

## THE JURISDICTION OF THE PRIMATE IN THE MIDDLE AGES.

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IN the Middle Ages the position of the Archbishop of Canterbury was one of peculiar difficulty. He was brought into very close touch with the Crown, and collisions might easily have occurred over such questions as, for example, that of the taxation of the clergy. A state of active warfare did, in fact, actually exist between Edward I and Archbishop Winchelsea and it arose mainly from this cause. On the other hand the Primate might incur unpopularity in the country, if he were called upon to be one of the King's principal ministers. Nor were the Crown and the masses the only factors to be reckoned with; the Pope had also to be considered. For him the Primate had to exact subsidies from the clergy. Nuncios were repeatedly sent from Rome with importunate demands for their expenses, but to collect them usually required the services of the Archbishop. Papal bulls, briefs, dispensations, provisions flowed in a continuous stream from the Curia to the Primate, to be forwarded by him to the bishops. To the Court at Rome, with its wire-pulling and intrigue, its bribery and corruption, the bishops and others frequently appealed, and the Primate was put to great expense to maintain defending counsel there. It was Archbishop Peckham who complained of the plotting of his enemies against him at the Curia, and Henry Chichele was not the only Primate who covered beneath the breath of the man who was regarded as lord and master of all.

With his own bishops the Primate's relations were often exceedingly strained. Peckham counted his years of office as those of his bitterness; beneath the archi-episcopal mitre, blazing with gold and jewels, there lay a crown of thorns. In England the Archbishop was regarded as the ultimate authority in all ecclesiastical disputes. These he had to decide in accordance with the Canon Law, and we find his "official" and his proctors commonly possessing the doctorate in this faculty. To the Primate's Consistory Court, or Court of Arches, were referred, among much other business, innumerable appeals from the decisions of the bishops, so that all the suffragans were obliged to retain standing counsel to represent them there. If he reversed the judgments of the lower courts, the Archbishop risked the ill-will of the bishops, who showed it by putting him to the utmost trouble and inconvenience. The scope of the jurisdictional powers of the Archbishop can best be illustrated by means of one or two examples; these will also show the kind of resistance which was often experienced.

John de Drokenford, Bishop of Bath and Wells from 1302 to 1329, was a prelate who had been in the service of the Crown in the time of Edward I. Like other bishops who had been trained in

the Civil Service, he had the wider outlook which came from a knowledge of men, and he was conspicuous for kindness and benevolence. Possessing these cardinal virtues, he won the affections of his flock, but he was far too slack and easy-going in matters of discipline. Dozens of men in lesser orders, some with only the "first tonsure"—men consequently unable to conduct services—were allowed to take and hold livings, which were then placed, often for many years, under the care of badly paid "capellani" or "hedge-parsons." One of the archdeacons of the diocese, appointed before he was even a deacon, spent years abroad, presumably studying the Canon Law, but certainly in the enjoyment of the emoluments of his office. During this time and afterwards, he evidently renounced every outward and visible sign of the clerical profession, for when, at last, as still a deacon, he took the oath of obedience to the Bishop, he was charged "to use vesture and tonsure, shoes and riding apparel as becometh an archdeacon, to carry himself as such, and to present himself in due course for Priest's orders."

The relations of de Drokenford himself were promoted to some of the best offices in his patronage. Nepotism on the part of the bishops, however, was so common that it seems to have been regarded as but an amiable weakness incident to the episcopal character. But when de Drokenford nominated Ivo de Berkeley, a young boy, to a stall in the cathedral church of Wells, serious opposition was encountered. Why, asked the people, had the Bishop violated the law in a style so wholly flagrant? Just because Ivo was the son of Maurice de Berkeley, and grandson of Thomas de Berkeley, the great warrior who lived in such splendour at Berkeley Castle, and in whose veins ran the blood of the Conqueror himself!

An appeal against the appointment was lodged in the Court of the Archbishop, who happened to be Robert Winchelsea, a man as unlikely to be intimidated by wealth and power as the sun to be moved from his course. He cancelled the appointment, and the vacated canonry became a lapsed piece of patronage in the gift of the Chapter, which, however, failed to exercise its right. Thereupon the Archbishop appointed his own Dean of Arches, thus swelling the long list of the non-resident staff of the Cathedral, the majority of whom were pluralists and aliens appointed by the Pope.

An Archbishop interfered again with the affairs of the Chapter at Wells in 1350. It must be remembered that disputes between the Bishop and the Dean and Chapter were frequent; that of 1350 concerned the jurisdiction claimed by the Dean and Chapter over the city, or by the Chapter alone during a vacancy of the deanery. It was during such a vacancy that Bishop Ralph demanded, under threat of excommunication, this jurisdiction, and he instructed his commissaries to cite before them several vicars and women of loose character, whom they were to charge with immorality. The Treasurer of Wells Cathedral and the Archdeacon of Wells instantly appealed to the Primate against Ralph's usurpation of the Chapter's

rights, and they obtained a mandate directed to Ralph and his commissaries forbidding them to interfere with the jurisdiction of the Chapter. The mandate was sent to the Treasurer, whose duty it became to deliver it or to show it to the Bishop. The latter was then residing at Wiveliscombe, some thirty miles from Wells, and thither the Treasurer repaired with the document on the day after he had received it. He found the house in a state of siege, for Ralph had doubtless been warned by a previous messenger. In vain did the Treasurer hammer on the door; he heard people moving about inside, and doubtless tittering, but no one paid him the slightest attention. At length, *fessus rerum*, "sick of it all," he drew the mandate from his pocket, and, standing on the doorstep, cited, in a loud voice, the Bishop before the Archbishop's court. The Episcopal register fails to give us the sequel of this story; like *Miranda*, we are "left to a bootless inquisition."

It often happened that monasteries were charged with paying a starvation wage to the vicars appointed to the livings in their gift, and sometimes they were ordered by the diocesan to increase it. In a fourteenth-century case at Taunton the Bishop was passive and the sufferer appealed to the Primate. The Chaplain of the Chapels of Taunton St. James and Staplegrove was paid, partly in tithes and partly in oblations, by the Priory of Augustinian Canons, which had been founded at Taunton in 1127. The oblations consisted of allowances of bread and beer, which were sent to the chaplain from the convent. In 1353, under the chaplaincy of William atte Hall, these allowances were suddenly withdrawn. After petitioning in vain for redress, the chaplain appealed to Bishop Ralph, but got nothing save silence or sullen indifference. Weary of delay, he scraped together a few marks and laid the case before Archbishop Simon Islip. The latter's official wrote to Ralph, instructing him either to do justice to the chaplain within fifteen days or to send the Prior and Canons to the Court of Arches. The Bishop, taking no advantage of the opportunity thus presented of doing justice himself, replied that the convent officials had been cited to appear as directed. The Episcopal register does not take the matter further, though perhaps the record may exist among some manuscripts elsewhere.

Another aspect of the Archbishop's jurisdiction was seen when he thought it necessary, in the interests of religion or morality, to take the initiative himself. Thus he is found ordering in the dioceses of his province processions for fine weather or to avert famine, for the victory of Edward I over the Scots or the success of Henry V in the siege of Rouen, or for the peace of the Church; or he is granting an indulgence, or breathing out threatenings of excommunication against "sons of iniquity" who would not pay their mortuaries, or bitterly complaining of the encroachments of lay courts in matters ecclesiastical. He invariably issued notices of the meetings of Convocation, at which proxies were then allowed.

Crusaders were under the direct protection of the Church, which collected a tax of one-tenth on movable goods, known at first as the

“Saladin tithes” and later as the “subsidy against the Saracens and Turks.” This helped to pay expenses, and, though sometimes diverted by the Crown, was usually devoted to the cause so dear to Christian hearts. The tournaments of the thirteenth century were responsible for the death or mutilation of many of the flower of the English knighthood and nobility. They were accompanied by a profuse expenditure on magnificent tents, galleries, pavilions, silks, cloth of gold, and on feasting. The accoutrements of the contending knights and of their steeds were the richest that money could buy. Thousands of spectators were present, and riot and dissipation prevailed. With a full knowledge of these evils, Archbishop Peckham forbade any Crusader to take part in a tournament held at Westminster, and, when one was arranged at Bangor, instructed the Bishop to take similar action. Apart from the mortality caused by these contests, the injuries received by those who survived and the waste of their resources made them, declared Peckham, “helpless to fulfil that obedience to the Cross to which Crusaders were pledged.”

Another example of the Primate's intervention arose from the economic effects of the Black Death. This pestilence had thinned the numbers and increased the wages of ordinary workpeople, and the Statute of Labourers was but a vain attempt by the Government to deal with the situation. The clergy had suffered similar losses, but had not received a similar rise of salary. Their stipends had often amounted to no more than £25 per annum, expressed in present values, and now they flatly refused to engage in parish work for such a pittance. They sought, instead, the appointments of the chantry priests, vacant also by death. There was, in fact, a clerical strike. Archbishop Islip determined to deal with the matter. In a pastoral letter sent to the Bishops for circulation in their dioceses, he denounced the clerical strikers as “grasping and covetous,” adding still stronger expressions. He ordered that priests unwilling to be “passing rich” on £30 a year should be suspended from office, unless they handed any balance they might have above that sum to the Fabric Fund of the Cathedral of their diocese. But the Primate could no more stay economic facts with his pastorals than could Mrs. Partington keep back the waters of the Atlantic with her broom. With the numbers of the clergy so reduced, the chaplains were masters of the situation; they had only to stand firm, and when their modest demands were met, their services were secured.

Sometimes the Archbishop's intervention took the form of the exercise of his power of visiting the dioceses within his province, in order that he might correct errors and abuses overlooked by the Bishops, who had a wholesome dread of the sharper eye of the Primate. Notice of the visitation was given in the monastic, the collegiate, and the six other most important churches in each archdeaconry, and caused many a shiver among those concerned. Before the arrival of the Archbishop in great state and majesty, complaints had been lodged, citations made, and convenient centres selected

for the consideration of the cases presented to him. Thus we find Courtenay holding his visitation for the diocese of Bath and Wells at Taunton Priory and being entertained by the Lord Prior of that institution.

The events occurring in the course of the archi-episcopal visitations first to be mentioned are drawn from the registers and correspondence of Peckham, one of the two notable friar Archbishops in the reign of Edward I, a man human enough, in spite of his severity, to enjoy an occasional run with the hounds. Visiting the diocese of Lichfield and Coventry, he complained that vice was prevalent and was not corrected by the Bishop, Roger de Longespee, who lived away. He wrote to him and ordered residence, declaring that the rite of confirmation was neglected; he required him to find a Bishop with a good knowledge of the native tongue—not a Frenchman like himself—to make the round of the diocese and discharge this duty. In the course of the same visitation, a lady, the wife of John de Pensford, took advantage of the presence of the Primate to unfold her domestic griefs; she sought a divorce on the ground of her husband's misconduct. Medieval divorce was equivalent to what would usually now be termed judicial separation,<sup>1</sup> and it could be granted only by the Church. The Archdeacon of Stafford was ordered to try the case, and the Prior of Stafford to absolve the peccant John de Pensford, provided he made his wife a sufficient allowance.

Peckham's visitation of the diocese of Chichester revealed more than one instance of the "rank corruption" which, "mining all within, infects unseen." Serious charges of immorality were made against the rector of Hame, probably by his parishioners. This clergyman had previously been reprimanded for similar conduct and had vowed reformation. The register tells us, however, in very plain language, that he had "turned like a dog to his vomit." Cases of this kind are now generally penalized by deprivation, but they were so frequent in the Middle Ages that this punishment was rarely inflicted. Bishop Foxe, minister of Henry VII, reflected mournfully that, both within and without the monasteries, clerical immorality almost passed belief, and yet he declared that he had never, for this reason, deprived a clergyman of his living. The rector of Hame was not deprived, but was ordered to spend three years in pilgrimages; he was allowed only the equivalent of the modern £150 a year from the income of his cure, the remainder being apportioned between the curate-in-charge, the Church expenses, and the poor. In the same diocese the Archbishop found a formidable indictment against the Prior of Hastings, and ordered an inquiry.

In the diocese of Worcester, Peckham attempted to deal with pluralism. This evil was rampant in the Middle Ages; it gave

<sup>1</sup> The rarer cases in which actual annulment of marriage was sought were decided by an appeal to the Pope himself. Such a petition is quoted in the register of Grandisson, Bishop of Exeter. Clement VI granted the request with the word 'fiat.'

riches in possession to the well-born and influential, who handed over the care of their livings to poverty-stricken hacks. Giffard, Archbishop of York in the reign of Henry III, complained that Rogo de Clare, son of the Earl of Gloucester, held no less than thirty benefices. In the time of Edward III, Pope John XXII tried to strangle this hydra-headed monster, but though his efforts met with some success, it soon rose to life again and always remained a grave scandal. Peckham tried constantly to check this exploitation of the revenues of the Church, and prefaced his entrance on the Worcester visitation with a notice that all pluralists were to appear before him. They were to be accompanied by parishioners of credit—churchwardens had not then been invented—but whether he was able to convert them into penitents we do not know. The higher clergy and some of the parish priests had incomes we should think enormous, but their underlings and the lower clergy generally were paid an insufficient wage and their poverty was the principal reason which induced so many of them to join the standard of rebellion at the time of the Peasants' Revolt.

In the course of this visitation the Archbishop was treated with every kind of contumely and insult. While he was being entertained at the Abbey of Alcester, some of the inhabitants of the town described as "sons of iniquity," attacked his party with swords and clubs, and raised the "hue and cry" with which it was customary to pursue rogues who were fleeing from justice. The Primate excommunicated the unknown culprits and summoned them to appear before him, but they were probably as elusive as many other excommunicates. Nor was this the only occasion on which Peckham was subjected to insult. In that same year, 1283, he was engaged, with several of his colleagues, in the consecration of the Bishop of Rochester. At that solemn office, he tells us, "John, a monk and sacristan of Westminster, transformed into an angel of Satan and daring a crime of the greatest magnitude, violently hurled a roll at our face, aggravating his crime with manifold insult."

Peckham's Worcester visitation brought to his notice "repeated scandals and contumacies" on the part of the Priors and other officials of both Gloucester and Malvern Priors. The offences must have been of extreme gravity, for the Primate instructed the Bishop of Worcester "in all churches and solemn places of his diocese to denounce the wrong-doers as excommunicated with ringing of bells and lighting of candles." Later, in a letter to all the bishops of his province, he repeated the excommunication of the offending members of Malvern Priory. He ordered that no payments should be made to them and that no one should associate with them in "buying and selling, eating or drinking, or any kind of communication." They were ordered to appear before him, when the excommunication was probably removed, on their promise to perform a severe penance.

Peckham's visitation of the Salisbury diocese in 1286 brought a stern sentence on Sir Osbert Giffard, who was charged with the abduction of two nuns from Wilton Abbey. Like Marmion, this man had violated every canon of knighthood and had put his order

to an open shame ; he was bidden to restore the nuns to the Abbey and never again to enter the precincts of a convent. On three "solemn days," barefoot, and wearing only shirt and breeches, he was to be fustigated three times round Wilton Church, then, in like manner and as often, round Shaftesbury Church, and then, on two occasions, round the market-place of Salisbury. No longer was he to wear the gold spurs of knighthood, nor were the bardings of his horse to be tricked with gold ; he was to be clad only in sad-coloured clothes of a russet hue, and was to go on pilgrimage for three years to the Holy Land, and to all these penalties the Bishop of Salisbury was to add others.

Peckham was not the only Archbishop to experience unpleasant incidents during his visitations. The proud and haughty Courtenay, Primate under Richard II, met his match in Brantyngham, Bishop of Exeter, who greatly resented his interference, and ordered his people not to obey him. Determined not to be balked, Courtenay sent an archdeacon and two canons, accompanied by a small escort, to call upon Brantyngham, in due form, to permit a visitation. They endeavoured to do so, but received a warm reception. They had ridden, they reported to their master, almost to Clist, the manor at which the Bishop was then residing, when they met a menacing multitude of clerks and laymen armed with weapons of every kind. Thinking discretion the better part of valour, they turned and fled, but the Bishop's servants pursued them, threatening them with a ducking in the river and even with death. At Topsham they were confronted with three of the Bishop's esquires, who made them show their letters of citation ; these they tore in pieces, forcing one of the archdeacon's escort to eat the seal. Brantyngham yielded, however, and the visitation passed to a peaceful conclusion.

Simon Mepham's visitation of Bath and Wells in 1331 led to a serious quarrel between him and Bishop Ralph. Several unpleasant incidents led up to this rupture, which eventually involved an appeal to the Pope. The two prelates were guests of Glastonbury Abbey. The Archbishop alleged that Ralph's clerical and lay attendants tried to break open the door of the chamber in which he lodged, and had inflicted on him "many enormous insults and violences" ; he indicated one Roger Brekebeke, a clerk, as the ringleader. In acknowledging the Archbishop's mandate and declaring that it should be published, Ralph, as might have been anticipated, said that Brekebeke could not be found. At Glastonbury Ralph held an inquiry in person, and at Wells another by his official. The witnesses were of the Bishop's own party ; they agreed in stating that the cause of the slight friction was the action of the Primate's doorkeeper in trying to shut out an esquire in the service of the Bishop, when he was following his master into the chamber. Mepham maintained, however, that there was a serious scuffle and that his servants were actually assaulted ; he was on the spot and should have known.

The Primate had ordered the Bishop to inflict certain penalties on Ela Fitzpaine, who was convicted of adultery. This woman was

the wife of Sir Robert Fitzpaine, a distinguished warrior living near Taunton. Mepham complained later that his mandate had been slackly executed, and he bade Ralph, under pain of suspension, apprehend the sinning lady or cause her to be cited by proclamation in certain churches. Ralph's characteristic inability to find persons wanted by the Archbishop was again in evidence, for he declared that his clerks had toiled all night in the execution of the Primate's orders but had been unable to find the woman or even to trace her.

Writing from Corscombe, the Primate had yet another complaint to make. Certain persons of the diocese of Bath and Wells, "filled with Satanic frenzy," were striving by threats and plots to worry and intimidate witnesses who had given evidence at his visitation and the proceedings which followed. The Bishop promised to inhibit those guilty of such practices, but within a few weeks of this reply, he despatched a procuratorial letter, sealed by the Papal Nuncio in London, to Dr. Robert Wygornia. This letter instructed Wygornia to act as the Bishop's counsel in an appeal to the Pope against the Archbishop, against whom he was to lodge a complaint "concerning his manner of visiting the churches in the diocese of Bath and Wells and other injuries and troubles caused to the Bishop and his said churches."

In conclusion, a brief account of a combination between Pope and Archbishop, which was too much for even the undaunted Edward I, may be of interest. It has been stated that the Archbishop's relations with the King were sometimes strained. This was certainly the case between Edward and Peckham and between the same king and Winchelsea. The latter resisted what he thought to be the excessive contributions to taxation demanded of the clergy, and was ignominiously worsted in the encounter. The former attempted to "visit" the royal chapels; Edward objected, and here also was successful. When, however, the King, at his wits' end for money, and unable without it to withstand the enemies of his country, abstracted the "Saladin tithe" for the services of the State, the Pope and Peckham, fighting together against him, were too much even for his resolute spirit.

Martin IV, who, in his short pontificate from 1281 to 1285, excommunicated two great princes, told Peckham to warn the King to restore the money. Unless he did so, said the Pope, he and his country would be made to feel the full weight of his displeasure. Peckham sought an interview with Edward, whom he found surrounded by his advisers. He demanded the restoration of the money and a promise to abstain from similar conduct in the future. The King, with the thoughtful gravity habitual with him, listened "silently and reverently," afterwards taking counsel with his ministers. He then quietly replied that the "Saladin tithe" had already been restored, and that he would never infringe the rights of the Church.