

## *Notes and Documents*

### PAPAL LETTERS RELATING TO ENGLAND, 1133-1187.

THE following ten documents have hitherto either remained unknown or been only badly or partially published. They are not without interest for English readers, since they all bear an English address, though some of them, except for the address, have no special reference to England. I have prefixed to each document a few remarks to explain its bearing,<sup>1</sup> and appended a notice of the source from which the text is derived. Almost all the documents are taken from manuscripts in the British Museum. . .

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### I.

The following letter of Pope Innocent II has a special local interest, as giving us the names of certain canons and clerks of the church of Llandaff. Its purpose is to direct Archbishop William of Canterbury to maintain the rights and property of the church of Llandaff, void by the death of Bishop Urban at the Curia.<sup>2</sup>

Innocentius papa II. mandat Willelmo archiepiscopo Cantuarien. ut Landavien. ecclesiam vacantem per mortem in curia Urbani eiusdem sedis praesulis, in statu quo manuteneat, eique Landavien. dioeceseos aliquos canonicos clericosque commendat.

1133, Octobris 9, Pisis.

*Innocentius episcopus servus servorum Dei venerabili fratri Wil-  
lermo<sup>3</sup> Cantuariensi archiepiscopo et apostolice sedis legato salutem  
et apostolicam benedictionem.* Quantum venerabilis frater noster

<sup>1</sup> These remarks have been kindly translated by Mr. R. L. Poole, who has added a few notes of his own. These notes are distinguished by his initials.

<sup>2</sup> This letter forms a sequel to the long series of papal letters and other documents relative to the repeated appeals of Bishop Urban to the pope for a decision concerning the extent of his episcopal jurisdiction. They run from 1119 to 7 March 1132, and are contained in the *Liber Landavensis* (pp. 27-67, 87-94, ed. Evans, 1893), whence almost all of them are reprinted in chronological order in Haddan and Stubbs's *Councils and Eccles. Documents*, i. 809-14, 817-48 (Oxford, 1869).—R. L. P.

<sup>3</sup> William of Corbeuil, archbishop of Canterbury, 1123-36.

Urbanus<sup>4</sup> Landavensis episcopus pro recuperandis bonis ecclesie sue laboraverit, fraternitas tua non ignorat. Tandem pro eodem negotio ad sedem apostolicam sub gravissimi temporis estuatione pervenit ibique post expositam nobis et fratribus nostris itineris sui causa[m] languore arreptus humanitati concessit et ad patres suos, qui de hoc seculo migraverunt, in bona confessione transivit. Quocirca fraternitati tue rogando mandamus, quatinus Landavensem ecclesiam manuteneas et nullatenus inquietari permittas et ut idem locus in eo statu, in quo erat, quando prefatus noster frater Urbanus episcopus ad nos nuper veniendi iter arripuit, perseveret, usque dum ibi, Domino largiente, episcopus canonice subrogetur, efficias. Rogamus preterea fraternitatem tuam, quatinus filios nostros Uhtredum archidiaconum,<sup>5</sup> Radulfum canonicum, Buallanum, Isaac,<sup>6</sup> A., Johannem<sup>7</sup> et reliquos iam dicte ecclesie clericos pro beati Petri reverentia habeas commendatos et ut tam persone quam bonâ, que eis collata sunt, quiete permaneant, pro nostra karitate efficias. Caratocum quoque presbiterum, Guganum de Lancarvan et germanos prefati fratris nostri Urbani episcopi pietatis intuitu manuteneas et nullam eis molestiam irrogari permittas. Data Pisis vii idus Octob.

British Museum, Royal MS. 5, A, XIII. fol. 199, v. (saec. xii.)

## II.

The following letter has been hitherto known only by a fragment of the text and an extremely meagre excerpt from the complete document. The fragment is described by Jaffé, 'Regesta,' No. 13722<sup>8</sup>: 'Alexander III Alano priori Cantuarien. scribit, sese canonicos eius a solutione decimarum de hortis, de feno, de herbis pascuorum et de minutiis aliis' liberare. (Fragmentum).—'. . . ea propter dilecti' (c. 1180). Antoine Thomas gives, in his analysis of the Registers of Boniface VIII, the address, incipit, and date, with only a few words to indicate its contents and without perceiving its identity with the document calendared (as above) No. 13722. The connexion between the document of Alexander III and two letters of Boniface VIII may be seen from Thomas, 'Les Registres de Boniface VIII,' Nos. 442, 443. The text of the letter now printed removes all obscurities.

<sup>4</sup> Urban, bishop of Llandaff, 1107–33.

<sup>5</sup> Uhtred appears in the *Liber Landavensis* under the years 1127 and 1131 (pp. 29, 60, 64).—R. L. P.

<sup>6</sup> Isaac, *capellanus episcopi*, is mentioned in company with Uhtred in the places cited; also under the year 1120 (*virum magnæ astutiæ et valentiæ*) in connexion with the translation of the body of St. Dubricius (p. 85).—R. L. P.

<sup>7</sup> Possibly the Adam and John who appeared as witnesses for Bishop Urban before Honorius II in 1128 (*ibid.* p. 41).—R. L. P.

<sup>8</sup> The references to Jaffé's *Registrum* are throughout to the numbers of the second edition of the work.

Alexander papa III concedit Alano priori et capitulo Cantuarien. ecclesiae ut sint in perpetuum liberi a solutione decimarum aliarumque rerum in epistula nominatarum.

1180, Decembris 23, Tusculani.

*Alexander<sup>9</sup> episcopus servus servorum Dei dilectis filiis A.<sup>10</sup> priori<sup>11</sup> et capitulo Cantuarien. ecclesie salutem et apostolicam benedictionem.*

Apostolice sedis cui licet immeriti deservimus, auctoritas nobis attentius persuadet, ut religiosis viris apostolicum patrocinium impendamus et eorum paci tanto sollicitius debeamus intendere, quanto sub habitu regulari omnipotenti Deo, cuius servitium se subdiderunt, devotius famulantur. Ea propter, dilecti in domino filii, officio subcepte administrationis inducti et vestris precibus inclinati presentibus vobis litteris indulgemus, ut a solutione decimarum de ortis vestris, de feno, de erbis pascuorum, de proventibus molendinorum, de fructibus pomariorum, de fructibus nemorum et de minutis aliis ita sitis amodo liberi, sicut a quadraginta retro annis noscimus sine interruptione fuisse. Villas quoque et alia ecclesie vestre predia ea decernimus in posterum libertate gaudere, quam per quadraginta annos inconcusse habuisse noscuntur. Nulli ergo omnino hominum etc. usque: contraire. Siquis autem etc. usque: incursum. Dat. Tusculan. X. Kal. Januarii.

Vatican, Archiv. Secr., Reg. No. 47, Bonif. VIII, Ann. I. fol. ciii. (102), No ccccliii.

This letter of Alexander III was confirmed by Boniface VIII, *ad instantiam* 'prioris et capituli Cantuarien. ord. Sancti Benedicti.' Inc.: 'Littera felicitis recordationis Alexandri pape III predecessoris nostri ex parte vestra nobis presentata extitit sub hac forma.' After reciting the tenor of Pope Alexander's letter the document concludes: 'Nos itaque vestris supplicationibus inclinati, concessionem huiusmodi per eundem predecessorem factam auctoritate presentium approbantes, ipsam decernimus ecclesie vestre perpetuis temporibus profuturam. Nulli ergo etc. Nostre approbationis et constitutionis etc. Dat. Anagnie III cal. Septembris anno primo. [1295, Augusti 29, Anagninae.] Cf. Thomas, 'Les Registres de Boniface VIII' (Paris, 1884), vol. 157.

### III.

This letter was published some years ago in Löwenfeld's 'Epistolae,' p. 220 (cf. Jaffé's 'Regesta,' No. 15205); but a comparison of the text with that of our manuscript showed the necessity of printing it anew, since we have now before us not only a far better text, but also the means of establishing the date of the document precisely. Instead of belonging vaguely to the years 1181-1185, it is fixed to the exact date, 13 Dec. 1181.

<sup>9</sup> Alexander written in elongated minuscules.

<sup>10</sup> A. somewhat accentuated.

<sup>11</sup> Alan had been appointed prior of Christ Church, Canterbury, 6 Aug. 1179. Stubbs, intr. to *Epistolae Cantuar.* p. cxxi (1865).—R. L. P.

Lucius papa III scribit Balduino episcopo Wigorniensis, compellat R. clericum, ut G. clericum iuramento, quod ab ipso extorserit, solvat. (Jaffé-Löwenfeld, 15205).

1181, Decembris 13, Romae apud Sanctum Petrum.

*Lucius episcopus servus servorum Dei venerabili fratri B. Wigorniensis episcopo* <sup>13</sup> *salutem et apostolicam benedictionem.*

Ex conquestione G. clerici auribus nostris insonuit, quod cum ipse ecclesiam de Geringe <sup>13</sup> sub annuo censu unius marce argenti longo tempore tenuisset, R. clericus ab eo per multas impressiones et gravamina iuramentum de solutione maioris census extorsit. Quoniam igitur, cum sit prohibitum in Lateranensi concilio, ne novi census imponantur ecclesiis vel veteres augeantur, sustinere non possumus incorrectum, quod tanta videtur temeritate presumptum, fraternitati tue per apostolica scripta mandamus quatenus inquisita presentibus partibus veritate, si ita tibi constiterit prescriptum censum ad solitum auctoritate nostra contradictione et appellatione cessante reducas et memoratum R. ecclesiastica severitate compellas, ut supradictum G. a iuramento, quod ab ipso recepit, absolvat, et de cetero consueto censu contentus existat, eum quoque de tanta presumptione sublato appellationis remedio taliter punias, quod pena docente cognoscat periculosum cunctis existere statutis apostolicis obviare. Dat. Rome apud sanctum Petrum id. Decembris.

British Museum, Royal MS. 10, A, II. fol. 68, v.

#### IV.

Only the second part of the following letter is published in the collections of decretals, because in it is contained the substance of the importance of the letter for canon law. In Jaffé, No. 15204, it is described thus: *Lucius III [Balduino] episcopo Wigorniensis permittit, 'ut quoties aliqua scripta sub suo nomine impetrata redarguenda viderit falsitatis, nullam adhibeat fidem.'* (Imp. II, L. 2, t. 18 c. 4. Decr. Greg. L. V. t. 20, c. 2. 'Super eo autem.' 'Super eo vero.') The British Museum manuscript supplies the first part, hitherto unpublished, containing a judicial mandate, and furnishes a basis for closer approach to an exact date.

Lucius papa III mandat Balduino Wigornien. episcopo clericum G. si de falsitate poterit comprobare, in aliquo monasterio recludat, insuper monet eum ne litteris falsis sub nomine papae editis fidem adhibeat, neque mandatum in illis sibi commissum observet.

<sup>13</sup> Baldwin, bishop of Worcester from 10 Aug. 1180 to 16 Dec. 1184, when he was translated to the see of Canterbury.

<sup>14</sup> The name *Geringe* is not to be found under the heading 'Ecclesia de Geringe' in the manuscript *Index of Charters* in the British Museum, which contains, however, the name of a man bearing the surname 'De Geringe.' [Possibly the word is miswritten for *Getings*, now Guiting, in Gloucestershire.—R. L. P.]

1181-1183, *Velletri*.

*Lucius episcopus servus servorum Dei venerabili fratri B. Wigorn. episcopo salutem et apostolicam benedictionem.*

Fraternitati tue per apostolica scripta mandamus, quatinus G. clericum ad tuam presentiam convocans, si de falsitate coram te poterit comprobare, in aliquo monasterio, appellatione cessante, recludas in quo reatum suum valeat expiare. Super eo autem quod sententiam latam falsarum litterarum optentu nolueris executioni mandare, tuam plurimum providentiam commendamus, mandantes, ut quotiens aliqua scripta, sub nostro nomine destinata, redarguenda videris falsitatis, nullam eis fidem adhibeas et quod per ipsa mandatum fuerit, non observes, set eum, qui presentaverit, facias retineri. Dat. Velletri.

British Museum, Royal MS. 10, A, II. fol. 62, v.

## V.

This document is described as follows in Jaffé, No. 14964: *Lucius III B[alduino] episcopo Wigorniensis scribit de T. rectore ecclesie de Dulting, cui R[eginaldus] episcopus Bathoniensis interdixerit, ne monachis Glasticie [al. Clanstig] censum solveret. App. Conc. Lat. xxviii. 13. Comp. II, L. 3. t. 25, c. 1, Decr. Greg. L. III. t. 39, c. 13. 'Significavit nobis T.,' 'Significavit T.'* The letter has only come down to us in the collections of Decretals, and repeated transcription has perverted both the spelling of proper names and the constructions in an altogether capricious way, almost past recognition. Thus *abbate et monachis Glastonien.* became in course of time *Glasticie*, or, according to another reading, actually *Clanstig*. For the first time we are now able to attach an approximate date to this document.

Lucius papa III scribit Balduino episcopo Wigorniensis circa litem inter Reginaldum episcopum Bathonien. et T. rectorem ecclesie de Dulcingen, ipsam ecclesiam concernentem.

1182-1183, *Junii 5, Velletri*.

*Lucius episcopus servus servorum Dei venerabili fratri B. Wigornien. episcopo* <sup>14</sup> *salutem et apostolicam benedictionem.*

Significavit nobis T. rector ecclesie de Dulcingen <sup>15</sup> quod a dilectis filiis nostris abbate et monachis Glastonien. <sup>16</sup> ad regimen ipsius ecclesie electus de solvendo annuo censu trium marcarum, quem predecessor eius solverat, prestitit corporaliter iuramentum. Postmodum autem venerabilis frater noster R. Bathonien. episcopus, <sup>17</sup> in cuius diocesi ecclesia illa consistit, ne ipsum censum monachis

<sup>14</sup> See above, p. 534, n. 12.

<sup>15</sup> The parish is no doubt Doulting, near Shepton Mallet, Somerset. It appears as *Dulting* in the *taxatio* of Pope Nicolas IV, 1291 (p. 197 a), at which time the benefice was appropriated to Glastonbury.—B. L. P.

<sup>16</sup> Glastonbury (see above).

<sup>17</sup> Reginald fitz Joceline, bishop of Bath, 23 June 1174-26 Dec. 1191.

solveret nisi prius constaret, quod de episcopali auctoritate fuisset impositus in periculum ordinis et sub interminatione anathematis interdixit. Unde prefatus rector hinc reatum periurii meruit, inde timet inobedientiae periculum imminere. Quocirca fraternitati tue per apostolica scripta mandamus quatinus partibus convocatis, si prescriptum canonem de auctoritate presulis et non ex novo impositum fuisse constiterit, episcopo auctoritate nostra precipias ut prohibitionem suam sine dilatione relaxet. Si vero census fuit de novo impositus sive de auctoritate episcopi hoc factum fuerit, sive non, abbatem et monachos ut clericum a prestito iuramento absolvant, appellatione remota ecclesiastica districtione compellas. Pati enim nec volumus nec debemus ut ecclesiae novi census exactione vexentur. Dat. Velletri nonis Iunii.

British Museum, Royal MS. 10, A, II. fol. 68, v.

The following three letters relate to the nomination of Archbishop Baldwin of Canterbury as legate for England. Henry II had written requesting Pope Lucius III to name the archbishop as legate; but while the letter was on the way the pope died, 25 Oct. 1185, and the petition came into the hands of his successor, Pope Urban III, who was elected on 25 Nov. and crowned 1 Dec. of the same year.<sup>18</sup> Urban observes with special emphasis that, since the *magisterium ecclesiae* is continuous, though the persons exercising it change, King Henry is to expect always the same goodness at the hands of the apostolic see; and although it is without precedent that petitions addressed to a dying pontiff should be acceded to, without a renewal of the request, by his successor, nevertheless in the present case the pope departs from the rule in order to give the king a signal proof of his fatherly love. On this account he is willing to grant the king the request he made to his predecessor, and he herewith nominates the archbishop apostolic legate in the province of Canterbury.<sup>19</sup> In the second letter, again, which is addressed to the archbishop himself, and which informs him of his appointment, the pope repeats that by way of exception he has treated the letter directed to his predecessor as though it had been directed to himself.<sup>20</sup> In the third letter, addressed to the whole clergy, higher and lower, of the province, the pope does not return to the subject. The noble language of the three letters deserves notice.

<sup>18</sup> Lucius III died at Verona, and it was there that his successor was elected and crowned.

<sup>19</sup> Compare the letter in Jaffé, No. 15490, of 19 Dec. 1185 (in which already the archbishop receives the title of *apostolicas sedis legatus*. On the privilege of the archbishop of Canterbury cf. Stubbs, *Constitutional History of England*, iii. 298 ff. (Oxford, 1878). 'The next two archbishops, Richard and Baldwin, were made legates as a matter of course' (p. 800). Cf. W. F. Hook, *Lives of the Archbishops of Canterbury*, ii. (1862).

<sup>20</sup> Baldwin was archbishop of Canterbury from 16 Dec. 1184 to 19 Nov. 1190.

## VI.

Urbanus papa III, non obstante quod legatio Balduini Archiepiscopi Cantuarien. a prædecessore, non a se ipso, quaesita fuerit, Henrico Anglorum regi nihilominus gratiam petitam præbet.

1185, Decembris 17, Veronae.

*Urbanus episcopus servus servorum Dei karissimo in Xpo filio H. illustri Anglorum regi salutem et apostolicam benedictionem.*

Ab oculis Romane ecclesie, matris tue, nec debet omnino nec potest ulla temporis diuturnitas abolere, quantum ei semper fidelis extiteris et devotus et circa profectus ipsius in articulo<sup>21</sup> cuiuslibet necessitatis intentus. Hinc est quod quantumcunque in ea fiat pro tempore mutacio personarum, suum tamen circa te sine mutacione aliqua conservat affectum et apostolica sedes cuius magisterium in sola dumtaxat variacione pastorum ordine successionis alternat, una semper et eadem perseverans, suam circa te benivolenciam non immutat. Unde, licet hactenus sit inauditum, quod ea que a Romano pontifice in extremis posito requiruntur, successor ipsius, nondum ei specialiter porrectis precibus, exequatur, placuit tamen nobis et fratribus nostris tue consideracionis obtentu, iuxta casum novitatis istius, novum tibi aliquid indulgere, ut tanto efficiaris in ea, qua soles devocione propensior, quanto predicta Romana ecclesia maiori te benedictione prevenit, dum illud pro te quasi de novo incipit, quod pro aliis facere minime consuevit. Quamvis enim non a nobis, set a prædecessore nostro ea, quam desiderabas, fuerit postulata legacio, nos tamen et fratres nostri pia consideracione prospeximus, ut nequaquam tibi occasione ista quod postulaveras negaretur, maxime quia qualiscumque sit persona que preminet, eadem semper remanet apostolice sedis auctoritas, que quod postulatur indulget. Ideoque secundum quod excellenciam tuam velle cognovimus, legacionem Cantuarien. provincie venerabili fratri nostro B. Cant. archiepiscopo duximus committendam, firmam spem fiduciamque tenentes, quod eam ad honorem Dei et totius ecclesie profectus, sicut homo, virtute multaque scientia et honestate peditus, exequatur. Te vero monemus et exhortamur in Domino, quatinus ei ad statum ecclesiasticum in melius reformandum faveas omnimodis et assistas ita, quod in facto isto habuisse videaris pie intencionis intuitum cum de favore celsitudinis tue prosperum habuerit archiepiscopus supradictus in sui operis executione progressum et nos tanto debeamus in aliis quibusque negociis facilius indulgere, quod postulas, quanto affectum tuum ad honorem Dei et ecclesie sue profectum sinceriolem nobis in tuis actibus representas. Dat. Verone xvi Kl. Januarii.

British Museum, Royal MS. 10, A, II. fol. 2, r.

<sup>21</sup> *Articulo*: manuscript *araculo*.



## VII.

Urbanus papa III nuntiat Balduino Cantuarien. archiepiscopo ad instantiam Henrici Anglorum regis se eum apostolicæ sedis legatum per Cantuarien. provinciam nominare.

1155, Decembris 13, Veronas.

*Urbanus episcopus servus servorum Dei venerabili fratri B. Cantuarien. archiepiscopo, apostolicæ sedis legato, salutem et apostolicam benedictionem.*

Sinceritas devotionis et fidei consueque quam Anglicana semper ecclesia circa unitatem et pacem sedis apostolicæ conservavit, in tua, sicut bene confidimus, prudentia et virtute refluere et acceptabile incrementum placidi fervoris accepit. Talis enim ad Romanam ecclesiam tue manavit fraternitatis opinio, quæ et tue honestatis odore nos recreet et constancie, quam habes, vigore confortet, ita ut confidenciam quam de tua probitate concepimus, in nostro iam apercius opere declaremus. Supplicante siquidem karissimo in Xpo filio nostro H. illustri Anglorum rege, ut Anglicana ecclesia legatum apostolicæ sedis pro suis et totius regni profectibus optineret, quamvis id nondum a nobis set a predecessore nostro, quem credidit superstitem, postulavit, tamen quia sedes apostolica eadem ipsa remansit etiam cum personam alteram ordine canonice successionis accepit, nos qui in ea sumus, ordinante sicut voluit Domino, constituti, preces illas tamquam ad nos destinatas accepimus, et quod fuit de tam sublimi negotio hactenus inauditum eisdem precibus alteri quidem persone set eidem dignitate porrectis, assensum prestitimus et favorem, maxime quia multum credimus ecclesie similiter et regni utilitatibus expedire, si talem in ministerio supradicto provincia illa recipiat, qualem predicti regis instantia de conversacionis merito et fidei sinceritate commendat. Ideoque nos ad honorem Dei et ecclesie sue salutem et pacem per universam Cantuarien. provinciam officium tibi legacionis iniungimus, per apostolica scripta mandantes, ut illud cum fraterne obediencie humilitate suscipias et secundum datam tibi celitus facultatem ad emendandum ea, quæ necesse est emendari et conservanda ea, quæ conservari oportet, debite diligencie manum auctoritate ipsius legacionis apponas, ita nimirum in omnibus reverenciam matris tue Romane ecclesie parata devocione custodiens, ut de profectu ministerii, quod tibi leta committit, tuis eam facias operibus leciorem. Dat. Verone xv Kl. Januarii.

British Museum, Royal MS. 10, A, II, fol. 2, v.

## VIII.

Urbanus papa III significat abbatibus, decanis, archidiaconis aliisque ecclesiarum praelatis et universo clero Cantuarien. provinciae, se Baldwinum archiepiscopum Cantuarien. legatum apostolicæ sedis per dictam



provinciam constituisse monetque eos ut legato debitam praebeant reverentiam et obedientiam.

1185, Decembris 18, Veronae.

*Urbanus episcopus III [sic] abbatibus, decanis, archidiaconis aliisque ecclesiarum prelati et universo clero per Cantuarien. provinciam constitutis salutem et apostolicam benedictionem.*

Divine sapientie inscrutabilis altitudo, que sacrosanctam ecclesiam in huius mundi latitudine stabilivit, ita regimen et gubernationem ipsius immutabili provisione disposuit, ut ad eam salubriter gubernandam plures assumerentur in partem sollicitudinis, quamvis pro unitatis ecclesiasticae firmamento unus obtineret plenitudinem potestatis. Volumus enim ut secundum quod eam alloquitur in propheta, Pro patribus eius filii nascerentur, qui super omnem terram principes constituti essent ubique nominis sui memores et evangelice veritatis incliti preceptores. Hinc est quod Romana ecclesia, cui precipuum contulit super ceteras magistratum pium ad alias habens materna provisione respectum, providit ab initio et laudabili hactenus observantia custodivit<sup>22</sup> ut ex diversis mundi partibus ad earum ministerium adimplendum viros prudentes ascisceret, quorum auctoritas et doctrina sub Romani pontificis moderamine constituta, quod ipse per se non poterat, procul distantibus ecclesiis ministraret. Unde et nos qui licet insufficientibus meritis in sublimi sumus eiusdem ecclesie specula constituti patrum nostrorum vestigiis inherentes ita intendimus cum Dei adiutorio iniunctum nobis ministerium circa proximas ecclesias gerere ut his etiam a quibus locorum positione distamus, oportuna debeat providentia non deesse. Specialiter autem ad presens<sup>23</sup> Anglicanam ecclesiam paterne considerationis oculis intuentes, ad salutem ipsius et speciales in Xpo profectus communi consilio fratrum nostrorum decrevimus ordinandum, ut venerabilis frater noster B. Cantuarien. archiepiscopus de cuius meritis et virtute, sapientia pariter et doctrina ecclesia universa congaudet, ministerio legationis accepto vices nostras ad honorem ecclesie et totius regni salutem et pacem per subditam sibi provinciam exequatur. Ideoque universitati vestre per apostolica scripta mandamus atque precipimus, quatinus ei decetero tamquam apostolice sedis legato debitam in omnibus reverentiam et obedientiam impendatis, ita quod et ipse in nobis ad gloriam Dei vestrumque omnium commodum et salutem iniunctum sibi possit ministerium exequi et vos coram Deo et ecclesia eius merito valeatis commendabiles inveniri. Dat. Verone xv Kl. Januarii.

British Museum, Royal MS. 10, A, II. fol. 2, v.

<sup>22</sup> *Custodivit*: manuscript *custodium*.

<sup>23</sup> The following passage, as far as *exequatur*, is quoted by Ralph de Diceto, *Ymag. Hist. (Opp. hist. ii.)*, p. 38, ed. Stubbs, 1876.

## IX.

This letter of Pope Urban III relative to a canon Hel[ias] contains a decision of a case in canon law, such as often occurs. Unfortunately there are no indications of place, nor of the exact date.

Urbanus papa III scribit Balduino Cantuarien. archiepiscopo apostolicæ sedis legato de Hel. canonico, qui, subdiaconatus ordine prætermisso, in diaconi et inde in presbyteratus ordinem convolvavit.

1186-1187, Junii 23, Veronæ.

*Urbanus episcopus servus servorum Dei venerabili fratri B. Cantuarien. archiepiscopo apostolicæ sedis legato salutem et apostolicam benedictionem.*

Sicut tue littere continebant, ita et lator presentium Hel. canonicus regularis confessus est coram nobis, quod cum esset acolitus, subdiaconatus ordine prætermisso, in diaconum est promotus et tempore procedente ad presbyteratus ordinem convolvavit; set in presbyteratus officio, sicut asserit, minime ministravit. Unde quia de vita et conversatione ipsius tam a te quam ab aliis bonum testimonium nobis perhibetur, volumus et tue fraternitati mandamus, quatinus super hoc plenius de rei veritate cognoscas, si tibi constiterit quod non ex industria vel contemptu, set ex negligencia prescriptum ordinem prætermiserit, ipsum a susceptis ordinibus tam diu facias manere suspensum, donec recipiat ordinem, quem negligenter recipere prætermisit. Eo vero recepto in superioribus ordinibus ministrandi de auctoritate nostra liberam ei tribuas facultatem. Si vero ex industria illum ordinem prætermisit predictum canonicum ab executione superiorum ordinum sine spe restitutionis perpetuo facias abstinere. Dat. Verone viiii Kl. Julii.

British Museum, Royal MS. 10, A, II. fol. 8, r.

## X.

The only specimen of the circular letter in which Pope Clement III notifies to all archbishops, bishops, &c., his elevation to the apostolic chair is that directed to England. Of special interest is the sentence: *Die tercio defunccionis ipsius predecessoris nostri, rite prius omnibus celebratis, fratres nostri ad insufficientiam nostram oculos levaverunt, et sicut placuit Domino imposuerunt onus apostolatus humeris nostris.*

Clemens papa III significat episcopis per Angliam constitutis se Gregorio prædecessore mortuo, *die tercio defunccionis ipsius*, rite prius omnibus celebratis, in pontificem maximum esse electum.

1187, mense Decembri, Pisis.

*[C]lemens episcopus servus servorum Dei venerabilibus fratribus episcopis per Angliam constitutis salutem et apostolicam benedictionem.*

Illud operata est nuper in nobis dextera manus Excelsi quod nos plurimum obstupescere cogit et dicere cum propheta 'Dextera Domini fecit virtutem, dextera Domini exaltavit me.' Cum enim de ipsius Dei provida pietate nobis concessus fuisset bonus pater et prudens, Gregorius recolende memorie, illum postmodum brevi temporis intervallo rebus humanis exemit, nosque et fratres nostros de sua absentia plurimum contristavit. Set attendentes quod dispositioni eius non potest aliquo modo resisti, qui constituit terminos hominum et mensurabiles posuit dies illius, quique facit ea, que vult, nec illi quisquam audet dicere Cur ita facis? Die tertio defunccionis ipsius predecessoris nostri, rite prius omnibus celebratis, fratres nostri ad insufficientiam nostram oculos levaverunt, et sicut placuit Domino imposuerunt onus apostolatus humeris nostris. Speramus tam[en] de misericordia Ihesu Xpi quod per orationes et merita bonorum virorum, nobis constitutis in tanto regimine, vires et scientiam pro benignitate solita ministrabit. Rogamus igitur fraternitatem vestram et monemus in Domino, quatinus matri vestre sancte Romane ecclesie devoti more solito existatis et subditos vestros ad servandam ei devotionem et reverentiam inducat. Ipsum etiam, ex cuius prudentia ad officium sumus apostolatus assumpti, devote atque humiliter exoretis ut ad regendam ecclesiam suam nos virtute sua corroboret et confirmet, nobisque concedat ea in hoc ministerio iugiter operari, per que status universalis ecclesie reformetur in melius et nos in extremo examine Deum invenire propitium valeamus. Dat. Pisis.

British Museum, Royal MS. 10, A, II. fol. 62, v.

#### NOTE ON MAGNA CARTA.

In the valuable 'Histoire de Rouen pendant l'Epoque Com-munale' of M. Chéruef (1849) there is found this passage on our Henry II: *Ce prince fut, en effet, un des souverains du xii<sup>e</sup> siècle qui comprit le mieux l'importance d'une union intime entre les villes et la royauté . . . il affranchissait toute la Normandie des abus féodaux les plus exorbitants* (i. 21). This is followed by a summary of a charter of liberties granted to the duchy, as the author held, about the time of Henry's accession. Extracts are given from this charter, for which the reader is referred to Brusselle's treatise, 'De l'Usage des Fiefs.' This work, which bears the date 1750, gives the charter in full at the head of its evidences, and assigns it to about 1155. It proves, however, to be nothing but a corrupt version of the Magna Carta of Henry III. 'Normandy' has been substituted for 'England' throughout, and the king's *avus*, which refers, of course, to Henry II, is taken to mean Henry I. So really singular an error fairly deserves to be set on record. J. H. ROUND.

## PAPERS OF ARCHBISHOP HOLGATE, 1547.

THE following letters from the Tanner manuscripts in the Bodleian library have, as far as I know, entirely escaped the notice of historians. They afford a useful supplement to the very meagre collection of Domestic State Papers of the first year of the reign of Edward VI. These latter do not amount altogether to a hundred and fifty, and very few of them have been printed at length, excepting those which appear in Tytler's 'England under the Reigns of Edward VI and Mary.' Whether the originals exist or not it is impossible to say. The copies are alleged to be 'ex antiq. coll. epp. penes Tho. Martin, 1730.' They show how entirely Somerset could depend upon his creature Holgate, archbishop of York, for aid in all his designs for the spoliation of church property. And what is most remarkable, there is nothing either in the domestic papers in the Record Office or in the acts of the privy council that illustrates these documents. Very little good is known of Archbishop Holgate, and the contents of these letters will not add much to his reputation.

The king died on Friday, 28 Jan. 1546-7, but the proclamation of Edward did not take place till 31 January. The first of these letters must have been written after the private letter of the same date addressed to Paget by Somerset in which the future protector advises concealment of parts of the late king's will. This and another letter of the next day written by Somerset and Anthony Browne to the council are the only documents that throw any light on the transactions of these three days which intervened between the death of the king and the proclamation of his successor, excepting the clause in Paget's letter of 7 July 1549. 'Remember what you promised me in the gallery at Westminster before the breath was out of the body of the king that dead is; remember what you promised me immediately after devising with me about the place which you now occupy.'

I. The earliest act of the council of Edward VI, which has never yet been printed, is here given from a copy in the Tanner MSS. 90, art. 41, fol. 143. It is headed:—

*Copy of a letter from the Council to the Council at York giving order for proclaiming Edward VI. Jan. 29, 1546-7.*

After our right hearty Commendations. You shall understand that the living God in heaven from whom all kings of the world do descend and by whose grace they have their power and wisdoms to order and govern their realms & kingdoms hath taken from us to himself yesterday in the morning about two of the clock, our late sovereign lord king Henry the eighth of most noble and worthy memory; for the which all we that were his loyal subjects have great cause to lament and sorrow our great want of so prudent and virtuous a prince and governor, and should have much

greater but that both God of his goodness hath given unto us to succeed him such a godly prince as his son King Edward the Sixth is now our natural sovereign lord and king, and himself also our said late sovereign hath in his lifetime by his great wisdom established such orders for the government of his realm and subjects during the tender years of his son our sovereign Lord that now is, as all things by the grace of God shall proceed to his great renown to the honour of his son and to the weal and benefit of the realm. Whereof we, to whom with two or three other now absent the mayning and order of the affairs of the realm is committed by his last testament, have thought convenient to advertize you, and not only to require you to publish immediately the Proclamation which you shall receive herewith being thereat yourself accompanied with the Council and such other noble personages and men of reputation as are near at hand, but also to give such order and direction in all places within the limits of your Commission as all things may continue in quiet and tranquillity, and have such a regard abroad as if any seditious persons would attempt any business, the same may be straight met withal at the first. In the doing whereof, as ye shall accomplish your duties to the King's Majesty our sovereign lord that now is and show that you loved the king's majesty our late sovereign lord of most noble and worthy memory; so shall ye lack none aid or assistance neither of us that be in authority under the king nor yet of all other his majesty's true and loving subjects. Thus fare you right heartily well.

From Westminster the 29th of Jan<sup>y</sup>. 1546.

Your lordship's assured friends

T. CANTUARIEN.,	E. HERTFORD,	THOM <sup>s</sup> WROTHESLEY, CANCEL.
JOHN LISLE,	CUTH. DURESME,	J. RUSSELL,
WILL <sup>m</sup> PAGET,	T. SEYMOUR,	ANTONY DENNY,
W. HERBERT,	ANTONY BROWNE,	EDWARD NORTH.

This letter, as its contents imply, was addressed to Holgate, archbishop of York, the president of the northern council. It is perhaps the only document in which Somerset signs his name after Cranmer's.

II. The next letter is headed thus:—

*Copy of a letter to the Council at York for the liberation of prisoners.*

May 4, 1547.<sup>1</sup>

After our right hearty commendations. Understanding that there be in the city of York and divers other places within the north parts of England persons detained in prison upon sundry indictments, arraignments or condemnations, as well of offences against the statute of the Six Articles (1541) as against other statutes & laws of this realm which were pardoned at the king's highness' most joyful coronation, who for poverty be not able to sue for and purchase their pardon, We have thought good to signify unto you that for as much as they remaining there shall rather increase their disabilities thereto than otherwise, you cause them upon the sight hereof

<sup>1</sup> Tanner MSS. 90, art. 41, fol. 144.

or with such convenient speed as you may to be put at liberty. Giving them advice to procure their said pardons within the time limited by the same and thus most heartily fare you well.

Your loving friends

E. SOMERSET,	J. RUSSELL,	W. NORTH,
J. WARWYK,	H. ARUNDELL,	A. DENNY.

To the most reverend father in God the Archbishop of York,  
Lord President of the North parts and other of the King's Majesty's Council  
there—haste—haste.

III. There is another letter which seems to show a certain vacillation in the council as to the best method of proceeding with the people of the north.<sup>2</sup>

*Copy of a letter from the Council to Holgate Archbishop of York countermanding the inhibition of preachers until further orders.*

After our right hearty commendacions to your good lordship. Whereas there was lately addressed towards you an Inhibition under the ecclesiastical seal for certain things as in the same is contained, among the which is an Inhibition for preachers; these shall be to will and require you on the king's majesty's behalf to forbear the execution of that part of the Inhibition for preachers till ye shall further herein be advertised from hence, proceeding nevertheless to the accomplishment of the rest prescribed by the said inhibition accordingly. Thus fare your good lordship right heartily well.

From London the 11th of May, 1547.

Your lordship's assured friends.

E. SOMERSET,	T. CANTUARIEN.,
J. BRISTOLL,	T. SEYMOUR,
WILL <sup>m</sup> PAGET,	WILL <sup>m</sup> PETRE S <sup>r</sup> .,
R. SADLEYR,	H. ARUNDELL.

To our very good lord the Archbishop of Yorke,  
President of the King's Majesty's Counsel in the North parts,  
haste, haste, post haste, for thy life, for thy life, life.

IV. *Copy of a letter from Paget to the Archbishop of York requiring the return of the document containing the Inhibition of preachers 3 May, 1547.*<sup>3</sup>

My lord. After my right commendations. Whereas of late I sent unto you an Inhibition, these shall be to require you to return the same lither again and herewith to receive this other which my lord protector and the rest of the Council prayeth you to be executed as appertaineth. And thus fare your lordship right heartily well.

From Westminster the 13 of May 1547

Your grace's to command  
WILL<sup>m</sup> PAGET.

To the right honourable and my very good lorde the archbishop of Yorke his grace.

<sup>2</sup> Tanner MSS. 90, art. 41, fol. 145.

<sup>3</sup> *Ibid.* fol. 144.

V. We wish we could give some explanation of the case alluded to in the following letter from the same collection.<sup>4</sup>

After our right hearty commendations to your good lordship. Being desirous for certain purposes to speak with William Craforth a priest we have thought to require you on the king's highness' behalf to make enquiry for him and address him unto us with surety whereof we pray you not to fail for his Majesty's affairs and the matter touching him doth so specially require.

Thus fare your good lordship right heartily well.

From London the 26th of May 1547.

Your assured friends

E. SOMERSET,	T. CANTUARIEN,
J. RUSSELL,	W. NORTH,
T. SEYMOUR,	J. WARWYK,
JOHN GAGE,	ANTONY WYNGFELD,
RIC. RYCHE,	W. HERBERT.

Postscript.—We require you to devise first to get the priest into your hands & thereupon and not before prohibit the reading in churches of the book called *Exoneratorium Curatorum*, and likewise to call in all the said books in places where the same be within your rule.<sup>4</sup>

VI. Another letter shows the wholesale nature of the spoliation that was going on, and to which Archbishop Holgate was a consenting party.<sup>5</sup>

After our hearty commendations to your lordship. Where it hath been brought to our knowledge that the number of seventeen score and four ounces of silver found by reliques within that Cathedral Church remaineth in the custody of the prebendaries there, and that also there remaineth a whole shrine of silver and gilt and some gold. We think convenient that both the said ounces of silver and all that riseth of the shrine to be weighed by the officers of the mint at York in your presence, be delivered by the said officers of the mint by indenture to the King's highness' use, and if the Mayor or any other make claim to the premisses, upon their complaint here unto us we shall so answer as the case shall require. Thus fare your good lordship heartily well.

Your lordship's assured friends

E. SOMERSET,	W. SEINT JOHN,
J. RUSSELL,	W. NORTH,
H. ABUNDELL,	T. SEYMOUR,
WILL <sup>x</sup> PAGET,	RYCHARD RYCHE,
ANTONIE BROWNE,	ANTONY WYNGFELD.

From Hampton Court the 17th of Oct. 1547.

To our very good lord the Archbishop of York,  
President of the King's Majestys Council in the North.  
Haste post haste.

*Memorandum.*—That the 28rd of October 1547 George Gale undertreasurer of the mint at York, John Wynde, Comptroller of the same and

<sup>4</sup> Tanner MSS. 90, art. 44, fol. 150.

<sup>5</sup> *Ibid.* art. 49, fol. 156.



Richard Lee, paymaster there received of the prebendaries of the Cathedral Church of York in the presence of the said Archbishop to the King's Majesty's use sixteen score and eight ounces of gilt silver, twenty ounces of parcell gilt silver.

The said George, John, and Richard received the same day to the same use of the masters and keepers of Corpus Christi Gilde at Yorke. One thousand and nine ounces of gilt silver. Twenty-one ounces of white silver. Eleven ounces of coined gold.

Three old nobles coined, one old Ryall coined, one goodly holow Cristall.

VII. From the same collection which has been so strangely neglected by historians we gather that there was a very early impression prevailing that there was to be a wholesale plunder of church goods, and that private individuals were anticipating the action of the council in this matter and making off with plate, jewels, and lead. The following is a copy of a letter<sup>6</sup> headed

*Copy of a letter from the Council to Holgate Archbishop of York ordering him to make enquiry into the Spoliation of church goods in his province.*

After our right hearty commendations to your lordship. These shall be to eignify unto the same that it hath been brought to our knowledgo that sundry persons upon some vague brutes or rather their own rashness have now lately attempted in sundry places of the realm to make sale of the ornaments of the plate jewels and bells of sundry churches wherein they have demeaned themselves otherwise than became them and given a very ill example. So thinking convenient both to have a stay made that the like be not from henceforth attempted and also to have perfect knowledgo how and to what uses the money received for any of the things aforesaid hath been employed, we have thought good to require you that unless the King's Majesty's Commissioners for the Visitation have already taken order herein, ye cause due search and enquiry to be undelayedly made by your ministers what hath been taken away sold or alienated out of any church or chapel of your diocese and by whom and to what uses the money growing thereupon hath been employed, and thereupon taking special note of their names who have made the same araye and of the values of the things, to give a strait commandment in the King's Majesty's behalf that they ne any other presume not from henceforth to make any such alienation, signifying unto us what ye shall have done therein. Whereupon such further order shall be taken as shall be expedient. Thus fare your lordship right heartily well.

From Hampton Court the 17th of October, 1547

Your assured friends.

E. SOMERSET, H. ARUNDALL,  
T. SEYMOUR, WILL<sup>m</sup> PAGET,  
WILL<sup>m</sup> PETRE, Secretary.

To our very good lord the Archbishop of York,  
President of the King's Majesty's Council in the North.

<sup>6</sup> Tanner MSS. 90, art. 46, fol. 153.

VIII. The reply was as follows, addressed by Holgate to Somerset :—<sup>7</sup>

Please it your grace and other of the King's Majesty's privy council to be advertised when I received your honourable letters of the 18th day of October to make enquiry what ornaments plate jewels and bells hath been taken away sold or alienated out of any church or chapel of the diocese of York and by whom [and] to what uses the money growing thereupon hath been employed, and to give strait commandment in the King's Majesty's name and behalf that they nor any other presume from henceforth to make any such alienation. Therefore making inquisition according to my bounde duty and the purport of your said most honorable letters have found by the same inquisition divers things above expressed alienated by divers persons forth of sundry churches and chapels within the diocese of York, and the money thereupon growing employed as is contained in several schedules of the four archdiaconries of the said diocese herein enclosed. And also have given and caused to be given strait commandment in the said our sovereign lord's name and behalf that they nor any other within the said diocese presume from henceforth to make any such alienation as they will answer at their uttermost peril, most humbly beseeching your grace not to impute the long delay of this certificate which I would have executed with much more speedy diligence according to my most bounden duty had not been as well my absence from hence in being at the parliament as also that since my return homewards I have been sore diseased. As knoweth Almighty God who ever preserve your grace my singular good lord.

Written at Yorke the 19th day of January, 1547[-8].

*Memorandum.*—That the bills of the said schedules remain in the register of the Archbishop of Yorke.

Ex orig.

IX. But even before parliament had met, Somerset and the council had reason to fear opposition in the north, as appears from the following letter of 26 May 1547 from the protector to Holgate, archbishop of York.<sup>8</sup>

*Copy of a letter from Somerset to the Archbishop of York remonstrating with him for not keeping the Council informed of the disaffection of people in the North, May 26, 1547.*

After our right hearty commendations to your good lordship. These shall be to signify unto the same that it hath been brought to our knowledge that certain persons as well within York as in other places thereabouts have not only used very slanderous and naughty words against us but also very seditiously set forth the rancour and malice of their lewd intents, to the maintenance of their old naughty lives contrary to their duty to the king's majesty our most gracious sovereign lord in whose minority all our study and care is to have his people in due order of obedience, and amongst the rest would be sorry that those which after their naughtiness heretofore received such grace and favour as whereby they

<sup>7</sup> Tanner MSS. 90, art. 40, fol. 154.

<sup>8</sup> *Ibid.* art. 43, fol. 149.

owe before others to be of honest conformity and obedience in all things should now shew themselves of disposition to return to their naughtiness. And therefore as we much marvel that having such commodity of advertisement ye have hitherto forborne to signify unto us the state of things there, So we have thought meet on behalf of his highness to will and require you to give us knowledge of the perfect state of the same truly and thoroughly with all diligence and direcon [*sic*] as both those which have been doers herein receive condign punishment and others by the example and terror of their punishment beware the like. For unless you see redress in time whereby things grow not to further extremity these easily may be redoubled the intent shall seem to the world to be yours who having rule there under his highness do not steppe to it in time and give knowledge hither that it may appear how much you tender your duty and the conservation of the people in order which we doubt not by this monition you will see duly accomplished as appertaineth. Thus fare your good lordship right heartily well. Your lordship's assured friend.      E. SOMERSET.

From Somerset Place beside the Strand the 26 of May 1547.

To our very good lord the Archbishop of York,  
President of the King's Majesty's Council in the North.

Ex orig.

NICHOLAS POCOCK.

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LETTERS OF WILLIAM WANDESFORD TO SIR ROWLAND WANDESFORD.

THE five letters which follow are taken from the Wharton papers now forming part of the Carte collection in the Bodleian library. Rowland Wandesford, to whom they were addressed, was a distant kinsman of Strafford's friend Christopher Wandesford. On 9 Oct. 1637 Garrard wrote to Wentworth that 'Mr. Wandesford, your countryman and a long practitioner in the court of wards, is now made attorney of that court. My Lord Cottington brought him last week to the king. He had never seen the king before. Everybody is glad he hath it; for he is known to be an able and honest man.' Wandesford, who was knighted by Charles I on 12 Feb. 1638, is described as of Pickhay in Yorkshire. His daughter Elizabeth married Philip, fourth Lord Wharton, which explains the appearance of these letters in the Wharton collection.

Christopher Wandesford, so often mentioned in Strafford's letters, was sworn a member of the Irish privy council 25 July 1633, and granted the office of master of the rolls in Ireland by patent 22 March 1633-4. On 3 July 1636, and again on 12 Sept. 1639, he was sworn one of the lords justices of Ireland during the absence of the lord deputy. He was himself appointed lord deputy on 1 April 1640, and died on 3 Dec. of the same year. By his second wife, Alice, daughter to Sir Hewet Osborne, of Kiveton, Yorkshire, he left five children, George, Christopher, John, Alice, and Catherine.