Notes and Documents.

NIGEL, BISHOP OF ELY.

THE results of a search among manuscript authorities on the doings of Bishop Nigel may be worth recording, especially as on one or two points they differ slightly from those given by Dr. Liebermann in his 'Einleitung in den Dialogus de Scaccario.'

The first point I would touch upon is this: Dr. Liebermann held that Nigel, with his uncle and cousin, administered the realm in Stephen's absence (1137). I have not been able to discover proof that Nigel shared in the government. The only evidence adduced by Dr. Liebermann is that *eine Urkunde von circ. 1137* ('Mon. Ang.' iv. 120) *hat* '*Episcopo Eliensi, justiciario, vicec. &c.*,' *ein Beweis für seine hohe Stellung*. But this charter (which contains a grant of an estate in Kent to a religious house) is attested by William of Ypres and Richard de Luci, and can, therefore, scarcely be earlier than 1140, and is probably later. I have noted two other charters with the same address ('Monasticon,' iv. 216). Of these the second cannot be earlier than 1140, for it confirms a grant by 'Constance, wife of Earl Eustace, my son.'¹ The first of them cannot be dated so confidently, but Reginald de Warenne, by whom it is witnessed, occurs as a witness to royal charters, I think, after the departure of Earl Warenne on crusade, *i.e. circ. 1148*. The charter is dated *Apud Mapertes Halam in obsidione*, and Mr. Howlett has suggested that it may refer to the siege of Bedford in 1138.² But the above witness's name suggests, as I have said, that, like the other two, it belongs to a later day. I may add (as to the original charter) that Dr. Liebermann's reading, '*justiciario*,' is merely, I think, a wrong extension, as is shown by the reading '*justiciaritis*' in the other case ('Monasticon,' iv. 216). It was the custom, in charters, to leave the word unextended. Thus there is no proof that Nigel was great justiciar at any period of the reign, while as for 1137 a writ quoted by Mr. Howlett in his

¹ It is probably several years later, for Mr. Howlett argues, in his introduction to the *Gesta Stephani* (p. xxi), that up to 1147 or 1148 Eustace is merely styled *filius meus*, not *comes*.

Ibid. p. xxv.

valuable introduction to the 'Gesta' (p. xl) affords a very strong presumption that the office was, in that year, held by the earl of Leicester.

I now pass to the papal bulls relating to Nigel and Ely. The order of these documents is best preserved in the Cotton manuscript, Tib. A. VI., where the first is a bull of Innocent's ('Præpostulatio'), which is dated *Non. Dec. indictione secunda incarnationis dominice anno . . . tricesimo nono pontificatus vero domni Innocentii pape secundi anno nono*, and is *Data Laterani* (ff. 110 b-111).³ The year-date is at variance with the two other notes of time, and we can scarcely be wrong in assigning it to December 1138. It is a general confirmation to the church of Ely of all her possessions, and specially of Charteris Abbey, and it authorises Nigel to punish those who defraud her of her rights: *Secundo terciove commonita [persona] si non reatum suum congrua satisfactione correxerit potestatis honorisque sue dignitate careat*, &c.

The next papal bull is that which bears date 27 April (5 *kal. Maii*) 1139 (Tib. A. VI., ff. 112-113 b). As the date is omitted in Titus A. I. (ff. 36 b-37 b), from which Dr. Liebermann worked, it is assigned in Wattenbach's edition of Jaffé (No. 8028) to 29 April 1139, evidently on account of the three letters (Nos. 8025-7) of that date (8 *kal. Maii*), being obviously connected with it. In Tiberius A. VI. (ff. 113 b-114) these three letters follow immediately on the bull, to which they are, clearly, complementary. As the bull itself, we have seen, is dated, it confirms the year assigned to these letters, viz. 1139. The first letter is addressed to Bishop Henry of Winchester (as papal legate), and commands him to confirm Nigel's sentences on those who detained the possessions of the church of Ely. The second is addressed to Stephen, and requests him to support Nigel in recovering the estates of his church. The third is to Nigel himself, and requires special attention. The relevant words are these:—

Nuntios a serenitate tua ad sedem apostolicam destinatos, industrios siquidem viros, benigne suscepimus, et super devotionem et amorem quam erga sanctam Romanam geris ecclesiam gratulamur. Quum te occupatum multis negotiis esse accepimus, ideo serenitatem tuam et Rodbertum Abbatem de torneia pro quo supplicasti a presentatione concilii relaxamus.

Now, if Innocent wrote in these terms, how can it possibly be maintained that Nigel had been attending the Lateran council, in person, that very month? Is it not absolutely certain that he sent these *nuntii* in his place? We have independent testimony to exactly the same effect. Richard of Hexham writes, under 1139:—

³ Also Titus A. I. f. 35, where it is undated.

Legatus mox post octabas Epiphaniae cum suis ad mare reversus transfretavit. Nam ad praedictum concilium domini papae tempore congruo pervenire properavit. Tedbaldus quoque Cantuariensis archiepiscopus, et Rofensis, et Simon Wigornensis, Rogerus Coventrensis, Robertus Excestrensis, v. episcopi, et cum illis iiij abbates, pro omnibus episcopis et abbatibus Angliae ad idem concilium iverunt. Namque rex S. propterurbationem regni sui, quae gravis tunc imminebat, plures illic mittere noluit.⁴

Nothing could be more precise than this, and we can well believe that Stephen preferred to keep Bishop Roger and his nephews safely at home. Nigel, no doubt, sent *nuntii* instead, just as Thurstan of York (Richard of Hexham tells us) did on his own account.

Dr. Liebermann, however, held that not only Nigel but Alexander attended this council.

Alexander von Lincoln und Nigel von Ely besuchten im April 1189 das lateranische Concil; die enge Verbindung, in welche die mächtige Prälatenfamilie nun auch zu Rom trat, schien ihr eine dem wankenden Thron um so gefährlichere Stellung zu geben.

His authority for Nigel's presence is that John of Salisbury asserts that he was there; and unquestionably John, writing in the name of Archbishop Theobald, says:—

In concilio Laterani, cui nos et vos, frater Episcopo, interfuimus, domino Innocentio praesidente, audivimus vota talia, promulgato canone, condemnari.⁵

In this indignant rebuke to Nigel he refers to the canons promulgated in 1189. What can we say when the evidence is so flatly contradictory? One can only suggest that in writing some twenty years after the time, he made a mistake in supposing that Nigel was there. At the same time it is right to add that a charter of Stephen confirms to the monks of Ely all their possessions as they held them *die qua Nigellus episcopus novissime movit ire Romam*,⁶ which suggests that he went thither more than once in the course of Stephen's reign.

I cannot, therefore, claim to have absolutely disproved Nigel's *Romreise* in 1189, though it seems impossible to reconcile with the positive evidence I have quoted. As for Alexander, I cannot think there is any proof of his presence. Dr. Liebermann relied on a papal bull of 28 April 1189⁷ in favour of the church of Lincoln, but Nigel and Alexander were so intimately connected that one does not wonder to find Ely and Lincoln bulls together.

The next series of documents consists of eight charters of Stephen

⁴ Ed. Howlett, p. 176.

⁵ Ep. lvi. (Giles, i. 59–60).

⁶ Titus A. I. f. 84 b.

⁷ *Mon. Ang.* vi. 1277, where the date is printed 'MCXXXVIII.'

in Titus A. I. (folio 84) which are not found in Tiberius A. VI. Their special interest lies in the confirmation they afford to the 'Historia Eliensis.' Thus that narrative states that after Stephen's capture of the Isle of Ely the monks disavowed any complicity in Nigel's action, and implored him not to punish them.

Ille benignus et pius ut erat pectore non solum innoxios donavit, verum etiam carta sua omnia illorum in pace constituit atque dimisit ('Anglia Sacra,' i. 621).

This very charter heads the list and confirms to the church of Ely all her possessions as held under the Conqueror and his predecessor. A second charter insists on all her spoliators being constrained to restitution. The former charter is witnessed by 'Philip the Chancellor,' William of Ypres, and William Martel; the latter by 'Philip the Chancellor,' the Earl Warenne, and William Martel. The chancellor's name fixes the date 1140, for Philip (de Harcourt) had succeeded Roger 'Pauper' the previous year, and was himself about to vacate the office on his appointment to the see of Salisbury.⁸ William of Ypres, as the best captain at Stephen's disposal, would be naturally with him in his attack on the fenland. Both charters passed at Cambridge, to which the king must have withdrawn on his way back to London for the Mid-Lent Council (1140). The third charter passed at Hertford, clearly on the king's return journey, and is addressed to Geoffrey de Mandeville. It is thus further proof that Geoffrey, as I have maintained,⁹ was not, at this time, yet an earl. It insists that the prior and monks are to enjoy all possessions, *sicut die qua rex Henricus fuit vivus et mortuus, et die qua episcopus Nigellus exivit de Ely*. Thus these three charters can all confidently be assigned to *circ.* February 1140. A fourth also must belong to the same group, for it is similarly addressed to Geoffrey de Mandeville. The king directs that Hugh and Stephen and Hugh de Scalers are to pay their *firma* to the monks as they did *priusquam caperem insulam de Ely*. The witness is Turgis d'Avranches.

The fifth charter anticipates the seventh, in error, but the sixth can be assigned to a later period in 1140, probably to the expedition against Worcester and Hereford, for it is witnessed, at Oxford, by Robert d'Oilli. The seventh of these documents is of special interest, because it confirms the statement in the 'Historia' that Nigel met the king at Ipswich (seemingly in 1144), and, at length, *concordiam vel gratiam ab eo impetrare potuit* (p. 624). The charter directs that Nigel is to have all his possessions *quum pacem de me*

* The continuator of Florence says that Stephen gave the see to Philip at Winchester about the beginning of 1140, but the Annals of Waverley (*Ann. Mon.* ii. 228) say it was done at London in the Mid-Lent Council (1140).

⁹ *Geoffrey de Mandeville*, p. 49.

habet et concordiam mecum fecit. It is granted at Ipswich and witnessed by the Earl Warenne. The next (eighth) charter confirms to the monks of Ely all their possessions as they held them *die qua Nigellus episcopus novissime movit ire Romam.* The witnesses are Earl Gilbert and Robert de Ver. Last comes the ninth charter, which belongs to the close of the reign, and is chiefly notable for the fact that after ordering certain adversaries of the monks to leave their possessions alone, it adds: *et nisi feceritis, justicia mea Cantebrigescire faciat fieri.* I would claim this as a fresh illustration of the theory advanced in my 'Geoffrey de Mandeville,' Ch. iv., that at this particular time there existed the *local* office of 'justicia' for a county.

The consideration of these charters leads one to ask if the author of the 'Historia' did not work with the Ely bulls and charters (or copies of them) before him. Several things point to that conclusion. He quotes *verbatim* a papal bull and a letter of Archbishop Thomas; he refers, as in the matter of the grant of Hadstock, to charters still extant in the cartulary (Titus A. I.); and in one case his following of the charters raises a curious question. He asserts that when Nigel was expelled in 1140 papal letters were addressed *ad Archiepiscopum et Episcopos Anglie et ad Rothomagensen Archiepiscopum* for his restitution. No such letter to the archbishop of Rouen, on that occasion, is preserved, though there is one from Pope Lucius to him in 1144. It is singular, however, that this letter, which is found in Tib. A. VI (f. 114) and in Titus A. I (ff. 37b-38), in the latter is addressed *H— archiepiscopo et episcopis eius suffraganeis*, in the former, *Thaebaldo cant. archiepiscopo et episcopis eius suffraganeis*. This latter reading is clearly the right one, but Wattenbach's Jaffé (8101), working from the former reads: *H. archiepiscopo (Hugoni Rotomagensi?)* Was not the author of the 'Historia' similarly misled?

It is noteworthy, also, that the author traces Nigel's restoration to this letter as its direct result, wholly ignoring the triumph of the empress and the change in Nigel's circumstances which it produced. On the whole, his history would seem to be based largely on documentary sources, while his general knowledge of local information and the events of the period was decidedly small.

J. H. ROUND.

PROVINCIAL PRIORS OF THE DOMINICAN ORDER IN ENGLAND.

No list of the Provincials of the Dominicans in England, similar to the lists of the Franciscan Provincials printed in the 'Monumenta Franciscana,' appears to be extant. The following list is drawn from a variety of sources, some of them contemporary records,