, discharged Walter from duty and she even imprisoned him, presumably because he misused his power and supported Markward of Anweiler's claims (who wanted to be the *procurator* of the kingdom). Thanks to Innocent III's intervention he was released in the same year. Before his death, which was bound to happen not much later, he was again appointed as chancellor by the queen, and she also entrusted him with the supervision of her child, while Pope Innocent III became the child's guardian. Despite this, the kingdom fell into anarchy after Constance's death, the pope and the Germans of Markward fought for the power. Walter took advantage and persuaded the chapter of Palermo to elect him as archbishop in March 1200. However, the pope refused to confirm him, as he wanted to ensure the right of designation of archbishops for himself. Meanwhile, a French count, Walter of Brienne III, with the pope's support, appeared in Sicily and claimed the throne. In this situation, Walter of Palearia decided to break up with the pope, resigned from his church office and joined Markward of Anweiler with the kingdom's leading officer of German origin. Innocent III excommunicated Walter, and the pope lifted it only in 1203 after Markward's death and his own military defeat. He returned to the king's service as a chancellor in 1207, then a year later he was chosen as the archbishop of Catana. In 1210 again, he got into conflict with the pope, and also with Frederick II. In 1212 he gained back some part of his previous influence, when Frederick left for the Empire and he became member of the council of the emperor's wife, queen Constance. In 1221, after Frederick was crowned emperor, he returned home, and Walter – with Henry of Malta – was assigned to lead a fleet for the Fifth Crusade. After his participation in the crusade, he was expelled from the kingdom for his abuses, and Frederick II did not appoint a chancellor any more. Palearia was in Venice and Rome until 1229, then as a result of the peace between Gregory IX and Frederick II, he could return to the kingdom but did not gain the office of bishop again. Not long after he passed away. See KAMP 1975. II, p. 509–514, III, p. 1210–1215; MATTHEW 1992. p. 289, 291, 295–303, 313, 317, 326, 331.

<sup>63</sup> MALECZEK 1984. p. 91; AUBERT 1986. p. 1457. (without date). Cf. RPR nr.2531.

<sup>64</sup> PARAVICINI BAGLIANI 1980. p. 108, fn. 4. Maleczek joined his opinion. See MALECZEK 1984. p. 91, fn. 231.

<sup>65</sup> MALECZEK 1984. p. 386, nr. 184. Interestingly, Maleczek in other part of his work – similarly to earlier cases – gives the date of the last signature differently, as in his statement about Gregory, he dates it to 23<sup>rd</sup> August. MALECZEK 1984. p. 91.

decided on 7<sup>th</sup> October 1207<sup>66</sup> to send a *legatus a latere* to the kingdom. However, his letter written to the Hungarian ecclesiastics and laymen did not define Gregory's exact task.<sup>67</sup> His designation is even more complicated as Fejér refers to the papal letter written to the "Ruthenian" prelates on the same day only at the end of the previous text, though at least published a part of it.<sup>68</sup> August Potthast took over this data,<sup>69</sup> without referring to the whole text available in the New Collection of Documents of the Árpád-Era (Árpádkori Új Okmánytár) and in the register of Pope Innocent III.<sup>70</sup> As a result, several researchers suggested without referring to these that Innocent III may have wanted to entrust Gregory with the task to reconvert the schismatics of the Kievan Rus' and this is why he (would have) sent him to Galicia, to the archbishop of Kalocsa and to the Serbian grand prince.<sup>71</sup> In Aubert's opinion, Gregory's assignment included the Balkan as well; he had to intervene there because of the local heresies. Although Aubert did not specify any source, we can suppose that he based his theory on the supplement in Fejér's work.<sup>72</sup> Maleczek lists Ruthenia as well as Dalmatia among the legate's areas of authority,<sup>73</sup> though it cannot be proven with the assignments, even if it seems plausible based on the analogy of other legations. Based on the mentioned charter, it is likely that Gregory was indeed assigned to contribute to the union of the Ruthenian church with Rome.<sup>74</sup> Innocent III informed the Hungarian<sup>75</sup> and the Ruthenian<sup>76</sup>

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<sup>66</sup> Cf. ZIMMERMANN 1913. p. 41.

<sup>67</sup> RPR nr. 3195, CDH III/1, p. 54–56.

<sup>68</sup> CDH III/1, p. 56.

<sup>69</sup> RPR nr. 3196.

<sup>70</sup> ÁÚO VI, p. 317. The edition of the text: RI X, nr. 138.

<sup>71</sup> Without year: RUESS 1912. p. 78–79; ZIMMERMANN 1913. p. 40.

<sup>72</sup> Aubert 1986. p. 1457–1458. In his opinion Gregory's task included advancing the rapprochement to Rus and dealing with the church discipline and the condition of the clerics in Hungary. Cf. TILLMANN 1975. p. 383, fn. 157.

<sup>73</sup> MALECZEK 1984. p. 91.

<sup>74</sup> RPR nr. 3195. and 3196.

<sup>75</sup> RPR nr 3195.

<sup>76</sup> "Cum ergo innumeris fere testimoniis scripturarum, quas vos nec convenit, nec expedit ignorare, unitas ecclesie comprobetur, non est mirum, cum simus, licet immeriti, successores illius, cui iussit Dominus pascere oves suas, si errabundas oves nitimur ad caulas reducere, ut sicut est unus pastor, sic fiat unum ovile, si totis viribus laboramus, ne quodammodo difforme fiat corpus ecclesie, si partem aliquam ab eo contingeret separari. Ut autem ad presens de reliquis taceamus, cum grecorum imperium et ecclesia pene tota ad devotionem Apostolice Sedis redierit, et eius humiliter mandata suscipiat, et obediat jussioni, nonne absonum esse videtur, ut pars toti suo non congruat, et singularitas a suo discrepet universo? Preterea quis scit, an propter suam rebellionem et inobedientiam dati fuerint in direptionem et predam, ut saltem daret eis vexatio intellectum, et quem in prosperis non cognoverant, recognoscerent in adversis [...] dilectum filium nostrum G. tituli Sancti Vitalis presbyterum cardinalem, virum genere nobilem, litterarum scientia preditum, morum honestate preclarum, discretum et providum et, suis exigentibus meritis, nobis et fratribus nostris carum admodum et acceptum, ad partes vestras duximus destinandum, ut filiam reducat ad matrem, et membrum ad caput,

prelates of his intentions in October 1207. Hungary played an important role in the Apostolic See's plans in connection with the eastern churches. The reason for this could be, in addition to the country's location, the Hungarian kings' policy of expansion.<sup>77</sup> Presumably, the Hungarian king did not oppose the pope's plan.<sup>78</sup> However, we do not know, whether the legate in fact travelled to Galicia, or not; at least there are no sources reporting about his activity there.<sup>79</sup> This deficiency is interesting, because the Hungarian armies visited Galicia in 1207 and 1208,<sup>80</sup> so theoretically it would have been possible for the legate to get to his designated area with the Hungarian king's help.

The difficulties of interpreting Gregory's assignment and the location of his activity do not automatically mean questioning his mission to Hungary and his activity there. As at the end of 1207, the pope commissioned Gregory to a new task,<sup>81</sup> namely to acknowledge the queen's brother as the archbishop of Kalocsa. Thus, Gregory stayed without any doubt in Hungary at that time. Berthold<sup>82</sup> was promoted to the dignity of archbishop in 1205, but Innocent III did not confirm his election. In his letter dated on 12<sup>th</sup> October 1205, he ordered the chapter of Kalocsa to avoid any further decisions until the papal examination.<sup>83</sup> The cause of the procedure against the chosen archbishop could be Berthold's age and lack of qualification.<sup>84</sup> Finally, the pope approved the election,<sup>85</sup> as shows his letter with the date of

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concessa sibi plenaria potestate, ut evellat et destruat, edificet et plantet, que in partibus vestris evellenda et destruenda, edificanda cognoverit et plantanda. Monemus proinde Universitatem vestram attentius, et exhortamur in Domino, per apostolica scripta precipiendo mandantes, quatenus prefatum cardinalem, tanquam legatum Apostolice Sedis, et magnum in ecclesia Dei locum habentem, imo personam nostram in eo, recipientes humiliter et devote [...]” – AUO VI, p. 318–319, RPR nr. 3196. Cf. ZIMMERMANN 1913. p. 40; FONT 2005. p. 198–199.

<sup>77</sup> Cf. BARABÁS 2014. p. 254–263.

<sup>78</sup> FONT 2005. p. 198–199. Until the Mongol invasion further sources which could give an insight into the papal plans with the territory are not known. Between 1243 and 1254 Innocent IV again made an attempt to attain the union with the support of Daniil Romonovic. As a result of this cooperation, Daniil was crowned king in 1253, which made a Polish mission possible. Yet with the death of the new king in 1264, this rapprochement practically ended. See FONT 2005. p. 217.

<sup>79</sup> Pope Innocent's effort – as I have already referred to it – can be linked to the Hungarian expedition to Galicia and Volhynia as well. (Cf. BORKOWSKA 2003. p. 1179; FONT 2005. p. 188–232.) Andrew II's campaigns can be well reconstructed, but interestingly his Galician policy appeared only in a few papal charters. See the granting of Koloman's crowning in 1215. RA nr. 302. See FONT – BARABÁS 2017. p. 41–44; FONT 2018. p. 89–94.

<sup>80</sup> FONT 2005. p. 80.

<sup>81</sup> FRAKNÓI 1901. p. 44; CDH III/1, p. 53.

<sup>82</sup> For Berthold's ecclesiastical career see KISS 2014. *passim*.

<sup>83</sup> RPR nr. 2591, RI VIII, nr. 141 (140).

<sup>84</sup> Cf. GANZER 1968. p. 18–19; SWEENEY 1989. p. 32; ŠTULRAJTEROVÁ 2014. p. 32.

<sup>85</sup> “[...] licet pro confirmatione ipsius apud nos, precibus multiplicatis institerint [...]” – CDH III/1, p. 53.

24<sup>th</sup> December 1207.<sup>86</sup> In the papal decision, cardinal Gregory's previous examination and report could have had a crucial role,<sup>87</sup> though there are no data available about his concrete activity.

The end of Gregory's second Hungarian legation is not known exactly, as we have already mentioned, his name did not appear in papal chapters after 1207,<sup>88</sup> so they cannot help tracing the time of his return to Rome. But he appears in a charter of Andrew II in 1209, which informs us about the legate's allowance given to the Benedictine abbot of Hronský Beňadik (Garamszentbenedek) concerning the wearing of prelatine insignia.<sup>89</sup> It is possible therefore, – even if it is not very probable – that he stayed in Hungary until the end of 1208, maybe the beginning of 1209.<sup>90</sup> It is much more assumable that Gregory died during 1208, either in Hungary or on his way back to the papal court.

### The Nature of Gregory's Legations in Hungary

Gregory's legations to Hungary are interesting not only from a chronological point of view, but from a legal one as well, and also the typology appearing in the papal and other charters is worth examining. First, we must take a look at Innocent III's letter written to the chapter of Split, dated on 2<sup>th</sup> March 1200. Its three elements – the full papal authority, the title *legatus a latere* and the mentioning of the rank of cardinal – clearly verify that Gregory was sent with the full office of legation to the territory of Hungary and Dalmatia.<sup>91</sup> In

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<sup>86</sup> RPR nr. 3252, RI X, nr. 177.

<sup>87</sup> “[...] ut postquam dilectus filius Gregorius, titulus Vitalis presbiter cardinalis, Apostolice Sedis legatus, quod est a nobis dispositum, ipsis denunciaverit observandum, tibi, tanquam pastori suo, a nobis concessio et confirmatio, tam in spiritualibus, quam temporalibus obedire procurent [...]” – CDH III/1, p. 53.

<sup>88</sup> 11<sup>th</sup> September 1207. MALECZEK 1984. p. 386, nr. 184. According to others 21<sup>st</sup> July 1207 HC I, 3, fn 1.

<sup>89</sup> RA nr. 241. Cf. KEGLEVICH 2012. p. 60.

<sup>90</sup> ZIMMERMANN 1913. 41. Andrew II's charter: “ob fidelia servitia in legatione praestita” states. CDH III, p. 78, 81–82. “Et quoniam nostro tempore **Gregorius de Crescentio** Cardinalis, functus officio domini pape, regnum nostrum visitaturus intravit, consentaneum equitati fore perpendit, ut ad preces nostras abbas, nomine Ivo, qui tum temporis preerat illi abbacie, nec non et successores sui, eodem fulcirentur honore; quum prefatum monasterium hoc nec dignitate, nec honore minus aliis esse videatur. Quia sicut nostrum est, ecclesias vel abbatias dotibus ditare, sic nostrum interest, easdem honoribus sublimare. Et ut concessio, ad preces nostras obtenta, ius et robur firmitatis haberet perpetuum, privilegium a domino Gregorio, prefato Cardinali obtinuimus, et nostrum eidem concessimus habere.” – MNL OL DF 238 421, RA nr. 241, MES I. p. 192. (Bolded by G.B.) Maleczek similarly thought of 1209: MALECZEK 1984. p. 91.

<sup>91</sup> MN OL DL 361 21, RPR nr. 966.

this case, all the three attributes which makes a papal delegate considered a *latere legatus* are found.<sup>92</sup>

After Gregory's first legation in Hungary, as it has been demonstrated, he was appointed to the cardinal of S. Vitalis.<sup>93</sup> He had this title in 1207, when he arrived in Hungary for the second time.<sup>94</sup> His title of the *legatus de latere* is clearly expressed in the pope's letter written to the Hungarian bishops on 7<sup>th</sup> October 1207,<sup>95</sup> in which he states that because of the needs of the Hungarian Kingdom, he had to send a legate from his side (*a latere*),<sup>96</sup> who can take measures on his behalf with full powers. However, the authorization *plenitudo potestatis* is not clearly expressed in the text.<sup>97</sup> Thus, in this case Innocent III did not designate him for a concrete task, which strengthens Gregory's *plenitudo potestas*,<sup>98</sup> he only ordered the addressees to follow him loyally and help his legate.

The pope's other letter expressing Gregory's concrete task, the examination of the aptness of Bertold, elected archbishop of Kalocsa,<sup>99</sup> referred to the cardinal deacon only as an ordinary papal legate

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<sup>92</sup> "[...] communicato fratrum consilio legatum illuc duximus a nostro latere cum potestatis plenitudine destinandum, dilectum videlicet filium nostrum G. Sancte Marie in Aquiro diaconum cardinalem" – AUO I, p. 88.

<sup>93</sup> ZIMMERMANN 1913. p. 30; MALECZEK 1984. p. 91, 339.

<sup>94</sup> See ZIMMERMANN 1913. p. 40–41.

<sup>95</sup> RPR nr. 3195, RI X, nr. 137. (The second charter was addressed to the church of Galicia-Volhina: RPR nr. 3196, RI X, nr. 138.)

<sup>96</sup> "Quum igitur necessitas regni Ungarie illuc exegerit legatum a nostro latere destinari, nos ad exaltationem et commodum tam regis, quam regni specialiter et efficaciter intendentes, cum ad partes illas non immerito duximus transmittendum, quem inter fratres nostros sincera diligimus in domino charitate, dilectum videlicet filium nostrum G. tituli s. Vitalis presbiterum cardinalem, virum genere nobilem, litterarum scientia peditum, morum honestate preclarum, discretum et providum, et suis exigentibus meritis, nobis et fratribus carum admodum et acceptum, concessa sibi plenaria potestate, ut evellat et destruat, edificet et plantet, que in regno illo evellenda et destruenda, edificanda cognoverit et plantanda" – CDH III/1, 55, RPR nr. 3195, RI X, nr. 137.

<sup>97</sup> Cf. ZEY 2008. p. 104–105; FIGUEIRA 1989. p. 193–195; FIGUEIRA 1986. p. 533–536; SCHMUTZ 1972. p. 456; KYER 1979. p. 42, 124; SOLMINEN 1998. p. 349; PARAVICINI BAGLIANI 2013. p. 29–37; RENNIE 2013. p. 32–34.

<sup>98</sup> "Monemus proinde universitatem vestram, attentius, et exhortamur in domino, per apostolica scripta precipiendo mandantes, quatinus prefatum cardinalem, tanquam legatum Apostolice Sedis, et magnum in ecclesia Dei locum habentem, **immo personam nostram in eo recipientes** humiliter et devote, ipsius salubribus monitis, et preceptis pronis mentibus intendentes, que inter vos statuenda duxerit, tanquam devotionis filii, recipiatis firmiter et servetis, de cuius nimirum circumspectione provida, et providentia circumspecta indubitata fiduciam obtinemus, quoniam dirigente domino gressus eius, ita regia via curabit incedere, quod non declinatus ad dextram vel sinistram, ipsi Deo, nobis quoque, ac vobis pariter, merito poterit complacere. Ipsi proin universi ac singuli reverentiam debitam et devotam obedientiam impendere satagatis" – CDH III/1, p. 55–56. (Bolded by G.B.) Cf. FIGUEIRA 1989. p. 192–194.

<sup>99</sup> Cf. RPR nr. 3252, RI X, nr. 177.

(*apostolice sedis legatus*),<sup>100</sup> as supposedly he was to perform a given assignment (*iurisdictio delegata*).<sup>101</sup>

On the other hand, in the only Hungarian source connected to Gregory's legation – in the royal charter regarding the abbey of Hronský Beňadik in 1209<sup>102</sup> – he appears as an ordinary papal officer (*functus officio domini pape*), there is no mention about a legate's office, only the word *cardinal* refers to his title. Despite this, considering Gregory as a *legatus a latere* cannot be questioned, these data only enlighten that in the Hungarian sources the use of titles had not been firmly established. We can even risk saying that what we see in this case is the clash between the crystalising theory and the shaping practice, moreover, we cannot forget about the fact that it is the royal transcription of an earlier charter.

### Gregory's Testament

Finally, we need to touch upon his already-mentioned testament, according to which Gregory passed half of a (living) tower he bought from Leo de Monumento<sup>103</sup> with half of a palace and a complete living room down to his mentioned nephews (Leo, Crescentius, Cencius, Johannes Mancinus) and he turned all his remaining fortune to ensure his salvation by giving that away to the poor and he entrusted his two

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<sup>100</sup> On 24<sup>th</sup> December to Berthold. "[...] ut postquam dilectus filius Gregorius, tituli s. Vitalis presbiter cardinalis, Apostolice Sedis legatus, quod est a nobis dispositum, ipsis denunciaverit observandum, tibi, tanquam pastori suo, a nobis concesso et confirmato, tam in spiritualibus, quam temporalibus obedire procurent" – CDH III/1, 53, RPR nr. 3252, RI X, nr. 177.

<sup>101</sup> SCHMUTZ 1972. p. 447, 451.

<sup>102</sup> "[...] Et quoniam nostro tempore Gregorius de Crescentio cardinalis, functus officio domini pape, regnum nostrum visitaturus intravit, consentaneum equitati fore perpexit, ut ad preces nostras abbas, nomine Ivo, qui tum temporis preerat illi abbacie, nec non et successores sui, eodem fulcirentur honore [...]" – CDH III/1, 81, RA nr. 241.

<sup>103</sup> His exact date of birth is not known. He belonged to the Roman elite in the last quarter of the 12<sup>th</sup> century and was the supporter of Emperor Frederick (Barbarossa) I, just like his father. In Rome, besides several properties, he possessed a tower as well. Leo was mentioned as present among the signatories of the peace treaty of Venice in 1177. He belonged to the emperor's supporters, but he also had good relationships with the papal court through his cousin Octavian, later cardinal bishop of Ostia, i.e. in 1179 he participated in the Third Lateran Council. Later, we can see him in the escort of Emperor Frederick I and his son Henry. Because of his papal contacts, Leo could be very significant for Frederick as his embassy shows. This time he went to Pope Gregory VIII with count Anselm. As a result of their negotiations, the emperor withdrew his son Henry and his army. Leo was present at the election of the new pope, Clement III in December 1187, then next year he followed the pope to Rome, who also belonged to the aristocracy of Rome. From here, Leo went to Frederick in 1189, this time delivering the pope's letters. However, the death of Barbarossa in 1190 changed the situation, and Leo disappeared from the sources for several years, although in 1195 one of Henry VI's charters kept on mentioning him as a count. After the emperor's death in 1197, Leo went to Rome, where through his mentioned cousin, Innocent III asked for his opinion in connection with Markward of Anweiler because of his long experiences of diplomacy. He deceased on 29<sup>th</sup> May 1200. [Leone de Monumento. Dizionario Biografico degli Italiani – Volume 76 \(2012\)](#) (access: 1<sup>st</sup> May 2018)



bishop colleagues, John (Johannes de S. Paulo), the bishop of Sabina<sup>104</sup> and Nicholas (Nicolaus), the bishop of Tusculanum,<sup>105</sup> and a certain master Milo with performing it.<sup>106</sup> Among the witnesses of the testament, besides the mentioned Nicholas the priest of Sancta Agatha church, there are the following names: Beraldus, the presbyter of the Salvatoris de Subora, Magister Alexander, Judge Robertus, Spoletinus, Giffredus and Albertinus. So far we have not had enough information to identify the latter and the scribe John (*Iohannes Petri, Dei gratia sancte Romane Ecclesie scriniarius*).

### Gregory's Itinerary regarding his Hungarian Legations

1199–1200: Lateran<sup>107</sup> – Aquileia?<sup>108</sup> – Split<sup>109</sup> – Hungary<sup>110</sup> – Aquileia?<sup>111</sup> – Lateran<sup>112</sup>

<sup>104</sup> As a Benedictine monk, he studied medicine in Salerno and he was the author of several related works. Pope Celestine III appointed him as cardinal in 1193, first he became a deacon without title (*S.R.E. diaconus cardinalis*), then in 1194 [HC I, p. 3, fn. 1, 13,] he signed as the cardinal priest of S. Prisca. He was often assigned as a judge by the pope, but he did not work as a legate, as Celestine III wanted to keep him close. The supposition that the pope wanted him to be his successor also refers to their close relationship. On the contrary, Innocent III assigned John and Cintius, the presbyter of S. Laurentius in Lucina, in connection with Markward of Anweiler (see note 47). In 1199, he was entrusted by the pope with further tasks of reconciliation, then in 1200 he had to proceed in connection with the south-French Albigenians. In 1201, he had to support the legate already present, Octavian, the bishop of Ostia, in the case of the French king's marriage. Innocent III appointed Johannes as the cardinal bishop of Sabina at the end of 1204 (HC: 1205). Then, until his death in 1214 (HC: 1216) he mostly stayed in the papal court. He is considered one of the first representatives of the apostolic penitence. While proceeding as a judge, the case of Francis of Assisi was taken to him in 1210. John defended him before the pope, which made Innocent order further investigations. HC I, p. 3, fn. 13; MALECZEK 1984. p. 114–117; PARAVICINI BAGLIANI 1980. p. 107, fn. 2.

<sup>105</sup> The widespread supplement *de Romanis* of the name of Nicholas cannot be proven with any contemporary sources. We do not know anything about the early period of his life. He started his career in the papal chapter, then in 1204 he became the member of the cardinals' college as the bishop of Tusculum. Although he was not active in the papal court, he was considered a confidant of Innocent III, which is proven by the fact that he travelled to England to John Lackland in 1213–1214 to promote the reconciliation of the king and the church. In the time of Honorius III, he also gained the office of penitenciarus. He deceased between July 1218 and July 1219. HC I, p. 4; MALECZEK 1984. p. 147–150.

<sup>106</sup> The text of the testament survived in original and copies. BAV, Archivio di S. Maria in Via Lata, cass. 302, nr. 56 [A]; BAV, Archivio di S. Maria in Via Lata, ms. I. 40. p. 1042–1043; BAV, Vat. lat. 8049, II, fol. 17–18. Published: GALLETTI 1776. p. 331, nr. 67; PARAVICINI BAGLIANI 1980. p. 3, nr. 1, 107–109, nr. 1.

<sup>107</sup> MALECZEK 1984. p. 91, 379, nr. 63a. According to Eubel, he last signed with the title of the S. Maria in Aquiro on 4<sup>th</sup> July 1199. HC I. p. 3, fn. 1. See MALECZEK 1984. p. 379, nr. 61. His first signature after returning dates on 3<sup>rd</sup> February 1201, but with his previous title. MALECZEK 1984. p. 380, nr. 74. His last signature with the mentioned title dated 1<sup>st</sup> July 1201. See MALECZEK 1984. p. 380, nr. 83.

<sup>108</sup> MALECZEK 1984. p. 91, fn. 228, RI II, nr. 104. (113).

<sup>109</sup> MNL OL DL 361 21, RPR nr. 966.

<sup>110</sup> RI VI, nr. 155 (156).

<sup>111</sup> MALECZEK 1984. p. 91, fn. 228, RI II, nr. 104 (113).

<sup>112</sup> MALECZEK 1984. p. 380, nr. 74. and p. 381, nr. 90; PARAVICINI BAGLIANI 1980. p. 3, nr. 1. Cf. HC I. 3, fn. 1.

1207: Viterbo<sup>113</sup> – Kalocsa<sup>114</sup> – Hronský Beňadik<sup>115</sup> – ?

## APPENDIX

### A) Charters in connection with the legate's activity in Hungary

#### I. Letters of recommendation

I/1.	<i>2<sup>nd</sup> of March 1200 Lateran</i>
Innocent III recommends his legate, Cardinal Gregory to the members of the chapter of Split.	
<p>Innocentius episcopus servus servorum Dei dilectis filiis capitulo, et venerabilibus fratribus Suffraganeis Ecclesie Spalatensis salutem et Apostolicam benedictionem. Ad vestram forte notitiam iam pervenit, qualiter multis et magnis necessitatibus Regni Ungarie intellectis, que festinanum subsidium requirere videbantur, et provisione Sedis Apostolice indigere, cum nec alius nobis subventionis modus congruentior vel eque congruus appareret, ne mora dispendium ad se traheret, et ex dilatione illius Regni communis impediretur utilitas, quod in devotione Apostolice Sedis et gratia ita jam dudum solidatum extitit et incessanter existit, ut ipsius prospera et adversa tanquam propria reputemus, communicato fratrum consilio legatum illuc duximus a nostro latere cum potestatis plenitudine destinandum, dilectum videlicet filium nostrum G. Sancte Marie in Aquino diaconum cardinalem, virum litteratum, honestum, providum et discretum et de nobilioribus Romanis oriundum, quem inter frater nostros carum habemus admodum et acceptum, confidentes in Domino et in potentia virtutis eius, quod illo faciente cum eo signum in bonum, qui imperat ventis et mari et obediunt ei, ex adventu ipsius facificio et prava fient directa, et aspera plana, et cum per familiarem tractatum nobiscum sepius habitum nostram intellexerit plenius voluntatem, que nos acceptare non dubitat, curabit profecto, quantum in ipso fuerit efficaciter promovere. Monemus proinde discretionem vestram propensius et hortamur per apostolica scripta precipiendo mandantes, quatinus eundem cardinalem tamquam honorabilem membrum ecclesie et legatum Apostolice Sedis recipientes humiliter et devote, ac honorificentia debita pertractantes, ipsius salutaria monita et precepta teneatis firmiter et servetis, et teneri ac servari a vestris subditis faciatis; pro certo scituri, quod sententiam quam ipse in contumaces tulerit et rebelles, ratam habebimus et faciemus auctore Domino usque ad satisfactionem condignam irrefragabiliter observari. Datum Laterani VI. non. Marcij, Pontificatus nostri anno tertio.</p>	
Cop.:	<i>Magyarország, MNL OL Kincstári levéltár (E) • MKA, Collectio Kukuljevicsiana (Q 342) – MNL OL DL 36121 (simple copy from the 18th century)</i>
Reg.	RPR nr. 966.
Ed.:	ÁÜO I, p. 88.

<sup>113</sup> 11<sup>th</sup> September 1207. MALECZEK 1984. p. 386, nr. 184. According to others on 21<sup>st</sup> July 1207. HC. I. 3, fn. 1.

<sup>114</sup> RPR nr. 3252, RI X, nr. 177.

<sup>115</sup> RA nr. 241.

## II. Charters

<b>II/1.</b>	<i>9<sup>th</sup> of November 1203 Anagni</i>
Innocent III about the peace between King Emeric and Prince Andrew, which was earlier conducted by Legate Gregory	
Innocentius – dilecto filio, nobili viro, A. Duci, salutem et apostolicam benedictionem. Solet annuere sedes apostolica, etc. – Compositionem inter te, et carissimum in Christo filium nostrum – illustrem regem Ungariae, in dilecti filii G. tituli Sancti Vitalis presbyteri cardinalis, tunc apostolicae sedis legati, manibus versatam et ab eo postmodum confirmatam, sicut sine pravitate provide facta est, et ab utraque parte sponte recepta, et pacifice hactenus observata, ut in eiusdem Cardinalis litteris plenius continetur, auctoritate apostolica confirmamus, et praesentis scripti patrocinio communimus. Nulli igitur omnino hominum liceat hanc paginam nostrae confirmationis infringere, vel ei ausu temerario contraire. Si quis autem etc. Datum Anagniae nonis novembris, pontificatus nostri anno sexto.	
Cop.:	
Reg.:	RPR nr. 2016.
Ed.:	CDH II, p. 413, RI VI, nr. 155 (156).

<b>II/2.</b>	<i>7<sup>th</sup> of October 1207 Viterbo</i>
Innocent III's letter to the archbishops, bishops, abbots and clerics and laymen of the Hungarian Realm, in which he informs them about the assignment of legate Gregory.	
<p>Archiepiscopis, episcopis, abbatibus et aliis tam clericis, quam laicis per regnum Ungariae constitutis. Fundamentum et fundator ecclesiae Dominus Iesus Christus, postquam splendore suae divinitatis inflammauit testam fragilitatis humane, ut dragmam perditam reperiret, et pius pastor ad caulas, ubi nonaginta novem reliquerat, errabundam ovem propriis humeris reportaret, usque adeo erga salutem humani generis cotidiana remedia incessanter exhibuit, ut, si quis, a catholica fide non devians, hoc velit subtiliter intueri, sicut ipse est totius gratiae plenitudo, sic ad plures circa nostrae conditionis miseras miserationes eius exuberant, ut in omnibus ipsius perfectio nostrum suppleat imperfectum. Inter cetera sane, quibus Christiano populo, propter varias plagas criminum quasi semivivo relicto, per ipsius prudentiam sunt provisa remedia, conveniens antidotum in soliditate sedis apostolice renovavit, eam totius christianitatis caput constituens et magistram, a qua, sicut unguentum in capite, quod descendit in barbam et ad oram etiam vestimenti, panis intellectus et vite ad alias ecclesias cum doctrina fidei procedat, et aqua sapientie salutaris. Verum ne inter curas continuas, et pregrandes pastor ipsius et rector pro defectu imperfectionis humane deficeret, si solus consummendus inani labore ad suam omnia sollicitudinem revocaret, attendens, quod messi multe unus non sufficiat operarius, multos sibi operarios et verbi dominici cooperatores adiungit, ac per eos exsequi cogitur, que per se non potest personaliter adimplere, eius instructus exemplo, qui et duodecim apostolos et alios septuaginta duos elegit, et binos ante faciem suam ad predicandum direxit. Quum igitur necessitas regni Ungarie illuc exegerit legatum a nostro latere destinari, nos ad exaltationem et commodum tam regis, quam regni specialiter et efficaciter intendentes, cum ad partes illas non immerito duximus transmittendum, quem inter fratres nostros sincera diligimus in domino charitate, dilectum videlicet filium nostrum G. tituli S. Vitalis presbiterum cardinalem, virum genere nobilem, litterarum scientia peditum, morum honestate preclarum,</p>	

<p>discretum et providum, et suis exigentibus meritis, nobis et fratribus carum admodum et acceptum, concessa sibi plenaria potestate, ut evellat et destruat, edificet et plantet, que in regno illo evellenda et destruenda, edificanda cognoverit et plantanda. Monemus proinde universitatem vestram, attentius, et exhortamur in domino, per apostolica scripta precipiendo mandantes, quatinus prefatum cardinalem, tanquam legatum apostolice sedis, et magnum in ecclesia Dei locum habentem, immo personam nostram in eo recipientes humiliter et devote, ipsius salubribus monitis, et preceptis pronis mentibus intendentes, quae inter vos statuenda duxerit, tanquam devotionis filii, recipiatis firmiter et servetis, de cuius nimirum circumspectione provida, et providentia circumspecta indubitata fiduciam obtenemus: quoniam dirigente domino gressus eius, ita regia via curabit incedere, quod non declinatus ad dextram vel sinistram, ipsi Deo, nobis quoque, ac vobis pariter, merito poterit complacere. Ipsi proin universi ac singuli reverentiam debitam et devotam obedientiam impendere satagatis, ne, si, quod absit, a quoquam esset aliter attentatum, preter ipsius cardinalis offensam, cuius censuram canonicam, si quam in contumaces aut rebelles duceret promulgandam, faceremus usque ad satisfactionem condignam inviolabiliter observari, nostram quoque indignationem incurreret, qui secundum apostolum, omnem inobedientiam prompti sumus ulcisci. Datum Viterbii, nonis Octob., anno decimo</p>	
Cop.:	
Reg.	RPR nr. 3195.
Ed.:	CDH III/1, p. 54, RI X, nr. 137.

<b>II/3.</b>	<i>7<sup>th</sup> October 1207 Viterbo</i>
<p>Innocent III's letter to the archbishops, bishops, abbots and all the ecclesiastics and laymen of Rhutenia, in which he informs them about Gregory's assignment as legate and advises them to return to Rome.</p>	
<p>Innocentius episcopus etc. archiepiscopis, episcopis et universis tam clericis, quam laicis per Rutheniam constitutis etc. Licet hactenus elongati fueritis ab uberibus matris vestrae tanquam filii alieni, nos tamen, qui sumus in officio pastoralis a Deo, licet immeriti, constituti, ad dandam scientiam plebi suae, non possumus affectus paternos exuere, qui vos sanis exhortationibus et doctrinis studeamus, tanquam membra vestro capiti conformare, ut Ephraim convertatur ad Judam, et ad Jerusalem Samaria revertatur. Utinam intelligere velitis, sapere, ac novissima providere, ut a mentibus vestris omni depulsa caligine, ad viam ab invio redeatis, qui dudum post greges sodalium evagando, vos eius pertinaciter magisterio subduxistis, quem Salvator noster Universalis Ecclesiae caput constituit magistrum, inquit ad eum: „Tu vocaberis Cephas“, et: „Tu es Petrus, et super hanc petram aedificabo Ecclesiam meam. Et tibi dabo claves Regni coelorum. Quodcunque ligaveris super terram, erit ligatum et in coelis, et quodcunque solveris super terram, erit solutum et in coelis.“ Cui cum Dominus oves suas pascendas tertio repetito vocabulo commisisset, manifeste dedit intelligi, eum a grege Dominico alienum, qui etiam in suis successoribus ipsum contempserit habere pastorem. Non enim inter has oves et illas distinxit, sed simpliciter inquit: „Pasce oves meas“, ut omnes omnino intelligantur ei esse commissae. Cum igitur una sit et indivisa Domini tunica, nec unquam passa sit divortium sponsa Christi, iuxta quod sponsus in Cantinis attestatur: „Una est, inquit, columba mea, una est matri suae, electa genitrici suae, viderunt eam filiae Sion et beatissimam predicaverunt Regine, et concubine laudaverunt eam“; necesse est, ut quicunque ab huiusmodi unitate recesserint, aquis submersi diluvii, partem cum angelo apostata sortiantur. Ut autem ipsius illibata unitas servaretur, unum eidem</p>	

Dominus, sicut premisimus, Beatum Petrum videlicet, caput constituit et magistrum, ut quasi Noe arcam, extra quam animalia derelicta in diluvio submerguntur, salvatis ceteris intra ipsam contentis, in uno cubitu consummaret; pro cuius fide, ne in sua passione deficeret, specialiter exoravit, eidem precipiens, ut fratres suos conversus aliquando confirmaret. Cum ergo innumeris fere testimoniis scripturarum, quas vos nec convenit, nec expedit ignorare, unitas ecclesiae comprobetur, non est mirum, cum simus, licet immeriti, successores illius, cui iussit Dominus pascere oves suas, si errabundas oves nitimur ad caulas reducere, ut sicut est unus pastor, sic fiat unum ovile, si totis viribus laboramus, ne quodammodo difforme fiat corpus ecclesiae, si partem aliquam ab eo contingeret separari. Ut autem ad praesens de reliquis taceamus, cum Graecorum imperium et ecclesia pene tota ad devotionem Apostolicae Sedis redierit, et eius humiliter mandata suscipiat, et obediat iussioni, nonne absonum esse videtur, ut pars toti suo non congruat, et singularitas a suo discrepet universo? Praeterea quis scit, an propter suam rebellionem et inobedientiam dati fuerint in direptionem et predam, ut saltem daret eis vexatio intellectum, et quem in prosperis non cognoverant, recognoscerent in adversis? Quia igitur, charissimi fratres et filii, si digne volumus impositum nobis pastorale officium adimplere, quantum fragilitas humana permittit, vos ad ea debemus inducere, per quae dispendium temporalium, et aeternorum possitis periculum evitare; dilectum filium nostrum G. tituli Sancti Vitalis presbyterum cardinalem, virum genere nobilem, litterarum scientia praeditum, morum honestate preclarum, discretum et providum et, suis exigentibus meritis, nobis et fratribus nostris carum admodum et acceptum, ad partes vestras duximus destinandum, ut filiam reducat ad matrem, et membrum ad caput, concessa sibi plenaria potestate, ut evellat et destruat, edificent et plantet, que in partibus vestris evellenda et destruenda, edificanda cognoverit et plantanda. Monemus proinde universitatem vestram attentius, et exhortamur in Domino, per apostolica scripta precipiendo mandantes, quatenus prefatum cardinalem, tanquam legatum Apostolicae Sedis, et magnum in ecclesia Dei locum habentem, imo personam nostram in eo, recipientes humiliter et devote, ipsiusque salubribus monitis et preceptis pronis mentibus intendentes, quae inter vos statuenda duxerit, tanquam devotionis filii, recipiatis firmiter et servetis, de cuius nimirum circumspectione provida et providentia circumspecta indubitam fiduciam obtinemus, quoniam dirigente Domino gressus eius, inter vos ea curabit statuere, per quae Deo, nobis quoque ac vobis pariter, merito poterit complacere. Datum Viterbii Nonis Octobris. Pontificatus nostri anno X.

Cop.:

Reg. RPR nr. 3196.

Ed.: AÜO VI, p. 317, RI X, nr. 138.

**II/4.** 24<sup>th</sup> December 1207, Rome

Innocent III's letter to Berthold, the elected archbishop of Kalocsa, who is finally confirmed in his office after several years' waiting, among others as a result of the examination of Legate Gregory.

Colocensi electo. Quoniam iuxta canonicas sanctiones multa nonnunquam electionem impediunt, que postulationem impedire non debent, quum secundum rigorem iuris procedatur in illa, sed in ista favor gratie potius requiratur, electionem, quam de te dilecti filii Colocenses canonici fecerant, licet pro confirmatione ipsius apud nos, precibus multiplicatis institerint, propter defectum tamen etatis, quem eo tempore amplius sustinebas, exigente iustitia, non duximus confirmandam. Quia vero te nuper a nobis humiliter postularunt, propter

<p>urgentem necessitatem et evidentem utilitatem, que de tua speratur promotione future, te cui et morum honestas, et competens scientia, sicut credimus suffragatur, Colocensi ecclesie concedendum duximus in pastorem, predictis canonicis, nostris dantes litteris, in preceptis, ut postquam dilectus filius Gregorius, tituli S. Vitalis presbiter cardinalis, apostolice sedis legatus, quod est a nobis dispositum, ipsis denunciaverit observandum, tibi, tanquam pastori suo, a nobis concesso et confirmato, tam in spiritualibus, quam temporalibus obedire procurent. Ne vero dispositionem nostram frustrari contingat, devotioni tue per apostolica scripta mandamus, quatenus, si forSancti aliquo casu denunciari nequiverit, quod per predictum legatum denunciari mandamus, tu nihilominus, auctoritate presentium, tanquam concessus et confirmatus a nobis, in Colocensi provincia pastoris officium exequaris. Datum Rome apud S. Petrum IX. Kal. Ianuarii anno decimo.</p>	
Cop.:	
Reg.	RPR nr. 3252.
Ed.:	CDH III/1, p. 53, RI X, nr. 177.

<b>II/5.</b>	1209.
<p>King Andrew II confirms the right of the abbot of Hronský Beňadik (Garamszentbenedek) won from the pope and confirmed by Legate Gregory to wear several insignia.</p>	
<p>Andreas, Dei gratia, Hungarie, Dalmatie, Croatie, Rame, Servie, Galicie, Lodomerieque Rex in perpetuum. Quoniam priorum gesta patrum modernos latere possunt, nisi diligenti beneficio commendarentur, future ignorantie compatiens, dignum duximus ea propalare semper litterulis comprehensa, que vivaci voce ubique possunt ostendi. Inde est, quod nonnullae regales abbacie, in regno nostro constitute, de indulgentia domini Pape, infula, annulo, sandalibusque decorantur; visum nobis fuit, quod congruum esset rationi, ut abbatia S. Benedicti de Grana, que antiquitate temporis et dote regali fulgebat, eadem fungeretur porro gratia. Et quoniam nostro tempore Gregorius de Crescentio cardinalis, functus officio domini pape, regnum nostrum visitaturus intravit, consentaneum equitati fore perpendit, ut ad preces nostras abbas, nomine Ivo, qui tum temporis preerat illi abbacie, nec non et successores sui, eodem fulcirentur honore, quum prefatum monasterium hoc nec dignitate, nec honore minus aliis esse videatur. Quia sicut nostrum est, ecclesias vel abbatias dotibus ditare, sic nostrum interest, easdem honoribus sublimare. Et ut concessio, ad preces nostras obtenta, ius et robur firmitatis haberet perpetuum, privilegium a domino Gregorio, prefato cardinali obtinuimus, et nostrum eidem concessimus habere. Datum per manus magistri Thome, aule nostre vicecancellarii, anno ab incarnatione Domini MCCIX. venerabili Ioanne, Strigoniensi archiepiscopo, revuerendo Bertholdo, Colocensi electo, existentibus, Calano Quinqueecclesiensi; Boleslao Vaciensi, Cathapano Agriensi, Simone Varadiensi, Kalenda Bezprimiensi, Desiderio Chenadiensi, Petro Gewriensi, ecclesias feliciter gubernantibus. Poch, Palatino, et Musuniensi comite, Banc bano, Michaelae vajuoda, existentibus, Marcello, Baciensi, Iula Budrugiensi, Martino Keweiensi, Ochuz, Supruniensi, Moys, Ferrei Castri, Moche Posoniensi, comitatus tenentibus, regni nostri anno quinto.</p>	
Cop.:	DL 238 421
Reg.	RA nr. 241.
Ed.:	CDH III/1, P. 81.

### III. Testament

#### III.1. Gregorius de Crescentio Caballi Marmorei\_1 (10/6/1207) testamentum

[Roma,] 10<sup>th</sup> June 1207.

[S] IN NOMINE DOMINI. AMEN. ANNo Dominice incarnationis millesimo ducentesimo VII, anno vero X pontificatus domini INNOCENTii tertii pape, indictione X, mense iunii de / X.<sup>116</sup> Ego quidem Gregorius de Crescentio, Dei gratia presbiter cardinalis tituli Sancti Vitalis, hac presenti die coram domino Oddone Iohannis / Landonis dat[ivo] iudice, sanus mente et corpore, quia intestatus decedere nolo, idcirco n[un]c cup[al]t[ivum], quod dicitur sine scriptis coram infra/scriptis a me rogatis testibus ex mea bona voluntate iure civili facio testamentum.

[1] In quo Leonem, Crescentium, filios olim Cencii / Roizi, et Cencium et Iohannem Macinum, filios quondam Crescentii, nepotes meos heredes instituo.<sup>117</sup> Quibus iure insti/tutionis relinquo dimidiam turrem quam emi a filiis Leonis de Monumento<sup>118</sup> cum medietate palatii et totius accasamenti; / sintque contempti et de bonis meis plus non petant. Et precipio quod si quis eorum sine legitimis filiis masculis decesserit, mori/atur communiter superstitibus coheredibus vel eorum filiis si ipsi non viverent, ita quod filii in stirpem et non in capita succedant.

[2] Cetera bona mea distribuantur et dentur pro anima mea per manus Savinensis<sup>119</sup> et Tusculanensis<sup>120</sup> episcoporum et magistri / Milonis<sup>121</sup> sine contradictione dictorum heredum.

Et si quis nepotum vel heredum meorum contra hoc meum testamentum ven/ire voluerit, amittat partem suam, et aliis fidem testamenti servantibus perveniat, et soluta pe[cu]n[ia] hoc meum te/stamentum firmum permaneat.

Quod scribere rogavi Iohannem, scrinarium sancte Romane Ecclesie, in mense et indictione supradicta X.

Et si huic / meo testamento defuerit aliquid de iuris solempnitatibus, vim codicillorum habeat. /

Presbiter	Nicolaus ecclesie Sancte Agathe <sup>122</sup>	testis
Presbiter	Beraldus Salvatoris de Subora <sup>123</sup>	testis
Magister	Alexander	testis
Robertus	Iudicis	testis
Spoletinus		testis
Giffredus		testis

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<sup>116</sup> 10<sup>th</sup> June 1207.

<sup>117</sup> Gregorius de Crescentio Caballi Marmorei's mentioned relations: his brother Cencius Roizus (he was not alive at the time of the issuing of the testament) and his sons, Leo, Crescentius and Petrus Pauli Cencius, and his other brother, Crescentius (he was not alive at the time of the testament) and his sons, Cencius and Iohannes Mancinus. Gregorius, Cencius Roizus and Crescentius' father was Crescentius Francucci. PARAVICINI BAGLIANI 1980. p. 107, fn 1.

<sup>118</sup> Unidentified person.

<sup>119</sup> Iohannes de S. Paolo, cardinal deacon (S. Prisca, 1184–1205: 2<sup>nd</sup> December 1204), cardinal bishop- (Sabina, 1205–1216: 9<sup>th</sup> January 1205 – 21<sup>st</sup> April 1214). HC I, 3, fn. 1, 13, 37, 45; PARAVICINI BAGLIANI 1980. 10. fn. 2.

<sup>120</sup> Nicolaus de Romanis, papal main penitenciarus, cardinal bishop (Tusculanum, 1205–†1219: 5<sup>th</sup> May 1205 – 14<sup>th</sup> September 1219?). HC I, p. 4, 38; PARAVICINI BAGLIANI 1980. p. 108, fn. 3.

<sup>121</sup> Unidentified person.

<sup>122</sup> The priest of the Sancta Agata in Monasterio, with another name the Sancta Agata dei Goti. PARAVICINI BAGLIANI 1980. p. 108, fn. 4.

<sup>123</sup> Unidentified persons.

Albertinus

testis

[S] Ego Iohannes Petri, Dei gratia sancte Romane Ecclesie scriniarius, complevi et absolvy.

Orig.: BAV, Archivio di S. Maria in Via Lata, cass. 302, nr. 56 [A]

Copia: 1) BAV, Archivio di S. Maria in Via Lata, ms. I. 40. p. 1042–1043; 2) BAV, Vat. lat. 8049, II, fol. 17–18.

Ed.: PARAVICINI BAGLIANI 1980. 3, nr. 1, 107–109, nr. I. (de orig.)



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