

CHURCH, CROWN AND COMPLAINT: PETITIONS FROM
BISHOPS TO THE ENGLISH CROWN IN THE
FOURTEENTH CENTURY

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Abstract

This thesis explores the interaction of bishops with both the English crown and members of late medieval society more generally by focusing on petitions and the supplicatory strategies adopted by bishops in their endeavours to secure legal remedy. Aside from revealing that bishops were often indistinguishable from lay petitioners in terms of the content of their petitions, with many of their complaints arising from their role as great landlords and tenants-in-chief rather than relating to the exercise of episcopal office, this research has also demonstrated that distinct supplicatory cultures separated the clergy from the laity. Notably, whereas petitions from lay supplicants often incorporated crown-alignment rhetoric into their petitions, thereby mirroring the language of ‘common profit’ found in common petitions, petitions from bishops reflected the supplicatory character of the clerical *gravamina* and presented requests for the exclusive interest of the church. As such, petitions from bishops, alongside the clerical *gravamina*, encapsulated a set of values, manifest through the use of language and rhetoric, which sought to assert the institutional independence of the church. Yet, despite being part of a supplicatory culture which sought to defend church autonomy and ecclesiastical jurisdictional integrity, the petitionary system in England sapped the supplicatory strength of the clergy and reduced their ability to defend their autonomy in the face of royal demands.

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Contents

Introduction.....	1
1.The Laity	15
1.1 Introduction	15
1.2 Overview.....	16
1.3 The Bishop of Durham and the King of Scotland, 1333.....	20
1.4 The Bishop of Durham, Walter Selby and Forfeitures of War, 1318-1346.....	30
1.5 Petitions and Urban Conflict.....	40
1.6 The Bishop of Norwich and the Burgesses of Bishop's Lynn, 1346-1350.....	43
1.6.1 Introduction	43
1.6.2 Overview.....	44
1.6.3 Background	48
1.6.4 The Petitions	55
1.6.5 Supplicatory Tone and the Use of Rhetoric.....	71
1.6.6 Parallels with other conflicts in episcopal boroughs	77
1.7 Conclusion.....	79
2. The Clergy.....	80
2.1 Introduction	80
2.2 Intra-episcopal Conflict.....	81
2.3 Cooperation.....	95

2.4 The bishop of Exeter and the dean of St Buryan.....	109
2.4.1 Introduction	109
2.4.2 Overview.....	110
2.4.3 The Petitions	112
2.5 Conclusion.....	123
3. The Crown.....	126
3.1 Introduction	126
3.2 Royal Officers.....	127
3.2.1 Central Government	130
3.2.2 Local Government	133
3.2.3 The Escheator.....	140
3.3 The Crown	151
3.3.1 The ‘king’ and ‘crown’.....	152
3.3.2 The Application of Royal Grace.....	155
3.3.3 Proceedings against the Crown.....	163
3.3.4 Bishop of Ely and Knights’ Fees in Cambridgeshire, 1305-1327.....	169
3.3.5 The bishop of Ely and the Peasants’ Revolt, 1381-1383.....	181
3.4 Conclusion.....	188
4. The Clerical <i>Gravamina</i> and Collective Petitions	192
4.1 Introduction	192
4.2 The Clerical <i>Gravamina</i> and ‘Private’ Petitions from the Collective Clergy.....	194
4.3 The <i>Articuli Cleri</i> of 1316.....	203
4.4 Archbishop John Stratford, the “Political” <i>Gravamina</i> of 1341 and the use of Rhetoric.....	216

4.5 The Content of the Fourteenth-Century <i>Gravamina</i>	227
4.5.1. Writs of Prohibition and Benefit of Clergy	227
4.5.2 The Confiscation of Episcopal Temporalities and Trial by Peers.....	231
4.6 Clerical <i>Gravamina</i> and Common Petitions.....	247
4.7 Conclusion.....	251
Conclusion	255
Bibliography.....	264
Appendix A.....	284
Appendix B.....	291
Appendix C.....	298
Appendix D	306
Appendix E.....	319
Appendix F	325

Abbreviated References

BIHR – *Bulletin of the Institute of Historical Research*

C&S – *Councils & Synods with other documents relating to the English Church*

CCR – *Calendar of Close Rolls*

CCW – *Calendar of Chancery Warrants*

CCbR – *Calendar of Charter Rolls*

CDS – *Calendar of Documents Relating to Scotland*

CIM – *Calendar of Inquisitions Miscellaneous*

CIPM – *Calendar of Inquisitions Post Mortem*

CFR – *Calendar of Fine Rolls*

CPR – *Calendar of Patent Rolls*

Concilia – *Concilia Magna Britanniae et Hiberniae*

EHR – *English Historical Review*

Feudal Aids – *Inquisitions and Assessments Relating to Feudal Aids*

JBS – *Journal of British Studies*

JEH – *Journal of Ecclesiastical History*

JMH – *Journal of Medieval History*

ODNB – *Oxford Dictionary of National Biography*

P&P – *Past and Present*

PROME – *Parliament Rolls of Medieval England*

RP – *Rotuli Parliamentorum*

Return of MPs – *Return of the Names of every Member returned to serve in each
Parliament from the year 1696 up to 1876*

SR – *Statutes of the Realm*

TRHS – *Transactions of the Royal Historical Society*

Introduction

... the aforesaid archbishop in his own person clearly acknowledges that the aforesaid bishop of Durham has a double status, that is, temporal and spiritual, and that incarcerations and imprisonments to be made by the same bishop's officials belong to that temporal status, and also that the release of any prisoners belongs to the same bishop's officials by reason of the same temporality, in accordance with the law and custom of the realm, and that the prison in which they were held is within the castle, which belongs to the barony...¹

On the basis of this admission in the parliament of Easter 1293, and having submitted to the king's will and grace to avoid imprisonment, John Romeyn, archbishop of York (1286-1296), was fined 4,000 marks. The dispute had arisen when Antony Bek, bishop of Durham (1283-1311), imprisoned two of Romeyn's clerks who had delivered a citation ordering Bek to appear before the archbishop to answer for canonical disobedience. Having failed to secure the release of his clerks, the archbishop proceeded to publish sentences of excommunication against the bishop of Durham. The crown led Antony Bek's defence, and in response to the sentences of excommunication it was demonstrated by Richard Breteville, the king's lawyer, that Romeyn's action had been taken 'in contempt of the king and to the detriment of his crown and dignity' since 'pleas of imprisonment and other trespasses committed in the king's realm against the king's peace belong especially to the king, to his crown and to his dignity'. This parliamentary record of a dispute between the archbishop of York and the

¹ *PROME*, Roll 6, item 36.

bishop of Durham introduces a key theme for consideration in the present work - the interaction, and particularly the legal interaction, of bishops with the crown and other members of medieval society in terms of temporal, rather than spiritual, lordship. Of special interest in the case highlighted above, is the manner in which the king's lawyer built his case against Archbishop Romeyn through reference to the dual status of the bishop of Durham. Notably, Breteville asserted that when the bishop of Durham had arrested the archbishop's clerks, he had done so not through the exercise of spiritual office, but rather in his capacity as a temporal lord. Furthermore, as the archbishop of York freely admitted, the clerks had been imprisoned in a castle belonging to the barony, rather than the spirituality, of the bishop of Durham. To prove this point, it was highlighted by Breteville that in times of episcopal vacancy the bishop of Durham's prison passed into royal custody rather than the custody of the guardian of the spiritualities. As such, all those held in the prison 'ought to be released, and were accustomed to be released... in accordance with the law and custom of the realm'. In a legal sense, then, the archbishop of York had attempted to enforce canonical obedience through excommunication not upon the bishop of Durham, but upon a temporal lord, whose actions were protected by secular law.

Despite great legal importance being placed on the 'double status' of a bishop, as demonstrated in the case above, the role of the medieval bishop as a temporal lord, great landholder and tenant-in-chief of the crown, has received limited attention from historians.² Existing studies of the late medieval episcopate have tended to focus on four key areas. Firstly, the episcopate has been considered in terms of Anglo-papal relations, with special consideration afforded to taxation of the clergy and the practice of

² Although see H. M. Chew, *The English Ecclesiastical Tenants-in-Chief and Knight Service: Especially in the Thirteenth and Fourteenth Centuries* (Oxford, 1932). Also see below, p. 5, n. 9.

papal provisions in the fourteenth century.³ The broad conclusion from these studies has been that the king and pope reached a ‘working compromise’ during the fourteenth century by which those elevated to the episcopate were provided by the pope but they also tended to be royal candidates.⁴ Secondly, the episcopate has been considered in terms of its relationship with the crown. Here, the general picture is that of an episcopate veering towards political neutrality in times of crisis, but increasingly pliant to royal demands throughout the fourteenth century.⁵

³ For taxation, see H. S. Deighton, ‘Clerical Taxation by consent 1279-1301’, *EHR* 68 (1953), 161-192; M. McKisack, *The Fourteenth Century, 1307-1399* (Oxford, 1959), pp. 283-289; W. E. Lunt, *Financial Relations of the Papacy with England 1327-1534* (Cambridge, Mass., 1962); J. H. Denton, *Robert Winchelsey and the Crown 1294-1313: A Study in the Defence of Ecclesiastical Liberty* (Cambridge, 1980); P. Heath, *Church and Realm 1272-1461* (Glasgow, 1988), *passim*. For papal provisions, see A. Deeley, ‘Papal Provision and Royal Rights of Patronage in the Early Fourteenth Century’, *EHR* 43 (1928), 497-527; G. Barraclough, *Papal Provisions* (Oxford, 1935); A. H. Thompson, *The English Clergy and their Organization in the Later Middle Ages: The Ford Lectures for 1933* (Oxford, 1947), esp. pp. 10-39; S. C. Carpenter, *The Church in England 597-1688* (London, 1954), pp. 128-146; W. A. Pantin, ‘The Fourteenth Century’ in C. H. Lawrence (ed.), *The English Church and the Papacy in the Middle Ages* (London, 1965), pp. 159-194; G. A. Usher, ‘The Career of a Political Bishop: Adam de Orleton (c. 1279-1345)’, *TRHS*, 5th series, 22 (1972), 33-47; W. A. Pantin, *The English Church in the Fourteenth Century* (repr. Toronto, 1980), pp. 47-75; J. R. Wright, *The Church and the English Crown 1305-1334: A Study based on the Register of Archbishop Walter Reynolds* (Toronto, 1980), esp. pp. 1-98; R. M. Haines, ‘Looking Back in Anger: A Politically Inspired Appeal against John XXII’s Translation of Bishop Adam Orleton to Winchester (1334)’, *EHR* 116 (2001), 389-404. For other aspects of Anglo-papal relations, see J. J. N. Palmer and A. P. Wells, ‘Ecclesiastical Reform and the Politics of the Hundred Years’ War during the Pontificate of Urban V (1362-70)’, in C. T. Allmand, *War, Literature and Politics in the Late Middle Ages* (Liverpool, 1976), pp. 169-189; C. T. Wood, ‘Celestine V, Boniface VIII and the authority of parliament’, *JMH* 8 (1982), 45-62. For Anglo-papal relations in the fifteenth century see, K. B. McFarlane, ‘Henry V, Bishop Beaufort and the Red Hat, 1417-1421’, *EHR* 60 (1945), 316-348; F. R. H. Du Boulay, ‘The Fifteenth Century’ in C. H. Lawrence, *The English Church and Papacy in the Middle Ages* (London, 1965), pp. 197-242; R. G. Davies, ‘Martin V and the English Episcopate, with Particular Reference to His Campaign for the Repeal of the Statute of Provisors’, *EHR* 92 (1977), 309-344.

⁴ Pantin, ‘The Fourteenth Century’, p. 191.

⁵ R. G. Davies, ‘Richard II and the Church in the years of ‘tyranny’’, *JMH* 1 (1975), 329-362; ‘The Episcopate and the Political Crisis in England of 1386-1388’, *Speculum* 51 (1976), 659-693; J. W. Dahmus, ‘Henry IV of England: An Example of Royal Control of the Church in the Fifteenth Century’, *Journal of Church & State* 23 (1981), 35-46; R. M. Haines, ‘Conflict in Government: Archbishops versus Kings, 1279-1348’ in J. G. Rowe (ed.), *Aspects of Late Medieval Government and Society: Essays Presented to J. R. Lander* (Toronto, 1986), pp. 213-45; Heath, *Church and Realm*, *passim*; R. N. Swanson, *Church and Society in*

Thirdly, a number of prosopographical studies have examined the social composition of the episcopate, revealing non-homogeneity but also charting an increasing number of graduates appointed as bishops.⁶ And finally, biographical works have considered the involvement of individual bishops in the administration of their dioceses, as well as their involvement in ecclesiastical and secular politics.⁷ This large and diverse body of work has

Late Medieval England (Oxford, 1989), pp. 89-139; R. G. Davies, 'Richard II and the Church', in A. Goodman and J. L. Gillespie (eds), *Richard II: The Art of Kingship* (Oxford, 1999), pp. 83-106; R. M. Haines, 'The Episcopate during the Reign of Edward II and the Regency of Mortimer and Isabella', *JEH* 56 (2005), 657-709; W. M. Ormrod, *Edward III* (Stroud, 2005), pp. 135-159; For the involvement of the episcopate in political crisis during the thirteenth century, see S. Ambler, 'The Montfortian bishops and the justification of conciliar government in 1264', *Historical Research* 85 (2012), 193-209.

⁶ J. R. L. Highfield, 'The English Hierarchy in the Reign of Edward III', *TRHS*, 5th series, 6 (1956), 115-138; K. Edwards, 'The Social Origins and Provenance of the English Bishops during the Reign of Edward II', *TRHS*, 5th series, 9 (1959), 51-79; L-R. Betcherman, 'The Making of Bishops in the Lancastrian Period', *Speculum* 41 (1966), 397-419; J. T. Rosenthal, 'The Training of an Elite Group: English Bishops in the Fifteenth Century', *Transactions of the American Philosophical Society*, new series, 60 (1970), 1-54; R. G. Davies, 'The Episcopate' in C. H. Clough (ed.), *Profession, Vocation and Culture in Later Medieval England* (Liverpool, 1982), pp. 51-89.

⁷ J. L. Grassi, 'William Airmyn and the bishopric of Norwich', *EHR* 70 (1950), 550-61; L. H. Butler, 'Archbishop Melton, his neighbours and his kinsmen, 1317-1340', *JEH* 2 (1951), 54-67; 'Robert Braybrooke, Bishop of London (1381-1404), and His Kinsmen', unpublished D. Phil. diss., Oxford, 1952; C. M. Fraser, *A History of Anthony Bek, Bishop of Durham 1283-1311* (Oxford, 1957); W. L. Warren, 'A re-appraisal of Simon Sudbury', *JEH* 10 (1959), 139-152; R. M. Haines, 'Wolstan de Bransford, Prior and Bishop of Worcester c. 1280-1349', *University of Birmingham Historical Journal* viii (1962), 97-133; J. Dahmus, *William Courtenay, Archbishop of Canterbury 1381-1396* (London, 1966); M. Aston, *Thomas Arundel: A Study in Church Life in the Reign of Richard II* (Oxford, 1967); N. M. Fryde, 'John Stratford, Bishop of Winchester, and the Crown, 1323-30', *BIHR* 44 (1971), 153-61; Usher, 'The Career of a political bishop', 33-47; R. G. Davies, 'Thomas Arundel as Archbishop of Canterbury, 1396-1414', *JEH* 14 (1973), 9-21; J. H. Denton, 'Walter Reynolds and Ecclesiastical Politics, 1313-1316: A Postscript to *Councils & Synods*, IP in C. N. L. Brooke, D. E. Luscombe, G. H. Martin and D. Owen (eds), *Church Government in the Middle Ages* (London, 1976), pp. 247-274; R. M. Haines, *The Church and Politics in Fourteenth-Century England: The Career of Adam Orleton, c. 1275-1345* (London, 1978); Denton, *Winchelsey and the Crown*; Wright, *The Church and the English Crown*; D. Douie, *Archbishop Pecham* (London, 1981); R. M. Haines, *Archbishop John Stratford: Political Revolutionary and Champion of the Liberties of the English Church ca. 1275-85 – 1348* (Toronto, 1986); P. McNiven, *Heresy and Politics in the Reign of Henry IV* (Woodbridge, 1987), esp. pp. 63-135; R. L. Storey, 'Simon Islip, archbishop of Canterbury (1349-66): Church, Crown and Parliament' in W. Brandmüller, H. Immenkötter and E. Iserlohn (eds), *Ecclesia Militans: Studien zur Konzilien- und Reformationsgeschichte I* (Paderborn, 1988), 129-55; R. M. Haines, 'An Innocent Abroad: The Career of Simon Mepham, Archbishop of Canterbury, 1328-33', *EHR* 112 (1997), 555-596; M. Wilks, 'Thomas Arundel of York:

indicated, in the broadest sense, that whilst bishops were often dominated by royal priorities they were also characterised by their administrative capacity and their considerable learning.⁸ By contrast, however, few studies have undertaken a sustained study of bishops in terms of their involvement in local politics,⁹ and although a number of works have explored the administration and management of episcopal estates and resources,¹⁰ much

The Appellant Archbishop' in D. Wood (ed.), *Life and Thought in the Northern Church, c. 1100 – c. 1700: essays in honour of Claire Cross* (Woodbridge, 1999), pp.57-86; V. Davis, *William Wykeham: A Life* (King's Lynn, 2007); P. J. P. Goldberg (ed.), *Richard Scrope: Archbishop, Rebel, Martyr* (Donnington, 2007); W. M. Ormrod, 'The Rebellion of Archbishop Scrope and the Tradition of Opposition to Royal Taxation' in G. Dodd and D. Biggs (eds), *The Reign of Henry IV: Rebellion and Survival, 1403-13* (York, 2008), pp. 162-179. To this list must be added the entries provided on bishops contained in ODNB.

⁸ For a useful summary for many of these works published prior to 1990, see P. Heath, 'Between Reform and Reformation: The English Church in the Fourteenth and Fifteenth Centuries', *JEH* 41 (1990), 647-78.

⁹ A notable exception is J. Aberth, *Criminal Churchmen in the Age of Edward III: The Case of Bishop Thomas de Lisle* (University Park, PA, 1996), which demonstrated that the affinities maintained by bishops could have a very dramatic effect on local politics. Ultimately, Aberth concludes that de Lisle was the leader of a criminal gang, and his persecution of the king's cousin, Lady Wake, led directly to the bishop's downfall and the confiscation of his temporalities which remained in the king's hand upon his death in Avignon on 23 June 1361. As such, whilst the case of de Lisle provides fascinating insight into the potential impact bishops and their households could have on local politics, clearly de Lisle was an extreme case and cannot be taken as representative of bishops more generally. What Aberth's study does reveal, however, is the just how fruitful approaching bishops in terms of the exercise of temporal power can be. Another exception is C. D. Liddy, *The Bishopric of Durham in the Late Middle Ages: Lordship, Community and the Cult of St Cuthbert* (Woodbridge, 2008), which surveys the patronage networks associated with the bishopric of Durham as well as the bishop's influence over local office holding. Here it has been demonstrated that whilst the bishop's affinity was similar to that of a lay aristocratic affinity in terms of structure, it was very different in terms of its composition, with clerical members enjoying a considerably greater influence.

¹⁰ F. R. H. Du Boulay, *The Lordship of Canterbury: An Essay on Medieval Society* (London, 1966); Davis, *William Wykeham*, pp. 119-129; M. Page, 'William Wykeham and the Management of the Winchester Estate, 1366-1404' in W. M. Ormrod (ed.), *Fourteenth Century England III* (Woodbridge, 2000), pp. 99-120; R. H. Britnell, 'The Coal Industry in the Later Middle Ages: The Bishop of Durham's estates' in M. Bailey and S. H. Rigby (eds), *Town and Country in the Age of the Black Death: Essays in Honour of John Hatcher* (Turnhout, 2012), pp. 439-472; R. Faith, 'Estates and Income, 1066-1540' in D. Keene, R. A. Burns, A. Saint (eds), *St Paul's: The Cathedral Church of London 604-2004* (London, 2004), pp. 143-150; P. Taylor, 'The Estates of the bishopric of London from the seventh to the early sixteenth century', Unpublished PhD. Thesis, University of London, 1976; Haines, *The Church and Politics*, esp. pp. 81-96; *Archbishop John Stratford*, esp. pp. 101-123; C. Harper-Bill, 'The Familia, Administrators and Patronage of Archbishop John Morton', *Journal of Religious History* 10 (1979), 236-52.

less attention has been given to the attempts of bishops to defend their temporalities through the channels of royal justice. This discrepancy is largely the result of the episcopate being approached primarily by historians of the medieval church, whose interests have tended to direct their studies towards the involvement of bishops in ecclesiastical politics. Existing studies have also tended to rely on source material derived predominantly from episcopal registers, papal registers, narrative sources and the records produced by the crown for the purposes of central government. Whilst these documents provide the opportunity to reconstruct episcopal careers in great detail, they have tended to direct studies towards a focus on administrative proficiency, pastoral affairs, and conflict with the crown over the defence of church liberties and ecclesiastical legal jurisdiction.¹¹ Where cooperation between bishops and the crown has been discussed, it has usually been restricted to an examination of the role of individual bishops in royal government.¹² The approach taken by the present study aims to contribute to the existing historiography by exploring how bishops relied on royal justice and extraordinary legal remedies offered by the crown for the defence of their temporalities. As such, this study relates primarily to the second strand of historiography identified above – that concerning episcopal-crown relations. However, whilst existing studies have tended to focus on the involvement of the episcopate in high politics, this study will examine the relationship between bishops and the crown in terms of much more local concerns.

¹¹ For the historiography surrounding jurisdictional conflict, see chapter four.

¹² Although see, A. K. McHardy, 'Liturgy and Propaganda in the Diocese of Lincoln during the Hundred Years' War' in S. Mews (ed.), *Religion and National Identity: Papers Read at the Nineteenth Summer Meeting and Twentieth Winter Meeting of the Ecclesiastical History Society* (Oxford, 1982), pp. 215-227; 'The English Clergy and the Hundred Years' War' in W. J. Sheils (ed.), *The Church and War: Papers Read at the Twenty-first Summer Meeting and the Twenty-second Winter Meeting of the Ecclesiastical History Society* (Oxford, 1983), pp. 171-178; 'Henry IV: The Clergy in Parliament' in G. Dodd and D. Biggs (eds), *The Reign of Henry IV: Rebellion and Survival, 1403-13* (York, 2008), pp. 136-161.

The framework for this study is provided by ‘private’ petitions,¹³ and in particular, private petitions presented by bishops to the English crown between 1272 and 1399. These documents comprise a rich variety of complaints, pleas for remedy and requests for patronage, yet they have never before been systematically analysed for the purposes of exploring the fourteenth-century episcopate.¹⁴ This is not to say that petitions from bishops have been ignored completely. Indeed, petitions have been used by a number of works to provide important supplementary details to the events and legal disputes arising during the episcopacies of particular bishops.¹⁵ However, the analysis of these events and legal disputes has focused predominantly upon other sources and petitions have tended to be side-lined without sustained consideration being given to their content. The advantage derived from a focus on petitions is twofold: firstly, a systematic analysis of petitions from bishops during the late-thirteenth and fourteenth centuries facilitates the detection of supplicatory patterns; and secondly, a sustained focus on the petitions themselves allows their content, language, and function within particular legal disputes to be given full consideration. Such an approach lends itself to questions that are fundamental to our understanding of the character of the late medieval episcopate and the

¹³ They were ‘private’ in the sense that they represented the particular concerns of the supplicant, and were therefore distinct from the common petitions presented by the Commons in parliament which emerged at the end of the reign of Edward II. See G. Dodd, *Justice and Grace: Private Petitioning and the English Parliament in the Late Middle Ages* (Oxford, 2007), p. 1.

¹⁴ Petitions from the clergy more generally have received sustained analysis in J. H. Tillotson, ‘Clerical Petitions 1350-1450: A Study of Some Aspects of the Relations between the Crown and the Church in the Late Middle Ages’, DPhil thesis, Australian National University, 1969; G. Dodd and A. K. McHardy, *Petitions to the Crown from English Religious Houses, c. 1272-c.1485* (Woodbridge, 2010). An invaluable discussion of some of the key issues relating to petitions from the clergy is also provided in Dodd, *Justice and Grace*, pp. 243-254. In other contexts petitions have also received extended discussion, see the excellent collection of articles in W. M. Omrod, G. Dodd, and A. Musson (eds), *Medieval Petitions: Grace and Grievance* (York, 2009).

¹⁵ For example, see Aston, *Thomas Arundel*, pp. 151-2; Haines, *Archbishop John Stratford*, p. 149; Davis, *William Wykeham*, pp. 68, 72; N. Orme, *A History of the County of Cornwall, vol. II: Religious History to 1560* (Woodbridge, 2010), pp. 163-171.

relationship between bishops and the crown in the late-thirteenth and fourteenth centuries: did all bishops seek legal remedy through direct appeals to the crown, or were some bishops more predisposed to petitioning for remedy than others? Were petitions from bishops distinct, either in terms of their content or their use of language, from those presented by lay supplicants? Did the crown respond preferentially to petitions from bishops as opposed to other supplicants? And what can petitions reveal about the episcopal exercise of temporal lordship?

Until recently, severe obstacles have stood in the way of any attempt to approach private petitions for the purposes of systematic analysis.¹⁶ These obstacles were largely due to methodological problems associated with the document class (SC 8), which is held at The National Archives and contains by far the greatest number of surviving petitions – around 17,600 documents. In particular, the creation of the document series at the end of the nineteenth century involved the removal of petitions from their arrangement in contemporary files, as well as their separation from the warrants that accompanied and dated them.¹⁷ As a result, the provenance and the dating of the petitions have been badly obscured. Furthermore, problems surrounding the dating of the petitions have been little helped by an inadequate index to the series.¹⁸ However, important progress has now been made. The latter problem surrounding the index to the series has been rectified as a result of an Arts and Humanities Research Council Resource Enhancement Scheme, which has not only provided detailed summaries of the content of petitions, but also allows these summaries to be searched

¹⁶ For what follows, see Dodd, *Justice and Grace*, pp. 7-14.

¹⁷ The petitions were brought together to form an artificial collection from a number of other document series, see G. Dodd, 'Parliamentary Petitions? The Origins and Provenance of the 'Ancient Petitions' (SC 8) in the National Archives' in W. M. Ormrod, G. Dodd and A. Mussion (eds), *Medieval Petitions: Grace and Grievance* (Woodbridge, 2009), esp. p. 28-29.

¹⁸ *Index of Ancient Petitions of the Chancery and Exchequer*, Lists and Indexes 1 (London, 1892, repr. New York, 1966). The index lists only petitioners without summary of content and provides no information on dating.

electronically.¹⁹ Furthermore, uncertainty surrounding the provenance of petitions has also been addressed, and it has been demonstrated by Gwilym Dodd that a large portion of the contents of SC 8 were, in fact, of secure parliamentary provenance.²⁰ As such, the most problematic methodological obstacle that remains is the dating of petitions, and although the AHRC Resource Enhancement Scheme has successfully dated a number of petitions – and in other cases provided a suggested date range by linking petitions to associated records of government – uncertainty remains over the dating of a great many of the documents contained in SC 8. Whilst clearly a hindrance, this has not provided a serious impairment to the execution of the present study and by reconstructing some of the legal disputes in which petitions were presented it has been possible to date, fairly accurately, some documents whose date and provenance hitherto remained uncertain.

Before proceeding to provide a chapter outline of the present study, it is worth briefly exploring the place of the private petition in the late medieval justice system.²¹ Petitions presented to the crown generally served one of two functions: firstly, they offered supplicants access to legal remedy in relation to disputes and injustices that could not be resolved through common law; and secondly, petitions offered access to royal patronage, such as grants, appointments to office, or pardons. Whilst petitions for patronage are briefly discussed in chapter three, the primary focus of the present study is how supplicants used petitions to gain legal remedy from the crown. Petitioning on a large scale emerged in the late 1270s during the early stages of the reign of Edward I. Parliament's function as a superior judicial court, whereby intractable or particularly complex legal cases might be resolved,

¹⁹ 'Medieval Petitions: A Catalogue of the "Ancient Petitions" in the Public Record Office'. Directed by W. M. Ormrod; co-directed by G. Dodd. For discussion, see Dodd, 'Parliamentary Petitions?', pp. 12-13.

²⁰ Dodd, 'Parliamentary Petitions?', pp. 12-46.

²¹ For what follows, and for a discussion of the historiography surrounding petitions, see Dodd, *Justice and Grace*, esp. pp. 19-48.

was now made accessible to the broader population of the realm as part of a series of judicial and administrative reforms apparently driven partly by Edward I's personal interest in the dispensation of justice. Essentially, petitions seeking justice and legal remedy were dealt with through the exercise of royal jurisprudence, which provided a 'safety net' for the king's subjects to gain resolution in cases not determinable at common law. The extent to which the king took a personal role in responding to petitioners' requests holds important implications for our understanding of petitioning in the fourteenth century, and special consideration is given to this issue in chapter three. Petitions could, and were, presented by anyone who could afford to have one drafted – a process which could cost as little as 4*d*. However, the institution was predominantly used by landholders, churchmen and merchants since parliament's jurisdictional reach extended no further than the legal parameters that defined the work of the king's common law courts and stopped well short of the customary courts – county, hundred, borough and vill courts, and the feudal and seigneurial courts of the honour and the manor. Petitions were frequently used by members of the nobility, and whilst there is little doubt that those who walked the corridors of power that led to the king were able to communicate their grievances and gain remedy without recourse to a written petition, a request put in writing could actually be more effective. A petition, presented in parliament, endorsed by the king and immediately sent into chancery or the exchequer for action, was probably just as effective as a means of activating royal government when compared to a less formal, oral request – especially if the court was residing in the localities away from the central administrative departments. As such, although large number of petitions were presented to the crown in an age still dominated by the politics of personal kingship, the receipt and administration of petitions in parliament was made possible by the bureaucratisation of late medieval government.

There are 283 extant petitions from bishops contained in SC 8, with 59 petitions representing requests for patronage, some of which are divided into multiple parts and contain both requests for justice and for patronage. In practice, the dividing line between requests for justice and requests for patronage is often blurred. For example, in a petition presented in 1335, John Hotham, bishop of Ely (1316-1337), requested that a warrant be sent from the privy seal to the chancellor. Upon receiving the warrant, the chancellor should then provide the bishop with a charter granting him permission to amortise certain tenements in accordance with an agreement that had already been made between the bishop and the king.²² Should such a request be properly considered as an appeal for patronage or justice? The initial grant to amortise tenements, which the petition sought to fulfil, had been granted as an act of favour. The petition had been presented subsequently however, and appears to represent an appeal for justice – for the crown to fulfil the terms of an agreement made between supplicant and king. Yet, there is no indication of any dispute here, and the supplication is very different from other appeals for justice whereby bishops sought to challenge the legal claims of the crown or a third party. The petition from the bishop of Ely, therefore, should probably be regarded most accurately as a petition for administrative action. Indeed, in a number of cases, bishops presented petitions in order to initiate administrative processes, apparently in attempt to remedy the *inactivity* of royal government. Such requests are considered below as part of a discussion surrounding petitions presented against the conduct of royal officers.²³

Petitions for justice contain an incredibly diverse array of complaints and requests.²⁴ In order to rationalise the diversity of this content, the present work considers petitions in terms of who in medieval society a given

²² SC 8/192/9581.

²³ See below, pp. 130-133.

²⁴ See summaries provided in Appendices.

supplication primarily related to. Chapter one explores petitions relating to the laity and demonstrates the sophisticated legal strategies that often lay behind the act of petitioning. The material here is divided into two sections. The first half of the chapter examines petitions presented against members of the laity in general and focuses on two case studies involving the bishop of Durham. These cases serve to demonstrate that the requests conveyed in petitions cannot be taken at face value and that the true function of petitions is often only revealed once these documents are considered within the historical context in which they were presented. The second half of the chapter explores petitions presented against civic authorities, and focuses on a case study relating to an instance of urban conflict between the bishop of Norwich and the burgesses of Bishop's Lynn. Here it is demonstrated that both parties relied upon petitions as part of their broader legal strategies in their attempts to gain a favourable outcome.

Chapter two explores petitions relating to the affairs of other clergymen. The first section examines instances of intra-episcopal conflict, demonstrating how some bishops might present appeals to the king instead of the pope as a competing source of authority in England. The second section explores instances of cooperation between clergy, whilst the final section provides a detailed case study of a dispute between the bishop of Exeter and the dean of St Buryan's relating to the church's status as a royal free chapel and exemption from episcopal authority. Perhaps most significantly, this case reveals a discernible 'petition-mindedness' on the part of some bishops, and works to demonstrate how different individuals who were elevated to the episcopate might pursue different courses in response to the same problem.

Chapter three explores petitions relating to the conduct of royal officers and the legal claims of the crown. In terms of royal officers, special attention is given to petitions presented by bishops against the action of

escheators, and it is demonstrated that the localisation of the office of escheator led to a discernible reduction in the volume of complaints from bishops against the conduct of escheators after the early 1340s. In terms of the petitions presented against the legal claims of the crown, discussion focuses on two case studies involving the bishop of Ely, the first concerning the crown's possession of various knights' fees in Cambridgeshire, and the second relating to lands confiscated by the crown in the aftermath of the Peasants' Revolt of 1381. Both of these cases demonstrate the limits of petitioning as a way of facilitating a grant of remedial grace in disputes involving legal claims against the crown.

Chapter four compares petitions from the collective clergy with the clerical *gravamina*, before proceeding to examine the content of the *gravamina* in detail. It is demonstrated that after the enactment of the statute *Articuli Cleri* in 1316, the clergy adopted a more moderate and pragmatic approach in their longstanding jurisdictional conflict with the crown. The general picture provided by the evidence surveyed is one of an episcopate and clergy attempting to harmonise its working relationship with the crown whilst simultaneously asserting its own autonomy by standing up against royal pressures without recourse to support from Rome. However, it is also argued that the petitionary system in fourteenth century England may have undermined the supplicatory strength of the clergy and their ability to defend autonomy of the church in England.

The survey of petitions undertaken here demonstrates some of the ways in which the episcopate was reliant on access to royal justice when seeking remedy for their legal problems. Aside from revealing that bishops were often indistinguishable from lay petitioners in terms of the content of their petitions, with many of their complaints arising from their role as great landlords and tenants-in-chief rather than relating to the exercise of episcopal office, this research has also demonstrated that distinct

supplicatory cultures separated the clergy from the laity. Petitions from bishops reflected the supplicatory character of the clerical *gravamina*, with requests presented for the exclusive interest of the church. As such, petitions from bishops, alongside those presented by the collective clergy, encapsulated a set of values, manifest through the use of language and rhetoric, which sought to assert the institutional independence of the church. However, despite being part of a supplicatory culture which sought to defend church autonomy, bishops were often reliant upon the extraordinary legal procedure offered by petitions.

The Laity

1.1 Introduction

The present chapter explores the relationship between bishops and members of the laity. Following an initial survey of the petitions presented by bishops against, or primarily relating to ‘secular third parties’ – members of the laity other than officers of the crown – this chapter proceeds to examine two cases of legal conflict involving the bishop of Durham. These disputes – the first fought against the king of Scotland, and the second against a minor northern landlord – serve to demonstrate how petitions were often multi-faceted documents in terms of the functions that they could serve, and their purpose cannot be fully understood before they are properly considered within the historical context within which they were originally presented. The chapter then goes on to explore petitions from bishops against civic authorities or relating to urban affairs with a special focus on an instance of mid-fourteenth century urban conflict between the bishop of Norwich and the burgesses of Bishop’s Lynn. Here, both the bishop and the burgesses deployed petitions to support broader legal strategies, and the case holds particular interest for the way in which the petitions from the townsmen relied on rhetoric to emphasise a mutuality of interest between themselves and the crown, whilst the petitions from the bishop incorporated a high level of misinformation designed to complicate proceedings and bring the legal process to a halt. Perhaps most significantly, the case hints at the existence of two distinct supplicatory cultures separating the clergy from the laity.

1.2 Overview

There are 68 extant petitions from bishops relating to secular third parties in the ‘Ancient Petitions’ (SC 8) series at *The National Archives*.¹ Findings elsewhere in this study suggest that the surviving petitions in the document series might account for well under half of the documents originally presented.² Yet, even if many of the petitions are now missing, the small number of petitions from bishops presented against secular third parties over the course of some 127 years provides cause for comment. An important explanatory factor may be that bishops typically held enough power and influence in their localities to render direct appeals to the crown for support unnecessary except in cases where they faced particular difficulty. Certainly, evidence from a dispute between the bishop of Norwich and the burgesses of Bishop’s Lynn, which is explored in depth below, demonstrates one example whereby a bishop exercised local influence to disrupt legal proceedings brought against him by the townsmen.³ This is supplemented by further evidence surveyed by the present work suggesting that bishops were able to exercise influence over royal officers operating in the localities.⁴ The use of subterfuge in many instances of legal conflict may have been enough to secure victory without the need for petitioning the crown ever arising. As such, the surviving petitions relating to secular third parties, who in the majority of cases appear to have been neighbours of a bishop or landholders within a bishop’s diocese, probably represent extraordinary cases in which the usual exercise of a bishop’s power and authority broke down. Such a conclusion should not be pushed too far, however, and it is a study of petitions presented by members of the laity

¹ See Appendix A.

² See below, pp. 113-114.

³ See below, pp. 64-67.

⁴ See below, pp. 134-136 and 140-151.

against bishops that is likely to shed new light on questions of maintenance, law and order in late medieval society.⁵ Yet, the evidence surveyed here does suggest that some bishops at least were able to undermine the law through the bribery and intimidation of juries and sheriffs.⁶

Of the 68 petitions from bishops relating to secular third parties, 26 made complaint about action taken by civic authorities, or else related to some aspect of urban life.⁷ The majority of the remaining petitions concerned lay lords or landholders. Other petitions involving secular third parties include complaints against ‘neifs’ who had brought commissions of *oyer et terminer* against the bishop of Ely,⁸ a collective body identified as ‘the people of North Wales’ who had indicted the bishop of Bangor,⁹ and Edward III’s mistress Alice Perrers (d. 1400/1) who had defrauded the bishop of Durham of 1000 marks.¹⁰ Whilst most of the petitions involving secular third parties were presented in relation to instances of discord and conflict, there were also a handful of petitions presented in a cooperative capacity.¹¹ For example, in the early 1380s the bishop of Lincoln and the bishop of Norwich petitioned alongside two knights and another named individual, asking the king to reconsider enfeoffments relating to the manor of Burley in Rutland; whilst in the early fourteenth century the bishop of

⁵ Some of these petitions are discussed below, see pp. 136-138.

⁶ A good summary of the debate surrounding law and “Bastard Feudalism” as it applies directly to bishops is provided in J. Aberth, *Criminal Churchmen in the Age of Edward III: The Case of Bishop Thomas de Lisle* (Pennsylvania, 1996), pp. 70-82. For further discussion, see R. L. Storey, *The End of the House of Lancaster* (London, 1966), pp. 15-17; J. G. Bellamy, *Crime and Public Order in England in the Later Middle Ages* (London, 1973), pp. 21-25; B. A. Hanawalt, ‘Fur-Collar Crime: The Pattern of Crime among the Fourteenth-Century English Nobility’, *Journal of Social History* 8 (1975), pp. 7-14; P. R. Coss, ‘Bastard Feudalism Revised’, *Past & Present* 131 (1989), pp. 54-9.

⁷ See Appendix A.

⁸ SC 8/45/2212; SC 8/162/8059.

⁹ SC 8/184/9194. Another petition identified as ‘*les petitionus de Northgales*’ appears to have originated amongst the people of Carnarfon, see G. Dodd, M. Phillips and H. Killick, ‘Multiple-clause Petitions: Instruments of Pragmatism or Persuasion?’, *JMH* (forthcoming, 2013); SC 8/131/6507.

¹⁰ SC 8/105/5217.

¹¹ SC 8/122/6062; SC 8/183/9117; SC 8/247/12340; SC 8/57/2809; SC 8/213/10642; SC 8/341/16064; SC 8/116/5756; SC 8/274/13683.

Bangor petitioned on behalf of the burgesses of Bangor concerning infringements imposed by the king's officers on their right to trade freely in the counties of Anglesey and Carnarfon.¹² These petitions of cooperation demonstrate that even in a survey of documents with a natural tendency to record instances of conflict, the episcopal exercise of lordship should not be framed exclusively in terms of social antagonism. As discussed in chapter two, however, acts of petitioning cooperatively are more prevalent amongst clergymen.

The vast majority of the petitions relating to secular third parties, whether presented cooperatively or not, were ultimately concerned with the loss of revenue or legal privilege. In this sense, petitions from bishops were often indistinct from supplications brought forward by members of the laity. For example, a petition from the bishop of Winchester in the 1330s complained that the king had granted him two manors for the payment of a debt, but that these had been seized because an assize of *novel disseisin* had been brought against him by a husband and wife.¹³ In another petition, the bishop of Chichester complained that the people of Battle half-hundred had customarily contributed towards the costs of coastal defence but had recently refused to do so, whilst Simon Meopham, archbishop of Canterbury (1327-1333), complained that the barons of the Cinque Ports had encouraged tenants to leave his lordship.¹⁴ There was nothing overtly ecclesiastical about such issues, and these petitions might just as readily have been presented by lay lords. In this sense, the majority of petitions presented by bishops relate to their role as tenants-in-chief and temporal lords, rather than to the spiritual side of their office. However, such an observation, whilst shedding light on the type of work that occupied the schedule of a medieval bishop, remains somewhat theoretical in the sense that it is unlikely

¹² SC 8/122/6062; SC 8/274/13683.

¹³ SC 8/146/7285.

¹⁴ SC 8/188/9394; SC 8/97/4840.

that bishops themselves drew a clear distinction between the two spheres of their role in medieval society. Indeed, as Andre Vauchez has highlighted, defending and developing episcopal temporalities had been lauded as worthy activities of the holy bishop since the tenth and eleventh centuries – provided power and wealth were used wisely. St Thomas Cantilupe, bishop of Hereford (1275-1282) had embarked on a number of lawsuits and conflicts against notable members of the lay aristocracy to this end, apparently contributing to his reputation for sanctity and his candidature for canonization.¹⁵ Evidence from petitions suggests that this notion was fairly widespread amongst the episcopate in the fourteenth century, and judging by the frequent plea by bishops for the king to prevent the ‘disinheritance’ of the church – even if the phrase was deployed as a matter of routine and rhetorical convention – the preservation of a diocese’s endowment and legal claims was clearly considered an important part of a bishop’s dual-role between the secular and ecclesiastical world.

Not all petitions from bishops against secular third parties, however, were unrelated to the exercise of spiritual office. At the end of the fourteenth century, Richard Gravesend, bishop of London (1280 – 1303), petitioned against the imprisonment of clerks by the mayor and bailiffs of London, whilst in c. 1330 the bishop of St Asaph sought support from the crown in three separate cases relating to advowsons whereby he was the defendant against writs of *quare impedit*.¹⁶ In another petition, the archbishop of Canterbury and the bishop of London sought the king’s assistance to ensure that the mayor and aldermen of London did not disturb the jurisdiction of the church in a legal dispute between the masters of the schools of grammar of St Paul, the Arches and St Martin on the one hand,

¹⁵ A. Vauchez, *Sainthood in the Later Middle Ages* (Cambridge, 2005), pp. 289, 294.

¹⁶ Arguably, advowsons were related to the temporal side of a bishop’s office as they were often viewed as a proprietary right, see F. Oakley, *The Late Medieval Church* (Ithaca, 1979), p. 31. SC 8/176/8752; SC 8/201/10001.

and ‘certain foreign masters of grammar’ on the other.¹⁷ A further example of overtly ecclesiastical concerns is provided by two separate petitions from the bishop of St Asaph and the bishop of Llandaff, both of whom complained that temporal lords of Wales and the Welsh March seized the goods of people who died intestate within their dioceses.¹⁸ Yet, petitions from bishops covering issues pertaining to the spiritual side of their office form a small minority of those surveyed in this chapter. This is perhaps unsurprising, since many instances of conflict against members of the laity affecting the exercise of spiritual office could be readily resolved through *de cursu* writs, which were issued by chancery without the need for an inquiry, such as *de vi laica amovenda* for the removal of a lay force from church property for example, or *de excommunicato capiendo* for the imprisonment of those who remained excommunicate for more than forty-days.¹⁹ There were, therefore, limited circumstances in which a bishop’s relationship with a secular third party necessitated a direct appeal to the discretionary justice of the crown.

1.3 The Bishop of Durham and the King of Scotland, 1333

The complaint brought forward by Louis Beaumont, bishop of Durham (1317-1333), in the parliament of January 1333 appears, at face value, to represent a fairly routine petition seeking restitution for lost revenue. However, contained within the petition was an implicit and unarticulated request presented preemptively in anticipation of an upcoming royal military

¹⁷ SC 8/22/1051.

¹⁸ SC 8/86/4270; SC 8/165/8202.

¹⁹ There are a number of letters from bishops contained in SC 8 each asking the king to remove a lay force from a church, for example see SC 8/235/11740. These letters do not constitute petitions, and similar requests can be found in C 85 and SC 1. See, P. Hoskin, ‘*De vi laica amovenda*: testing the bounds of secular and ecclesiastical jurisdiction in the reign of Henry III’, *Henry III Fine Rolls Project* (Fine of the Month: January 2011) [<http://www.finerollshenry3.org.uk/content/month/fm-01-2011.html>], esp. n. 10.

campaign against the Scots.²⁰ The manner of the royal response was similarly opaque, and the petition appears to have represented a tacit agreement between the bishop and the crown that was intentionally concealed from the commons in parliament. Furthermore, the document demonstrates how the crown was prepared to respond positively to petitions even in cases when they were contingent – at least implicitly – upon future events and decisions. Since Beaumont's petition, and his dispute with David II, king of Scotland (1329-1371), has not been explored elsewhere, the case will be explored here in detail. Throughout the course of the discussion, the case will draw upon broader historiography surrounding the Treaty of Edinburgh (27 March 1328) and Edward III's military campaign against the Scots that culminated in the siege of Berwick and the battle of Halidon Hill on 19 July 1333.

In his petition, Louis Beaumont claimed that both he and his predecessors had once enjoyed the right to ferry men and goods across the River Tweed between Berwick and Tweedmouth – a franchise which used to be worth more than £20 per annum.²¹ This *'passage par bal'* ('passage by boat'), was now held by the Scottish king, and although Beaumont had appealed to both Robert I and, after his death, the guardians of Scotland

²⁰ It has been suggested by Constance Fraser that Beaumont's petition was presented shortly before a letter from Edward III, dated 3 February 1331, asked David II of Scotland to restore West Upsettlington to the bishop of Durham. However, it is clear that the letter highlighted by Fraser represents a royal response to an earlier petition from the bishop, as neither West Upsettlington, nor the Treaty of Edinburgh – both of which are referred to in the letter – are mentioned in the petition that forms our focus here. Furthermore, there is additional internal evidence suggesting that Beaumont's petition concerning his franchise on the River Tweed was presented not in c. 1331 but in January 1333. Beaumont's reference to having made pleas to the *'gardeinz Deschoce'* ('guardians' being plural) indicates that the petition had been presented after the death of the first guardian, Thomas Randolph, earl of Morray, who had held the guardianship for three years after the death of Robert Bruce until his own death in July 1332, when was replaced by the earl of Mar. Between July 1332 and the death of Louis Beaumont on 24 September 1333, only one parliament dealt with petitionary business and that was held in January 1333. C. M. Fraser (ed.), *Northern Petitions: illustrative of life in Berwick, Cumbria and Durham in the fourteenth century* (Gateshead, 1981), pp. 35-6; CCR, 1330-1333, p. 283. The parliament of December 1332 did not deal with petitionary business, see *PROME*, December 1332, introduction.

²¹ SC 8/105/5211; Fraser, *Northern Petitions*, pp. 34-6.

during the minority of David II, he had been unable to gain justice. Beaumont also complained of losses to his fishery caused by Scottish boats anchoring in the river for more than an hour at a time, and asked Edward III to ordain a remedy to avoid the ‘*desheritance de sa Eglise e de la Corone*’ (‘disinheritance of his church and of the crown’). This rhetorical flourish was justified by the fact that, as Beaumont pointed out, the crown also lost revenue when the see was vacant and the temporalities of the diocese were in the possession of the king. Typically, bishops tended to avoid adopting a supplicatory strategy whereby their own interests were explicitly linked to those of the crown, and in this sense Beaumont’s petitions are somewhat anomalous amongst petitions presented by bishops. As we shall see, however, it was to the bishop’s advantage to highlight an alliance of interests against the Scottish king since the petition may even have been designed to encourage support for Edward III’s military intentions against the Scots that were under discussion in the parliament of January 1333.

In his petition, Louis Beaumont asked Edward III to provide an unspecified remedy, thereby calling upon the crown to decide the manner in which his problem might be resolved.²² In response, Beaumont received the reply, both fascinating and cryptic, ‘*Quant le Roi verra temp ordeniera de remedie en ceste partie mes aore ne poet il mie*’ (‘When the times comes the king will ordain a remedy in this part, now he has not the power’).²³ The manner of this endorsement was highly irregular. Endorsements found on private petitions usually fall into one of several categories:²⁴ firstly, a request might be granted, either outright or with conditions attached;²⁵ secondly, a request might require further investigation, either through the appointment of an

²² This was not unusual, see G. Dodd, *Justice and Grace: Private Petitioning and the English Parliament in the Late Middle Ages* (Oxford, 2007), p. 227.

²³ SC 8/105/5211; C. M. Fraser, *Northern Petitions*, pp. 34-6.

²⁴ For further discussion, see *ibid.*, pp. 78-88.

²⁵ The bishop of Carlisle was granted ‘... 20 oaks in the forest of Inglewood’ for the reconstruction of houses, SC 8/99/4905.

inquest, or an order to search through relevant records in chancery, or by asking the supplicant to supply additional information;²⁶ third, a petition might be expedited to one of the great governmental departments – either the chancery or the exchequer – or sent before the King’s Bench or the council for consideration;²⁷ fourth, petitions could also be redirected to common law if the crown felt that the request could be sufficiently dispatched via the usual course of justice;²⁸ and finally, petitions could also be rejected outright, with or without explanation.²⁹ Clearly, the royal response to Beaumont’s petition in 1333 does not easily commend itself to any of these categories. The endorsement represents the promise of remedial action in the future, but also appears to constitute an open admission of the king’s present inability to provide one of his most important magnates with redress. Furthermore, the petition was recorded as ‘*coram rege et magno consilio*’, indicating that the admission of the impotency of the crown to deal with the bishop’s request was pronounced within the public context of the great council. It will be demonstrated below that whilst the legal foundations upon which the bishop of Durham might hope to gain justice in the matter had recently been revoked by Edward III in the English parliament, the crown appears to have understood that the petition was presented to serve a pre-emptive function.

The Treaty of Edinburgh had been concluded with the Scots by Roger Mortimer and Queen Isabella on 27 March 1328 in the name of Edward III.³⁰ It had been agreed in principle that Englishmen who had lost lands in Scotland since the outbreak of war in 1296, as well as Scots who had

²⁶ E.g. ‘A writ of Chancery should be made ordering the treasurer and barons of the Exchequer to enquire what damages the bishop sustained on this occasion and to cause allowance to be made to him in his farm’, SC 8/280/13965.

²⁷ ‘*Ad consilium*’, SC 8/46/2268.

²⁸ ‘... sue at common law against the people of the Cinque Ports’, SC 8/97/4840.

²⁹ ‘Nothing is to be done...’, SC 8/195/9740.

³⁰ Also known as the Treaty of Northampton, see S. Cameron and A. Ross, ‘The Treaty of Edinburgh and the Disinherited (1328-1332)’, *History* 84 (1999), pp. 237-56.

lost their possessions in England, should be barred from pursuing their inheritances. However, whilst the treaty dispossessed secular lords, it contained a clause safeguarding ecclesiastical property. As Sonja Cameron and Alasdair Ross have demonstrated, the wording of the clause ‘no manner of prejudice shall be done to the right of the Holy Church’ formed a legal basis for the restoration of church lands and a number of reinheritance grants issued between 1328 and 1330 invoked this clause of the treaty.³¹ Indeed, in response to a previous supplication from the bishop of Durham concerning matters of dispute relating to Scotland, a royal letter had been sent to the Scottish king asking him to uphold the terms of the treaty. In 1331 Beaumont had petitioned against Patrick Dunbar, earl of March, who was preventing him from taking possession of West Upsettlington, a settlement located west of Norham on the north bank of the River Tweed. Although the petition itself is not extant, a letter from Edward III to the Scottish king and issued in response to the bishop’s petitions has survived. This letter made explicit reference to the Treaty of Edinburgh, and reminded David II and his guardians that under the terms of the treaty ‘men of religion of both realms should not be prejudiced concerning their possessions occupied during the war’.³² The Treaty of Edinburgh, therefore provided the legal basis upon which the bishop of Durham might have hoped to appeal to the Scottish for the restoration of his franchise on the River Tweed. However, by December 1332, recent political developments in Scotland had created a situation whereby Edward III could contemplate disregarding the treaty.

Under the leadership of Louis Beaumont’s brother, Henry Beaumont, an army of ‘disinherited’ lords who had lost their Scottish titles following the Treaty of Edinburgh rallied around the pretender to the Scottish throne, Edward Balliol, and invaded Scotland as part of a private enterprise to

³¹ Ibid., p. 244.

³² *CCR, 1330-1333*, p. 283.

reclaim their rights. Following two victorious battles, Balliol was crowned king of Scotland at Scone on 24 September 1332 and, consequently, England's diplomatic relations with Scotland were now in need of revision.³³ Questions were put to the Commons in the parliament of December 1332, asking their advice on how the king should proceed. In an opportunistic move by Edward III to gain a stronger bargaining position vis-à-vis Scotland, Geoffrey le Scrope, Chief Justice of the King's Bench, informed those assembled in his opening address that the Treaty of Edinburgh should now be considered defunct. The reason offered publically was that 'when the peace was recently made between the people of England and the people of Scotland he [the king] was a minor and without his own authority', although in reality the move was clearly a calculated political decision.³⁴ The revocation of the Treaty of Edinburgh in December 1332 explains why no letter was sent to the Scottish king in response to Beaumont's petition in 1333. It also explains the unusual nature of the petition's endorsement, which declared that the king did not yet have the power to provide the bishop with remedy.

It appears, then, that Louis Beaumont's petition was designed not to initiate diplomatic pressure on the Scottish king, but to serve a preemptive function and gain royal recognition of his claim in anticipation of a royal military campaign. Indeed, military action had been proposed to the Commons in the very same parliament that revoked the Treaty of Edinburgh.³⁵ The implicit request contained in Beaumont's petition, therefore, was that when Berwick came into the crown's possession through military conquest, the bishop's right to the passage by boat between Berwick and Tweedmouth would be restored to him and not granted to any other lord or individual. Read in this context, the royal response to Beaumont's

³³ For discussion of the Dupplin Moor campaign, see C. J. Rogers, *War Cruel and Sharp* (Woodbridge, 2000), pp. 25-47.

³⁴ *PROME*, December 1332, item 1.

³⁵ *Ibid.*

petition was clearly intended to provide recognition of the bishop's rights, and in this sense the petition formed a tacit agreement between the crown and the bishop with the king agreeing that the disputed franchise would be restored to the bishop of Durham following the forthcoming campaign.

The reason underlying this level of covert communication can perhaps be explained by the prevailing attitude in parliament. In December 1332, those assembled in parliament had been asked to advise the king on the best course of action with regards to the recent developments in Scotland. The unanimous answer had been that it was too weighty a matter to be decided in the absence of so many prelates and great men. The king was asked to prorogue the parliament until January.³⁶ However, when parliament reconvened and the Lords and Commons had held separate discussions, an agreed course of action remained elusive and it was therefore pronounced by the chancellor that Edward would seek the advice of the Pope and the king of France.³⁷ As Clifford J. Rogers has pointed out, since Philip VI of France remained a staunch ally of David II, and the pope was malleable to French pressure, the outcome of the discussion in parliament 'practically amounted to a recommendation that the king do nothing, but allow the Treaty of Northampton [Edinburgh] once again to define Anglo-Scottish relations'.³⁸ In this respect, there was an obvious disconnect between the mind of the king, who was 'eager for arms and honour', and the unsupportive response that Edward had received from parliament.³⁹ Although Edward had appointed what was, in effect, a war committee on the last day of the assembly, those wishing to present a petition at the parliament had been told to do so by 24 January, two days before the king

³⁶ Ibid.

³⁷ *PROME*, January 1333 (C 65/2, m.1), item 7.

³⁸ Rogers, *War Cruel and Sharp*, pp. 56-7.

³⁹ J. Stevenson (ed.), *Scalacronica: A Chronicle of England and Scotland from A.D. MLXVI to A.D. MCCCLXII* (Edinburgh, 1836), p. 162, cited in *ibid.*, p. 58.

had publically hinted at his intention to follow the course of war.⁴⁰ Therefore, there was an obvious political reason for the bishop to present his request in terms of a general plea for support, rather than making an explicit reference to an anticipated military campaign that the broader political community had been reticent to endorse.

There was also a pragmatic reason for the bishop of Durham to present his petition in more general terms. Had the bishop explicitly tied his petition to an anticipated series of events, he ran the risk of making his request conditional upon the successful prosecution of a campaign that was still in its embryonic stages in January 1333. Indeed, Edward Balliol had written to Edward III following his coronation in September 1332, recognizing him as overlord and offering to restore Berwick to the English crown in return for Edward's support.⁴¹ It was possible, then, that Beaumont's petition might have been remedied by more than one specific course of events, and it was sensible for the bishop to keep his request focused on generalities and rely upon the crown to identify the nuances of his timing. Finally, it is also possible that the bishop's petition was also designed to serve a broader function that helped to justify military action against Scotland. By being couched in the general terms of a complaint against the failure of the Scottish government to provide justice and by being considered in a public forum before the great council, the complaint of the bishop of Durham in January 1333 may have played a small role in providing justification for the king's subsequent campaign in light of the apathy for war that had been demonstrated by parliament.

The degree to which Beaumont's petition was successful is open to debate. At the very least it appears to have opened the way for his successor to the see of Durham, Richard Bury, to receive the franchise uncontended

⁴⁰ *PROME*, January 1333, introduction, items 1 and 7.

⁴¹ J. Sumption, *Hundred Years War, vol. I: Trial by Battle*, (London, 1990) pp. 126-7; Rogers, *War Cruel and Sharp*, pp. 51-3.

on 15 June 1334.⁴² In the events that followed Beaumont's petition in the parliament of January 1333, Edward III reached Tweedmouth on 9 May and there joined forces with Edward Balliol who was besieging Berwick.⁴³ On 19 July 1333, in an attempt to relieve the town, a Scottish army led by the guardian Sir Archibald Douglas was decisively defeated at the battle of Halidon Hill and Berwick surrendered the following day. The administration of the town remained subordinate to the English chancery until the York Parliament of February 1334 which dealt with the redistribution of property in Berwick.⁴⁴ Meanwhile, Louis Beaumont had died on 24 September 1333, and when the property in Berwick was redistributed, the passage by boat between Berwick and Tweedmouth remained in the crown's possession. Although Beaumont's successor, Richard Bury (1333-1345), had received the episcopal temporalities on 7 December, he was forced to petition for the return of the franchise.⁴⁵ In response to Bury's supplication, an inquest was ordered and the bishop's right was subsequently upheld, with the passage by boat and its profits restored.⁴⁶ The findings of this inquisition reveal that the right of the bishop of Durham was hardly in doubt, and the right to passage by boat on the River Tweed was traced back to Bishop Anthony Bek (1283-1311). Therefore, although the franchise did not automatically revert to Richard Bury in February 1334, Beaumont's petition appears to have at least served a holding action, and ensured that when the other properties in royal custody was redistributed the ferry crossing remained in the possession of the crown. In this somewhat limited capacity, we may consider Beaumont's petition successful.

⁴² CPR, 1334-1338, pp. 395-396

⁴³ For what follows, see Rogers, *War Cruel and Sharp*, pp. 48-76.

⁴⁴ R. Nicholson, 'The Siege of Berwick 1333', *Scottish History Review* 40 (1961), pp. 143, 154.

⁴⁵ CPR, 1330-1334, p. 487; SC 8/261/13028; for a translation, see Fraser, *Northern Petitions*, pp. 36-8.

⁴⁶ An exemplification of the inquest was provided on 12 March 1337, CPR, 1334-1338, pp. 395-96.

The preceding investigation leads us to several conclusions concerning the function of petitions, communication between the king and his subjects, and something also of Beaumont's episcopacy. Louis Beaumont had been elevated to the see of Durham at a time of heavy and persistent Scottish incursions into northern England. In addition to supplying English armies with provisions, Beaumont was forced to buy off Scottish attacks on eight separate occasions between 1317 and 1327, at a total cost of somewhere in the region of £5000.⁴⁷ Although Beaumont did not live long enough to see his rights on the River Tweed restored to the church of Durham his actions reveal a concern to remunerate the bishopric's treasury following a prolonged period of irregular outgoings. It may seem somewhat counter-intuitive to consider the reasons why individuals presented requests that sought to supplement their wealth, but given the fact that Beaumont's petition was unusual in the sense that it was presented preemptively, this perhaps hints at a conscious eagerness on the bishop's part to augment his treasury. In terms of petitions and petitioning, the case study reveals that beneath the routine, formulaic, and administrative tone of petitions, hidden functions and layers of meaning might exist that are not immediately recognizable until the petition is considered within the context in which it was originally presented. The endorsement demonstrates that the government of Edward III was prepared to respond to petitions which were presented in a preemptive capacity, and even if passage by boat between Berwick and Tweedmouth was not automatically returned after the capture of Berwick, the royal response represents willingness to acknowledge requests contingent upon future events. Finally, the petition also essentially represents a tacit agreement between supplicant and king, the true nature of which appears to have been intentionally kept opaque from a parliamentary

⁴⁷ C. M. Fraser, 'Beaumont, Louis de (d. 1333)', *ODNB*.

assembly reticent to condone a course of action already predetermined by the king.

1.4 The Bishop of Durham, Walter Selby and Forfeitures of War, 1318-1346

A longstanding legal dispute between Louis Beaumont and Walter Selby, a minor northern landlord, over the bishop's repeated refusal to act upon royal instructions provides an important case study relating to a broader conflict between the bishops of Durham and the English crown over forfeitures of war. This conflict has received attention elsewhere, and falls within a body of work exploring the jurisdictional relationship between palatinate of Durham and crown more generally.⁴⁸ However, the significance of the dispute between Louis Beaumont and Walter Selby within this more expansive historical framework has been overlooked, whilst the petitions presented throughout the course of the dispute have not been explored in detail.⁴⁹ Notably, the case demonstrates how the bishop of Durham utilised a dispute with a secular third party to reassert palatine rights against jurisdictional infringements by the crown. Meanwhile, the case also demonstrates the limitations of petitioning, as Walter Selby – the secular third party – found himself in the unenviable position of being caught in a legal deadlock between royal and palatinate jurisdiction.

In response to a royal writ dated 13 March 1329, Louis Beaumont presented a petition explaining his refusal to restore to Walter Selby the

⁴⁸ G. T. Lapsley, *The County Palatinate of Durham: A Study in Constitutional History* (London, 1900), esp. pp. 31-75; C. M. Fraser, 'Prerogative and the Bishops of Durham, 1267-1376', *EHR* 74 (1959), pp. 467-76; J. Scammell, 'The Origin and Limitations of the Liberty of Durham', *EHR* 81 (1966), 449-73; C. D. Liddy, *The Bishopric of Durham in the Late Middle Ages: Lordship, Community and the Cult of St Cuthbert* (Woodbridge, 2008), esp. pp. 1-24.

⁴⁹ A brief account of the events is provided in H. H. E. Craster, *A History of Northumberland, vol. IX: The Parochial Chapelries of Earsdon and Horton* (Newcastle-upon-Tyne, 1909), pp. 58-61.

manor of Felling (near Gateshead), which fell within the palatinate of Durham. Selby was a minor northern landlord who had forfeited his lands in 1317-18 after rebelling against the king. In the opinion of Beaumont, the royal writ ordering restitution was contrary to law, since it had been issued to uphold an agreement that had been made in 1321 between Selby and the English besiegers of Mitford Castle – an agreement to which the bishop had not been party. Furthermore, since the manor of Felling had been confiscated ‘*long temps einz ceo qe le dit Wauter ocupa le dit chastel sur le rendre de quel le dit couenant se tailla*’ (‘long before the said Walter occupied the said castle for the surrender of which the said agreement was made’), the bishop of Durham petitioned that the writ should not be used ‘*encontre ley et resoun*’ (‘against law and reason’) nor deprive him of ‘*le dreit de sa eglise*’ (‘the right of his church’).⁵⁰ As a result of Beaumont’s petition, Selby was redirected to pursue his case within the courts of the palatinate of Durham where he was repeatedly denied justice. Between 1329 and his death in 1346, Walter Selby petitioned the crown on numerous occasions asking the king to exert pressure on the bishop of Durham, but was ultimately unable to regain his manor despite repeated royal writs ordering the bishop to provide him with remedy. The origins of this dispute can be traced back to 1317, when Walter Selby took part in a series of disturbances in the north, in which Louis Beaumont was personally affected, and subsequently forfeited his English properties.

On 1 September 1317, near Rushyford on the road between Darlington and Durham, Louis Beaumont was attacked whilst en route to his consecration and enthronement in Durham cathedral. Gilbert Middleton took Beaumont captive, and the bishop remained a prisoner until his ransom

⁵⁰ SC 8/43/2121. My translation is used here, but a full edition of the petition is provided in Fraser, *Northern Petitions*, pp. 259-61.

was paid in mid-October.⁵¹ The assault against the bishop-elect was the first stage in a wider series of disturbances perpetrated by Middleton, the precise motivation for which remains a matter of dispute.⁵² As it relates to our current line of inquiry, a prominent part in Middleton's rebellion was played by Walter Selby, who seized the peel of Horton following the capture of Louis Beaumont and managed to hold out for four months after Gilbert Middleton had surrendered on 21 January 1318. The complicity of Selby in Beaumont's captivity at the outset of his episcopate adds a personal element to the bishop's refusal to follow royal instructions and restore the confiscated property.⁵³ Selby managed to escape capture when Middleton's garrison at Horton surrendered in April, but by this time his lands in England had been confiscated.⁵⁴ Selby now put his services at the disposal of the Scots, and was placed in charge of Mitford Castle which had been lost by the English sometime in April 1318. Selby held Mitford until the autumn of 1321 when he negotiated the castle's surrender with Robert Umframville, earl of Angus, Ralph fitz William, and John Eure, who agreed to treat with the Edward II for the return of Selby's lands in England.⁵⁵ Following the surrender, however, Selby was transported to London and imprisoned in the Tower of London where he remained until he was awarded a general pardon

⁵¹ M. Prestwich, 'Gilbert de Middleton and the attack on the cardinals, 1317', in T. Reuter (ed.), *Warriors and Churchmen in the High Middle Ages: Essays Presented to Karl Leyser* (Michigan, 1992), p. 181.

⁵² J. R. Maddicott argues that Gilbert Middleton was in collusion with Thomas of Lancaster and the Scots, *Thomas of Lancaster, 1307-22: A Study in the Reign of Edward II* (Oxford, 1970), pp. 204-7; Prestwich argues against this reading, concluding that the rising was uncoordinated and lacking any clear programme, 'Gilbert de Middleton and the attack on the cardinals', p. 190. However, Selby's alliance with the Scots once the Middleton rebellion had failed supports Maddicott's assessment.

⁵³ In a petition presented in c. 1332, Beaumont made reference to his period in captivity, see SC 8/239/11939.

⁵⁴ Craster, *History of Northumberland IX*, p. 59.

⁵⁵ The surrender probably took place shortly before 22 November 1322, the date upon which the castle was ordered to be restored to the earl of Pembroke, see Craster, *Northumberland County History IX*, p. 60 n. 1; SC 8/74/3660.

by Edward III on 13 March 1327.⁵⁶ The regency government of Mortimer and Isabella decided that Selby's lands should be restored, with the exception of those that had been granted to others for which Selby should sue at common law.⁵⁷ However, unsatisfied with these arrangements, and perhaps anticipating resistance from the bishop of Durham with regards to his manor of Felling, Selby attempted to gain restitution by direct appeal to the king.

At the parliament held at Salisbury in October 1328, Selby presented to the king the indented agreement he had received ten years earlier for the surrender of Mitford castle, and on the basis of this agreement he petitioned for his properties to be 'restored to him without disinheritance'.⁵⁸ On 13 March 1329, a royal writ was dispatched informing Louis Beaumont that the king and council had decided that Selby's indentured agreement should stand, and the bishop was ordered to restore Selby to his manor of Felling.⁵⁹ As we have seen, however, Beaumont refused to execute this command and explained in his petition to the king that he had never been party to Selby's agreement in 1321. To accept the terms of the agreement now would deprive him of the 'right of his church'.⁶⁰ Indeed, the right of his church cannot have been far from his mind, given that the crown had repeatedly

⁵⁶ *CPR, 1327-1330*, p. 36.

⁵⁷ The decision barred Selby's automatic restoration to his manor of Seghill, which had been granted to Bertram Monboucher for the term of his life by Edward II, *CPR, 1317-1321*, p. 239; SC 8/175/8735

⁵⁸ The petition is not extant, but a close letter dated 13 March 1329 refers one having been presented in parliament at Salisbury, *CCR, 1327-1330*, p. 441. Shortly after parliament had ended, Selby was granted the reversion of Seghill manor after the death of Bertram Monboucher, an act which foreshadowed the decision arrived at later for the full restoration of all of Selby's other lands, writ dated 5 November 1328, *CPR, 1327-1330*, p. 332. However, Bertram Monboucher sought remedy after being ejected by the sheriff of Northumberland by the enterprising efforts of Selby. SC 8/61/3034; *CDS III*, p. 177; *CCR, 1327-1330*, p. 456.

⁵⁹ The order was repeated on 29 April, alongside a writ to the sheriff of Northumberland, *CCR, 1327-1330*, pp. 441, 456.

⁶⁰ See above, p. 31, n. 50.

refused to provide restitution for various other estates that had escheated to the crown in contravention of the bishop's rights as lord palatinate.

Before proceeding with the Felling case, it is worth briefly placing this dispute within the broader legal context of jurisdictional conflict between the palatinate and the crown over forfeitures of war. In particular, an infringement of longstanding grievance has been visited upon the palatinate by Edward I. Following the confiscation of the episcopal temporalities in December 1305 during the episcopacy of Bishop Anthony Bek (1283-1311), Edward I granted out Hart and Hartness, the forfeited manors of Robert Bruce, to be held directly from the king rather than the bishop of Durham.⁶¹ The king also granted Barnard Castle, which had been forfeited by John Balliol in 1296, to Guy Beauchamp, earl of Warwick (c.1272-1315).⁶² Thus, when the temporalities of the diocese were returned to Bek by Edward II on 4 September 1307, they were diminished by the loss of several estates within the palatinate that had been claimed by the bishop of Durham as forfeitures of war.⁶³ Bek's successor, Richard Kellaw (1311-1316) raised the issue in the parliament of January 1316, where the bishop's attorney presented his case in detail but made little progress.⁶⁴ Louis Beaumont, perhaps aided by his close ties to the Regent Isabella, received the concession in the first parliament of Edward III that he 'should have his liberty of such forfeitures' but with the proviso that those who had received lands from the kings progenitors should not be removed without the opportunity to appeal against the decision.⁶⁵ Beaumont was quickly frustrated, however, by the crown's seizure of Hugh Despenser's forfeited manors of Turnham Hall and Sandhall within the palatinate. Upon petitioning for restitution, the bishop

⁶¹ C. M. Fraser, *A History of Anthony Bek* (Oxford, 1957), pp. 183-200; M. Prestwich, *Edward I* (London, 1990), pp. 540-5; Lapsley, *County Palatinate*, pp. 42-45.

⁶² Lapsley, *County Palatinate*, p. 43; *PROME*, January 1316, item 15.

⁶³ *CPR, 1307-1313*, p. 2.

⁶⁴ *PROME*, January 1316 "SC 9/20", item 15.

⁶⁵ *PROME*, January 1327 "C 49/6/1".

was told that the council had been advised to retain possession of the estate.⁶⁶ The crown was also able to resist appeals from successive bishops with regards to the Bruce and Balliol forfeitures. As Constance Fraser has highlighted, the ‘masterly inactivity’ of the crown was justified in a response to a petition from Beaumont – since royal officers ought not act within the palatinate, the king could not order his sheriff to ensure that his writs were obeyed.⁶⁷ As such, the crown used the bishop’s own palatine rights against him and as an excuse to avoid providing the bishop with remedy. Beaumont’s successor, Richard Bury (1333-1345) was unable to gain possession of the properties, and the issue remained unresolved in 1470 when it was broached by Laurence Booth (1457-1476).⁶⁸ In this context of frustrated palatine ambitions, the legal dispute over the manor of Felling takes on new significance as an important skirmish within a broader conflict over the right of the bishop of Durham to the forfeitures of war within the palatinate. Indeed, the Felling dispute was especially pertinent to this broader conflict given that the crown had, in fact, acted in contravention of the claims of the palatinate when the manor of Felling was first confiscated under Edward II.

Initially, the manor of Felling had been seized by the bishop of Durham following Selby’s rebellion in 1317, but once again palatine rights were set aside and by 24 May 1319 Edward II had laid claim to the estate as a royal escheat, subsequently granting it to Thomas Epplingden to be held directly from the king.⁶⁹ Louis Beaumont asserted that he had seized the manor as the right of his church, but was unable to gain remedy. Felling escheated to the crown once more on 13 March 1322 when it was forfeited by Epplingden for his participation in the battle of Boroughbridge,⁷⁰ and the

⁶⁶ SC 8/44/2154.

⁶⁷ Fraser, *Northern Petitions*, pp. 262; cf. Lapsley, *County Palatinate*, p. 74.

⁶⁸ SC 8/44/2166; Lapsley, *County Palatinate*, p. 46, n. 3.

⁶⁹ SC 8/44/2158; *CPR, 1317-1321*, p. 335.

⁷⁰ Fraser, *Northern Petitions*, pp. 249; SC 8/44/2158; *CPR, 1317-1321*, p. 335.

manor was still in the king's hand at the time of an inquisition held on 9 June 1327.⁷¹ However, between June 1327 and 13 March 1329 – the date on which a royal writ ordered Selby's restoration – the manor appears to have been successfully recovered by Beaumont.⁷² The royal order commanding the bishop of Durham to provide Selby with restitution therefore afforded Beaumont a prime opportunity to reassert his right to forfeitures within the palatinate. The palatine right was clearly outlined in the opening section of his petition, which referred to the manor of Felling as '*son droit et le droit de sa eglise par la forfeiture le dit Wauter*' ('his [Beaumont's] right and the right of his church by the forfeiture of the said Walter').⁷³ Beaumont's petition, therefore, was not merely used to justify the bishop's refusal to restore Selby to his manor of Felling. Rather, this refusal takes on broader significance in the context of jurisdictional conflict between the palatinate and the crown, and the bishop's petition holds significance as a reassertion of palatine rights to forfeitures of war.

In response to his petition, Louis Beaumont gained reassurance from the crown that if Selby pursued his claim to the manor of Felling, the bishop would be given the opportunity to defend his case.⁷⁴ Effectively, this decision blocked Selby's chances of regaining his property. The impetus for further action was deferred onto Selby himself and, since the manor fell within the bishopric of Durham, he was forced to prosecute his case within the courts of the palatinate where he was unlikely to receive a favourable hearing. In a petition submitted after the death of Louis Beaumont on 24 September 1333, Selby claimed that he had brought many writs before the late bishop in an attempt to gain restitution, but no action had been taken by

⁷¹ *CIM*, II, pp. 219-20.

⁷² *CPR*, 1327-1330, p. 441.

⁷³ SC 8/44/2158; Fraser, *Northern Petitions*, pp. 249; SC 8/44/2158; *CPR*, 1317-1321, p. 260.

⁷⁴ SC 8/43/2121.

Beaumont because the manor had been granted to Thomas Surteyse.⁷⁵ Again, in 1336, Selby complained that the bishop's justices refused to proceed on a writ of *novel dissesin*, which he had obtained from the bishop 'according to the liberty of Durham'.⁷⁶ Selby's only remaining recourse, short of retaking the manor by force, was to petition the crown to exert pressure on the bishop to provide restitution. Yet, the crown was apparently unwilling to infringe palatine jurisdiction on the behalf of a third party.

In response to Selby's petition against the bishop's grant of Felling to Thomas Surteyse, it was noted that a writ should be 'sent again' to the bishop of Durham ordering him to either provide restitution or a reason as to why restitution should not be provided.⁷⁷ However, Richard Bury pursued his predecessor's policy of non-compliance and Selby was still petitioning for restitution in 1336 when, to add further support to his case, he cited a copy of the previous royal writ that had been sent to the bishop. This time Selby was redirected to sue in chancery for a writ ordering the bishop to 'do right'.⁷⁸ The saga then continued with a letter close sent to Bury on 10 May 1341 instructing the bishop to direct his justices to proceed without delay in the case of *novel dissesin* brought by Selby in the courts of the palatinate, and containing the somewhat telling phrase 'so that the complaint be not repeated to the king'.⁷⁹ Yet, the complaint *was* repeated, on at least two more

⁷⁵ SC 8/8/394. On 27 December 1331, Bishop Beaumont granted the manor of Felling to his kinsman Ameury de Trew, which was confirmed, along with Trew's subsequent grant of the manor to Thomas Surteyse, by Edward III on 27 January 1332, *CPR, 1330-1334*, p. 240.

⁷⁶ *CCR, 1333-1337*, p. 98.

⁷⁷ The crown had in fact worked against its own directives, and confirmed Beaumont's grant to Thomas Surteyse on 27 January 1332, *CPR, 1330-1334*, p. 240. SC 8/8/394; Fraser, *Northern Petitions*, pp. 265-66.

⁷⁸ SC 8/74/3660.

⁷⁹ *CCR, 1341-1343*, p. 98.

occasions,⁸⁰ and when Selby died at the hands of the Scots in October 1346, his manor of Felling remained in the hands of Surteyse family.⁸¹

The failure of Walter de Selby to gain restitution of his manor should not be attributed to royal indifference. Although a traitor during the reign of Edward II, Selby was a loyal subject under Edward III who held important military commands and ultimately died in the north campaigning against the Scots.⁸² It seems unlikely that the royal orders sent to the bishop of Durham supporting Selby's claims were intended as a mere gesture of goodwill to placate a reconciled traitor. However, the crown was clearly unwilling to force the issue and take any measure of direct action against the bishop of Durham. Such a course had been taken in 1319, when the sheriff of Northumberland had seized the manor from the bishop to enforce Edward II's claim to Felling as a royal escheat. However, whilst the crown was quite prepared to undermine palatine rights when royal interests were at stake, or when the king stood to directly profit, there was a clear reluctance to take such action on the behalf of a third party. Interestingly, the repeated refusal of both Louis Beaumont and Richard de Bury to carry out the king's orders did not adversely affect their own chances of applying or gaining redress in other disputes. Both bishops presented petitions and gained royal responses whilst the Felling dispute remained unresolved, demonstrating the somewhat automated administrative response of royal justice when responding to supplications.⁸³ The refusal to obey royal commands in relation to one dispute apparently did not necessarily hinder the ability to gain redress in other, unrelated cases.

⁸⁰ Ibid., pp. 642, 692.

⁸¹ Lapsley, *County Palatinate*, p. 43; Prestwich, 'Gilbert de Middleton and the Attack on the Cardinals', p. 181; A. E. Middleton, *Sir Gilbert de Middleton: And the part he took in the rebellion in the north of England in 1317* (Newcastle, 1918), p. 97.

⁸² Middleton, *Sir Gilbert de Middleton*, p. 97.

⁸³ SC 8/44/2166; 44/2167; 239/11939; 311/15542; 44/2155; 108/5381; 174/8685A; 3/105; 43/2147; 44/2152; 44/2157A; 261/13028.

The dispute between Walter Selby and two consecutive bishops of Durham over the manor of Felling provides a striking example of petitions serving multiple functions, with the petition from Louis Beaumont both justifying a refusal to act upon a royal writ and also working to reassert the bishop's right to forfeitures of war within the palatinate of Durham. In this sense, Beaumont's petition was presented in a rare context whereby instead of seeking some form of grant or remedial action from the crown, he simply set out his case to justify non-compliance with royal orders. Although the act of petitioning itself was ultimately demonstrative of a supplicant's subordination to the goodwill of the crown, Beaumont's petition emphasises how not all supplicants shared an equal footing. Although, on several occasions palatine rights were ignored by the crown, on this occasion the bishop of Durham was able to rely upon palatine jurisdiction to ignore royal orders and prevent Selby from gaining remedy. As Selby was to discover, even a petition that received a favourable response from the crown was not always sufficient to result in remedial action that would lead to a satisfactory outcome. The result of his repeated supplications was a series of writs issued in an attempt to support Selby's litigation within the courts of the palatinate, but no matter how strongly worded these writs were, the crown was unwilling to force the issue by breaking normative legal procedure vis-à-vis the palatine of Durham. As G. T. Lapsley highlighted, the absence of any major properties being forfeited after those that were dispensed of by Edward I meant that the question of the bishop's legal right to forfeitures within the palatinate, although confirmed in 1327, was never fully tested.⁸⁴ Yet, the case of Felling suggests that the crown did not oppose entirely the bishop's right to forfeitures within the palatinate, but took an interest in profits above privilege when it stood to supplement the pool of patronage available for royal dispensation.

⁸⁴ Lapsley, *County Palatinate*, p. 47.

1.5 Petitions and Urban Conflict

The authority wielded by bishops in urban centres varied dramatically and depended chiefly upon the claims of episcopal lordship over a town as well as the structures and traditions of civic governance.⁸⁵ In an episcopal borough, a bishop governed directly as a temporal lord through his right to control the main civic offices and the exercise of vast franchisal and baronial jurisdictions.⁸⁶ This could lead to strained relations between a bishop and his urban tenants, as the dispute between the bishop of Norwich and the burgesses of Bishop's Lynn amply demonstrates below. At the other end of the spectrum, a bishop might exercise no direct jurisdiction over a town but own property, thereby bringing him into contact, and potential conflict, with local municipal government. For example, in 1305 the bishop of Ely brought a complaint against the mayor and bailiffs of Cambridge who had illegally assessed his mill in their town for tallage.⁸⁷ Somewhat more dramatically, the bishop of Carlisle complained in 1318 that the burgesses of Newcastle-upon-Tyne had demolished his house in their town.⁸⁸ An inquest held subsequently recorded that this action had been undertaken to aid the defence of the town rather than out of malice for the bishop.⁸⁹

Between the two extremes of direct lordship and merely owning property, a bishop might possess a private fee in a town whereby a number of burgesses lived under his direct lordship but most of the inhabitants were independent of his authority. For example, in the 1320s, the bishop of Exeter sought support from the crown in a legal dispute with the burgesses

⁸⁵ G. Rosser, 'Conflict and Political Community in the Medieval Town: Disputes between Clergy and Laity in Hereford' in T. R. Slater and G. Rosser (eds), *The Church in the Medieval Town* (Aldershot, 1998), p. 21.

⁸⁶ These are summarised in G. Dodd and A. K. McHardy (eds), *Petitions to the Crown from English Religious Houses, c. 1272 – c. 1485* (Woodbridge, 2010), p. xxxiv; R. S. Gottfried, *Bury St Edmunds and the Urban Crisis: 1290 – 1539* (Guildford, 1982), pp. 167-72.

⁸⁷ SC 8/258/12882.

⁸⁸ SC 8/38/1856.

⁸⁹ *CIM*, II, pp. 92-3, no. 374.

of Exeter over his private fee.⁹⁰ In another case, the bishop of Coventry and Lichfield complained that the mayor and bailiffs of Chester had allowed some of his tenants of 'Bishopstrete' to be impleaded in the city court under the pretext that they were members of the town's merchant guild.⁹¹ Notably, since the burgesses of Chester had enjoyed autonomous government since the end of the twelfth century, the civic authorities were in a strong position to challenge the bishop of Coventry and Lichfield locally and without a direct appeal to royal justice. As part of the subsequent discussion surrounding the dispute at Bishop's Lynn, it is argued that different legal relationships between a bishop and civic authorities tended to result in different manifestations of conflict. In places where civic authorities governed autonomously conflict often took the form of ritualistic displays of public confrontation, whereas in places where urban tenants exercised more limited freedoms conflict tended to take the form of litigation.⁹²

In addition to instances of direct conflict, bishops might also be drawn into a dispute that was primarily fought between townsmen and cathedral chapters. For example, in 1377 the bishop of Hereford, alongside the dean and chapter of the cathedral church, complained that the bailiffs of the city had been demanding undue levies from their tenants and preventing those appointed as bailiffs of the dean and chapter from taking up their office.⁹³ The conflict between the burgesses and the cathedral chapter in Hereford was longstanding, and the action described in the bishop's petition appears to have formed part of the burgesses' 'concerted campaign to consolidate their powers' in the last quarter of the fourteenth century, as documented by Gervase Rosser.⁹⁴ Another example of a bishop's involvement in a dispute involving his cathedral chapter can be seen in the

⁹⁰ SC 8/109/5446.

⁹¹ SC 8/260/12964.

⁹² See below, pp. 50-52.

⁹³ SC 8/116/5756.

⁹⁴ Rosser, 'Conflict and Political Community', p. 24.

petition from John Buckingham, bishop of Lincoln (1363-1398), who presented a petition in 1390 alongside his dean and chapter complaining that they, as well as ‘certain prebendaries of the chapter’, had been disseised of various possessions by the citizens of Lincoln. In both these instances bishops appear to have played a supporting role, with their involvement apparently lending weight to the complaint made by their cathedral chapters and emphasising the gravity of situation to the crown.⁹⁵

Before proceeding to examine the dispute between the bishop of Norwich and the burgesses of Lynn, it is worth briefly commenting on the use of the terms in petitions relating to conflicts between bishops and towns. In the majority of cases complaints from bishops concerned the actions and conduct of a town’s civic authorities, specifically the ‘mayor’, ‘mayor and bailiffs’, or the ‘mayor and commonalty’.⁹⁶ Occasionally, the perpetrators were more broadly defined such as the ‘men’ or the ‘people’ of a given place.⁹⁷ This did not, however, necessarily indicate broader participation by the town’s population in a particular dispute, but rather the distinction seems to have been determined by the nature of the request contained in a petition. This point is well illustrated by the two petitions from John Halton, bishop of Carlisle (1292-1324) concerning the destruction of his property in Newcastle-upon-Tyne. In his first petition, he presented a complaint against action taken by the ‘burgesses’ of the town, yet in a petition a few years later concerning the same dispute, his petition was directed against the ‘mayor and bailiffs’ of Newcastle.⁹⁸ The reason for the discrepancy is that in the latter document Bishop Halton requested specific action on the part of the crown – that the mayor and bailiffs be ordered to compensate him for his losses – whereas in the former document, although the bishop complained

⁹⁵ SC 8/21/1023A. For further discussion of petitions from bishops and cathedral chapters see below, pp. 101-110.

⁹⁶ SC 8/219/10935; SC 8/108/5361; 219/10935

⁹⁷ SC 8/21/1023A; SC 8/308/15361

⁹⁸ SC 8/38/1856; SC 8/82/4071.

about a specific action taken by the ‘burgesses’, he requested that the crown ordain an unspecified remedy to provide ‘restoration of his losses’. In the former petition, therefore, the term ‘burgesses’ was used descriptively to identify the perpetrators of a given action, whilst in the latter case ‘mayor and bailiffs’ was used because it was these individuals who, acting as the civic officers, would provide the bishop with compensation. Although the terms used to describe burgesses and civic authorities were fairly interchangeable, it seems that a degree of precision was involved in certain cases.

1.6 The Bishop of Norwich and the Burgesses of Bishop’s Lynn, 1346-1350

1.6.1 Introduction

Between 1346 and 1350, the bishop of Norwich was embroiled in a legal dispute with the burgesses of Lynn⁹⁹ over his right to hold various liberties in the town. This dispute has been highlighted elsewhere, but the tendency of existing studies has been to side-line the urban conflict at Lynn and focus instead on a broader conflict fought concurrently by the bishop against the abbot of Bury St Edmunds which resulted in the confiscation of the episcopal temporalities.¹⁰⁰ Yet, surviving from the Lynn dispute is a particularly rich series of petitions, two presented by the burgesses and three from the bishop. These documents, which have never before been explored in detail, allow us to reconstruct the legal and supplicatory strategies adopted

⁹⁹ The town was referred to as “Bishop’s Lynn” in the petitions from the bishop, whilst the town was referred to as “Lynn” in the petitions from the townsmen. For brevity’s sake the latter will be adopted here.

¹⁰⁰ W. M. Ormrod, *The Reign of Edward III* (London, 1990), pp. 56, 221-2; A. Goodman, *Margery Kempe and Her World* (London, 2002), p. 23; A. H. Thompson, ‘William Bateman, Bishop of Norwich, 1344-1355’, *Norfolk Archaeology* 25 (1933), pp. 123-4; R. C. Palmer, *English Law in the Age of the Black Death* (University of North Carolina, 1993), pp. 48-52.

by the two parties throughout the course of the dispute. The case highlights how contrasting approaches to petitioning were adopted by each of the disputants, especially in terms of the deployment of language and the incorporation of false claims. It is argued below that these differing approaches reflected broader supplicatory cultures that separated the clergy from the laity.¹⁰¹ The evidence from the conflict at Lynn also adds to a growing corpus of research into relations between urban tenants and their landlords. The similarities drawn between this dispute and other conflicts demonstrate how landlords could face difficult challenges against their urban rights in the face of innovative legal strategies adopted by civic authorities. The discussion below, will begin with an overview of the dispute, before going on to examine the historical background, and the legal and supplicatory strategies adopted by the disputants throughout the course of the conflict.

1.6.2 Overview

In the parliament of September 1346, William Bateman, bishop of Norwich (1343-1355), presented a petition requesting the restoration of his '*veue e franc'plegg' e husting*' ('view of frankpledge and husting') in his town of Lynn.¹⁰² The husting court dealt with pleas of contracts, covenants, trespass and lands,¹⁰³ and returned amercements amounting to 20 s. in 1347,¹⁰⁴ whilst the view of frankpledge – synonymous with the *leet* – constituted the right to 'hold court for the presentment of offences and the punishment of offence

¹⁰¹ See below, pp. 73-74.

¹⁰² The date is derived from the reference to an inquest that had been held on 22 June 1346, *CPR, 1345-1348*, p. 170. The parliament of September 1346 being the first assembly held after that date. This is supported by another document, dating to 1346, which echoes the petition's endorsement and records that the bishop should attend the next parliament to discuss his franchises in Lynn, see C 49/7/21. SC 8/246/12274; 246/12274.

¹⁰³ *CPR, 1345-1348*, p. 170.

¹⁰⁴ Owen, *Making of King's Lynn* (London, 1984), pp. 414-8; SC 6/938/15

that fell short of felony' and returned £38 in 1346.¹⁰⁵ These liberties had been confiscated by the crown following an inquest appointed on 22 June 1346 at the behest of the burgesses of Lynn, who had claimed that John Salmon, bishop of Norwich (1299-1325), had illegally acquired from the townsmen both the view of frankpledge and the husting. The burgesses also claimed that Bishop Salmon had acquired 'very many liberties granted to the burgesses of that town by royal charters, as well as divers lands and tenements in the town without the licence of Edward II or of the present king'.¹⁰⁶ The charges that stuck were those relating to the view of frankpledge and the husting. The resulting inquest, held on 9 August 1346, validated the burgesses claims and found that Bishop Salmon had acquired the two liberties by an indenture, one part of which was in the burgesses' possession and 'sealed with the seal of the bishop'.¹⁰⁷ The view of frankpledge and husting were confiscated, and in response to a petition for remedy from Bishop William Bateman it was ordered that the inquest should be brought before the council in parliament.¹⁰⁸ However, shortly after the closing of parliament in 1346, Bateman was held in contempt of royal justice for his part in a dispute with the abbot of Bury St Edmunds, and on 20 November 1346 the temporalities of Norwich diocese were seized by the crown.¹⁰⁹ Apparently fearing imprisonment, Bateman retreated to his cathedral church where he remained for an unusually long period between

¹⁰⁵ F. Pollock and F. W. Maitland, *The history of English law before the time of Edward I* (Cambridge, 1952), pp. 580-81; KL/C17/5.

¹⁰⁶ CPR, 1345-1348, p. 170.

¹⁰⁷ The inquest was held on the eve of St Laurence, CIM, II, p. 502; CPR, 1348-1350, pp. 506-7, 551.

¹⁰⁸ SC 8/246/12274; C 49/7/21.

¹⁰⁹ A report of the exchequer, dated 20 February 1348, noted that the temporalities had been in the king's hand between 20 November 1346 and 13 November 1347, C260/59 no. 25. On the same day the sheriff of Norfolk and Suffolk was ordered to retain in the king's hand only temporalities for which the bishop had done fealty, CCR, 1346-1349, p. 187. For the complex legal proceedings surrounding the bishop's conflict with the abbot, see Palmer, *English Law*, pp. 48-52.

23 November 1346 and late July 1347.¹¹⁰ Shortly after the confiscation of Bateman's temporalities the burgesses of Lynn petitioned on 22 November 1346 for the custody of the confiscated view of frankpledge and husting, a request which was subsequently granted.¹¹¹

Following eight months of self-imposed exile at Norwich, Bateman sought support against the crown from Archbishop John Stratford in convocation held at St Paul's in September 1347.¹¹² Upon receiving no assistance from that quarter, the bishop of Norwich 'humbly submitted' to reconciliation with the king, and his temporalities were restored on 13 November 1347.¹¹³ However, the Lynn franchises were retained since they had been 'taken into the king's hand for another cause'.¹¹⁴ Notably, the king also reserved the collations and presentations pertaining to Norwich diocese, and it seems likely that the retention of the liberties at Lynn was part of a strategy by Edward III designed to serve as an insurance policy and ensure good behaviour on the part of Bateman.¹¹⁵

It was against this tide of events that William Bateman presented his second petition. Possibly presented at the parliament of January 1348, this petition constituted a much more concerted effort to gain remedy than the bishop's first petition. Bateman asserted his right to the view of frankpledge and husting, and explained in detail how the inquest that had led to their confiscation had been held illegally.¹¹⁶ The burgesses appear to have been keeping track of the bishop's activities and presented a petition of their own

¹¹⁰ *CPL III*, p. 304; Thompson, 'William Bateman', pp. 118-121.

¹¹¹ The date is derived from a privy seal warrant to which this petition was previously attached, SC 8/243/12125; C 81/315/17938. The grant of custody was revoked when the franchises were restored to the bishop, *CPR, 1348-1350*, pp. 551.

¹¹² F. Blomefield, *An essay towards the Topographical History of the County of Norwich, vol III: The History of the City and the County of Norwich, pt 1* (1806), pp. 508-9

¹¹³ *CCR, 1346-1349*, p. 338.

¹¹⁴ *Ibid.*

¹¹⁵ A similar conclusion has been reached by Palmer, who states that the king aimed to 'cripple Bateman's independent administration of his diocese', *English Law*, p. 50. *CCR, 1346-1349*, p. 338.

¹¹⁶ SC 8/239/11921.

in response to Bateman's supplication.¹¹⁷ The royal response to both the petition from the bishop and the petition from the townsmen was that the bishop should be given the opportunity to demonstrate his rights. However, over the course of the next two years Bateman was apparently unable to build a convincing case and, having reached an impasse, sought remedy from the king as a special act of grace, which was granted upon the secret payment of 650 marks.¹¹⁸

A third and final petition, presented by the bishop shortly before his liberties in Lynn were restored on 16 May 1350, indicates that Bateman had already made a deal with the king and received assurance that restitution was forthcoming.¹¹⁹ It is possible that the outbreak of the Black Death in the summer of 1348 encouraged the king to provide Bateman with redress, given the pestilence was widely perceived as a manifestation of divine wrath and the act of grace providing Bateman with remedy made reference to the king's devotion to the Holy Trinity (Norwich cathedral was dedicated to the Holy Trinity).¹²⁰ The bishop's final petition appears to have served a mechanistic function to initiate government action,¹²¹ and Bateman now provided only a truncated complaint concerning the inquest of August 1346 before proceeding to ask for the restoration of his liberties along with a confirmation of his rights for future security. The resulting act of grace provided satisfaction in both particulars, thereby revoking 'entirely a grant by [the king] to the mayor and burgesses of Lynn of the custody of all liberties of their town'.¹²² The episode came to a final conclusion two years

¹¹⁷ SC 8/239/11920.

¹¹⁸ *CPR, 1348-1350*, pp. 551.

¹¹⁹ SC 8/246/12272.

¹²⁰ The act of grace mentioned the king's devotion to the holy trinity, *CPR, 1348-1350*, pp. 551. Ormrod, *Edward III*, p. 358.

¹²¹ This accounted for many petitions from the nobility, see Dodd, *Justice and Grace*, pp. 216-7.

¹²² *CPR, 1348-1350*, pp. 551.

later, when Bateman imposed upon the burgesses of Lynn a fine of 500 marks if they renewed their challenge against episcopal rights.¹²³

1.6.3 Background

The origins of the dispute between William Bateman and the burgesses of Lynn in 1346 can be traced back to the foundations of the borough. The town, which formed part of the episcopal temporalities, had received a borough charter in 1204, and between that year and 1449, when the burgesses were granted a fee farm, there were intermittent outbreaks of urban conflict between the townsmen and their episcopal landlord.¹²⁴ Indeed, the borough's very foundation was mired with confrontation and resulted in not one but three separate borough charters.¹²⁵ The first charter from King John granted Bishop John Grey (1200-1214) the right to establish a borough and choose any town in England as a constitutional model for Lynn. The second charter was granted to the town by the bishop himself, authorising the king's charter and reserving his own rights in the town. However, apparently not content with having their rights mediated by the bishop in this way, the burgesses then acquired from the king a third charter outlining specific liberties to be held by them, thereby providing the townsmen with a direct grant 'from the ultimate authority and in the fullest terms'. Amongst the package of legal privileges outlined in this third charter was the right to hold a weekly husting.¹²⁶ As we shall see, the view of frankpledge was acquired by the burgesses later in the thirteenth century.

Against this constitutional backdrop, the dispute of 1346 can be traced more immediately to 1309. Following a trading crisis with the

¹²³ P. E. Pobst (ed.), *The Register of William Bateman, Bishop of Norwich 1344 – 1355* (Woodbridge, 1996), pp. 30-33.

¹²⁴ Owen, *The Making of King's Lynn*, pp. 34-40.

¹²⁵ For what follows, see J. Tait, *The Medieval English Borough: Studies on Its Origins and Constitutional History* (Manchester, 1968), pp. 197-8.

¹²⁶ BBC I, p. 142

Hanseatic League, Bishop John Salmon exploited an internal division amongst the townsmen and exacted from the burgesses jurisdictional concessions that both enhanced the bishop's authority over the town and damaged the town's aspirations in the sphere of international trade and shipping.¹²⁷ The agreement, drawn up in the form of an indenture on 6 October 1309, stated that the view of frankpledge belonged to the bishop with all its profits, and that the husting was recognised as the bishop's court.¹²⁸ Both of these statements were nothing short of a coup, since hitherto the bishop of Norwich exercised no clear legal claim to either of these liberties. As we have seen, the right to hold a weekly husting had been granted to the burgesses of Lynn in their borough charter. The view of frankpledge, meanwhile, had been held by Robert Tateshall (1248-1298) under Edward I, who had demised it to farm to the mayor and burgesses of Lynn for an annual rent of 2 marks.¹²⁹ By the new agreement with the bishop, however, the heirs of Robert Tateshall were deprived of their right, and the profits of the view were now leased to the burgesses upon a yearly payment of £40. This sum was actually much closer to the true value of the franchise than the 2 marks paid annually to Robert Tateshall, given that the court returned revenue of £38 in 1346.¹³⁰ It was probably the bishop's ability to exercise direct authority over the town as seigneurial lord that allowed

¹²⁷ For the burgesses aspirations in the arena of international trade see K. Parker, *Lordship, Liberty and the Pursuit of Politics in Lynn, 1370-1420* (Unpublished thesis, University of East Anglia, 2004), pp. 33-5.

¹²⁸ Owen, *The Making of King's Lynn*, pp. 379-80; KL C/10/5 and KL C/10/2 f. 67.

¹²⁹ An inquest held on 12 June 1348 found that John Salmon, bishop of Norwich, had acquired the leet from the mayor and burgesses without licence, in line with the findings of the inquest held on 9 August, and after the it's confiscation the king had demised it to farm to the burgesses, *CIM, II*, pp. 502, 520. In his third and final petition, William Bateman used the term 'leet' in place of 'view of frankpledge', SC 8/246/12272. The D'Aubigny Earls of Arundel held the leet, and their customs in the town are recognised in the borough charter of 1204, *BBC I*, pp. 31, 35. Upon the death of Hugh D'Aubigny on 7 May 1243, Robert de Tateshall inherited the leet, along with other properties, as coheir, V. Gibbs (ed.), *Complete Peerage of England, Scotland, Great Britain and the United Kingdom: Extant, Extinct and Dormant vol. I* (London, 1910), p. 239, n. (b).

¹³⁰ KL/C 17/4.

him to exact a much higher sum than Robert Tateshall, who had no historic claims in the town and merely inherited the franchise from the D'Aubigny earls of Suffolk.¹³¹ By the terms of the new arrangement, the burgesses of Lynn relinquished their right to direct proceedings at the view of frankpledge and it was agreed that the bishop would select members of the community to preside over the court.¹³² Within the context of the intermittent conflict fought between the bishop and the burgesses that have been documented elsewhere,¹³³ Bishop John Salmon secured a significant victory over the townsmen in 1309.

The existence of an indented charter recording the agreement made in 1309 represented a serious obstacle for the burgesses in any attempt to recover the view of frankpledge and the husting. As such, the burgesses of Lynn faced a similar problem to that faced by townsmen more generally in urban disputes against their landlords that have been noted elsewhere. For the purposes of the current discussion, incidents of medieval urban conflict might usefully be divided into two broad categories.¹³⁴ The first category relates to boroughs where civic autonomy had been granted for a fee farm – such as in the royal boroughs of York, Chester and Norwich. In these places, conflicts tended to be fought against rival jurisdictions, which were

¹³¹ Adam Clifton, cousin and one of the heirs of Robert Tateshall, petitioned in 1348 in an attempt to regain his claim. *CIM*, II, p. 520.

¹³² Owen, *King's Lynn*, p. 379; KL/C 10/5.

¹³³ An outline of these disputes is provided in *ibid.*, pp. 34-37.

¹³⁴ A survey of disputes between urban tenants and their monastic overlords is provided in the classic study: N. M. Trenholme, *The English Monastic Borough: A Study in Medieval History* (Missouri, 1927), and more recently in Dodd and McHardy (eds), *Petitions from Religious Houses*, pp. xxxii-xxxviii. For cordial relations between civic authorities and ecclesiastical landlords in contrast to the discussion offered below, see M. Bonney, *Lordship and the Urban Community: Durham and its Overlords, 1200-1540* (Cambridge, 1990), 230-3; G. Rosser, *Medieval Westminster, 1200-1540* (Oxford, 1989), 246-7; G. Rosser, 'The Essence of Medieval Urban Communities: The Vill of Westminster 1200-1540', in R. Holt and G. Rosser (eds), *The Medieval Town: A Reader in English Urban History, 1200 – 1540* (London, 1990), pp. 218.

often held by local ecclesiastical institutions such as cathedral chapters.¹³⁵ As demonstrated by Helen Carrel, these conflicts frequently took the form of public confrontation, involved symbolic acts of transgression, and resolution was achieved through arbitration and compromise.¹³⁶ Such cases can be contrasted against a second category of urban conflict relating to places where civic autonomy had been restricted, such as Bishop's Lynn before the grant of a fee farm in 1449. This second category of urban dispute is characterised by a tendency towards litigation, rather than ritualistic confrontation, with legal assaults directed against the landlord responsible for limiting the burgesses' degree of self-governance.¹³⁷ Notable examples of this type of conflict have been documented by David Shaw at Wells in 1341, by Gabrielle Lambrick at Abingdon in 1363, and by Christopher Dyer at Shipston-on-Stour in 1398.¹³⁸ If we add the Lynn dispute of 1346 to this list,

¹³⁵ P. Flemming, 'Conflict and urban government in later medieval England: St Augustine's Abbey and Bristol', *Urban History* 27 (2000), pp. 325-343; Rosser, 'Conflict and Political Community in the Medieval Town', pp. 20-42; H. Carrel, 'Disputing legal privilege: civic relations with the Church in late medieval England', *Journal of Medieval History* 35 (2009), pp. 279-296; L. C. Attreed, 'Urban Identity in Medieval English Towns', *Journal of Interdisciplinary History* 32 (2002), pp. 571-592.

¹³⁶ Carrel, 'Disputing legal privilege', p. 282 and *passim*.

¹³⁷ This should not preclude the possibility that litigation might also serve as a symbolic challenge against a landlord's authority.

¹³⁸ C. Dyer, 'Small-town conflict in the later Middle Ages: events at Shipston-on-Stour', *Urban History* 19 (1992), pp. 183-210; G. Lambrick, 'The Impeachment of the Abbot of Abingdon in 1368', *EHR* 82 (1967), pp. 250-276; D. G. Shaw, *The creation of a community: the city of Wells in the middle ages* (Oxford, 1993), pp. 114-124. Additional cases can be drawn from Coventry, and Lynn in the early fifteenth century, see J. Röhrkasten, 'Conflict in a monastic borough: Coventry in the reign of Edward II', *Midland History* 19 (1993), pp. 1-18; M. D. Myers, 'The failure of conflict resolution and the limits of arbitration in King's Lynn, 1405 – 1416' in D. Biggs (ed.), *Traditions and Transformations in Late Medieval England* (Leiden, 2001), pp. 81-107; K. Parker, 'Politics and Patronage in Lynn, 1399-1416', in G. Dodd and D. Biggs (eds), *Reign of Henry IV* (York, 2008), pp. 210-227; 'A little local difficulty: Lynn and the Lancastrian usurpation', in C. Harper-Bill, *Medieval East Anglia* (Woodbridge, 2005), pp. 115-29. For an interesting discussion of legal challenge and the attempted expansion of a borough's constitutional privileges in the later middle ages, see L. C. Attreed, 'Arbitration and the Growth of Urban Liberties in Late Medieval England', *JBS* 31 (1992), pp. 205-235. The observation made here refers to historiographical trends, and towns without a fee farm clearly also experienced confrontation of a public nature, as indeed Lynn itself did, see Owen, *King's Lynn*, pp. 34-

we see that in all four cases urban tenants essentially faced the same two problems. As Lambrick noted in her study of Abingdon, urban tenants needed to fulfil two preconditions if they were to secure any level of legal success against a restrictive landlord – firstly, the substance of the charges must ensure that the case was dealt with outside the ordinary law courts since juries could be easily influenced or coerced causing the case to collapse; and secondly, the case must be seen as one of great importance with the king’s interests held to be at stake.¹³⁹ The townsmen of Abingdon met these preconditions by initiating a process of impeachment against their landlord, the abbot; at Lynn, the burgesses built a legal case against the bishop of Norwich by appealing to the Statute of *Mortmain*.

In their attempt to overturn the victory that Bishop John Salmon had secured in 1309, the burgesses of Lynn did not seek primarily to assert their own rights; rather their case against the bishop rested upon emphasising the right of the crown to confiscate the bishop’s liberties. It has been argued above in relation to a legal dispute involving the bishop of Durham that the crown was much more likely to pursue legal claims to the detriment of royal subjects if it was the king, rather than a third party, who stood to directly profit. Indeed, this was probably a key factor behind the tendency of lay supplicants to present their requests in terms of the mutual benefit to be derived by both the petitioner and the crown.¹⁴⁰ However, for the burgesses of Lynn, the alignment of their own interests with those of the crown was not merely a supplicatory tactic but the very foundation of their legal strategy.

Promulgated by Edward I in 1279, the Statute of *Mortmain* introduced a licensing system whereby permanent grants to the church of land or property – in the case of Lynn, profits derived from court – were only

40. Cf. M. D. Lobel, *The Borough of Bury St Edmunds* (Oxford, 1935); Gottfried, *Bury St Edmunds* (Guildford, 1982).

¹³⁹ Lambrick, ‘The Impeachment of the Abbot of Abingdon’, pp. 250-276.

¹⁴⁰ Dodd, *Justice and Grace*, p. 300.

permissible upon the payment of a fine to the crown.¹⁴¹ Property alienated in *mortmain* without licence was liable to forfeiture. By building a legal case upon an appeal to the *mortmain* legislation, the burgesses of Lynn not only fulfilled the preconditions for a successful legal challenge noted by Gabrielle Lambrick, but also turned their greatest obstacle into an advantage – for the indented charter of 1309 now provided proof that Bishop John Salmon had illegally acquired the view of frankpledge and the husting in Lynn. Furthermore, the ingenuity of the burgesses’ approach in this respect meant that they themselves possessed, in the form of the indented charter ‘sealed with the bishop’s seal’, all the evidence they needed for the successful prosecution of their case.¹⁴² Bishop Bateman was clearly unprepared to defend himself against the accusation that the contested liberties had been acquired ‘contrary to the law and custom of England’, and the bishop’s legal counsel were unable to refute the allegation at the inquest held in August 1346.¹⁴³

Given that Bishop John Salmon had acquired the view of frankpledge and husting in 1309, it is probable that the burgesses of Lynn had sought to challenge the bishop’s claim before the appointment of an inquiry on 22 June 1346. Indeed, the royal writ appointing commissioners to the inquest stated that the king had heard ‘many times’ the burgesses’ complaint about the bishop’s illegal possession of liberties.¹⁴⁴ The success of the burgesses in 1346 is probably explained by Bateman’s fall from grace brought about by his part in the dispute with the abbot of Bury St Edmunds. This conflict began in July 1345 and escalated dramatically in December 1345 when Bateman excommunicated the king’s messenger who had delivered a writ of

¹⁴¹ For a discussion of the statute’s legal application, see P. Brand, ‘The Mortmain Licensing System, 1280-1307’, in A. Jobson (ed.), *English Government in the Thirteenth Century* (Woodbridge, 2004), pp. 87-96; H. Chew, ‘Mortmain in Medieval London’, *EHR* 60 (1945), 1-15; *SR*, I, no. 51.

¹⁴² *CIM*, II, p. 502, no. 2001.

¹⁴³ *SC* 8/239/11920.

¹⁴⁴ *CPR*, 1345-1348, p. 170

prohibition to prevent the bishop from proceeding against the abbot in ecclesiastical courts.¹⁴⁵ Following protracted legal proceedings against the bishop, letters from the king – who was abroad conducting the Crécy-Calais campaign between 11 July 1346 and 12 October 1347 – ordered the king’s justices to proceed against Bateman and, consequently, the episcopal temporalities were confiscated on 20 November 1346.¹⁴⁶ The prevailing conflict between the bishop and the king no doubt added to the efficacy of the legal strategy adopted by the burgesses, based as it was upon an appeal to the Statute of *Mortmain*. Indeed, the confiscation of the view of frankpledge and husting in Lynn actually preceded the seizure of the episcopal temporalities by some four months, and the action may have been intended as a warning to Bateman of the king’s intention to deal severely with his recalcitrance. In this sense, it is quite possible that the burgesses of Lynn were being used as the king’s pawns in this broader conflict between the bishop and the crown.

An appeal to the Statute of *Mortmain* was not without its drawbacks. Interestingly, the clergy had complained in parliament about the confiscation of amortised lands that had been acquired without licence as recently as June 1344. A royal guarantee provided that if clergymen could show charters of licence they should be ‘freely left in peace’, and in cases whereby a licence had not been obtained, a ‘suitable fine’ should be imposed.¹⁴⁷ An appeal to the Statute of *Mortmain*, therefore, held the very real danger that the burgesses’ legal challenge would result only in the temporary confiscation of the bishop’s liberties. Yet, in the royal writ ordering the inquest it is clear that the townsmen had also asserted their own rights to the disputed liberties.¹⁴⁸ In this sense, the legal strategy adopted by the burgesses was a

¹⁴⁵ Writs of prohibition are discussed below, p. 228.

¹⁴⁶ One under the secret seal (17 October 1346) and another under the privy seal (4 November 1346). Palmer, *English Law*, p. 49, n. 126.

¹⁴⁷ *PROME*, June 1344, items 23 (c. 6) and 26.

¹⁴⁸ *CPR, 1345-1348*, p. 170

two stage process, whereby the crown would gain immediate profit from the confiscated liberties, and the townsmen would subsequently acquire the liberties – or so it was hoped – on a more permanent basis. The burgesses would have been greatly encouraged, therefore, when the liberties were not restored to Bateman on 13 November 1347 along with the rest of his temporalities that had been confiscated during the Bury St Edmunds affair.¹⁴⁹ In light of all this, there remains the very real possibility that the clergy's complaint concerning amortised lands raised in the assembly of June 1344 actually provided the burgesses of Lynn, two of whom attended parliament as representatives of the borough, with the idea to proceed against the bishop of Norwich through an appeal to the *mortmain* legislation.¹⁵⁰ In any event, the tactic resulted in some degree of success and Bateman was forced to appeal directly to the crown for redress.

1.6.4 The Petitions

The petitions presented throughout the course of the dispute by both the bishop of Norwich and the burgesses of Lynn were an integral part of the broader legal strategies adopted by each of the litigants. Within the burgesses' legal strategy, based as it was upon an appeal to the *mortmain* legislation, petitions were deployed to accomplish two goals: firstly, to ask for custody of the bishop's confiscated liberties in Lynn following the bishop's fall from grace and his dispute with the abbot of Bury St Edmunds; and secondly, to counter the bishop's spurious claims concerning the inquest of August 1346 by demonstrating that the inquest had been held properly in spite of the bishop's attempts to corrupt proceedings. By contrast, the strategy of William Bateman was predicated upon the refusal of his legal counsel to demonstrate episcopal claims before the royal justices at the

¹⁴⁹ CCR, 1346-1349, p. 338.

¹⁵⁰ *Return of MPs*, p. 139.

inquest of August 1346. Since the bishop could not demonstrate his legal claims without also proving that the liberties were held in *mortmain* without licence, this approach allowed him to complicate proceedings, slow down the legal process, and buy him time to return to the king's good graces and receive restitution from the crown directly. Within this legal strategy, petitions played a crucial role, for the bishop could use them to pursue a campaign of misinformation surrounding his false claim that he had been denied the opportunity to defend his case prior to his liberties being confiscated. In this sense, the primary purpose of the bishop's petitions was not to gain remedy in an intractable legal dispute that was irresolvable at common law, but rather to prevent the burgesses of Lynn from gaining a final and favourable resolution from the crown.

The first petition from William Bateman appears to have been presented during the parliament that was held between 11 and 20 September 1346.¹⁵¹ Bateman's attendance at this assembly is well attested, and despite having excommunicated the king's messenger in December 1345, for which he was still, at this stage, being sued before the justices of the King's Bench, the bishop of Norwich was appointed trier of petitions from Gascony.¹⁵² Bateman's petition itself is split into two separate requests: one concerning the liberties at Lynn and another concerning the conflict with the abbot of Bury St Edmunds. Notably, the Bury St Edmund's dispute took precedence in the petition, and this helps to explain why Bateman did not provide the level of detail concerning the Lynn liberties that he would go on to provide in his subsequent petition. Bateman may have reasonably assumed that

¹⁵¹ Not only was this the first time that parliament had assembled since the inquest had been taken on 22 June 1346 resulting in the confiscation of the bishop's liberties, but a petition presented by the mayor and burgesses of Lynn sometime around 22 November 1346 described the bishop's petition as having been submitted in the '*droyn parlement*' ('last parliament'). This is supported by another document, dating to 1346, which echoes the petition's endorsement and records that the bishop should attend the next parliament to discuss his franchises in Lynn, see C 49/7/21. SC 8/242/12125; SC 8/246/12274.

¹⁵² The bishop was also present when letters from the king were read out on 13 September. *PROME*, September 1346, items 3, 7.

Edward III had authorised the confiscation of the Lynn liberties as punishment for the bishop's confrontation with the abbot of Bury St Edmunds, and consequently, that achieving resolution in that conflict would then cause the king to reverse his decision regarding the liberties in Lynn.

Concerning the view of frankpledge and husting, the bishop of Norwich complained that the inquest of August 1346 had been held in a manner '*countre la lei e la custume de la terre*' ('contrary to the law and custom of the land') and that he had been denied the opportunity to defend his rights. Specifically, the bishop claimed that the liberties had been seized '*par colour d'une enqueste prise d'office meins duement en absence del dit euesque*' ('by colour of an inquest holding office improperly in absence of the said bishop'), with the result that '*lui nient fait partie ne appelee*' ('he made neither party nor appeal').¹⁵³ Bateman therefore requested the restoration of his liberties, or, failing this, the profits from them whilst they remained in the king's hands until such a time that the dispute could be resolved. As we shall see, the particulars of the bishop's account are inconsistent with the allegations brought forward in his second petition. In response to his petition, Bateman was told that the dispute should be resolved before the council in the next parliament.¹⁵⁴

Although the bishop does not refer explicitly to bribery or corruption, it is interesting that the inquest at Lynn was headed by William Thorpe. Thorpe, who is discussed elsewhere in this study,¹⁵⁵ was a clerk of the King's Bench elevated to justice on 20 May 1345 and subsequently appointed chief justice on 16 November 1346, before being arrested on 25 October 1350 for corruption and subsequently admitting to the receipt of bribes amounting to £100.¹⁵⁶ Following Edward III's departure on the Crécy-Calais campaign of

¹⁵³ SC 8/246/12274.

¹⁵⁴ SC 8/246/12274. See also the council's decision that the bishop should attend the next parliament for deliberation of the matter, C 49/7/21.

¹⁵⁵ See below, pp. 233-234.

¹⁵⁶ J. Maddicott, 'Law and lordship: royal justices as retainers in thirteenth- and fourteenth-century England', *Past & Present Supplement* 4 (1978).

1346-47, Thorpe appears to have played a key role in Bateman's misfortunes. Not only did Thorpe head the inquest which led to the confiscation of the bishop's liberties in Lynn, but he also executed royal orders for the confiscation of the episcopal temporalities only days after being elevated to the position of chief justice. Bateman did not direct his petition against William Thorpe explicitly, perhaps suggesting that Thorpe's involvement in the affair was merely incidental, or else it was deemed unwise to slander the name of the king's chief justice whilst Edward III was not in England. Certainly there was nothing illegal *per se* about the inquest held in August 1346, or about the confiscation of the bishop's liberties in light of their amortisation without royal licence. Yet, it is interesting that following the inquest Thorpe placed the confiscated liberties in the hands of the burgesses of Lynn instead of William Middelton, sheriff of Norfolk, reporting that the sheriff was prejudiced against the king.¹⁵⁷ This allegation was rehearsed subsequently in a petition from the burgesses, who claimed that the sheriff wore the bishop's livery.¹⁵⁸ Even if, as seems likely, the sheriff was patronised by the bishop, the evidence hints at some level of collusion between William Thorpe and the burgesses of Lynn.

Following the parliament of September 1346, the episcopal temporalities were confiscated and Bateman retreated to the sanctuary of Norwich cathedral. Exploiting the opportunity offered by these events, the burgesses of Lynn presented a petition on 22 November 1346 asking for custody of the confiscated view of frankpledge and husting as the king's 'ministers' rendering all profits to the Exchequer.¹⁵⁹ As we have seen, the king's chief justice had placed the confiscated liberties in the custody of the burgesses because the sheriff of Norfolk could not be trusted to safeguard royal interests. The function of the burgesses' petition, therefore, was to

¹⁵⁷ Palmer, *English Law*, p. 49, n. 125; C260/57, no. 33; A. Hughes (ed.), *List of Sheriffs for England and Wales: From the Earliest Times to A.D. 1831* (New York, 1963), p. 87.

¹⁵⁸ SC 8/239/11920.

¹⁵⁹ SC 8/243/12125.

seek a formal grant from the crown fully legitimising action already taken by chief justice. The townsmen also revealed their intimate knowledge of the bishop's actions, and explicitly referred to Bateman's first petition in their own supplication.¹⁶⁰ For example, they noted that the bishop of Norwich had, in the '*droyn parlement*' ('last parliament'), requested '*restitucion des franchises de Lenne en vostre mayn seisis par vertue d'une enquest*' ('restitution of the franchises of Lynn seized into your [the king's] hand by virtue of an inquest'), and had received instruction from the king's council to '*attende vostre prochayn parlement pour pleyne deliberacion avoir de la besoigne touchent sa dite petition*' ('attend your next parliament for full deliberation of the business touching his [the bishop's] said petition').¹⁶¹ Clearly, the burgesses of Lynn had kept track of Bateman's activities in September 1346, probably through their two members of parliament present at the assembly,¹⁶² and used this information to their own advantage to justify their request in light of subsequent developments.

There is no endorsement to the burgesses' petition but it appears that their request was granted, for when the dispute was resolved in 1350, the royal writ recorded that the king's grant to the mayor and burgesses of Lynn 'of the custody of all liberties of their town taken into his hands by pretext of the commission' should be revoked in its entirety.¹⁶³ In this respect, it is notable that the burgesses held the confiscated liberties for just under four years, between June 1346 and May 1350, with a grant from the king confirming their custody sometime after November 1346. Given that in June 1344 the clergy had received assurance from the king that disputes over amortised land without licence would be quickly resolved upon payment of a fine, the burgesses probably felt that their chosen legal strategy offered the very real possibility of a lasting victory against the bishop. Such a coup

¹⁶⁰ Ibid.

¹⁶¹ Ibid.

¹⁶² *Return of MPs*, p. 141.

¹⁶³ *CPR*, 1348-1350, pp. 551.

would be a significant blow to the bishop's authority in the town, both materially and symbolically, and would result in a new *modus vivendi* casting the bishop as a diminishing power in the face of the rising burgesses. The hopes of the townsmen surely reached new heights on 13 November 1347 when Bateman received a grant restoring his temporalities but the liberties in Lynn remained in the possession of the burgesses.¹⁶⁴ It was against this tide of events that the bishop of Norwich presented his second petition, providing a much more concerted attempt to cast doubt on the legal process.

The date of the second petition presented by William Bateman is uncertain. It was probably presented sometime after the restoration of the episcopal temporalities in November 1347 and before 12 June 1348.¹⁶⁵ Whereas in his first petition the bishop had provided only a brief request for remedy from the king, in his second petition Bateman provided an expansive account of his appeal. The bishop began his petition by establishing his right to the liberties, asserting that his predecessors had held the view of frankpledge and the husting since '*temps dont il nas memoire savoir une court*' ('time out of mind') and '*par graunt et confirmacion des Rois d'engleterre progenitours nostre seignur le Roi*' ('by the grant and confirmation of the kings of England, progenitors

¹⁶⁴ CCR, 1346-1349, p. 338.

¹⁶⁵ On the latter date a second inquest was held investigating the bishop's right in the town of Lynn, this time in order to determine the inheritance rights of an heir to Robert de Tattershall who had once held the leet, see *CIM*, II, p. 520, no. 2072. The leet and view of frankpledge were synonyms, and the fact that the bishop only referred to a leet in his third petition, suggests that his second petition was presented before this second inquest had been held. Bateman's second petition may, therefore, have been presented in the parliament that assembled in January 1348. Although there is no trace of his petition on the roll of parliament, we know that Bishop Bateman attended this assembly where he was appointed as a trier of foreign petitions, see *PROME*, parliament of January 1348, item 3. If the bishop's petition was presented at this assembly, it would explain the bishop's renewed efforts to regain his liberties in Lynn, his temporalities having been restored on 13 November 1347, CCR, 1346-1349, p. 338.

of our lord the king').¹⁶⁶ Bateman then proceeded to attack the inquest of August 1346, arguing firstly, that the inquest had been ordered upon the '*fauxse suggestion*' ('false suggestion') that his predecessor had acquired the liberties without the permission of the king; and secondly, that the inquest into his liberties had been held in prejudicial circumstances. As we have already seen, in his first petition, Bateman had complained that the inquest had been held in his absence – the implication being that neither he nor his legal counsel had been present – but the bishop now provided additional details to his appeal. The inquest had been '*trop suspecionouse*' ('very suspicious'), because the '*deux parties*' ('two parties') who came before the king's justices at the inquest were both drawn from '*gentz de la dite ville*' ('people of the said vill [Lynn]'), and '*il y furent xx. ou xxx. enfourmours joutz*' ('there were twenty or thirty sworn informers'), also from Lynn, '*dont les uns permes chalangerent pour le Roi*' ('some of whom were able to challenge for the king'). This allegation, that the townsmen had been able to pack the inquest with their own supporters, is interesting in light of the fact that in their second petition, the burgesses accused the bishop of attempting to corrupt the inquest by committing exactly the same crime!¹⁶⁷ It will be argued below, given the balance of evidence, that the burgesses' account is almost certainly more accurate. The bishop went on to explain that his liberties had been seized '*par force del dite enqueste d'office la ou le dit Euesque ne feut appelle ne partie comitre la ley et la custume de la terre*' ('by force of the said inquest, where the said bishop was neither appellant nor party against the law and custom of the land'), and the liberties were subsequently '*livreez as deux hommes de la dite ville qe sont com partie a garder*' ('delivered to keeping of two men of the said vill'). In light of all these procedural irregularities, Bateman requested that '*les droitures de seinte esglise ne soient pardues sanz respouns*' ('the rights of holy church not be ruined without response'), and promised he would '*respondre a nostre*

¹⁶⁶ SC 8/239/11921.

¹⁶⁷ See below, pp. 64-65.

seignur le Roi solom la ley et monstrar son droit ('respond to our lord the king according to the law and demonstrate his right').¹⁶⁸

The discrepancy between the accounts provided by Bateman in his first petition – where he claimed the inquest had been taken in his absence – and his second petition – where the bishop provided a detailed account of proceedings at the inquest and did not repeated his claim of absence – serves to demonstrate how petitions could serve varying purposes at different stages of a legal dispute. Once it had become clear that the king was not going to provide Bateman with a “quick fix” in response to his first petition, and nor were the Lynn liberties returned after the bishop had received a royal pardon for the excommunication of the king’s messenger during the Bury St Edmunds affair, a more forceful appeal was required. Yet, Bateman could not provide a detailed account of how the inquest had been held in prejudicial circumstances whilst simultaneously claiming that the inquest had been held in his absence without raising suspicions about the accuracy of his new and expanded account. Therefore, Bateman had to modify his claims in order to build a more convincing case for why the burgesses of Lynn should not be granted possession of his confiscated liberties. As we shall see, his third petition served a different function again. In this way, the series of petitions presented by Bateman neatly marks out the beginning, middle, and end of his dispute with the burgesses of Lynn, with petitions serving different functions at each stage.

Aside from the inconsistency between Bateman’s first and second petition, his second petition can be demonstrated to have contained an additional inaccuracy. The bishop began his petition by asserting his right to hold the confiscated liberties in perpetuity by royal grant, and argued that they had been confiscated by the false suggestion that they had been acquired illegally in *mortmain*. By the end of the dispute, the general tenor of

¹⁶⁸ SC 8/239/11921.

the bishop's legal claim appears to have been accepted by the crown, for the when the bishop was provided with restitution in 1350 the royal grant stated that the decision had been made partly upon the consideration that the bishop had held the franchises for 'no small time'.¹⁶⁹ However, Bateman's assertion in this regard was evidently untrue and directly contradicted the findings of the inquest held in August 1346, namely that Bishop John Salmon had unilaterally acquired the view of frankpledge and husting in 1309 without royal licence. Furthermore, the whole legal strategy adopted by the bishop indicates that he did not hold the liberties by royal grant as he claimed. Nevertheless, the king was prepared to adopt this element of the bishop's account as part of the publicly stated basis for providing restitution, with the letter patent stating that the king's decision had been made, in part, because the bishop and his predecessors had held the liberties 'for no small time'.¹⁷⁰ Bateman's payment of 650 marks for the restoration of his liberties probably encouraged the king to accept the bishop's account in this regard with little scrutiny, and in this sense, the bishop's misinformation served the function of providing the king with reason, no matter how tenuous, to publicly declare in the bishop's favour. It is, therefore, difficult to avoid the conclusion that when petitioning for remedy in the fourteenth century, it was diplomatically astute to provide the king with a good reason to provide a favourable grant, rather than a necessarily accurate reason.

In their second petition, the mayor and burgesses of Lynn sought to counter William Bateman's allegations relating to the inquest of August 1346. The burgesses conflated the bishop's two accounts – made in his first and second petitions – and sought to refute every allegation that the bishop had made throughout the course of the dispute. By taking this approach, the burgesses gained the advantage of highlighting inconsistencies between the bishop's

¹⁶⁹ *CPR, 1348-1350*, pp. 551

¹⁷⁰ *Ibid.*

first and second petitions. Although of an uncertain date, the petition seems to represent a response to Bateman's second petition, and it is possible that both petitions were presented at the parliament of January 1348.¹⁷¹ The burgesses' petition was split into five discrete and separate paragraphs. The first section provided a general introduction to the petition and began by requesting that the king and his council '*examiner par bone diligenceses bosoigne des franchises tochauntes la ville de Lenn*' ('examine by good diligence the business of the franchises touching the town of Lynn').¹⁷² The townsmen then proceeded to tackle three separate allegations that had been made by the bishop: firstly, that the inquest had been taken without the bishop's knowledge; secondly, that neither the bishop nor his councillors had been provided with the opportunity to defend the rights of the bishop; and thirdly, that the confiscated liberties had been delivered into the keeping of two burgesses from Lynn rather than the sheriff. Interestingly, the second point, refuting the bishop's allegation that he had been unable to defend his rights, was actually divided into two separate paragraphs in the petition. Since the two sections essentially dealt with the same issue, there was no functional reason as to why the material should have been divided in this way aside from enhancing the visual impact of the petition. It seems likely, therefore, that the division of the material served to exaggerate the bishop's misconduct by emphasising a 'history of illicit acts'.¹⁷³ As we shall see, all three of the disputed allegations covered in the burgesses petition bear some relation to complaints that had been made by the bishop of Norwich, although none were quoted verbatim from the bishop's own petitions.

The first of William Bateman's allegations that the burgesses sought to refute was the suggestion, made in Bateman's first petition, that the inquest of August 1346 had been taken in the bishop's absence '*sodeynement*

¹⁷¹ See above, p. 60, n. 165.

¹⁷² SC 8/239/11920.

¹⁷³ This falls in line with the general characteristics of multiple-clause complaint petitions, see Dodd, Phillips and Killick, 'Multiple-Clause Petitions'.

lui noun-sachaunt ('suddenly, without his [Bateman's] knoweledge'). The burgesses recounted that five days before the inquest was due to be held Bateman '*vynt a son manoir de Gay Wode juxt Lenne*' ('came to his manor of Gaywood next to Lynn'), where he remained until the inquest – which was held in Lynn – had been taken. Furthermore, the bishop began '*procurant par lui et les soens en tant come il poait contre nostre dit seignur le Roi pur destourber esteyndre et defaire le droit nostre seignur le Roi*' ('procuring [i.e. to pack the jury] where, and as far as he could, against our said lord the king for the purpose of disturbing, excluding and undoing the right of our lord the king'). Consequently, '*plusours hommes et les meuth*' *vanez du pais queux furent somons pur enquest des bosoignes avaunt dites et vyndrent a la dite ville de Lenne se absenterent par procurement*' ('many men and the most respected of the area who were summoned because of the inquest of the legal business aforesaid and came to the said town of Lynn were absent by procurement'), and '*ascuns des jurours queux furent devant les justices avaunt dites ne voleient respoudre pur lour nouns saunz graunt difficulte et reddour*' ('some of the jurors who were before the justices aforesaid were unable to respond to their names without great difficulty and fear'). In summary, the burgesses argued that the bishop's misconduct had '*grandement destourbez*' ('greatly disturbed') the king's justices, and worked to '*perventre la dite enquest*' ('corrupt the said inquest').¹⁷⁴ Clearly the account provided by the burgesses contradicts entirely the allegations put forward by the bishop in his own petitions.

The itinerary of William Bateman, compiled by A. Hamilton Thompson from documents contained in the episcopal register, reveals that the bishop's movement in the summer of 1346 generally support the burgesses' account. The bishop had travelled from Hoxne in Suffolk, where he could be found on 24 July, to South Elmham (approximately 22 miles to the east of Lynn) where he had arrived by 31 July. He then remained at

¹⁷⁴ SC 8/239/11920.

South Elmham for a significant interval before journeying to London, with an episcopal register entry dated there on 22 August.¹⁷⁵ Although there is no direct evidence that Bateman was at his manor of Gaywood by 4 August, his itinerary demonstrates a conscious and determined movement towards Lynn for the date of the inquest, thereby demonstrating that the account provided by the burgesses was a logistical possibility. Furthermore, given the fact that the bishop provided in his second petition a clear account of the proceedings at the inquest, it is clear that he had at least some form of legal representation present. It seems likely, then, that in addition to a supplicatory strategy relying on the false claim that he had been denied the opportunity to demonstrate his right, Bateman had also sought to corrupt proceedings at the inquest itself by exerting his local influence over the sheriff of Norfolk and by attempting to pack the jury in the manner claimed by the burgesses in their petition.

The second of Bateman's allegations to be tackled by the burgesses in their petition, was the suggestion that he had been unable to defend his right.¹⁷⁶ As we have seen, this allegation was made in both the bishop's first and second petition.¹⁷⁷ According to the burgesses' account, counsellors of the bishop were '*presentz en graunt noumbre*' ('present in great number') at the inquest and, despite having '*toutpleyn des chartres roulles et autres remembraunces*' ('many rolls of charters and other records'), they had been unwilling to show '*nulle chartre ne endente ne voleient monstrier ne nulle declaracion faire*' ('any charter, indenture, nor wished to show any declaration'). The burgesses emphasised that this reluctance on the part of the bishop's counsel was due to the fact that their charters held '*nulle value*' ('no value').¹⁷⁸ Set in the context of Bateman's petitions, the burgesses' allegation implies that the bishop had

¹⁷⁵ Thompson, 'William Bateman', p. 133.

¹⁷⁶ '*le dit Evesque ne son conseil ne poaient monstrier lour endentes*', SC 8/239/11920.

¹⁷⁷ SC 8/246/12274; 239/11921.

¹⁷⁸ SC 8/239/11921.

been provided with the opportunity to defend his rights, but his counsel deliberately refused to defend episcopal claims.¹⁷⁹

The third and final allegation that the burgesses of Lynn sought to refute was that the confiscated franchises had been delivered into the keeping of two burgesses of Lynn following the inquest rather than the sheriff of Norfolk.¹⁸⁰ There is no trace of this allegation in the bishop's first petition, whilst in the bishop's second petition the fact that the view of frankpledge and husting had passed into the keeping of two burgesses received no more than a passing remark.¹⁸¹ What seems likely is that the burgesses merely raised the issue here to highlight yet another way in which the bishop sought to undermine the inquest. The burgesses explained that because the sheriff of Norfolk was of the bishop's '*robes, feodꝝ et conseil*' ('robes, fee and council'), the confiscated liberties were instead entrusted to the keeping of the townsmen. Again, the account provided by the burgesses appears to be borne out by other evidence – as we've already seen the chief justice of the king's bench found that the sheriff was prejudiced against the king in the matter.

The royal response to both the second petition from the bishop and the counter-petition from the townsmen was that the bishop should be given the opportunity to demonstrate his rights. The endorsement to the bishop's petition recorded that '*pour qe cest encontre la leie de la terre qe homme soit ouste de sa possession de ses franchises sanz respouns eit l'evesqe restitution de dite franchises*' ('because it is against the law of the land that a person should be expelled from possession of his liberties without response, the bishop is to have restitution of these liberties').¹⁸² The burgesses of Lynn, meanwhile, received the somewhat more abbreviated response '*la leie viet qe nul homme soit*

¹⁷⁹ SC 8/246/12274; 239/11921.

¹⁸⁰ SC 8/239/11920.

¹⁸¹ '*et le dit Evesque ouste et livreeꝝ as deux hommes de la dite ville qe sont com partie a garder*', SC 8/239/11921.

¹⁸² SC 8/239/11921.

ouste ore fraunchises sanz estre mene en respouns ('the law wishes that no man should be expelled from his franchises without being led in response').¹⁸³ On the face of it, this appears to signify a victory for the bishop. Indeed, the decision appears to have ignored entirely the burgesses' primary objective in presenting their petition – to demonstrate that the bishop had been provided with ample opportunity to defend his rights at the inquest. However, despite receiving a generally favourable response to his petition, Bateman was still confronted with the problem of demonstrating his rights to the Lynn liberties without also proving that one of his predecessors had acquired the liberties without royal license and in breach of the *mortmain* legislation. The legal challenge was apparently insurmountable, and two years later Bateman approached the king directly for a special act of grace.

The third and final petition from William Bateman must have been presented shortly before the bishop's restitution to his franchises on 16 May 1350.¹⁸⁴ The manner in which the resulting royal grant followed the general terms of the bishop's request suggests that the petition was presented merely to initiate the administrative process behind the expected grant of restitution. In contrast to the expansive account of the inquest that was provided in his second petition, Bateman now stated simply that the liberties had been confiscated because of a '*suggestion nient veritable*' ('false suggestion'), by the mayor and burgesses of Lynn that they were '*solaient avoir allowance si bien en Bank le Roi*' ('accustomed to have allowance [i.e. for the liberties] at the King's Bench').¹⁸⁵ There was no repetition at this stage of the alleged irregularities concerning the inquest of August 1346 that had dominated the bishop's previous petitions. Rather, the bishop now requested the restoration of his liberties by royal charter, and furthermore that the

¹⁸³ SC 8/239/11920.

¹⁸⁴ CPR, 1348-1350, pp. 551.

¹⁸⁵ This had formed part of the burgesses initial appeal to the king, CPR, 1345-1348, p. 170; SC 8/246/12272.

agreement of 1309 that had been secured by Bishop Salmon should forever remain in force *‘neint contresteont l’office avaunt dite ou l’estatut de mort mein ou autre ordenaunce qe com qe’* (‘not withstanding the office aforesaid [inquest of August 1346], or the statute of mortmain, or other ordinance whatsoever’).¹⁸⁶ William Bateman apparently paid 650 marks for the restoration of his liberties, and thus presented his petition safe in the knowledge that the king’s favour was forthcoming.¹⁸⁷ D. M. Palliser has demonstrated that in a charter of liberties attained by the citizens of York in 1396, the manner in which the petition and resulting charter followed practically verbatim suggests that the supplicants knew what they were going to receive beforehand.¹⁸⁸ Whilst Bateman’s third petition and the resulting royal grant do not follow verbatim, the general tenor of the bishop’s request was granted, with the liberties restored to the bishop and his successors to be held forever ‘according to the form of the charter of acquisition’.¹⁸⁹

Of particular interest with regards to William Bateman’s third petition and the resulting royal grant, is the desire on the part of the crown to hide the fact that the bishop had paid 650 marks for the restoration of his liberties.¹⁹⁰ The rationale behind the king’s grant to the bishop, as set out in the resulting letter patent, was threefold: firstly, the grant was a personal act of piety owing to the king’s ‘devotion to the Holy Trinity, in whose honour the said church [Norwich cathedral] is dedicated’; secondly, it was a reward for the bishop’s good service concerning the ‘direction of [the king’s]

¹⁸⁶ SC 8/246/12272.

¹⁸⁷ J. H. Tillotson, ‘Clerical Petitions 1350-1450: A Study of some Aspects of Relations of Crown and Church in the Later Middle Ages’ (Unpublished PhD. thesis, Australian National University, January 1969), p. 292; C 81/345 no. 20991

¹⁸⁸ D. M. Palliser, ‘Towns and the English state 1066-1500’ in J.R. Maddicott and D.M. Palliser (eds), *The Medieval State: Essays Presented to James Campbell* (London, 2000), p. 129. Although in some cases, the crown may have merely framed its response in rhetorical terms that mirrored the sentiment of the petition itself, see G. Dodd, ‘Writing Wrongs: The Drafting of Supplications to the Crown in Later Fourteenth-Century England’, *Medium Aevum* 80 (2011), pp. 236-7.

¹⁸⁹ CPR, 1348-1350, p. 551.

¹⁹⁰ Tillotson, ‘Clerical Petitions’, p. 292; C 81/345 no. 20991.

business'; and thirdly, the grant gave consideration to the claim that the bishop and his predecessors had held the liberties 'for no small time'.¹⁹¹ As demonstrated above, the latter of these justifications was more than a little tenuous, since the bishop had no historic right to liberties, and the 'no small time' clause referred to a period of just thirty-seven years between 1309 and 1346. The two former justifications, meanwhile, were both entirely unrelated to the actual legal foundations of the dispute between the bishop and the burgesses of Lynn. Meanwhile, there was no mention at all of the 650 marks that the bishop had paid for the resulting royal grant. Indeed, the absence of any mention of the fine was specifically requested, for a warrant under the great seal which initiated the process for the bishop's restitution explicitly stated that the documents produced for the bishop's restitution should be drawn up '*sanz faire mencion de la somme avantdite*' ('without making mention of the sum aforesaid').¹⁹² Given the prolonged nature of the legal dispute, and the strength of the burgesses' legal case against the bishop it would have been politically insensitive for the king to announce at this stage that his power of discretionary justice could be bought by the highest bidder and that the bishop of Norwich had been granted restitution merely in return for the payment of a heavy fine. Therefore, the resulting royal grant was made to look like the reasoned application of discretionary justice; a decision taken by the king to demonstrate his personal piety and as a reward for good service by the bishop, combined with a legal justification, albeit a rather tenuous one. As such, the public nature of the royal grant masked entirely the underlying pecuniary motives for the king's decision and sought to hide the stark reality that royal grace could be purchased by particularly wealthy individuals.

¹⁹¹ CPR, 1348-1350, p. 551.

¹⁹² Tillotson, 'Clerical Petitions', p. 292; C 81/345 no. 20991.

1.6.5 Supplicatory Tone and the Use of Rhetoric

The petitions presented throughout the course of this dispute hold special interest in terms of their supplicatory tone and deployment of rhetoric. Notably, the petitions from the burgesses incorporated two different forms of rhetoric, firstly by emphasising the mutuality of interests between the burgesses and the crown, and secondly, by emphasising how the inquest had led to the confiscation of the bishop's liberties and was pleasing to God. Yet, the petitions from the bishop of Norwich are almost entirely devoid of such rhetoric, despite the fact that, as we have seen, William Bateman actually had a very weak legal case against the claims of the burgesses. Indeed, by claiming in his second petition that some of the jurors at the inquest of August 1346 had been able to challenge for the king's right to confiscate Bateman's liberties in Lynn, the bishop's supplicatory strategy flew in the face of that adopted by the burgesses and Bateman made little attempt to avoid drawing attention to the fact that, owing to the legal strategy adopted by the burgesses, the dispute over the liberties in Lynn was essentially being fought between himself and the king. It will be demonstrated below that the use of language in the petitions from the bishop and the burgesses reflects two separate and distinct supplicatory cultures that can be observed within the broader context of collective petitions presented by the clergy and the laity in parliament.

The use of crown-alignment rhetoric, which stressed the mutual profit to be gained by both suppliant and crown if the king granted the petitioner's request, was an approach commonly found in medieval petitions.¹⁹³ The deployment of such rhetoric by the burgesses of Lynn is demonstrated in the very opening clause of their second petition, where it is stated that upon examining the testimony provided by the townsmen in their petition the king would find his '*droit et la seisine des dites franchises resonable, et*

¹⁹³ Dodd, *Justice and Grace*, p. 300.

assez cler’ (‘right and seisin of the said franchises reasonable and quite clear’).¹⁹⁴ Furthermore, the burgesses described the bishop’s action at the inquest as corrupting the *‘bosoignes nostre seignur le Roi’* (‘business of our lord the king’), which was contrasted against the action taken by the commissioners of inquest, whose action was *‘profitables pur nostre dit seignur le Roi’* (‘profitable for our said lord the king’).¹⁹⁵ The use of crown-alignment rhetoric seems to have been part of a broader supplicatory culture that predominated amongst the lay members of parliament in the compilation of common petitions.¹⁹⁶ However, what is interesting about the petition from the burgesses of Lynn is the *extent* to which the interests of the king were emphasised. Indeed, the rhetoric was deployed to such a degree that the burgesses appear to be petitioning on behalf of the king himself – and in a sense they were.

The legal strategy adopted by the burgesses, built as it was upon the foundations of the accusation that the contested liberties in Lynn were held by the bishop of Norwich in breach of the Statute of *Mortmain*, meant that the burgesses of Lynn were not, in fact, deploying *mere* rhetoric as demonstrated in other petitions.¹⁹⁷ Instead, the townsmen could quite legitimately claim that they were defending their right of the king against the bishop of Norwich’s attempt to circumvent the application of the *mortmain* licensing system. As such, there is an important distinction to be made between cases whereby petitions contained mere crown-alignment rhetoric, and petitions presented throughout the course of a dispute whereby the legal strategy pursued by the suppliant was itself inherently built upon promoting the interests of the crown.

¹⁹⁴ SC 8/239/11920.

¹⁹⁵ SC 8/239/11920.

¹⁹⁶ W. M. Ormrod, ‘The Common Profit of King and Kingdom: The Political Language of Petitioning, 1300-1450’, paper given at the *International Medieval Congress*, University of Leeds, 2012. Also, see below, pp. 247-251.

¹⁹⁷ For example, see the petition from the burgesses of Newcastle-upon-Tyne, SC 8/129/6422.

In contrast to the petition from the burgesses, the petitions presented by the bishop of Norwich were essentially devoid of crown-alignment rhetoric aside, perhaps, from a somewhat generic appeal to the ‘law of the land’.¹⁹⁸ This reluctance of the bishop of Norwich to tie his own interests to those of the crown is reflected more generally in petitions from bishops.¹⁹⁹ The difference in supplicatory tone adopted by bishops and lay petitioners seems to point towards two separate, and distinct, supplicatory cultures.²⁰⁰ Whereas members of the laity often mirrored the language and rhetoric deployed in community petitions and common petitions, the supplicatory tone of petitions from bishops appears to have reflected that found in the clerical *gravamina*. A comparison of common petitions and the clerical *gravamina* is explored in chapter four.²⁰¹ Suffice to say here that whilst common petitions focused upon issues relating to the better governance of the realm, the clerical *gravamina*, by contrast, predominantly focused upon issues of conflict with the crown and sought to defend ecclesiastical legal jurisdiction against infringements by the secular law courts. This fundamental difference called for radically different approaches to petitioning. In common petitions, the laity could quite legitimately promote legislative change by emphasising mutual interest with the king, often in terms of financial advantage, whereas the *gravamina* were pitched in open opposition to royal interests. Yet, there was no obvious functional reason that prevented bishops, in their private petitions, from drawing upon crown-alignment rhetoric in the same way as members of the laity. As demonstrated below, the clerical *gravamina* and private petitions from

¹⁹⁸ SC 8/239/11921.

¹⁹⁹ Only a handful of exceptions to this have been identified by this study, SC 8/15/729, 247/12343, 261/13028, 97/4840, 341/16064.

²⁰⁰ It would be interesting to see if the supplicatory culture observed in the *gravamina* and petitions from individual bishops also predominated amongst the petitions of the lower clergy. It has been unfeasible to carry out such a survey here, but see the article of *gravamina* from the ‘commonalties of the clergy’ discussed below, pp. 226-228.

²⁰¹ See below, pp. 247-251.

individual bishops were presented in different contexts, and rarely overlapped in terms of areas of complaint. Furthermore, whilst the *gravamina* predominantly comprised complaints against the crown, and although a great many petitions from bishops also sought to contend the legal claims of the crown, many sought remedy against third parties, both clerical and lay, and in these disputes crown-alignment rhetoric might have been usefully deployed. In this sense, petitions from bishops appear to indicate a supplicatory preference – a conscious decision on the part of the episcopate to reflect the clerical *gravamina* and reject the use of language that emphasised a mutuality of interest between church and crown.

The petitions from the burgesses of Lynn also incorporated a second persuasive rhetorical device by emphasising a religious element. This is particularly interesting in light of the fact that bishops themselves appear to have rarely adopted the use of religious rhetoric apart from in certain cases.²⁰² The evidence points towards a pervasive feeling amongst supplicants that in disputes with churchmen there was the distinct possibility that the crown would make a decision based, in part, on the spiritual merit of a case. Indeed, although it can be demonstrated that the king's decision to restore Bateman's liberties in Lynn was due to the payment of a large fine on the part of the bishop, the resulting royal grant gave the public impression that the king's devotion to the Holy Trinity had been partly responsible for the royal decision. A search of the patent rolls demonstrates that legal remedies, ostensibly made in the name of the king's devotion to the church or a particular saint, were far from uncommon.²⁰³ Even if supplicants doubted that such professed devotion was the most important factor that lay behind a royal grant, it probably gave them pause for thought when compiling petitions in a legal battle with churchmen and ecclesiastical

²⁰² See below, p. 124.

²⁰³ For two examples of such grants professing the king's devotion, see *CPR, 1343-1345*, pp. 339, 348.

institutions. Thus, the burgesses explained in their petition that during the contested inquest of August 1346, when the king's justices had commanded the bishop's counsel to demonstrate the bishop's right, this had been done '*pur la reverence de deux et de seynte eglise*' ('for the reverence of God and the Holy Church').²⁰⁴ Bluntly stated, the burgesses of Lynn asked the king to make a decision in their favour to the detriment of the church of Norwich, and in light of this, they incorporated into their petition a spurious rhetorical flourish to provide the crown with a religious justification for favouring the burgesses' request.

Comparatively speaking, the use of religious rhetoric in the petitions from Bateman was negligible. The first petition from the bishop was devoid of any religious rhetoric entirely, whilst in his second petition the '*droitures de seinte esglise*' ('rights of the holy church') were mentioned only once and the phrase did not occupy a central theme in the bishop's plea. In all three petitions from the bishop of Norwich, God escaped mention. The persuasive efficacy of the deployment of rhetoric in petitions is yet to be fully explored, but the body of evidence provided by petitions from bishops – albeit somewhat limited as a test group given the absence of crown-alignment rhetoric – suggests that the crown looked no more favourably on petitions that deployed language to this end than those did not.²⁰⁵ The petitions from William Bateman perhaps suggest that he was aware that rhetoric had little effect on the outcome of a petition. Indeed, not only was the bishop an experienced papal diplomat, but he was also somewhat of an insider when it came to petitioning, having been appointed as trier of petitions at almost every parliament that held during his episcopate, including assemblies where he had himself presented petitions relating to the

²⁰⁴ SC 8/239/11920.

²⁰⁵ See also, Dodd, *Justice and Grace*, pp. 301-2.

Lynn dispute.²⁰⁶ Certainly, for all their use of rhetoric, the burgesses of Lynn ultimately could not gain favour from the crown. By contrast, the bishop of Norwich deployed a different supplicatory strategy – one built upon directed misinformation.

As we have already seen, the bishop repeatedly embellished his account of the inquest of August 1346 and also included in his petition the false claim that he held the liberties in Lynn by a grant of the crown. Yet, presenting a petition carrying a false claim was not without its risks. As Gwilym Dodd has highlighted, legislation passed in the early 1360s moved to penalise those who brought false accusations before parliament, and in April 1384 a London fishmonger suffered a fine of 1,000 marks and imprisonment for presenting a petition that was held to be to the defamation of the Chancellor Michael de la Pole.²⁰⁷ Although the petitions from William Bateman were presented before the legislation of the 1360s, evidence from another petition examined below demonstrates that it was possible to bring spurious claims into parliament without suffering penalty even after the 1360s.²⁰⁸ The evidence surveyed in this study therefore suggests that there was little interest on the part of the crown in policing the accuracy claims brought into parliament by petitioners. Indeed, the crown completely ignored the allegation of the burgesses of Lynn that the bishop of Norwich had rehearsed gross falsities before the king's council. Whilst there is clearly more work to do on supplicatory strategies and the deployment of misinformation in petitions, it appears that in complex disputes over legal

²⁰⁶ Bateman was appointed as trier of foreign petitions in September 1346, January 1348, February 1351, January 1352 and April 1354. He was not appointed in June 1344, and no list of triers has survived from the assemblies of March 1348 and September 1353. See relevant parliaments in *PROME*. His first petition relating to Lynn was presented in September 1346, and his second was possibly presented in January 1348. His third petition was probably presented directly to the crown outside of parliament.

²⁰⁷ Dodd, *Justice and Grace* pp. 296-7. *PROME*, 1365, item 27; *SR*, i, p. 384 (item 9); *SC* 8/225/11204; *PROME*, April 1384, items 11-15.

²⁰⁸ See the petition from the burgesses of Newcastle discussed below, pp. 77-78.

rights, the incorporation of false claims was a potentially effective tactic that could be pursued with relatively little fear of retribution.

1.6.6 Parallels with other conflicts in episcopal boroughs

The dispute between the bishop of Norwich and the burgesses of Lynn was a special case whereby the petitions that have survived from both parties allow us to reconstruct the dispute in detail. However, petitions have also survived from two other conflicts involving episcopal boroughs and merit a brief comparison with the Lynn case. The first of these disputes – fought between the bishop of Bath and Wells and the burgesses of Wells in 1341-3 – has been discussed elsewhere.²⁰⁹ Notably, petitions appear to have played a less significant part than they did in the case of Lynn. Although the burgesses of Wells initiated the legal dispute by presenting a petition that asked the king to significantly enlarge their privileges,²¹⁰ the bishop of Bath and Wells only presented a petition after the dispute had concluded and the townsmen rioted following their legal defeat.²¹¹ No other petitions have survived from the dispute and, in contrast to the long-term multi-stage legal strategy adopted by the burgesses of Lynn, the strategy of the burgesses of Wells appears to have been much more short-term. As such, only certain legal strategies appear to have leant themselves to a reliance on supplications to the crown, and the decision to adopt such a strategy appears to have been made by the litigants themselves.

The other dispute involving a bishop and an episcopal borough for which petitions have survived is a conflict between the bishop of Durham and the burgesses of Newcastle-upon-Tyne in 1383. In this case the bishop of Durham fought to secure trading privileges for his episcopal borough of

²⁰⁹ Shaw, *Creation of a Community*, pp.115-119.

²¹⁰ SC 8/151/7517.

²¹¹ SC 8/238/11897.

Gateshead, and therefore involved a cooperative, as well as antagonistic, element. This conflict, which related to the bishop of Durham receiving a royal grant of trading privileges in 1383,²¹² saw the burgesses of Newcastle challenge the grant on the basis that the bishop wished to develop a market town at Gateshead.²¹³ Yet a market had been held at Gateshead as early as 1246, and although the bishop's right been questioned during the *Quo Warranto* proceedings in 1293, by 1334 an enquiry found a market being held two days a week and an annual fair was being held on the feast of St Peter ad Vincula (1 August).²¹⁴ Therefore, by explicitly linking the recent royal grant of trading privileges to the bishop's supposed designs to develop a market town, the burgesses implicitly called into question the bishop's right to hold a market in his episcopal borough without acknowledging that the right even existed. The burgesses thereby broadened the scope of the dispute, whilst conveying to the crown concerns about the commercial expansion of Gateshead and the adverse effect that this would have on their own town. Therefore, the petition from the burgesses of Newcastle serves to support findings drawn from the case studies explored above. Firstly, as demonstrated by the Lynn case, in disputes over competing legal rights the incorporation of misinformation in petitions could be an effective supplicatory tactic that does not appear to have been policed particularly vigorously, if at all, by the crown. And secondly, as demonstrated by both the case studies explored above involving the bishop of Durham, petitions which sought redress for a particular grievance could also serve multiple functions, implicitly communicating additional concerns to the crown in addition to a primary request.

²¹² *CCbR, 1341-1417*, pp. 290-1. Fraser, *Northern Petitions*, pp.169-173; SC 8/250/12493.

²¹³ SC 8/129/6422.

²¹⁴ C. M. Fraser, 'The Economic Growth of Newcastle upon Tyne, 1150-1536' in D. Newton and A. J. Pollard (eds), *Newcastle and Gateshead before 1700* (Chichester, 2009), p. 46; R. Britnell, 'Medieval Gateshead' in *ibid.*, p. 147.

1.7 Conclusion

It has been argued in this chapter that the small body of petitions from bishops involving members of the laity or relating to disputes with secular third parties probably reflects how direct appeals to the crown were only made in extraordinary cases whereby the usual exercise of a bishop's power and authority broke down in the face of legal opposition. The case study surrounding the instance of mid-fourteenth century conflict at Bishop's Lynn has demonstrated how the bishop of Norwich adopted subterfuge in his attempt to defeat the legal challenge brought against his legal rights by the burgesses of Lynn. In many cases, a bishop's ability to corrupt legal proceedings was probably enough to fend off legal challenges without presenting a petition to the crown. The Bishop's Lynn case study has also highlighted a contrast between the petitions from the bishop and those from the burgesses in terms of the use of rhetoric. It has been suggested that these differing approaches to petitioning reflected broader supplicatory cultures separating the clergy from the laity, and this will be revisited in the present work when exploring the clerical *gravamina* (chapter four). Above all, the present chapter has demonstrated that variety of petitions, and the sophisticated diplomatic that often lay behind the act of petitioning. The petitions presented throughout the course of the dispute at Bishop's Lynn served different functions at different stages of the conflict, whilst the two cases involving the bishop of Durham have demonstrated how petitions could be used to form tacit agreement with the crown or to relate requests to broader conflicts. Perhaps most importantly of all, the legal cases explored in this chapter have revealed how petitions were often multifaceted documents and a full understanding of their function and purpose is not always immediately obvious until they are properly considered within the historical context within which they were originally presented.

The Clergy

2.1 Introduction

The petitions examined in this chapter provide insight into the relationship between bishops and other members of the clergy. There are 53 extant petitions from bishops in the fourteenth century relating in some way to the affairs of other churchmen or members of the religious orders.¹ These petitions are particularly significant, not only because they represent instances whereby bishops sought royal intervention in their disputes with other churchmen – rather than relying on canon law or the exercise of episcopal authority to resolve conflicts – but also because a substantial portion of these petitions actually represent instances of cooperation. This chapter will begin with a brief overview of the petitions from bishops relating to the affairs of other clergymen, before proceeding to explore a number of petitions that represent instances of intra-episcopal conflict. Such cases, whereby bishops sought to enlist the support of the crown in disputes against other bishops, demonstrate how those elevated to the episcopate might appeal to the king instead of the pope as a competing source of authority, and indeed, in some cases actually sought royal intervention to overrule papal instructions. The chapter will then examine petitions representing acts of supplicatory cooperation, with a particular focus on instances of cooperation between bishops and their cathedral chapters,

¹ See Appendix B. In addition to these supplications is a body of material known as ‘ecclesiastical petitions’ (*TNA* C 84). These petitions were of a ‘purely formal character’, and did not involve pleas for remedy or requests for patronage, and are not considered by the presented study, see ‘Introduction’, *Index of Ancient Petitions*, Lists and Indexes 1 (repr. New York, 1966), p. 8.

before proceeding to examine in detail a dispute between successive bishops of Exeter on the one hand and the dean of the church of St Buryan in Cornwall on the other. This case has left a rich petitionary record and reveals a discernible ‘petition-mindedness’ on the part of some bishops.

2.2 Intra-episcopal Conflict

Clerks accounted for about five per cent of the adult male population under the Angevin kings, and made up a similar portion of the population at the end of the fourteenth century when 35,500 clerks and members of religious orders were recorded on the 1377-81 tax receipts.² Within this vast body of clergymen, a huge socio-economic gulf separated the seventeen bishops from the majority of unbeneficed clerks who formed the base of the church hierarchy. Yet, included in the 53 petitions surveyed here are complaints concerning churchmen from different social strata. At the apex of the church hierarchy, petitions have survived from bishops against other prelates – abbots and bishops – whilst further down the hierarchy bishops presented petitions against, or relating to, archdeacons, deans, canons, rectors and parsons. Over half of these petitions represented temporal concerns in much the same way as the supplications surveyed in the previous chapter relating to members of the laity. For example, John Dalderby, bishop of Lincoln (1299-1320), presented a petition against the prior of Rochester who had raised markets at Haddenham and Thame to the impairment of episcopal income,³ whilst Hamo Hethe, bishop of Rochester (1317-1352), petitioned against the conduct of two parsons who had withheld various temporalities from the bishop when acting in their capacity

² R. Bartlett, *England Under the Norman and Angevin Kings, 1075-1225* (Oxford, 2000), p. 377; W. M. Ormrod, *Edward III* (Stroud, 2005), p. 135.

³ SC 8/64/3157.

as executors of the will of Hethe's predecessor.⁴ A number of further examples are explored below as part of the discussion surrounding petitions representing acts of cooperation between bishops and cathedral chapters.

Just under half of the petitions from bishops concerning the affairs of other clergymen related to overtly ecclesiastical concerns, with many relating to matters of episcopal jurisdiction or competing claims to income from spiritualities. In most of these cases, the intervention of the crown was sought to supplement legal action already initiated in the church courts rather than in an attempt to circumvent ecclesiastical jurisdiction. For example, William Gainsborough, archbishop of York (1304-1315), claimed all manner of jurisdiction over several churches and vicarages in Nottinghamshire against one Master Boniface Saluces, but sought the intervention of the crown specifically because of alleged local disturbances made by Saluces. The petition did not appeal to the crown to resolve the conflicting jurisdictional claims, but rather the supplication sought remedy for action taken by the third party against the peace of the realm. A number of other conflicts explored below follow a similar pattern. These include a dispute between the bishop of Durham and the archbishop of York over visitation rights to certain churches, and a dispute between the archbishop of Canterbury and the archbishop of York concerning the latter's right to have his cross carried before him when travelling throughout the southern province. In another case, however, a request was made for a writ of prohibition to prevent a legal case from proceeding in the ecclesiastical courts. Godfrey Giffard, bishop of Worcester (1268-1302) petitioned against the Knights' Hospitaller who had brought a counter suit against him in ecclesiastical court in relation to a dispute over the patronage of the church of Down Ampney in Gloucestershire.⁵ This illustrates how the interests of an individual bishop presenting a private supplication could differ from the

⁴ SC 8/87/4311.

⁵ SC 8/197/9802.

interests of the episcopate when petitioning the crown collectively. Indeed, complaints against the usurpation of ecclesiastical legal jurisdiction through writs of prohibition were one of the most voluminous types of complaint contained in the clerical *gravamina*.⁶

There are only five petitions contained in SC 8 wherein bishops made complaint against the conduct of other bishops but, despite their rarity, these cases provide valuable insight into how members of the episcopate might seek the intervention of the crown to resolve disputes amongst themselves. Two of these petitions were presented by bishops-elect seeking ratification of their elections, whilst the remaining three petitions all related to matters of ecclesiastical jurisdiction and involved the archbishop of Canterbury, the archbishop of York, or both. That these petitions exist should come as no surprise. It has been amply demonstrated elsewhere that although the medieval episcopate generally tended to adopt a neutral stance in times of political crisis, the episcopal bench was never a socially and politically homogenous body.⁷ However, it remains a point of special interest that the intervention of the crown was sought in overtly ecclesiastical disputes such as that fought between the archbishop of Canterbury and the archbishop of York, concerning the archbishop of York having his cross borne before him when travelling from place to place in the southern province. This case will be explored below in due course.

Both of the petitions presented by bishops-elect requested the intervention of the king to prevent their elections from being quashed by papal provisions. The first of these petitions was presented by Adam Wynton, bishop-elect of Winchester, following the death of the incumbent, John Sandale, on 2 November 1319. This particular episcopal vacancy had produced two candidates in addition to Adam Wynton. The papal candidate,

⁶ See below, pp. 227-230.

⁷ See R. M. Haines, 'The Episcopate during the Reign of Edward II and the Regency of Mortimer and Isabella', *JEH* 56 (2005), p. 682 and passim.

Rigaud d'Assier (1319-1323), ultimately secured appointment ahead of both Adam Wynton and Henry Burghersh, the latter being the royal candidate who had been advocated by Sir Bartholomew Badlesmere.⁸ In his petition, Wynton directed his complaint primarily against the archbishop of Canterbury, who had delayed ratifying Wynton's election upon receiving letters from cardinals in Rome wherein it was conveyed that the pope intended to present Rigaud d'Assier. The bishop-elect therefore asked that the king send an order to the archbishop of Canterbury commanding him to execute his office, or else to ordain in parliament that letters should be sent to the pope seeking confirmation of his election or some other form of remedy.

Adam Wynton's petition primarily relates to a transitory phase in the history of the medieval episcopate whereby canonical elections were replaced by papal provision as the normal method of appointment to a bishopric in the fourteenth century.⁹ The last canonical election in fourteenth-century England that was not subsequently set aside was that of John Trilleck, bishop of Hereford (1344-1360), but the implementation of papal provision appears to have been advanced more rapidly in the richly endowed sees such as Winchester where the last canonical election of a monk was that of Henry Woodlock, prior of St Swithin, in January 1305.¹⁰ Although the election of Woodlock's successor, John Sandale in July 1316, was also upheld, in this instance the monks had been persuaded to elect Sandale – a royal clerk and pluralist – after the king had made his preference

⁸ For the nomination of Badlesmere, see *ibid.*, pp. 661-662, and esp. n. 20, citing PRO, Roman transcripts 31/9/17A; cf. N. Bennett, 'Burghersh, Henry (c.1290–1340)', *ODNB*.

⁹ W. A. Pantin, *The English Church in the Fourteenth Century* (Toronto, 1980), p. 54. See also, K. E. Harvey, 'From King John's Freedom of Election Charter to Papal Provision: Episcopal Appointments in England, c. 1214-c. 1344', Ph.D. Thesis, King's College London, 2011.

¹⁰ *CPR*, 1301-1307, p. 312; cf. J. R. L. Highfield, 'The English Hierarchy in the Reign of Edward III', *TRHS*, 5th series, 6 (1956), pp. 122-3.

clearly known through the personal intervention of Aymer de Valence, earl of Pembroke (c. 1270-1324).¹¹

Against this broader development whereby papal provision replaced canonical elections, Adam Wynton's petition was almost certainly destined to fail – especially given that the king favoured another candidate and even he could not to secure the appointment. Yet, Wynton's attempt to secure ratification of his election is all the more interesting given this context, especially in terms of the supplicatory strategy adopted by the bishop-elect. Notably, Wynton drew heavily upon existing hostility towards papal provisions and the appointment of aliens by labelling d'Assier as an '*alien e' nient de la ligeaunce ne de la R[aume] de nostre dit seigneur le Roi*' ('alien neither of the liegance nor of the realm of our said lord the king'),¹² whilst also echoing prevalent concerns that papal provisions could lead to the '*desheritaunce a nostre seigneur le roi e' de ses heirs*' ('the disinheritance of our lord the king and of his heirs'). The adoption of this supplicatory strategy is worthy of note for two reasons. Firstly, it is demonstrated elsewhere in the present study that bishops, when petitioning both individually and collectively in the presentation of the clerical *gravamina*, typically avoided the use of rhetoric that emphasised a mutuality of interest between suppliant and crown.¹³ The use of such language in Wynton's petition is indicative of his desperation and perhaps hints at a conscious awareness of the ultimate futility of his plea. Secondly, the type of rhetoric deployed here reflected concerns that had been voiced by the political community as we shall now see.

In the parliament of Carlisle, held between January and April 1307, a petition put forward in the name of the earls, barons and the whole community of the realm made complaint against a multitude of oppressions

¹¹ J. R. S. Phillips, *Aymer de Valence, Earl of Pembroke, 1307 – 1324: Baronial Politics in the Reign of Edward II* (Oxford, 1972), p. 103.

¹² Although the word for 'realm' is illegible on the manuscript the sense of the passage is clear, SC 8/146/7298.

¹³ See chapter four.

relating to the church, but primarily targeted papal provisions. If such provisions were allowed to continue, the supplicants argued (my italics):

...there will be no dignity, prebend, or church belonging to the patronage of the aforesaid prelates which is not in the hands of aliens, and then *elections to archbishoprics and bishoprics will cease*, prayers, alms and the provision of hospitality in the aforesaid places will be abandoned, the king and other lay patrons will lose their right of presentation at times of vacancy, the aforesaid counsel will perish, goods will be carried out of the realm, from which all evils will clearly follow.¹⁴

Aside from the fear that the wealth of the church would be exploited by foreign appointees, this community petition is particularly interesting for the way in which it highlights the perceived importance of canonical election to bishoprics as a method of ensuring the appointment of suitable individuals. Both of these elements were taken up in the petition of Adam Wynton, who placed emphasis on his own election and explicitly labelled Rigaud d'Assier as an alien.¹⁵ Furthermore, Wynton's assertion that papal provision could lead to the disinheritance of the king echoes the petition from the community of the realm wherein it was suggested that the king would lose his right to present to benefices at times of episcopal vacancy. Although the complaints here do not correlate precisely, they are similar inasmuch as both the bishop-elect and the petitioners in 1307 emphasised the detrimental effect of papal provisions in terms of the availability of patronage to the crown. A more direct parallel with the phrasing of Wynton's petition, however, is found in a letter to the pope from the 'kingdom of England' recorded in the *Vetus Codex*, wherein it was asserted that if the '*effrenatam*

¹⁴ *PROME*, Vetus Codex 1307, item 126.

¹⁵ Alongside Louis Beaumont, bishop of Durham (1317 – 1333), Rigaud d'Assier was one of only two alien papal provisors elevated to English bishoprics in the fourteenth century, see Pantin, *The English Church*, p. 9.

autem multitudinem provisionum ('the unbridled multitude of provisions') were allowed to continue, it would result in '*domini regis prejudicium et exheredacionem, ac regni depauperacionem*' ('the prejudice and disinheritance of the lord king, and the impoverishment of the realm').¹⁶ It seems readily apparent therefore, that Adam Wynton, bishop-elect of Winchester, was appealing to prevailing fears surrounding papal provisions, and perhaps even consciously incorporating language to mirror the supplications of the broader political community. Despite such tactics, Wynton's petition was ultimately unsuccessful and although his election received royal assent on 26 December 1319 he subsequently lost the see to Rigaud d'Assier who received the episcopal temporalities on 16 April 1320.¹⁷

The other petition presented by a bishop-elect was that from Wolstan Bransford, who was elected by the cathedral chapter of Worcester and subsequently received royal assent for his election on 8 September 1327.¹⁸ Bransford was in a somewhat stronger position than Wynton, having received both the ratification of his election from archbishop Walter Reynolds on 3 October 1327 and the restoration of episcopal temporalities on 8 October.¹⁹ As such, Bransford petitioned to defend his elevation to the episcopate, rather than seeking the affirmation of his appointment. In contrast to the petition from Adam Wynton, Bransford's petition was devoid of any rhetoric that placed emphasis on the vices of papal provisions. Instead, Bransford recounted how the archbishop of Canterbury had received letters from the pope to obstruct his election, and the king was asked by the bishop-elect to ensure that the archbishop did not obey the papal orders without royal assent. The supplicatory tactic adopted here sought to implicate the crown in any attempt to quash Bransford's canonical election, thereby exposing not only the pope, but also the king, to the

¹⁶ *PROME*, Vetus Codex 1307, item 106.

¹⁷ *CPR, 1317-1321*, pp. 406, 438, 441.

¹⁸ *CPR, 1327-1330*, p. 159.

¹⁹ *CPR, 1327-1330* p. 179.

hostility of the broader political community against papal provisions. This particular strategy was rather adept under the prevailing political situation, given that Mortimer and Isabella needed broad political support in order to maintain their regency. Indeed, Bransford's petition initially met with some success, and on 11 November it was decided by the council that the archbishop of Canterbury should receive a royal order commanding him not to attempt anything in the matter prejudicial to the crown.²⁰ Subsequently, the prior and convent of Canterbury were ordered on 17 November to consecrate Bransford as bishop.²¹ The timing of this order indicates that it was an attempt to take advantage of the archiepiscopal vacancy, since Walter Reynolds – who had 'wilfully refused' to consecrate Bransford because he had received letters from the pope ordering him not to do so – had died only the day before this royal order was sent.²² The translation by papal provision of Adam Orleton from the see of Hereford was thereby actively opposed by Mortimer and Isabella, and defeat on the issue was not conceded until 2 March 1328 when the episcopal temporalities were restored to the papal candidate.²³ Bransford, whose elevation to the episcopate was thus set aside, continued in his position as prior of Worcester under Orleton and his two successors, before finally being elected as bishop without opposition in 1338.

Although the petitions from Adam Wynton and Wolstan Bransford were presented in slightly different contexts, both represented attempts by bishops-elect to exert pressure on the archbishop of Canterbury to secure their elevation to the episcopate against papal provisors. It has been observed elsewhere that the reaction of the episcopate towards papal provision was complex. In principle bishops were bound to support the claims of canon law and papal authority, and the episcopate occasionally

²⁰ SC 8/208/10383; SC 8/208/10385.

²¹ *CCR, 1327-1330*, pp. 238-9.

²² *Ibid*; *Fasti Ecclesiae Anglicanae*, IV, p. 3.

²³ *CPR, 1327-1330*, p. 245.

made outward displays of support for the papal policy.²⁴ In practice, however, there was some degree of hostility towards papal provisions since the practice eroded the pool of ecclesiastical patronage available for bishops to reward their own servants and administrators.²⁵ Although bishops were reluctant to publically support the complaints of the broader political community in parliament,²⁶ the petition from Adam Wynton demonstrates that certain members of the clergy were prepared to engage in such debates and propound the line adopted by the commons. Furthermore, in both petitions from the bishops-elect, the intervention of the crown was sought to overrule the instructions of the pope. As such, these petitions provide firm evidence that support for the anti-papal legislation of the 1350s – the statute of Provisors (1351) and the statute of *Praemunire* (1353) – was by no means limited to the laity. Ultimately, both appeals from the bishops-elect were unsuccessful, and by the time Bransford was finally elevated to the episcopate in 1338, his canonical election was one of the last times an individual joined the episcopal bench by a method of appointment that was by this stage rapidly being replaced by papal provision.

The remaining three petitions representing instances of intra-episcopal conflict all involved complaints relating to competing jurisdictional claims. The first of these cases related to a dispute between Simon Islip, archbishop of Canterbury (1349-1366), and the crown over the royal free chapel of Bosham in Chichester Diocese. As part of this conflict, John Grandisson, bishop of Exeter (1327-1369), had conceded visitation rights to

²⁴ In 1390 the clergy made a formal protest against anti-papal legislation, *PROME*, January 1390, item 24. For discussion, see Pantin, *The English Church*, p. 69.

²⁵ Ibid., pp. 69-71; cf. Keen, *England in the Later Middle Ages: A Political History* (London, 1988), pp. 208-9.

²⁶ In the parliament of 1343, which passed the ordinance of Provisors, the prelates had apparently tried to retire from the assembly before the anti-papal protests were made, see E. M. Thompson, *Adae Murimuth Continuatio Chronicarum. Robertus de Avesbury de Gestis Mirabilibus regis Edwardi Tertii* (1889), p. 138.

the king causing Archbishop Islip to petition in protest.²⁷ This series of events was primarily the result of a complex jurisdictional agreement that had been established in the thirteenth century in relation to the church of Bosham.²⁸ In brief, the nave of the collegiate church was also the parish church and subject to the ordinary jurisdiction of the bishop of Chichester, whilst jurisdiction over the canons of the collegiate church was reserved for the bishop of Exeter, who was regarded as the dean of the royal chapel. The individual elevated to the see of Exeter thereby exercised rights at Bosham as a royal chaplain rather than as the bishop of Exeter and, in this sense, the petition from Archbishop Islip was not, strictly speaking, concerned with the actions of another bishop but with the actions of a dean who, inevitably, happened to be the bishop of Exeter.

On 13 February 1355, Simon Islip had obtained royal permission to exercise visitation rights over the chapel of Bosham, provided that he avoided doing anything prejudicial to the crown. This rather ambiguous instruction was issued at the behest of the archbishop, who had petitioned the king to complain that he had abstained from exercising archiepiscopal visitation rights after a writ of prohibition had prevented him from doing so and which had been issued on the basis that Bosham was a free chapel and exempt from ordinary jurisdiction.²⁹ Apparently the archbishop did not proceed with sufficient caution and was subsequently indicted before the justices of the king's bench for presuming to exercise ordinary jurisdiction. The plea was later transferred for consideration before the king and council,³⁰ and it seems to have been at this stage, sometime before the octaves of Michaelmas 1356, that Islip presented the petition that forms our

²⁷ SC 8/16/758.

²⁸ For a full discussion, see J. H. Denton, *English Royal Free Chapels, 1100-1300: A Constitutional Study* (Manchester, 1970), pp. 44-47.

²⁹ CCR, 1354-1360, p. 115; Cf. G. O. Sayles, *The Functions of the Medieval Parliament* (London, 1988), p. 319.

³⁰ CCR, 1354-1360, p. 157.

focus here.³¹ The archbishop complained that in a recent plea before the council, Bishop Grandisson had granted to the king the right to exercise visitation over Bosham Chapel, '*en prejudice de vostre eglise de Canterbirs*' ('in prejudice of your church of Canterbury').³² The archbishop's petition was apparently unconvincing, and on 8 November a letter close recorded that it had been demonstrated before the council by the bishop's attorney's that Bosham was a free chapel and that visitation and jurisdiction belonged to the king.³³

Clearly in the case of Bosham Chapel, the conflict between the archbishop of Canterbury and the bishop of Exeter was somewhat incidental and resulted primarily from the competing claims of the archbishop and the crown. The two remaining petitions relating to intra-episcopal conflict, however, represent disputes between bishops of a more direct nature. The first of these petitions was presented as part of another dispute over visitation rights, this time between Louis Beaumont, bishop of Durham (1317-1333), and William Melton, archbishop of York (1316-1340).³⁴ As a result of competing claims to visitation rights over several churches in the historic county of Allertonshire (North Riding of Yorkshire), the bishop of Durham had appealed for a resolution from the pope. Whilst this plea was pending, Archbishop Melton had obtained royal writs to remove lay forces that were supposedly occupying the disputed churches. Beaumont apparently saw this as an attempt by the archbishop to gain a short-term advantage and directly exercise authority over the disputed churches. To prevent the archbishop from exercising authority, the bishop of Durham petitioned for the royal intervention in the archbishop's favour

³¹ SC 8/16/758.

³² In his petition, Islip refers to a plea pending before the council. On the octaves of Michaelmas 1356, the archbishop appeared before the council to defend his case, so the petition must have been presented before this date. SC 8/16/758; *CCR, 1354-1360*, p. 288.

³³ *CCR, 1354-1360*, p. 288.

³⁴ SC 8/296/14775.

to cease whilst the case was pending before the pope. As such, there was no attempt in this case by the supplicant to circumvent ecclesiastical jurisdiction, and indeed, Beaumont appealed to the crown for the very purpose of facilitating the course of justice at canon law. No resolution from the papal curia was forthcoming however, and when the dispute escalated into violence, with each prelate calling armed men to the support of their cause, a compromise agreement was brokered before the king's council.³⁵ In such cases the crown was forced to intervene to prevent further disturbance, and it is possible that the array of armed supporters was a consciously orchestrated event by the archbishop of York designed to provide the king with an excuse to circumvent canon law on the understanding that the peace of the realm had been threatened.

Perhaps the most interesting of the intra-episcopal disputes was that fought between archbishop of Canterbury and the archbishop of York over the latter's right to have his cross carried before him when travelling throughout the southern province.³⁶ Walter Reynolds, archbishop of Canterbury (1313-1317), petitioning alongside the prelates of Canterbury Province either in the parliament of October 1324 or the parliament of June 1325,³⁷ requested '*pur l'onour de Dieu e' de l'Eglise de Canterbur, q'est de la Seinte Trinite, et pur l'amour le glorious Martir Seint Thomas*' ('for the honour of God and the church of Canterbury, which is of the Holy Trinity, and for the love of the glorious martyr Saint Thomas'), that the king preserve '*l'estate e' l'onour*' ('the estate and honour') of their church, so that it be not '*abesse en son temps, et nomement, de ceo qe touche le portement de la Croitz l'Ercevesqe d'Evermyk*'

³⁵ CCR, 1327-1330, pp. 583-4; C. M. Fraser, 'Beaumont, Louis de (d. 1333)', ODNB.

³⁶ SC 8/7/346.

³⁷ On the 8 October 1324, the archbishop of York had received orders from the king not to molest the archbishop of York in the matter of having his cross carried before him, which may have resulted in this petition being presented at the non-parliamentary assembly that was held subsequently in London, see CCR, 1323-1327, p. 316. Alternatively, the petition may have been presented to coincide with the appointment of William Melton, archbishop of York, as treasurer at the parliament of June 1325, see PROME, June 1325, introduction.

(‘diminished in his time, concerning the carrying of the cross of the Archbishop of York’).³⁸ On the face of it, this petition appears to represent an appeal by the archbishop of Canterbury for the king to resolve an overtly ecclesiastical dispute involving primatial rights which might otherwise have been resolved through an appeal to the pope. However, the intention of Archbishop Reynolds appears not to have been to initiate any legal proceedings, but rather to prevent the king from taking measures to protect the disputed right of the archbishop of York.

Such orders for protection were issued almost as a matter of routine after 1304, when Edward I had applied to the pope asking him to allow the archbishop of York to have his cross carried before him without molestation by the archbishop of Canterbury until a definite sentence was reached on the issue.³⁹ Following this application to the pope for legal remedy, there had been periodic orders from the king commanding both archbishops to tolerate the practice, whilst sheriffs received instructions to ensure that the archbishops were not hindered for having their crosses borne before them when travelling in each other’s province.⁴⁰ This stopgap measure essentially governed the issue until 20 April 1353, when the conflict was finally settled between Simon Islip, archbishop of Canterbury (1349-1366), and John Thoresby, archbishop of York (1352-1373), with Canterbury’s preeminence confirmed. However, in 1325 when Walter Reynolds presented his petition, the practical solution of providing royal protection and calling for mutual tolerance was deemed by the archbishop to be both prejudicial and unsatisfactory.

In October 1324, Reynolds’ had been ordered to allow the archbishop of York to travel to London unmolested and with his cross borne before him, and the controversy had been further exacerbated at the assembly of

³⁸ SC 8/7/346; for a full edition, see *RP*, I, p. 418, no. 5.

³⁹ *CCR*, 1302-1307, p. 312.

⁴⁰ *CCR*, 1313-1318, p. 194; *CCR*, 1318-1322, p. 684; *CCR*, 1323-1327, pp. 316, 500, 658; *CCR*, 1327-1330, pp. 219, 382; *CCR*, 1330-1333, p. 598, *CCR*, 1333-1337, p. 316.

June 1325, when William Melton, archbishop of York, replaced Walter Stapeldon as treasurer of the exchequer.⁴¹ This suggests that the petition was more likely to have been presented at the latter assembly, since as treasurer, Melton would be required to take up residence in London, and whenever and wherever he travelled throughout the southern province the archbishop would be permitted to have his cross carried before him with royal impunity. According to the author of the *Vita Edwardi Secundi*, upon hearing of Melton's appointment, Archbishop Reynolds had proclaimed that he could not tolerate the appointment with a 'clear conscience' since it could not be done 'without prejudice to the church of Canterbury'. Reynolds then reputedly went on to say that from the time of Thomas Becket, 'no Archbishop of York has borne his cross in the province of Canterbury, unless perchance in pride of insolence, propped up by the support of some magnates', although this particular line of argument was not taken up in his petition.⁴²

Reynolds' endeavour was ultimately unsuccessful, and Edward II apparently 'took little notice of the Archbishop's arguments, protesting that he would not dismiss any necessary official on account of the bearing of the cross or any other privilege whatsoever'.⁴³ Evidence drawn from the royal response to a petition from the bishop of Carlisle whereby the bishop's request was apparently ridiculed by the king, suggests that this account of Edward II's reaction to Archbishop Reynold's protest, as provided in the *Vita Edwardi Secundi*, may not have been too far off the mark.⁴⁴ Indeed, whether or not the king's attributed reaction was the product of authorial embellishment, it is clear from surviving royal letters that Reynolds's petition

⁴¹ *PROME*, June 1325, introduction; N. Fryde, *The Tyranny and Fall of Edward II, 1321-1326* (Cambridge, 1979), p. 103.

⁴² N. Denholm-Young (ed.), *Vita Edwardi Secundi: The Life of Edward the Second by the so-called Monk of Malmesbury* (London, 1957), pp. 139-40.

⁴³ *Ibid.*, p. 140.

⁴⁴ See below, pp. 167-169.

did nothing to prevent the archbishop of York being afforded royal protection to have his cross carried before him, a practice which would continue until the middle of the century.

2.3 Cooperation

The petitions discussed thus far have represented instances of conflict between various members of the church. However, over half of the petitions surveyed by the present chapter actually involved acts of cooperation.⁴⁵ Although there are several examples of bishops presenting petitions in cooperation with members of the laity, the high proportion of petitions relating to other members of the clergy and also involving cooperative action sets this body of documents apart from the supplications surveyed in other chapters of the present work.⁴⁶ Petitions representing acts of clerical cooperation can be usefully divided into two categories: on the one hand there were cases whereby clerical supplicants presented joint requests and on the other hand there were petitions presented by bishops for the advantage of a clerical third party. A brief survey of each of these two types of petition will be explored below before proceeding to examine instances of cooperation between bishops and their cathedral chapters.

We have already seen one example of a joint request in the petition from Walter Reynolds concerning the archbishop of York having his cross carried before him when travelling throughout the southern province, which was presented alongside '*les prelatz de la province de Cantebir*' ('the prelates of the province of Canterbury').⁴⁷ In this case, it is clear that the issue of complaint overwhelmingly related to the concerns of the archbishop, and

⁴⁵ See appendix B.

⁴⁶ SC 8/109/5411; SC 8/122/6062; SC 8/11/504; SC 8/110/5459; SC 8/226/11258; SC 8/183/9117; SC 8/173/8613; SC 8/251/12545. For discussion of an alliance of interests between the bishop of Ely and the duke of Lancaster, see below, pp. 185-186.

⁴⁷ SC 8/7/346.

the broader support of the province of Canterbury was added, in all likelihood, primarily to serve a persuasive function. Other petitions, however, appear to have been the product of genuine cooperation and propelled by mutual interest. For example, Robert Braybrook, bishop of London (1381-1404) petitioned alongside the prior of Ogbourne St George and the prior of Cowick in relation to the alien priory of Stoke by Clare to complain that William George, a monk, had altered the letters of presentment issued for the appointment of a new prior and appropriated the position for himself.⁴⁸ In this case, the co-petitioners were brought together because they exercised a joint claim to the priory as proctors during the schism. They therefore acted together and requested that the king seize the priory of Stoke by Clare in order to compel the recalcitrant William George to relinquish his appropriated position. In another case, William Melton, archbishop of York, petitioned alongside the abbot and convent of Fountains, their tenants, and the community of Wharfedale to make complaint against foresters who made exactions against them despite Wharfedale being located outside the bounds of the forest.⁴⁹ This petition represented a genuine alliance of interests as demonstrated by a record of the legal proceedings relating to the case, which reveals that the archbishop, alongside the abbot of Fountains, the prior of Boulton – who is not named as a co-petitioner – and the men and tenants of Wharfedale all appeared before the king to support their claim that Wharfedale had been disafforested by King John.⁵⁰

A rather more anomalous case of a petition being presented jointly is that presented in 1320 by John Ross, bishop of Carlisle (1325-1332).⁵¹ This multiple-clause petition was divided into three discrete paragraphs, each representing a separate request relating in some way to Anglo-Scottish

⁴⁸ SC 8/180/8993; *VCH Suffolk*, II, pp. 154-5.

⁴⁹ SC 8/11/504; SC 8/257/12835. Cf. SC 8/257/12832.

⁵⁰ *CCR*, 1327-1330, pp.146-7

⁵¹ SC 8/82/4071.

hostilities. However, whilst the first two requests were made in the name of the bishop, the third and final request was made in the name of the '*povre clers del Evesche de Cardoille*' ('poor clerks of the diocese of Carlisle'). Whilst this petition still appears to represent an act of cooperation, in the sense that requests from more than one petitioner were brought together in the same document, the issues concerning the bishop himself clearly took precedence and, consequently, the level of personal solidarity between co-petitioners seems somewhat diminished. Unlike the petition from the archbishop of Canterbury, the abbot of Fountains and the men of Wharfedale, which was co-presented because all of the supplicants were party to the legal challenge against the extent of the royal forest, the petition from the bishop and clerks of Carlisle appears to represent an overriding concern to ensure that it was possible for the crown to identify the provenance of each request. By compiling their petition in this manner, it is possible that the bishop of Carlisle, or the clerk who drafted the petition, was emulating an administrative process of the late thirteenth and early fourteenth centuries whereby royal clerks enrolled petitions by providing key personal or place names in the left margin to assist in the identification of different cases.⁵² Although the petition from the bishop and clerks of Carlisle did not provide such finding aids the requests were nevertheless separated in a similar manner to ensure it was possible for the crown to identify which supplicant was responsible for a specific request. As demonstrated elsewhere, it is possible that the division of petitionary material into multiple clauses also anticipated the manner in which the crown would provide a separate response to each request.⁵³ Indeed, in the case of this petition, the rationale underlying the separation of the material was adopted by the crown, and

⁵² G. Dodd, M. Phillips and H. Killick, 'Multiple-Clause Petition: Instruments of Pragmatism or Persuasion?', *JMH* (forthcoming, 2013).

⁵³ *Ibid.*

royal responses were recorded on the face of the manuscript directly beneath the corresponding request.

Aside from petitions that were co-presented by bishops alongside other members of the clergy, there were a number of petitions presented by bishops individually for the express advantage of an ecclesiastical third party. Many of these instances are discussed below as part of the discussion surrounding cooperation between bishops and their cathedral chapters. An example of a petition presented on behalf of a clerical third party other than a cathedral chapter is that presented by John Buckingham, bishop of Lincoln (1363 – 1398), in the parliament of June 1369 against a writ of *quare impedit* that had been brought by the king against himself, the archdeacon of Oxford and the prior of Kenilworth concerning a benefice in Iffley, Oxfordshire.⁵⁴ In this case, the king had presented one Richard Pencrich to the disputed benefice on 12 March 1369, claiming the advowson by virtue of the recent vacancy of the Kenilworth Priory.⁵⁵ This royal claim was invalid,⁵⁶ and following the petition from Bishop Buckingham, a decision in chancery, made before several magnates and justices including the duke of Lancaster, annulled the king's presentation and the archdeacon's right was upheld.⁵⁷ Although the archdeacon of Oxford may have proved just as successful had he petitioned himself, clearly the involvement of the bishop of Lincoln was no disadvantage and resulted in a quick and favourable outcome.

Perhaps the most peculiar of these petitions presented on the behalf of a clerical third party – at least on the face of it – is that from John Monmouth, bishop of Llandaff (1294-1323), seeking remedy against Hugh Audley, earl of Gloucester (c. 1291-1347), who had distrained the abbot of

⁵⁴ SC 8/210/10463; SC 8/210/10464; *PROME*, June 1369, appendix.

⁵⁵ *CPR, 1367-1370*, p. 93.

⁵⁶ The bishop of Lincoln had acquired the advowson in 1266, and by 1279 the advowson was in the gift of the archdeacon of Oxford, who continued to retain the patronage after 1369, see *VCH, Oxford*, V, p. 202.

⁵⁷ SC 8/210/10463.

Glastonbury and his tenants of Bassaleg (near Newport) in Wales.⁵⁸ According to the bishop, Geoffrey Madgaires (otherwise known as Fromond), the late abbot of Glastonbury (d. 14/15 November 1322),⁵⁹ had made a fine with Hugh Despenser the younger for 200 marks in relation to ‘*ascuns debates*’ (‘certain disputes’) in Wales. Although this sum had been paid, and the abbot had duly received ‘*bone acquittance*’ (‘good quittance’), Hugh Audley had acted against the abbot in the belief that the fine had not been paid and, as the supplicant added somewhat incredulously, ‘*par quele cause home ne seel*’ (‘for what reason man knows not’). The abbot’s tenants of Bassaleg had been consequently distrained by Audley, who had seized and sold their goods. The historical context in which this petition was presented is linked to a broader dispute between Despenser and Audley over competing claims to lands in Wales.

In 1317, Hugh Audley inherited through his wife Margaret Clare, the lordship of Gwynllwg, which was to be held directly of the crown.⁶⁰ However, before Audley could take possession, Despenser made an indenture with some of the tenants of those lands who preferred to remain under the rule of the marcher lord of Glamorgan rather than an independent lord of Gwynllwg. This provoked an ineffectual reaction from the crown, and in December 1318, Audley and his wife surrendered the lordship to Despenser in return for six manors in England of considerably lesser value. However, when civil war broke out in 1321, Audley took the side of the barons against the king, and was put in possession of the lordship of Newport. It was probably at this stage that Audley made exactions against

⁵⁸ SC 8/57/2809.

⁵⁹ D. M. Smith and V. C. M. London (eds), *Heads of Religious Houses: England and Wales, II: 1216-1377* (Cambridge, 2001), pp. 46-7.

⁶⁰ For what follows, see T. B. Pugh, ‘The Marcher Lords of Glamorgan and Morgannwg, 1317-1485’ in T. B. Pugh (ed.), *Glamorgan County History, III: The Middle Ages: The Marcher Lordships of Glamorgan and Morgannwg and Gower and Kilvey from the Norman Conquest to the Act of Union of England and Wales* (Cardiff, 1971), pp. 168-173; Cf. Phillips, *Aymer de Valence*, p. 199.

the tenants of Bassaleg which forms the focus of Bishop Monmouth's complaint. The bishop appears to have withheld his petition until after the royal victory at Boroughbridge in March 1322,⁶¹ and probably presented his supplication in the parliament of November 1322 under political circumstances favourable to a complaint against the disgraced Audley, who had escaped execution through the intercession of his wife, the king's niece, but remained in royal captivity until 1326.

On the face of it, the petition from John Monmouth appears to have been presented in a cooperative capacity and in support of the abbot of Glastonbury. Yet, it is clear that the petition was in fact primarily presented for the protection of the bishop's own interests. Notably, during the episcopacy of Elias of Radnor (1230-1240), the abbot of Glastonbury had transferred in frank almoin the patronage of several chapels and all lands, tithes, mills and rents held by the abbot within the diocese of Llandaff, for a yearly rent of 35 marks.⁶² As such, the exactions made by Hugh Audley against the tenants of the abbot in Wales actually had a detrimental effect on the bishop of Llandaff, which explains why the petition was presented solely by the bishop and not in conjunction with the abbot. In this sense, the cooperative element of this petition was illusory and the bishop of Llandaff actually sought to protect his own interests.

Of particular interest among the petitions from bishops representing instances of cooperation with ecclesiastical third parties are those relating to cathedral chapters. It will be explored below why in some cases bishops petitioned alongside their cathedral chapter, and on other occasions presented a petition individually but for the advantage of their cathedral chapter, apparently in the capacity of an intermediary. Before proceeding to examine these petitions in more detail, it is worth noting an important

⁶¹ The petition must have been presented after 14 or 15 November 1322, due to the bishop's reference to the 'late' abbot of Glastonbury, SC 8/57/2809.

⁶² *CPR, 1327-1330*, pp. 507-8.

preliminary observation: supplicatory cooperation between bishops and their cathedral chapter was by no means an automatic process. The relationship between bishops and their cathedral chapters was often complex, and influenced not only by tensions relating to the demarcation of respective rights and jurisdictions, but also by the personalities of individual bishops and chapter heads.⁶³ By the twelfth century cathedral chapters in England exercised a great degree of autonomy from episcopal authority,⁶⁴ and by the time petitioning on a large scale emerged in parliament in the late-thirteenth century chapters were perfectly capable and willing to present petitions without the support of bishops.⁶⁵ As such, the petitions presented by bishops, either with their cathedral chapters or for their benefit, probably represent some form of genuine cooperation. Furthermore, as highlighted by the petition from the archbishop of Canterbury discussed below, it is evident that in some cases where cooperative action might have been enlisted, the opportunity of forming an alliance of interests was avoided entirely.

A petition presented by Walter Reynolds, archbishop of Canterbury, in relation to the patronage of Dover Priory, represents a case whereby the archbishop might have presented his supplication cooperatively with his

⁶³ For discussion of these issues, see K. Edwards, *The English Secular Cathedrals in the Middle Ages*, 2nd edn (Manchester, 1967), pp. 97-135. Further discussion of episcopal-chapter relations can be found in a number of biographical works, for example see V. Davis, *William Wykeham: A Life* (King's Lynn, 2007), pp. 113-14; R. M. Haines, *Archbishop John Stratford: Political Revolutionary and Champion of the Liberties of the English Church, ca. 1275/80 – 1348* (Toronto, 1986), pp. 30-33; 'Bishop John Stratford's Injunctions to his Cathedral Chapter and other Benedictine Houses in Winchester', *Revue Bénédictine* 117 (2007), 154-80.

⁶⁴ Edwards, *English Secular Cathedrals*, p. 100.

⁶⁵ For example, in SC 8 there are four petitions from the dean and chapter of Salisbury, none of which were co-presented with the bishop, SC 8/141/7050; SC 8/271/13546; SC 8/161/8048; SC 8/140/6988. A number of petitions also exist from the prior and convent of Durham, SC 8/179/8950, SC 8/182/9095; SC 8/9/417; SC 8/44/2184; SC 8/105/5209; SC 8/43/2150A; SC 8/43/2123; SC 8/175/8737; SC 8/241/12008; SC 8/44/2156; SC 8/107/5336; SC 8/107/5315; SC 8/3/107; SC 8/107/5312; SC 8/106/5265; SC 8/44/2159; SC 8/44/2160; SC 8/44/2161. Other cathedral chapters and convents similarly presented petitions independently of their bishop.

cathedral chapter but instead sought to protect his own interests. In 1130, Henry I had granted the church of St Martin in Dover to the priory of Holy Trinity, Canterbury, but proceeded to complicate the matter by subsequently granting it to the archbishop and the cathedral for the construction of a monastery which was to be under the authority of the archbishop alone.⁶⁶ Theobald, archbishop of Canterbury (1138-1161), later ordained by charter that Dover Priory should always be a cell to Canterbury, that the prior of Dover was to be a professed monk of Canterbury, and that the appointment of the prior was reserved to the archbishop. The patronage of Dover Priory was confirmed to the archbishop both by Pope Innocent II and King Henry II, and several times subsequently by their successors.⁶⁷ However, in a plea before Edward I in 1285-6, the crown successfully challenged the archbishop of Canterbury's claim to the advowson and the king's newfound rights were put into effect shortly afterwards when a licence to elect a new prior was granted by the king on 20 September 1286.⁶⁸

The petition from Archbishop Walter Reynolds, which forms our focus here, was presented during a subsequent legal process. This process was initiated in 1319 when the sub-prior and convent of Dover petitioned for remedy against the prior of Holy Trinity, Canterbury, who had attempted to exercise jurisdiction over the convent during the archiepiscopal vacancy that followed the death of Robert Winchelsey in May 1313.⁶⁹ Reynolds used his petition to reassert the historic claim of the archbishop of Canterbury to the patronage of Dover Priory. The plea was brought to a conclusion in the parliament of October 1320, wherein Reynolds secured recognition of his claim to the patronage of Dover Priory. However, this was granted on the condition that henceforth the prior should be chosen from the monks of

⁶⁶ *VCH Kent*, II, p. 133.

⁶⁷ *Ibid.*

⁶⁸ *PROME*, October 1320, item 5.

⁶⁹ SC 8/145/7210; for a full edition, see G. Dodd and A. McHardy (eds), *Petitions to the Crown from English Religious Houses, c.1272-c.1485* (Woodbridge, 2010), pp. 183-5.

Dover Priory, thereby effectively setting aside Theobald's grant to the prior and convent of Canterbury – which had stipulated that the prior of Dover should always be a professed monk of Canterbury – who were cut out of the arrangement entirely.⁷⁰

It is apparent from both the surviving petition from Reynolds, and the record provided on the parliament roll, that the archbishop made no attempt to protect the rights of his cathedral chapter, and it was only later, in 1350, that Simon Islip, archbishop of Canterbury (1349-1366), sought to advance the cause of his cathedral chapter and ordained that during archiepiscopal vacancies the prior of Dover should render canonical obedience to the priory of Holy Trinity, Canterbury.⁷¹ That Reynolds sought to protect his own interests without concern for those of his chapter is perhaps all the more surprising given that the archbishop achieved harmonious relations with his cathedral chapter forming a notable contrast with both his predecessor, Robert Winchelsey (1293-1313) and his successor, Simon Mepham (1327-1333).⁷² Clearly, then, harmonious relations did not always result in supplicatory cooperation, and in this instance, Reynolds appears to have placed episcopal interests above those of his cathedral chapter.

As mentioned above, supplicatory cooperation existed in two forms: firstly, in cases whereby bishops and cathedral chapters co-presented a petition; and secondly, in cases whereby bishops presented petitions by themselves but sought some form of advantage for a third party. The difference between these two types of cooperative action as it applies to cathedral chapters can only partly be explained in terms of supplicatory function. That is to say, there are only a small number of petitions whereby there is an obvious reason in terms of the request conveyed in a petition to

⁷⁰ *CPR, 1317-21*, p. 531; *PROME*, October 1320, item 5; SC 8/259/12911.

⁷¹ *VCH Kent*, II, p. 134; *CPR, 1348-1350*, pp. 508-9

⁷² J. R. Wright, 'Reynolds, Walter (*d.* 1327)', *ODNB*

explain why it was presented jointly or individually. For example, John Hotham, bishop of Ely (1316-1337) petitioned for permission to grant land and tenements in London and Middlesex to the prior and convent of Ely,⁷³ whilst John Monmouth, bishop of Llandaff and John Stratford, bishop of Worcester, petitioned for their cathedral chapters to be granted custody of the temporalities of their respective dioceses during episcopal vacancies.⁷⁴ In such cases involving a grant of land or the acquisition of rights, petitions could not have been co-presented by grantor and grantee without confusing the nature of the request.

In other cases, it is clear why bishops *did* co-petition with their cathedral chapters. In a legal dispute relating to the confiscated lands of those convicted by royal justices in the aftermath of the Peasants' Revolt in 1381, Thomas Arundel, bishop of Ely (1373-1388) presented five petitions.⁷⁵ Yet, it was only the last of these petitions that was co-presented by the bishop, prior and convent of Ely. Notably, this final petition was presented with the expectation that remedy would be granted following a royal visit to the diocese where the bishop had apparently pressed his claim to the king in person. This suggests that only at this final stage was it deemed appropriate to present a petition jointly. Since the royal grant provided clarification of episcopal rights concerning forfeitures it was important to have the resulting charter issued to the bishop, prior and convent since the latter exercised the right to the custody of the temporalities during episcopal vacancies. It was therefore possible that the rights to forfeitures provided by the new royal charter might need to be called upon by the prior and convent if the see was vacant.

A similar rationale appears to have been adopted in the petition from the bishop, dean and chapter of St Asaph, who petitioned in 1320 in relation

⁷³ SC 8/192/9582; formerly attached to SC 8/192/9581.

⁷⁴ SC 8/279/13917; SC 8/15/719.

⁷⁵ For a full discussion of these petitions see below, pp. 181-189.

to their rights to a fair in St Asaph.⁷⁶ However, what is especially interesting in this case is that the resulting charter – which was granted to the bishop, dean and chapter – made reference to the petition as if it had been presented by the bishop exclusively, recording ‘whereas the said bishop, on the ground that the bishop, dean and chapter have not been wont to take any toll in the said fair, has petitioned the king’.⁷⁷ This is also found on the endorsement to the petition, where it was recorded ‘*Le Roi lui ad grante la grace*’ (‘The king has granted *him* the grace [my italics]’).⁷⁸ Although in the Ely case mentioned above, the resulting charter referred to the petition as having been presented by the bishop, prior and convent, the case of St Asaph works to demonstrate that from the point of view of the crown, a petition co-presented by a bishop and his cathedral chapter for the purposes of grant, even when it touched upon the rights of both, was actually unnecessary. Indeed, in 1317, John Sandale, bishop of Winchester (1316-1319) presented a petition requesting confirmation of charters for himself and the prior and convent of Winchester,⁷⁹ whilst Ralph of Shrewsbury, bishop of Bath and Wells (1329-1363) similarly presented a petition without his cathedral chapter despite requesting confirmation of their rights.⁸⁰ The decision to co-petition may, therefore, simply indicate personal preference and different styles of episcopacy. However, in the case of the petition from Ralph of Shrewsbury, there was perhaps a functional reason for the bishop’s decision to petition individually, since the supplication comprised three separate parts. Only the latter two requests concerned the rights of the dean and chapter of Wells and the prior and monks of Bath, and in this sense it was perhaps deemed administratively astute to present a petition in the name of

⁷⁶ SC 8/87/4313.

⁷⁷ *CChR, 1300-1326*, p. 428.

⁷⁸ SC 8/87/4313.

⁷⁹ SC 8/325/E674.

⁸⁰ SC 8/243/12103.

the bishop since the first of the request concerned only the rights of the bishop.

In a number of other cases, it appears that bishops presented petitions jointly with their cathedral chapter to provide supplicatory support. One such case is a petition from the bishop, dean and chapter of London which made several complaints against the Dominican friars to whom they had sold land in London.⁸¹ This petition related to the relocation of the Friars Preachers from Holborn to their new site at Ludgate.⁸² In their petition, which was probably presented sometime after 1280,⁸³ the bishop, dean and chapter of London complained about damage to the parishes of St Andrew by the Wardrobe and St Martin in Ludgate caused by the destruction of houses there. They also sought £100 annually that had been promised to St Paul's in compensation for the relocation of the Friars Preachers, and in addition, requested that the friars be ordered to desist from exerting pressure on the dean and chapter to grant them additional houses in the vicinity. As such, it seems that the mainstay of the complaint related to problems encountered by the dean and chapter of St Paul's, and the bishop's name was primarily added to lend supplicatory weight to the petition.

Two further cases of cooperative action, whereby bishops lent their supplicatory strength to support their cathedral chapters, are evident in the

⁸¹ SC 8/237/11847.

⁸² In 1276, Robert Kilwardby, archbishop of Canterbury, obtained from the mayor and commonalty of London the site of Baynard's Castle on the Thames within Ludgate, a short distance southwest of St Paul's Cathedral. This move had been initially opposed by the dean and chapter of St Paul's, and it was only at the repeated request of the king that they authorised the construction of new buildings in 1278. C. M. Barron and M. Davies, *The Religious Houses of London and Middlesex* (London, 2007), p. 117; W. A. Hinnebusch, *The Early English Friars Preachers* (Rome, 1951), pp. 33, 36; *CPR, 1307-1313*, p. 159, *CPR, 1313-1317*, p. 270.

⁸³ The petition contains a reference to the destruction of houses in the parish of St Andrew. On 7 December 1380 a tenement in St Andrew's was granted to the Dominicans by the king on 7 December 1380, see *CChR, 1257-1300*, p. 246. This suggests that the petition was presented during the first years of the episcopate of Richard Gravesend (1280 – 1303).

petition of John Gilbert, bishop of Hereford (1375-1389), and the petition of John Buckingham, bishop of Lincoln (1363-1398). These petitions have already received some attention elsewhere in the present work.⁸⁴ In the former case, the bishop of Hereford complained, alongside the dean and chapter of Hereford cathedral, that the bailiffs of the city had demanded undue levies from their tenants, and had prevented those appointed as bailiffs by the dean and chapter from taking up their office.⁸⁵ In the case of the bishop of Lincoln, John Buckingham co-petitioned with his dean and chapter in the parliament of January 1390 to complain that the supplicants had been disseised of various properties by the citizens of Lincoln and that the bailiffs of the dean and chapter were being extorted by the civic authorities.⁸⁶ They also complained of ‘*grantz anusances*’ (‘great nuisances’) inflicted upon their tenements by the people of Lincoln, who harassed the bishop, dean and chapter with ‘*grant affiance et tuicioun*’ (‘great confidence and protection’) because ‘*les ditz tortz et injurys serront terminez deinz la dite ville, devant eux mesmes, et trie par enqueste de mesme la ville seulement*’ (‘the said wrongs and injuries are determined within the said town before themselves, and tried by inquest of the same town alone’).⁸⁷

This conflict between the civic authorities and cathedral chapter at Lincoln has been explored elsewhere.⁸⁸ The key point for our purposes here is that the petition from the bishop, dean and chapter, presented in January 1390, represented one stage in an on-going series of disturbances relating to jurisdictional privileges within the cathedral close, and although the bishop was adversely affected, the conflict primarily involved the dean and chapter.

⁸⁴ See above, pp. 41-42.

⁸⁵ SC 8/116/5756.

⁸⁶ SC 8/21/1023A; *PROME*, January 1390, item 12.

⁸⁷ *Ibid.*

⁸⁸ J. W. F. Hill, *Medieval Lincoln* (Cambridge, 1948), p. 264-268. For a consideration of the broader context with a special emphasis on how urban conflict resulted from the civic authorities’ attempt to secure new sources of revenue in the face of financial demands from the crown, see A. Kissane, ‘Lay Urban Identities in Late Medieval Lincoln (c.1290-1400)’, Ph.D. thesis, University of Nottingham, 2013.

The supplicatory cooperation between the bishop and his cathedral chapter in this case was a resounding success, and resulted in the enactment of a statute which allowed those who sought remedy against mayor and bailiffs of Lincoln to circumvent the legal jurisdiction of the city and have their case heard before a jury of strangers from the county of Lincoln. This was followed by royal orders forbidding the people of Lincoln to make any unlawful assemblies under pain of a 20,000 mark fine.⁸⁹ Later that year, a further victory was gained when John of Gaunt, who had been appointed to arbitrate between the citizens and the cathedral chapter, ruled in the latter's favour and awarded the close jurisdictional exemption from the civic authorities.⁹⁰ This had a lasting effect, and was confirmed in the early fifteenth century under Henry IV.⁹¹ Aside from providing supplicatory support for his cathedral chapter, it is possible that Bishop Buckingham also helped to influence this favourable outcome. Thomas Walsingham identified Buckingham as a political ally of John of Gaunt, and although this remains largely unsubstantiated,⁹² both individuals were appointed as executors of Edward III's will and co-petitioned on the matter on more than one occasion. As such, even if the duke of Lancaster had personal reasons for ruling against the claims of the citizens of Lincoln,⁹³ Buckingham's involvement may have played a role in securing a favourable resolution.

⁸⁹ This first order was issued on 3 March 1390. On 3 May, the order was repeated, but the fine threatened was reduced to 10,000 marks, see *CCR, 1389-1392*, pp. 123, 135.

⁹⁰ Hill, *Medieval Lincoln*, p. 266-7; *CPR, 1388-1392*, p. 309.

⁹¹ Hill, *Medieval Lincoln*, pp. 270-71; *CCbR, 1341-1417*, p. 442.

⁹² A. K. McHardy, 'Buckingham, John (c.1320-1399)', *ODNB*.

⁹³ John of Gaunt was himself engaged in a jurisdictional dispute with the citizens of Lincoln, relating to his rights in the Bail, see Hill, *Medieval Lincoln*, pp. 266-7.

2.4 The bishop of Exeter and the dean of St Buryan

2.4.1 Introduction

Following his enthronement in early December 1307, Walter Stapeldon, bishop of Exeter (1307-1326), presented a petition challenging the status of a collegiate church within his diocese.⁹⁴ The church of St Buryan in Cornwall (located around five miles to the east of Lands' End), Stapeldon claimed, was a church with cure of souls and subject to episcopal jurisdiction. Yet, Edward I had usurped the bishop's right to institute the dean of the church and claimed St Buryan as a royal free chapel exempt from the ordinary jurisdiction of the bishop of Exeter. In practice, this meant that the bishop should not hold ordinations, nor take cognisance of cases concerning tithes and offering, whilst the dean was able to exercise 'quasi-episcopal' power in the parish which was exempt from the spiritual jurisdiction of the diocesan.⁹⁵ Ten petitions have survived relating to the dispute over the status of St Buryan church, five from Walter Stapeldon and five more from the dean and canons of St Buryan who sought to preserve their privileged position vis-à-vis episcopal authority. Not only does this rich series of documents reveal that Stapeldon placed a greater emphasis on direct appeals to the crown than both his successor and predecessor, but it also reveals how both parties in the dispute, the bishop on the one hand and the dean and canons of St Buryan on the other, were essentially petitioning for the same thing – a final resolution to the dispute that carried the force of law. Yet, despite sharing similar aims, the character of the petitions from each party was different. In particular, whilst the bishop's petitions repeatedly recounted the history of the dispute in order to underline the injustice of St Buryan's exemption from episcopal jurisdiction, the petitions from the dean and canons sought

⁹⁴ SC 8/334/E1119.

⁹⁵ Denton, *Free Chapels*, pp. 91-118.

remedy against a multitude of transgressions that had been committed in the meantime by the bishop.

2.4.2 Overview

Before proceeding to review the existing historiography and look at the petitions in detail, it worth providing a brief outline of the conflict surrounding the status of the church of St Buryan.⁹⁶ Throughout the thirteenth century the collegiate church of St Buryan had been subject to the ordinary jurisdiction of the bishops of Exeter. Patronage over the prebends of the church had belonged to the crown until King John granted it to his son, Richard, first earl of Cornwall (1209-1272). Upon the earl's death, it passed to his son Edmund who died heirless in 1300 and the patronage over St Buryan reverted to the crown. This reversion marked the advent of a new royal policy towards the church. When, on 8 November 1301, Edward I granted the deanery to his clerk, Ralph Manton, St Buryan was referred to as the 'king's free chapel'.⁹⁷ As such, and as Bishop Walter Stapeldon would later recount in his petition, Manton was appointed without institution by the bishop of Exeter. The direct appointment by the king in 1301 marks the beginning of a dispute over the status of the church that would periodically erupt into open conflict between consecutive bishops of Exeter and the deans of St Buryan over the course of the next fifty years.

As Jeffrey Denton has pointed out, the church of St Buryan cannot be considered a 'genuine' royal free chapel and the claim was an invention promoted by royal lawyers in the reign of Edward I.⁹⁸ The royal claim to the church of St Buryan was almost immediately challenged by Thomas Bitton, bishop of Exeter (1291-1307), who was rebuked by the king and told to

⁹⁶ For what follows, see N. Orme, *A History of the County of Cornwall, vol. II: Religious History to 1560* (Woodbridge, 2010), pp. 163-171.

⁹⁷ CCR, 1296-1302, p. 618

⁹⁸ Denton, *English Royal Free Chapels*, p. 116.

conduct himself within the premises of the church with respect to St Buryan's exemption from ordinary jurisdiction.⁹⁹ The bishop apparently took little heed of the royal order and two years later a mandate was issued to the king's council on 29 February 1304 ordering them to ordain a remedy since Matthew Boillawe, dean of St Buryan's, had suffered abuse at the hands of the bishop and his ministers.¹⁰⁰ As we shall see below, the dispute over St Buryan during the episcopacy of Bitton's successor, Walter Stapeldon, was characterised by an attempt to gain a favourable resolution to the dispute through repeated supplications to the king. Stapeldon also followed his predecessor's example, however, and attempted to directly assert episcopal authority over St Buryan by making a visitation to the church in 1314.¹⁰¹ This action prompted a mandate, dated 3 June, to Sir Roger Brabazon, justice of the king's bench, to initiate action against the bishop of Exeter 'to save the king's right at the suit of those who sue for the king'.¹⁰² Subsequently, Stapeldon proceeded to ignore a royal writ prohibiting him from exercising jurisdiction over St Buryan,¹⁰³ and collated Richard Beaupre to one of the prebends of the church. This action had a lasting effect and caused the dean to seek remedy from the king as late as 1329.¹⁰⁴ Stapeldon's successor, John Grandisson, bishop of Exeter (1327-1369), renewed efforts to assert episcopal authority over St Buryan by summoning representatives to answer charges relating to church discipline,¹⁰⁵ excommunicating the parish chaplain,¹⁰⁶ and forcing a visitation upon the church in July 1336 at the head of a large retinue which included three knights and two

⁹⁹ CCR, 1296-1302, p. 587.

¹⁰⁰ CCW, 1244-1326, p. 205; J. H. Denton, *Robert Winchelsea and the Crown, 1294-1313: A Study in the Defence of Ecclesiastical Liberty* (Cambridge, 1380), pp. 289-90.

¹⁰¹ Orme, *History of Cornwall*, p. 165; *Reg. Stapeldon*, pp. 327-8, 498.

¹⁰² CCW, 1244-1326, pp. 402-3.

¹⁰³ Orme, *History of Cornwall*, p. 165; CCR, 1313-1318, p. 624.

¹⁰⁴ Orme, *ibid.*; *Reg. Stapeldon*, p. 248; SC 8/91/4528; SC 8/257/12814. Walter Stapeldon can also be placed at St Buryan on 25 January 1320, where he ordained seven individuals to first tonsure, *Reg. Stapeldon*, p. 528.

¹⁰⁵ Orme, *ibid.*; *Reg. Grandisson*, I, p. 359.

¹⁰⁶ Orme, *ibid.*; *Reg. Grandisson*, I, p. 188.

archdeacons.¹⁰⁷ The last recorded attempt to assert the bishop's right to exercise jurisdiction over St Buryan is found in an entry in the register of John Grandisson dating to 1352. After this date, if the bishops of Exeter sought to assert their authority over the church, their attempts were unsuccessful and have left no record. The church of St Buryan retained its status as a free chapel until its dissolution in 1548.¹⁰⁸

2.4.3 The Petitions

Although a number of studies have explored various aspects of the conflict the surviving petitions have not been fully considered.¹⁰⁹ In particular, the petitions that have survived from the dispute shed new light on several aspects of the dispute. Firstly, unlike both his successor and his predecessor, Walter Stapeldon attempted to receive a favourable resolution to the disputed status of St Buryan through repeated supplications to the king. This demonstrates that the different individuals who were elevated to the episcopate might pursue different courses in response to the same problem. Second, by 1321 both Walter Stapeldon and the dean of St Buryan were essentially petitioning for the same thing, namely, a resolution from the crown that carried the force of law to finally establish whether or not the church of St Buryan was a royal free chapel and exempt from episcopal jurisdiction. This demonstrates that whilst the royal claim was ultimately upheld, the dean and canons of St Buryan were just as eager as the bishop to gain a legal resolution in light of repeated attempts by successive bishops to directly exercise episcopal jurisdiction over the church. Third, although both

¹⁰⁷ Orme, *ibid.*; *Reg. Grandisson*, II, pp. 820-1.

¹⁰⁸ Orme, *History of Cornwall*, pp. 169.

¹⁰⁹ The most comprehensive account, which gives some consideration to the petitions is provided in Orme, *A History of the County of Cornwall*, pp. 163-171. Cf. C. B. Crofts, *A Short History of St. Buryan* (Cambourne, 1955), pp. 24-35; F. Rose-Troup, 'St Buryan Charter', *Devon & Cornwall Notes & Queries* 18 (1935), 294-299; G. A. Kempthorne, 'The Bishop's Visitation at S. Buryan, 1336', *Old Cornwall* 3 (1938), pp. 160-3.

the bishop and dean were essentially petitioning for the crown to allow the royal justices to arrive at a final decision, the character of their petitions was different. Notably, whilst the bishop sought to demonstrate to the crown that St Buryan was subject to episcopal authority, the dean and canons sought to convince the crown that they needed a favourable resolution to the legal dispute in order to properly protect themselves from episcopal attempts to undermine their status. And finally, the petitions from Walter Stapeldon are unusual when compared to other petitions from bishops for the way in which they incorporated a high degree of religious rhetoric in an attempt to exert pressure on the king. Given the difficult task of gaining a favourable outcome in a dispute against the legal claims of the crown,¹¹⁰ the use of rhetoric designed to appeal to the king's conscience as a good Christian is perhaps indicative of the bishop's position of weakness. In this sense, the deployment of rhetoric may be seen as an act of desperation, and the fact that so few bishops incorporated rhetoric designed to serve a persuasive function in their petitions is perhaps indicative of a supplicatory confidence that links to a discernible, and distinct, petitioning culture that is reflected in the clerical *gravamina* (chapter four).

There are five extant petitions from Walter Stapeldon, although it is almost certain that more were originally presented since in a petition that was probably presented in the parliament of June 1321 the bishop claimed to have petitioned in every parliament for the past seven years in relation to St Buryan.¹¹¹ If we are to take Stapeldon at his word, this would mean that the bishop had presented a petition in each of the ten assemblies preceding that of June 1321, yet only two petitions from the bishop have survived for this period.¹¹² It is a point of interest in terms of the document class (SC 8)

¹¹⁰ See below, pp. 163-191.

¹¹¹ SC 8/8/361.

¹¹² SC 8/334/E1119; SC 8/110/5464. Both contain references to Matthew Boillawe, who resigned the deanery in 1318.

that the survival rate of petitions is possibly as low as 20% in relation to some legal cases.

Stapeldon's first petition was probably presented sometime before June 1314, judging by the absence of any appeal to a lawsuit before the king's bench, and asked for the council to ordain a remedy and resolve the disputed status of St Buryan.¹¹³ In 1314 Stapeldon carried out a visitation to St Buryan and it is likely that this petition was designed to provide a legal accompaniment to the direct assertion of episcopal jurisdiction. The bishop's second petition, presented sometime later but certainly before 1318 given its reference to Matthew Boillawe as dean of St Buryan (1303-1318), requested that episcopal jurisdiction be upheld by the king's justices during the legal proceedings that were underway against the bishop in the court of king's bench.¹¹⁴ Stapeldon's next supplication made complaint against Edward II's grant of the deanery to John Maunte on 2 May 1318 which had once again ignored the right of the bishop to institute the appointees.¹¹⁵ A subsequent petition provided a full repetition of the episcopal claim to St Buryan,¹¹⁶ whilst in a final petition, probably presented at the parliament of June 1321, Stapeldon complained that the lawsuit relating to the status of St Buryan's had been pending for seven years and asked for the justices of the king's bench to proceed to judgement.¹¹⁷

The bishop's supplications clearly served different functions at the various stages of the legal conflict. His first petition was designed to seek legal remedy whilst simultaneously asserting episcopal authority over St Buryan directly; his second petition sought to exert pressure on the king to

¹¹³ SC 8/334/E1119.

¹¹⁴ SC 8/110/5464; Matthew Boillawe was granted the deanery of St Buryan on 10 March 1303, and had resigned by 2 May 1318, see *CPR, 1301-1307*, p. 122; *CPR, 1317-1321*, p. 140.

¹¹⁵ SC 8/169/8447; *CPR, 1317-1321*, p. 140.

¹¹⁶ A reference to John Maunte dates the petition to 1318 or later. SC 8/205/10205.

¹¹⁷ The date of submission is based on the bishop's claim that the lawsuit relating to St Buryan had been pending for seven years, with the legal proceedings having begun in 1314, see *CCW, 1244-1326*, pp. 402-3; SC 8/8/361.

provide the bishop with a favourable outcome in the law suit before king's bench; his third petition challenged the king's right to present to the deanery without the bishop's institution; whilst his final petition repeated in detail the episcopal claims and asked the king to order the royal justices to reach a final verdict. Stapeldon's final petition is particularly interesting in light of the fact that between 1318 and 1322 the dean and canons of St Buryan had essentially petitioned the crown for the same thing, complaining of delays in the lawsuit and asking for the king's justices to proceed to judgement.¹¹⁸ The ability of bishops to impose directly their authority meant that the dean and canons were similarly predisposed in their desire for a final verdict that would provide them with protection under the force of law against episcopal claims. Indeed, the desire for resolution was probably felt all the more acutely given Stapeldon's recent action of instituting Richard Beaupre to one of the prebends at St Buryan in 1318.¹¹⁹ This action had a lasting effect, and Beaupre continued in his attempt to wrest control of the prebend even after Stapeldon's death in 1326, eliciting a petition from the dean and chapels in 1329.¹²⁰ It has been highlighted elsewhere that the crown often relied upon its appointees to promote royal legal claims.¹²¹ In the institution of Richard Beaupre, it appears that Stapeldon mirrored the crown's own tactics, and the effectiveness of this approach can be judged not only by the persistence of the problem it caused, but also by the petitions from the dean and canons presented in search for a remedy that upheld St Buryan's status as a free chapel by force of law.

As noted above, Walter Stapeldon and the dean and canons of St Buryan were essentially petitioning for the same thing by 1321. Yet the character of the petitions presented by each party was different. The

¹¹⁸ SC 8/318/E351; SC 8/92/4565; SC 8/91/4528.

¹¹⁹ This action was challenged by the dean and canons, see SC 8/92/4565.

¹²⁰ SC 8/257/12814; *CCR, 1327-1330*, pp. 525-526. Cf. SC 8/33/1629.

¹²¹ G. W. Bernard, *The Late Medieval Church: Vitality and Vulnerability before the Break with Rome* (London, 2012), p. 30.

petitions from Walter Stapeldon recounted in detail the episcopal claim to St Buryan. For example, the bishop's first petition Stapeldon asserted that St Buryan was a church with cure of souls, subject to institution and destitution and '*tute manere d'autre jurisdiction esperituelle*' ('all manner of other spiritual jurisdiction') exercised by the bishop of Exeter since time immemorial. The bishop then proceeded to recount how Edward I had granted possession of the deanery to Ralph Manton without presenting him for institution by Stapeldon's predecessor because of a '*suggestione nient verroye*' ('untruthful suggestion') that the church was a '*fraunche chapel*' ('free chapel'). Upon the death of Manton, a new dean had been appointed by Edward I in the same manner, without institution by the bishop and to the '*graunt peril*' ('great peril') of the '*almes des parochians*' ('souls of the parishioners'). Stapeldon concluded by requesting, for the souls and the liberties of the holy church, that the truth of his rights be determined through any means ordained by the council.¹²² By 1321, this account had been expanded further still to provide details of events that had taken place subsequently to the bishop's first petition, alongside a new assertion that the advowson of the church belonged to the earldom of Cornwall – an assertion that was inaccurate since the advowson had reverted to the crown in 1300 upon the death of Edmund, earl of Cornwall.

By contrast, the petitions from the dean and canons were not focused on establishing their rights but instead sought remedy against the actions of the bishop as part of a broader strategy designed to convince the crown that the dean and canons required the force of law to protect them from the authority of the bishop. For example, in a petition presented in 1318, the dean and canons requested that the king's justices proceed to judgement in their case against the bishop, since in the meantime Walter Stapeldon '*entrez en la dit chapele*' ('entered the said chapel') and exercised '*jurisdiction de ordinar*

¹²² SC 8/334/E1119.

countre l'estatu de la fraunchise de la dite chapele e en desheritaunce de n're dit seignour e de sa corone ('ordinary jurisdiction against the statute of the liberty of the said chapel an in disinheritance of the king and of his crown').¹²³ The dean and canons continued to exert pressure on the crown in another petition by explaining that they had previously complained in parliament about the actions of the bishop but that the resulting writ, which ordered the king's justice to bring the record of the suit before the king's council, remained unexecuted.¹²⁴ They also requested that the king command the steward and sheriff of Cornwall to remove a lay force from St Buryan which the bishop had used to assert ordinary jurisdiction.¹²⁵ Such utilisation of petitions by the dean of St Buryan is interesting in light of the observation that benefice seeking royal clerks needed to advocate the king's prerogative in order to earn themselves a living.¹²⁶ As discussed above, the provenance of the royal claim to St Buryan as a free chapel is unclear but probably originated with Ralph Manton who was granted the deanery on 8 November 1301. Yet, it is clear from the surviving petitions that once the royal prerogative had been initially asserted, the primary benefactor – the dean of St Buryan – could rely upon royal lawyers to defend the legal claims of the crown. Indeed, when the case was first brought before the king's justice, the mandate ordered Roger Brabazon to 'do what can be done to the save the king's right at the suit of those who sue for the king', and it is clear from the royal response to one of the dean's petitions presented subsequently that legal support continued to be provided throughout the course of the dispute.¹²⁷ The difficulty faced by the dean of St Buryan's, therefore, was not in the assertion of royal legal claims per se, but in trying to persuade the crown to allow the dispute to proceed to judgment before the royal justices. However,

¹²³ SC 8/92/4565.

¹²⁴ SC 8/318/E351.

¹²⁵ *CCW, 1244-1326*, p. 489.

¹²⁶ Bernard, *The Late Medieval Church*, p. 30.

¹²⁷ *CCW, 1244-1326*, p. 402; SC 8/91/4528.

since reaching such a judgement might have negative political ramifications and impair the king's relationship with the clergy, the crown seems to have been content to leave the question of episcopal jurisdiction open to dispute. This compromise allowed the bishop of Exeter to exercise *de facto* ordinary jurisdiction over St Buryan's without suffering severe penalties at law, whilst the king continued to retain patronage of the deanery.

The petitions from Walter Stapeldon are also interesting for the way in which they incorporated repeated references to the danger posed to souls of the parishioners of St Buryan. In his first petition, Stapeldon had asserted that St Buryan's exemption from episcopal authority had resulted in great peril for the '*almes des parochians*' ('souls of the parishioners'), whilst in his second petition, the bishop made reference to the '*salutz des almes*' ('salvation of souls').¹²⁸ Yet, in his third petition, where the bishop made complaint against the royal grant of the deanery to John Maunte in 1318, there were no fewer than five references to the souls of parishioners of St Buryan. Stapeldon asserted that the church of St Buryan was an '*eglise parochiale et curee de almes*' ('parish church and cure of souls'), that John Maunte had been collated to the deanery by the king '*nient suffisante un' tenuz la cure de almes*' ('insufficiently to hold cure of souls') and to the '*graunt peril des dites almes*' ('great peril of the said souls'). In seeking remedy, the bishop requested remedy '*por savacion des almes de meisme la parosche*' ('for the salvation of the souls of the same parish'), which were '*en graunt peril por defaute de curator ditement*' (in great peril because of the deficiency of the curator aforesaid).¹²⁹ As noted elsewhere, there are relatively few instances where bishops incorporated religious rhetoric into their petitions that was intended either to enlist the support of the crown or to serve a persuasive function. In many cases, the absence of religious rhetoric was probably largely down to the nature of the complaints, which tended not to involve disputes surrounding

¹²⁸ SC 8/334/E1119; SC 8/110/5464.

¹²⁹ SC 8/169/8447.

the exercise of spiritual jurisdiction. This is supported by the fact that the only other petition relating to disputed jurisdictional claims over a free chapel also incorporated religious rhetoric, with the archbishop of Canterbury asking the king to provide remedy '*en ouvre de charite pur reverence de dieu e' de seinte eglise*' ('out of charity for the reverence of God and of holy church').¹³⁰ Yet, the petition from Stapeldon containing five references to the cure, salvation and peril of souls, remains exceptional under any circumstances, and appears to have been designed to exert a high degree of spiritual pressure on the king to relinquish the royal claim that St Buryan was a free chapel. Furthermore, exemption from ordinary jurisdiction was directly equated to a church's inability to sufficiently cater for the pastoral needs of its parishioners. This argument reflected the approach to the problem of royal free chapels adopted by John Pecham, archbishop of Canterbury (1279-1292), who had written to the king during his visitation to the diocese of Coventry and Lichfield claiming that exemption from episcopal authority impaired the cure of souls whilst encouraging pluralism and non-residence.¹³¹ However, as Denton has highlighted, just how well the parochial work was being carried out by free chapels is impossible to ascertain.¹³²

The concerted campaign of Walter Stapeldon to receive a favourable and lasting resolution to the disputed status of St Buryan through repeated supplications to the crown provides a notable contrast with both his predecessor and his successor, neither of whom appear to have presented petitions relating to the conflict. John Grandisson did send an expansive letter to Edward III, providing a detailed review of the dispute and complaining that the issue had never been legally settled.¹³³ However, the

¹³⁰ SC 8/16/758.

¹³¹ Denton, *English Royal Free Chapels*, p. 104; cf. D. L. Douie, *Archbishop John Pecham* (Oxford, 1952), pp. 145-7.

¹³² Denton, *English Royal Free Chapels*, p. 104.

¹³³ Orme, *History of Cornwall*, p. 166; *Reg. Grandisson*, II, pp. 73-4.

impetus for Grandisson's letter came not from the bishop's own desire to see St Buryan's status as a free chapel revoked, but in *response* to letters from the king and the Black Prince asking why the bishop had refused to supply St Buryan with ecclesiastical services such as the ordaining of priests and the confirmation of children. Furthermore, although Bishop Grandisson prosecuted a legal challenge against St Buryan, he did so not through petitioning the crown but by taking his case to the court of the archbishop of Canterbury.¹³⁴ As such, the case of St Buryan provides an interesting example whereby different individuals who were elevated to the see of Exeter pursued different approaches to the same problem.

The different approaches to the problem of St Buryan adopted by Thomas Bitton, Walter Stapeldon, and John Grandisson, can perhaps be explained by the careers of the individuals elevated to the bishopric. Grandisson was a papal nominee, played little part in the affairs of state, and was rarely absent from his diocese. A man of substantial learning, his studies focused on the lives of saints, amongst whom he demonstrated a particular respect for Thomas Beckett. The record of his episcopate contained in the registers has been interpreted by Audrey Erskine to indicate 'vehement, sometimes violent, expressions of his seemingly choleric disposition'.¹³⁵ Specifically, Erskine highlights Grandisson's armed opposition against Archbishop Simon Mepham's visitation in 1332. A man of choleric disposition, owing his position primarily to pope, playing little role in the politics of realm and overwhelmingly focused upon the affairs of his diocese; it is perhaps unsurprising that Grandisson sought to undermine the exemption of St Buryan through the direct exercise of authority rather than petitioning to secure royal recognition of his authority over the church. When he did seek legal recognition of his rights it was not through application to the king or the secular courts, but in an ecclesiastical court.

¹³⁴ Orme, *History of Cornwall*, p. 165; *Reg. Grandisson*, I, p. 188.

¹³⁵ A. Erskine, 'Grandison, John (1292–1369)', *ODNB*.

Thomas Bitton, meanwhile, although he had no close ties to the pope having been appointed by canonical election, was similar to Grandisson in the way that he played little role in the affairs of state. Bitton's uncle and brother had respectively held the see of Wells, marking Bitton as a man devoted to the church and coming from a family background with a distinct ecclesiastical tradition.¹³⁶ In contrast to Walter Stapeldon, neither Bitton nor Grandisson experienced a close, working relationship with the king from whom they might hope to receive remedy as an act of favour.

Walter Stapeldon was a very different type of bishop to both his successor and predecessor. In 1306 Stapeldon had incepted in canon and civil law and by the time of his elevation to the see of Exeter in 1307 he had already undertaken royal diplomatic service to Gascony. Throughout the course of his twenty-year episcopacy, Stapeldon was frequently involved in government and consistently played an important role in high politics.¹³⁷ In the decade following 1310, Stapeldon was employed by the crown for several diplomatic missions and in 1315 he was appointed to the king's council. Stapeldon's close connection to Edward II was made abundantly clear upon his appointment as treasurer 'by the king' on 18 February 1320, an appointment made when parliament was not sitting and in breach of the ordinances of 1311. When Stapeldon counselled the king that the Despencers' exile should only be revoked by parliament, Edward II replied that he was dismayed to hear such a response from the bishop whose support on the matter he had felt most assured. The king had been disappointed on this occasion, but the comment also reveals that Stapeldon was a trusted man in the eyes of the king – a notion reaffirmed by his reappointment as treasurer following the royal victory at Boroughbridge on 16 March 1322. Furthermore, although Stapeldon opposed a scheme to

¹³⁶ N. Orme, 'Bitton, Thomas (d. 1307)', *ODNB*.

¹³⁷ For the following, see M. C. Buck, 'Stapeldon, Walter (b. in or before 1265, d. 1326)', *ODNB*.

divide the exchequer's administration as part of a drive to increase revenues, for which he was rebuked by the king, Stapeldon remained a loyal servant until the end. In the wake of Isabella's invasion, Stapeldon was lynched by the mob in London and suffered decapitation with a breadknife.

Given his role in government and his close connection with Edward II, it is unsurprising that Walter Stapeldon made a concerted and prolonged attempt to gain royal recognition of St Buryan's submission to his authority through direct appeals to the king. Whilst Bitton and Grandisson both had little reason to expect the king's favour, Stapeldon had every reason to believe that his loyal service to Edward II might lead to a favourable outcome. However, despite Stapeldon's close relationship with the king, a favourable outcome remained elusive. As noted above, in addition to prosecuting his case before the king, Stapeldon also took direct action to assert episcopal authority at St Buryan, and it therefore seems fairly certain that the bishop was committed to revoking St Buryan's exemption from ordinary jurisdiction. As such, the petitions presented by Walter Stapeldon shed interesting light on the relationship between bishop and king. Stapeldon petitioned assiduously on the issue, but despite his close connection to Edward II was ultimately unable to gain royal recognition of St Buryan's subjection to the bishops of Exeter. In this sense, the petitions appear to represent the intentions of an individual who believed that he stood a good chance of receiving a favourable outcome, but who was unable or unwilling to fully manipulate his close connection with the king to ensure such an outcome. Royal favour was hoped for, but perhaps not expected, and failure to gain redress did not prevent Stapeldon from devoting himself to a prolonged career in government and royal service. Yet this should not lead us to conclude that Stapeldon was unprincipled and willing to compromise episcopal liberties for a position of power. The fact that the bishop attempted to resolve the issue through repeated appeals to the crown

reveals that his approach to the problem of St Buryan's status as a royal free chapel was more ambitious and long-term orientated than either his predecessor or successor.

2.5 Conclusion

This chapter has explored petitions presented by bishops relating to the affairs of other churchmen. A special focus has been afforded to petitions representing instances of intra-episcopal conflict. In particular, these petitions demonstrate how those individuals elevated to the episcopate might present appeals to the king instead of the pope as a competing source of authority in England. Aside from these petitions relating to intra-church disputes, over half of the petitions surveyed by the present chapter actually involved acts of cooperation. Whilst in some cases, supplicatory alliances appear to have merely represented an attempt by individual petitioners to broaden their appeal by making it look like their request represented concerns that were more widespread, in other cases it appears that petitions were the result of genuine cooperation and propelled by mutual interest. The evidence demonstrates that bishops were more likely to co-petition with other clergymen than other members of society. This should not be taken to suggest that there was a clerical prejudice against petitioning alongside members of laity however; rather it was simply more likely that bishops and other members of the clergy – especially cathedral chapters – had common ground to present a petition cooperatively, with bishops occasionally acting as intermediaries between their cathedral chapter and the crown.

The final section of this chapter has explored a longstanding dispute between successive bishops of Exeter and the dean of St Buryan over the church's claim to free chapel status. Several conclusions can be drawn from this study. Perhaps most significantly, unlike both his successor and his

predecessor, Walter Stapeldon attempted to receive a favourable resolution to the disputed status of St Buryan through repeated supplications to the king. This reveals a discernible ‘petition-mindedness’ on the part of some bishops, and works to demonstrate how different individuals who were elevated to the episcopate might pursue different courses in response to the same problem. The petitions from Walter Stapeldon are also unusual when compared to other petitions from bishops in the way that they incorporated a high degree of religious rhetoric in an attempt to exert pressure on the king. Although this can probably be partly explained by the nature of the case – relating to St Buryan’s status as a free chapel – Stapeldon’s deployment of rhetoric was evidently designed to exert spiritual pressure on the king and equate St Buryan’s status as a free chapel with an inability to sufficiently cater for the pastoral needs of its parishioners. The deployment of such rhetoric may indicate a conscious awareness on the part of Stapeldon of the weakness of his position against the claims of the crown, which could be notoriously difficult to challenge successfully (see chapter three). The contrast between Stapeldon’s supplications and petitions presented by bishops more generally – which were typically devoid of such rhetoric – is perhaps indicative of a supplicatory confidence on the part of the episcopate. This characteristic might partly be explained by the observation that bishops were part of a distinct supplicatory culture and their petitions tended to reflect the tone of those presented by the collective clergy known as the clerical *gravamina* (see chapter four).

More broadly, the preceding chapter provides insight into how the episcopate relied on direct appeals to the crown in order to gain remedy in legal cases relating to other members of the clergy. In the case of the petitions from the bishops-elect, the king was asked to defend canonical elections against papal provision as the method of appointment to vacant bishoprics, whereas in other cases petitions were used to gain legal

advantage over a third party whilst a plea was pending at the papal curia. Such conflicts might remain unresolved for decades, such as the dispute between Canterbury and York and the carrying of the cross, and appeals to the crown through petitions were used in an attempt to gain a short-term advantage. In other instances, such as the dispute between the archbishop of York and the bishop of Durham over the churches of Allertonshire, the potential threat of violence provided the crown with an excuse to take matters into royal hands and broker an agreement between the prelates. This evidence points to the erosion of papal authority. It has been demonstrated elsewhere that the opportunity for subjects to petition for redress projected royal authority into geographically remote regions and even undermined the authority of foreign monarchs.¹³⁸ Within the borders of England itself, the opportunity for supplicants to gain legal remedy from the crown worked to diminish papal authority as bishops looked to the crown rather than to the pope for legal remedy. It is perhaps significant that the vast majority of these petitions were delivered in the public forum of parliament, and as such, not only did the episcopate routinely seek justice and grace from the crown in order to resolve their legal difficulties, but they did so publically. This may form part of the explanation as to why, in the 1320s, that the clergy ceased to complain quite so vociferously against infringements made against ecclesiastical legal jurisdiction by secular courts (see chapter four). The fact that this transition towards a more moderate stance took place during the very period when petitions were at their peak usage by members of society supports the suspicion that the clergy recognised a degree of hypocrisy in their defence of ecclesiastical jurisdiction, given that the episcopate willingly and routinely sought the intervention of the crown in their affairs, and in some cases even looked to the king, rather than the pope, for legal remedy.

¹³⁸ Dodd, *Justice and Grace*, p. 42.

The Crown

3.1 Introduction

The two previous chapters have examined petitions presented by bishops relating to third parties – both clerical and lay. In these cases, the crown was called upon to provide remedy and resolve disputes that had arisen between the king's subjects, and although the crown may have held a special interest in the outcome – as demonstrated in the conflict between the bishop of Exeter and the dean of St Buryan – such disputes did not primarily represent legal proceedings against the rights of the crown. This chapter, by contrast, examines petitions presented directly against the crown, and in many cases by bishops who sought to challenge directly royal legal claims. Petitions primarily relating to the crown can be broadly divided into two categories: on the one hand there are petitions presented for justice, and on the other hand there are petitions seeking patronage. Petitions for justice include those presented to challenge the legal claims of the crown (64 petitions), as well as those presented against the actions and conduct of royal officers (93 petitions).¹ Petitions for patronage (59 petitions) meanwhile, comprise requests for a multitude of different grants, including requests for the confirmation of rights, permission to carry out a specified action, and also for pardons.² Whilst an exploration of petitions seeking patronage would no doubt provide interesting insight into the relationship between the fourteenth-century episcopate and the crown, in particular illustrating the

¹ See Appendices C and D.

² See Appendix E.

reliance of the episcopate on the goodwill of the king for the purposes of safeguarding ecclesiastical liberties and enriching episcopal temporalities, petitions for justice form the focus of the subsequent discussion.³ The following chapter is divided into two sections: the first will examine petitions presented against royal officers whilst the second will examine petitions challenging the legal claims of the crown.

3.2 Royal Officers

Petitions from bishops relating to the actions of royal officers can be usefully divided into two categories: those presented against royal officers operating in the localities, and those presented against the king's central administration. In relation to the former category, there are 66 extant petitions presented against all manner of royal officers, including sheriffs, foresters and escheators, as well as other officers such as bailiffs, chamberlains, constables, justices appointed to inquisitions of *oyer et terminer*, the king's butler, the marshall of the measures, arrayers of men at arms, and collectors of wool.⁴ In the vast majority of these cases, bishops complained about an instance of ministerial misconduct that had been carried out locally, usually within the bishop's diocese, and for which the supplicant sought to initiate a remedial process whereby the offending action might be considered in a legal context before the king or his ministers. The second category of petitions against royal officers includes 27 petitions presented against the king's central administration.⁵ Many of these petitions concerned the exchequer, whilst others concerned chancery, the council, justices of the

³ For a discussion of clerical petitions for permission to alienate land in *mortmain*, see J. H. Tillotson, 'Clerical Petitions 1350-1450: A Study of Some Aspects of the Relations between the Crown and Church in the Late Middle Ages', DPhil thesis, Australian National University, 1969, pp. 257-324.

⁴ See Appendix D.

⁵ See *ibid.*, these petitions are designated as (CA).

king's bench, and the keepers of the mint at the Tower of London. The majority of these petitions related to instances of maladministration, as supplicants sought remedy for administrative errors or else sought to initiate an administrative action as part of a broader legal process that had stalled.

Before proceeding to examine these petitions in more detail, it is worth briefly highlighting an important preliminary consideration as it relates to royal government in medieval England. It has been observed elsewhere that to draw too heavy a distinction between local and central government would be anachronistic, and in this sense, the rationalisation of the petitionary material adopted here may seem somewhat ahistorical.⁶ Yet, in terms of petitions and petitioning, the distinction is useful since the type of problem arising from royal officers operating in the localities was typically of a different character to that arising from the king's central administration. Whilst petitions against local government sought remedy against detrimental action that had been taken at a local level, and therefore potentially involved the abuse of royal power by an individual acting in the localities, petitions against central government predominantly focused on administrative concerns. For example, in a fairly typical example of a petition against local government, Thomas Hatfield, bishop of Durham (1345-1381), complained that the sheriff of Northumberland had illegally distrained his tenants to pay a ninth of sheaf, fleece and lamb,⁷ in response to which it was ordered that the king and council would provide justice after the remembrances of the treasury had been searched. In this instance, the sheriff had carried out an allegedly illegal action in breach of episcopal liberties, and the bishop of Durham presented a petition in order to initiate a process whereby the sheriff's conduct was submitted for scrutiny before the king and council. Many of the petitions against central government were significantly different

⁶ H. M. Jewell, *English Local Administration in the Middle Ages* (Newton Abbot, 1972), p. 36; M. Prestwich, *Plantagenet England 1225-1360* (Oxford, 2005), p. 66.

⁷ SC 8/44/2151; C. M. Fraser (ed.), *Northern Petitions: illustrative of life in Berwick, Cumbria and Durham in the fourteenth century* (Gateshead, 1981), pp. 271-2; cf. CCR, 1346-1349, p.3

from the complaint of Thomas Hatfield, since they sought remedy against administrative *inactivity* rather than detrimental action that had been taken against the supplicant. Furthermore, even in cases which sought remedy against misconduct, petitions against the king's central administration were of a different character.

An example of this can be seen in the petition presented by Ralph Walpole, bishop of Norwich (1288-1299). In relation to his role as executor of the will of Hugh Balsham, bishop of Ely (1258-1286), Bishop Walpole complained that the late bishop of Ely had been amerced for £100 before the king's justices of the eyre for allowing a felonious clerk to escape from custody, but due to an instance of maladministration on the part of the exchequer the same fine had been mistakenly imposed twice.⁸ As a result, it was ordered that the relevant records should be sent for consideration before Roger Brabazon, chief justice of the king's bench (1295-1316). The similarity between the petitions of Thomas Hatfield and Ralph Walpole lies in the way that both sought remedy for detrimental action that had been taken against the supplicant and, furthermore, both complaints were referred for consideration in a special legal context. However, aside from the distinction that one complaint concerned the perceived abuse of royal power in the locality and the other related to an instance of maladministration, there was another notable difference in terms of the character of the complaints. Whereas Thomas Hatfield identified a specific individual – the sheriff of Northumberland – as being responsible for the action taken against him, the petition from Ralph Walpole was presented not against any particular royal officer, but rather against the exchequer as a department of government. Indeed, the majority of petitions against central government made no reference to individuals, but presented complaints against whole departments, with the exchequer often referred to through use of the

⁸ SC 8/64/3197.

formula ‘treasurer and barons of the exchequer’.⁹ Therefore, whilst the king’s central administration was in a state of constant interaction with local officers, thereby blurring any clear distinction between central and local government from a functional perspective, in terms of petitioning, such a distinction is broadly representative of different types of supplication.

3.2.1 Central Government

Many of the petitions presented by bishops against the king’s central administration were similar to the example highlighted above whereby the bishop of Norwich complained that an amercement of £100 had mistakenly been imposed twice by the exchequer. Other examples of petitions seeking remedy against detrimental action taken by the king’s central administration include the complaint of the bishop of Durham that a writ issued by chancery had been issued in contravention of his prerogative,¹⁰ a petition from the Archbishop of York seeking remedy against the justices of the king’s bench who had usurped his right to the cognisance of pleas concerning lands and trespass in the liberties of Beverley and Ripon,¹¹ and a petition from the bishop of Ely complaining that the barons of the exchequer were refusing to allow him the forfeitures of debts which he claimed as his right.¹² In contrast to this type of complaint, over half of the petitions presented against the king’s central administration concerned the *inactivity* of royal government as mentioned above. These petitions represent a type of request almost entirely exclusive to the body of supplications

⁹ For example, the petition from the bishop of Coventry and Lichfield requested an order be sent ‘*a Tresorer e’ a Barons de son Eschequer*’, SC 8/38/1885.

¹⁰ SC 8/44/2152.

¹¹ SC 8/153/7610.

¹² SC 8/108/5400.

presented against central government.¹³ In many cases, supplicants merely sought to ensure that the machinery of government proceeded smoothly in the processing of their case and, as such, although these petitions concern the inactivity of government, they did not necessarily relate to instances of maladministration.¹⁴ For example, as part of a dispute that has been discussed in depth by Alison Fizzard, Thomas Brantingham, bishop of Exeter (1370-1394) petitioned in 1379 for the findings of an inquest to be brought into parliament so that a resolution might be provided in a legal dispute concerning the bishop's rights to the patronage of Plympton priory.¹⁵ In other examples, John Droxford, bishop of Bath and Wells (1309-1329) petitioned for the treasurer and barons of the exchequer hear an account from the wardrobe, whilst his successor, Ralph of Shrewsbury (1329-1363) requested a royal order to the chancellor so that his charters concerning a fair held at Wells could be confirmed and modified.¹⁶ Such petitions sought to initiate administrative action rather than seeking remedy for instances of maladministration.

Perhaps the most interesting of these petitions to initiate administrative action was that presented by Walter Reynolds, archbishop of Canterbury (1313-1327), probably in 1315.¹⁷ Archbishop Reynolds requested that the king send a writ under the privy seal (*'targe'*) to either the chancellor or the keeper of the great seal, so that they, in turn, could send a writ to the treasurer and barons of the exchequer directing them to provide the archbishop with an allowance for the eyre in Kent, which Reynolds claimed

¹³ A comparable petition relating to royal officers operating in the localities is that from the bishop of Llandaff, who sought the replacement of a justice so that an inquisition could be executed, SC 8/328/E884.

¹⁴ SC 8/277/13844A; SC 8/259/12949; SC 8/321/E456; SC 8/195/9740; SC 8/276/13789; SC 8/324/E620; SC 8/7/345; SC 8/341/16082; SC 8/82/4096; SC 8/346/E1368.

¹⁵ SC 8/171/8548. A full account is provided in A. D. Fizzard, *Plympton Priory: A House of Augustinian Canons in South-Western England in the Late Middle Ages* (Boston, 2007), pp. 219-234.

¹⁶ SC 8/81/4044; SC 8/242/12060.

¹⁷ SC 8/240/11997.

as the right of Canterbury diocese. Although there was nothing unusual *per se* about a petition which sought specific action from the crown rather than a general plea for remedy, the level of administrative knowledge demonstrated in this petition is unusual.¹⁸ Notably, the archbishop's petition sought to initiate a multiple-stage process which involved the composition and delivery of two separate writs to relevant departments of the king's central administration. The petition also reveals an awareness of the different administrative avenues that could potentially have been taken, by asking for a writ under the privy seal to *either* the chancellor or keeper of the great seal.

The deployment of expert administrative knowledge in the petition from the archbishop of Canterbury is perhaps unsurprising in light of the fact that Walter Reynolds served as chancellor of England between 1310 and 1314. Reynolds was not alone among the episcopate in terms of such procedural knowhow given that a significant proportion of bishops had pursued pre-episcopal careers serving in various administrative capacities on behalf of the church and/or the crown. Throughout the fourteenth century bishops also became 'insiders' of the petitioning process through their appointment as triers of petitions in parliament.¹⁹ This may explain why there are many examples of bishops presenting petitions to initiate administrative action – in terms of petitions relating to the king's central administration – but actually relatively few examples of bishops complaining about delays resulting from a failure to observe administrative protocols. Indeed, in terms of failing to receive an expected payment from the exchequer, only two petitions from bishops survive, and notably, neither of

¹⁸ In the vast majority of cases it was the nature of the complaint, rather than the legal expertise at the disposal of the supplicant, that dictated whether a request for specified action was incorporated into a petition. This conclusion is supported by an analysis of the content of petitions presented at the parliament of February 1324, see Dodd, *Justice and Grace*, pp. 226-7.

¹⁹ Dodd, *Justice and Grace*, p. 102.

these cases appears to have involved the failure of the supplicant to follow correct administrative procedure as exemplified in other cases.²⁰ John Halton, bishop of Carlisle (1292-1324) complained that the king had ordered the treasurer and barons of the exchequer to provide him with an allowance for twenty-five sacks of wool, but that no action had been taken.²¹ The nature of the endorsement, which recorded that the exchequer should act upon the bishop's petition if it contained the truth, suggests that the problem was the result of maladministration rather than the bishop's failure to follow correct administrative protocol. The other petition relating to the exchequer's reluctance to provide remuneration was presented by Walter Giffard, archbishop of York (1266-1279), who requested an allowance for the keeping of Nottingham castle according to the tenor of a writ from the king.²² The exchequer had apparently refused to fulfil the terms of the writ and provide remuneration without a special command from the king. It is clear from the royal response to this petition, which ordered that no action should be taken, that the delay had been caused, in this instance, as a result of a determined royal policy.

3.2.2 Local Government

One of the primary motives for the introduction of petitioning on a large scale in parliament in the 1270s had been to ensure that royal officials operating in the localities could be adequately held to account for their actions.²³ This involved providing a legal context for the consideration of complaints against royal officers away from the coercive influence and vested interests that could provide obstacles to justice at a local level.

²⁰ For example, see the petition from the sheriff of Essex and Hertfordshire, SC 8/67/3312.

²¹ SC 8/276/13789.

²² SC 8/195/9740.

²³ Dodd, *Justice and Grace*, p. 33.

However, whilst the ability to gain remedy in parliament against the misconduct of royal officials was useful for many members of medieval society, the advantage conferred upon bishops may have been somewhat diminished in light of the fact that, as great landlords, bishops were themselves able to exercise a strong degree of local influence. Lordship and patronage have been identified as having played an important role in the selection of the fourteenth-century sheriff,²⁴ although, as highlighted by Nigel Saul, in many cases it is only possible to ‘point to the effects of patronage while being powerless to discern its inner workings’.²⁵ Whilst petitions may not necessarily get us any closer to the ‘inner workings’ of patronage and maintenance, they can provide illuminating details concerning patronage networks that would otherwise be difficult to discern.

We have already seen in a previous chapter how the sheriff of Norfolk was maintained by the bishop of Norwich and found to be prejudiced against the interests of the crown.²⁶ Comprehensive evidence such as this is difficult to come by, and often petitions are more circumspect in their allegations of maintenance. However, it is possible to identify evidence of collusion between bishops and sheriffs. In 1332, for example, William Praers, sheriff of Cheshire, petitioned that he had been accused of being a ‘*procuraunt e’ meintenenr*’ (‘procuror and maintainer’) of the bishop of Coventry and Lichfield, but that subsequently it had been decided in court that he was merely an ‘*eidaunt e’ bienboillant a la partie du dit evesque mes nient procuraunt e’ meintenenr*’ (‘helper and well-wisher of the bishop’s party but not a procuror and maintainer’).²⁷ The initial accusation, that the sheriff was maintained by the bishop, had arisen when the sheriff brought a writ of *novel*

²⁴ R. Gorski, *The Fourteenth-Century Sheriff: English Local Administration in the Late Middle Ages* (Woodbridge, 2003), p. 15.

²⁵ N. Saul, *Knights and Esquires: The Gloucestershire Gentry in the Fourteenth Century* (Oxford, 1981), p. 152.

²⁶ See above, p. 58.

²⁷ SC 8/16/765.

disseisin against one Hamo Mascy, who had sought remedial action on the grounds that the jury empanelled by the sheriff was prejudiced against his interests. Notably, despite the finding that the sheriff was not maintained by the bishop, it was nevertheless decided that the sheriff's ability to safeguard the interests of the crown was compromised, and the execution of the writ of *novel disseisin* was sent to the coroner instead of the sheriff. Even if royal officials were not strictly maintained by bishops, as may have been the case here, an alliance of interests might still be forged.

In another example, William Fotheringay, a presentee of the Abbess of Barking to the church of Bulphan in Essex, complained of collusion between the sheriff of Essex and Ralph Baldock, bishop of London (1304-1313).²⁸ In particular, Fotheringay alleged that the bishop had obtained a writ for the sheriff to remove a lay force from the church of Bulphan, and although the sheriff found no lay force at the church he nevertheless proceeded to remove Fotheringay and carried away his goods and chattels. Although there was no explicit accusation of maintenance, the implication of Fotheringay's petition is that the sheriff of Essex had intentionally acted in the interests of the bishop of London. In a similar case from 1372, a mason named John Lewin sought redress against the bishop of Durham who had indicted him before the sheriff of Durham, and although sufficient mainpernors offered pledges for his bail, the sheriff would not accept them and the suppliant was imprisoned.²⁹ Again, there is no direct reference to maintenance, but the evidence clearly points to collusion between sheriff and bishop. There is also evidence from petitions that abbots were similarly able to exercise influence over royal officials, with the abbot of Bury St Albans described in one petition as being powerful enough to control the sheriff, coroner and royal justices, whilst another petition alleged that the

²⁸ SC 8/46/2294.

²⁹ SC 8/58/2854.

sheriff of Hertfordshire was '*du fee et de robes Labbe*' ('of the abbot's fee and robes').³⁰

Aside from the petitions relating to ecclesiastical lords referenced here, it is very likely that petitions relating to secular lords have more to reveal with regards to maintenance and local influence, but to continue this line of inquiry would be to go beyond the remit of this study. Suffice to say that the complaints of the Commons in parliament, such as the petition presented in 1324 against sheriffs accepting robes, are likely to have represented genuine attempts to combat the vices of maintenance and collusion between lords and royal officers.³¹ To return to our focus on the ability of bishops to exercise local influence, the evidence suggests that there should be few occasions whereby a royal officer operating in the locality could not be bribed or coerced into safeguarding episcopal interests. It is interesting, therefore, that there is such a significant proportion of petitions from bishops in the fourteenth century making complaints against royal officers. Petitions against the conduct of royal officers accounted for 23% of the total number of petitions presented by bishops in the fourteenth century, a proportion roughly equal to other samples of petitions presented by members of society more generally. For example, 20% of the 62 petitions presented in the late 1270s, and 30% of the 28 petitions presented by county communities between 1289 and 1307, were directed against the misconduct of royal officials.³² Meanwhile, only 11% of the 155 petitions presented at the parliament of February 1324 concerned the misconduct of royal officers.³³ The surprisingly high proportion of petitions from bishops against royal officers operating in the localities can probably be explained by the

³⁰ SC 8/30/1483; SC 8/318/E306.

³¹ SC 8/108/5398.

³² J. R. Maddicott, 'Parliament and the Constituencies, 1272 - 1377' in R. G. Davies and J. H. Denton (eds), *The English Parliament in the Middle Ages* (Manchester, 1981), p. 64; G. L. Haskins, 'The Petitions of the Representatives in the Parliaments of Edward I', *EHR* 53 (1938), pp. 9-11.

³³ Dodd, *Justice and Grace*, p. 222, fig. 11.

sheer extent of episcopal holdings, and the extent of episcopal rights and liberties that were entrusted to a bishop's care. The bishop of Ely, for example, held forty manors in six different counties during the fourteenth century,³⁴ whilst the bishop of Winchester held almost sixty manors, primarily in the county of Hampshire, but also in Berkshire, Buckinghamshire, Oxfordshire, Somerset, Surrey and Wiltshire.³⁵ In this sense, whilst bishops were probably able to use their influence to avoid many confrontations with royal officers, it remained likely that the exercise of such influence would occasionally break down and outright conflict would arise.

The petitions presented against local royal officers covered a wide array of issues, but almost invariably involved the infringement of episcopal liberties usually combined with an element of financial loss. For example, William Airmyn, bishop of Norwich (1325-1336), complained in 1328 that the sheriff of Suffolk was not allowing the bishop's bailiffs in Hoxne hundred (Suffolk) precept of writs,³⁶ whilst Roger Northburgh, bishop of Coventry and Lichfield (1321-1358) presented a petition in the same year against the king's ministers in Chester who had compelled the bishop's tenants there to mill their corn and malt at the king's mill.³⁷ In another example, John Halton, bishop of Carlisle (1292-1324), petitioned in the parliament of July 1302 to complain that certain acres of moorland had been excluded from a royal grant to the diocese of Carlisle because of animosity between himself and the steward of Inglewood Forest,³⁸ whilst Simon Montacute, bishop of Ely (1337-1345), complained in 1339 that the

³⁴ B. Thompson, 'The Fourteenth Century', in P. Meadows (ed.), *Ely: Bishops and Diocese, 1109 – 2009* (Woodbridge, 2010), p. 103.

³⁵ V. Davis, *William Wykeham: A Life* (London, 2007), p. 119.

³⁶ SC 8/11/511.

³⁷ SC 8/11/508. For the dating of both this petition and the petition from the bishop of bishop of Norwich mentioned above, see *PROME*, Appendix of Unedited Petitions, 1307-1337, *Rotuli Parliamentorum* II, pp. 13-30.

³⁸ SC 8/314/E131.

collectors of wool were acting in contravention of a royal grant and demanding wool from his sokemen in Somersham (Huntingdonshire).³⁹ What becomes clear from the survey of these petitions is that, in a similar manner to petitions against secular third parties, the vast majority of these complaints related to a bishop's role as a great landlord, rather than the exercise of episcopal office. Petitions against royal officers relating to overtly ecclesiastical concerns represented well under a third of the petitions of this type, and included petitions from the bishop of Llandaff and the bishop of St Asaph relating to tithes from iron and lead mines that were being withheld by royal officers,⁴⁰ and a petition from William Gainsborough, bishop of Worcester (1302-1307) against the sheriff of Suffolk who had impeded the bishop's ministers concerning the goods of a rector who had died intestate.⁴¹

Perhaps the most interesting of these petitions representing ecclesiastical concerns is that from William Melton, archbishop of York (1316-1340), which appears to represent something akin to a community petition presented on behalf of the English clergy.⁴² The petition, presented by Archbishop Melton at one of the three parliaments held between 1321 and 1322 – possibly the parliament of May 1322 which dealt with a high volume of petitionary business – made reference to the general council of Vienne (1311) which had approved the suppression of the Templars.⁴³ Melton's petition was concerned with somewhat less exalted concerns, however, and complained that the king's bailiffs at Boroughbridge in Yorkshire had imposed tolls upon the goods of churchmen transported for

³⁹ SC 8/298/14878.

⁴⁰ SC 8/155/7708; SC 8/88/4385; SC 8/157/7818; cf. SC 8/10/498A.

⁴¹ SC 8/320/E429.

⁴² SC 8/5/213. For discussion of community petitions, see Dodd, *Justice and Grace*, pp. 128-133.

⁴³ For dating see description on TNA catalogue. For evidence of petitionary activity in the parliament of May 1322, see evidence from warranty notes in Dodd, *Justice and Grace*, p. 65, fig. 2.

the sustenance of the clergy ‘*encontre ceo quest ordine en la general concil de Vienne*’ (‘against the ordinance in the general council of Vienne’). If Melton did present his petition in the parliament of May 1322 this would explain why the archbishop was complaining about the infringement of a decree that had been passed ten years previously, since the assembly met only shortly after Thomas of Lancaster had been defeated in battle at Boroughbridge on 16 March 1322. The presence of royal forces at Boroughbridge had apparently resulted in the imposition of extraordinary tolls on ecclesiastical goods.

The decree referred to in Archbishop Melton’s petition was the twenty-first decree passed at the council of Vienne, which ordered local ordinaries to publish sentences of excommunication and interdict against those who exacted tolls and imposts from churchmen on goods that were being transported for purposes other than trade.⁴⁴ In this sense the archbishop’s petition actually represented a rather conciliatory gesture, for it offered Edward II, to whom Melton owed his rapid advancement in the church, the chance to provide remedy rather than the archbishop following the papal legislation and proceeding to take direct action by pronouncing sentences of excommunication against the king’s bailiffs. Yet, Melton’s reference to papal legislation is unparalleled, both amongst other private petitions from bishops and amongst the articles of clerical *gravamina*. This is not to say that Melton cited a decree from the council of Vienne with any particular concern for promoting papal authority, since it is clear that the reference to the decree essentially amounted to a supplicatory strategy designed to exert pressure on the crown and provide remedy for the exclusive benefit of English churchmen. Nevertheless, the absence of any such an appeal to papal legislation in the clerical *gravamina* reinforces the notion, outlined elsewhere in this study, that the compilation and presentation of the *gravamina* was underpinned by a desire to promote the

⁴⁴ N. Tanner, *Decrees of Ecumenical Councils*, I (London, 1990), p. 375.

autonomy of the English church and its ability to gain redress from the crown without seeking recourse to the papacy.⁴⁵

3.2.3 The Escheator

In terms of petitions from bishops against royal officers, more of these petitions concerned the escheator than any other royal officer.⁴⁶ The duty of the escheator was to supervise the administration of land and appurtenances which had fallen into the king's hand, and to maintain the king's rights as ultimate lord of the land. In particular, escheators were charged with the keeping of forfeited estates and, significantly as it relates to bishops, the keeping of church lands during episcopal vacancies.⁴⁷ The escheator also held inquisitions to determine if a proposed grant of land in *mortmain* would be prejudicial to the king.⁴⁸ These duties meant that there was a high volume of business which periodically brought bishops and escheators into contact. Indeed, it is perhaps surprising that more petitions from bishops relating to the conduct of escheators have not survived. Certainly, twenty petitions seems a sufficiently small number of documents to merit an explanation. Aside from the general reduction of petitionary business dealt with in parliament by the mid-fourteenth century, it will be argued below that part of the explanation lies in the changing nature of the escheator's office, as

⁴⁵ See chapter four.

⁴⁶ Not all of these petitions were explicitly directed at escheator, but all concerned forfeiture of lands or the keeping of episcopal temporalities and thereby related to the office of escheator. SC 8/146/7299; SC 8/153/7615; SC 8/257/12816; SC 8/3/120A; SC 8/46/2268; SC 8/322/E538; SC 8/8/389; SC 8/164/8187; SC 8/203/10138; SC 8/192/9581; SC 8/316/E213; SC 8/8/377; SC 8/279/13917; SC 8/6/275; SC 8/15/719; SC 8/321/E464; SC 8/146/7300; SC 8/108/5384; SC 8/216/10756; SC 8/183/9108.

⁴⁷ Escheators retained custody until guardians were appointed by the crown, but even then they held a supervisory role and had to include the appointed guardian's account in their accounts. Complaints might be brought against both the escheator and the appointed guardians, see *CFR, 1327-1337*, p. 456.

⁴⁸ A. L. Brown, *The Governance of Late Medieval England, 1272 – 1461* (London, 1989), p. 145.

well as procedural alterations surrounding the royal custody of temporalities during episcopal vacancies. Whilst the office of escheator has been explored in detail elsewhere, the reaction of bishops to the changing nature of the office has not hitherto received sustained analysis.⁴⁹

Evidence of conflict between bishops and escheators appears to decline dramatically after the early 1340s. Of the petitions from bishops against the conduct of escheators, only two were presented in the second half of the fourteenth century, and since both of these petitions related to the confiscation of lands in the wake of the Peasants' Revolt, they clearly represent special cases.⁵⁰ The decline in the number of complaints against escheators is also reflected in evidence taken from the Close Rolls. In the late-thirteenth century, and the first half of the fourteenth century, conflict between bishops and escheators is documented on a fairly regular basis in the Close Rolls, and there are numerous instances whereby escheators were ordered by the king to cease action or provide a bishop with remedy. For example, on 14 October 1299, upon the complaint of the John Salmon, bishop of Norwich (1299-1325), the escheator of the counties south of the River Trent was ordered to restore corn and other goods to the bishopric that had been wrongly taken into the king's hands.⁵¹ On 1 June 1307, meanwhile, the escheator of the counties north of the Trent was ordered to cease all action relating to the abbey of Aynesham, since it had been decided before the justices of the eyre in Oxford that the bishop of Lincoln had a greater right than the king to the advowson of the abbey.⁵² In another example, on 17 March 1339 the escheator south of the Trent was ordered not to 'intermeddle' with certain manors in Worcester, Dorset,

⁴⁹ E. R. Stevenson, 'The Escheator' in W. A. Morris and J. R. Strayer (eds), *The English Government at Work, 1327 – 1336, II: Fiscal Administration* (Cambridge, MA, 1947), pp. 109-167.

⁵⁰ SC 8/216/10756; SC 8/183/9108.

⁵¹ CCR, 1296-1302, p. 278.

⁵² CCR, 1302-1307, p. 502.

Southampton, and lands in Berkshire, since the bishop of Winchester had informed the king that the escheator was planning to seize the estates from the bishop, despite the bishop having been granted the keeping of the estates during the minority of the heir.⁵³ There were also numerous other complaints against the conduct of escheators appointed as guardians of episcopal temporalities, and such complaints continued well into the first half of the fourteenth century. Yet, after the early 1340s, in line with evidence from petitions, instances of discord essentially disappear from the rolls. Aside from routine orders for escheators to confer the keeping of episcopal temporalities upon cathedral chapters, the only real instance of conflict for remainder of Edward III's reign dates to 30 October 1360. On this date the escheator in Kent was ordered to remove the king's hand from the temporalities of the bishopric of Rochester, delivering the issues to the archbishop of Canterbury as was his right by a charter of King John, since the escheator had ousted the archbishop's ministers from the temporalities.⁵⁴

The reason for this decline in instances of conflict between bishops and escheators appears to be attributable to two separate developments relating to the office during the reign of Edward III. Firstly, by the end of the 1330s, the work of escheators in the administration and keeping of episcopal temporalities in times of vacancy had been greatly diminished; and secondly, by November 1341, the administrative experiments that had characterised the office of escheator since 1275 came to an end, and a system was settled upon whereby escheators were appointed for each county. This latter development brought the escheator closer into the orbit of a bishop's patronage network, and the localisation of the office made the escheator more susceptible to episcopal influence.

The first development, which diminished the importance of escheators in the administration of vacant bishoprics, was the result of a

⁵³ *CCR, 1339-1341*, p. 66.

⁵⁴ *CCR, 1360-1364*, p. 78.

practice whereby cathedral chapters were granted custody of vacant episcopal temporalities, paying an established sum *pro rata* to the king.⁵⁵ Since episcopal temporalities, with the exception of Rochester diocese,⁵⁶ were held of the king in chief, upon the death of the incumbent episcopal temporalities would traditionally pass into the hands of the king for the duration of the vacancy in the same way as the lands of a minor would be administered by the crown during the minority of a tenant-in-chief.⁵⁷ The issues taken from vacant episcopal temporalities could prove lucrative for the crown. On 22 November 1305, it was recorded that 675 marks, taken from the issues of the bishopric of London during the vacancy, had been paid by the escheator south of the River Trent towards the repayment of the king's debt to the Count of Savoy.⁵⁸ In another example from 1305, £540 was paid from the issues of Lincoln Diocese towards the debt of one Peter de Malo Lacu for his service to the king in Gascony.⁵⁹ The custody of episcopal temporalities also provided the king with a way of ensuring that money owed to the crown by the deceased incumbent found its way into the royal treasury, as demonstrated in an example from April 1302 when the guardians of Worcester were ordered to allow the executors of the will of Godfrey Giffard, the late bishop (1268-1302), free administration of goods and chattels so that they might answer any of the testator's debts in the exchequer.⁶⁰ In addition, the crown could also exploit the natural resources of the temporalities, by ordering timber and food to be delivered for the king's household or a third party beneficiary. For example, in 1298 the

⁵⁵ E. R. Stevenson, 'The Escheator' in W. A. Morris and J. R. Strayer (eds), *The English Government at Work, 1327 – 1336, II: Fiscal Administration* (Cambridge, MA, 1947), p. 38.

⁵⁶ The temporalities of Rochester were held of the Archbishop of Canterbury, see J. F. Willard and W. A. Morris (eds), *The English Government at Work, 1327-1336: Central and Prerogative Administration* (Cambridge, MA, 1940), p. 10.

⁵⁷ F. Pollock and F. W. Maitland, *The History of English Law before the Time of Edward I* (Cambridge, 1952), p. 92.

⁵⁸ *CCR, 1302-1307*, p. 357.

⁵⁹ *Ibid.*, p. 262.

⁶⁰ *CCR, 1296-1302*, p. 523.

guardians of the bishopric of Ely were ordered to deliver venison, taken from the parks and woods of the bishopric to stock the king's larder in York.⁶¹

The problem with this arrangement, so far as bishops were concerned, was that there was little to prevent the over exploitation of episcopal temporalities whilst they remained in royal custody. A number of petitions have survived wherein a newly enthroned bishop petitioned the crown to complain about the condition of the episcopal estates that they had inherited. In Winchester, more than 1,500 trees had been cut down and sold, whilst fleeces shorn during the vacancy had been withheld by the guardians.⁶² Meanwhile, the guardians of the bishopric of York had exacted tithes of wool and lambs, mortuary gifts, offerings, pensions, revenues and other spiritual rights from two churches, which, the bishop asserted, were spiritualities and did not belong to the king.⁶³ The most widely encompassing complaint was that alleged by John Stratford, bishop of Winchester (1323-1333) who, upon receiving the episcopal temporalities on 28 June 1324, found them ruined with houses, ponds, parks, and even the tenants adversely affected.⁶⁴ Given that this particular petition was evidently presented in the hope of securing a grant for the episcopal temporalities to be placed under the guardianship of the cathedral chapter for the duration of future vacancies, it was in the bishop's interests to exaggerate the damage to the temporalities, but on the whole the evidence suggests that over exploitation was a genuine problem.

It has been outlined by E. R. Stevenson that the political importance of escheators had greatly diminished by the start of Edward III's reign as a result of royal grants that permitted cathedral chapters the possession of

⁶¹ Ibid., p. 175.

⁶² SC 8/146/7299; SC 8/146/7300.

⁶³ SC 8/8/377.

⁶⁴ SC 8/15/719.

episcopal temporalities for the duration of the see's vacancy.⁶⁵ Yet, the year 1340 was perhaps more significant in this regard. Aside from the fact that custody of episcopal temporalities continued to be granted to cathedral chapters after the accession of Edward III,⁶⁶ a statute enacted in 1340 provided *all* cathedral chapters with the option of farming vacant episcopal temporalities.⁶⁷ Interestingly, it appears that following the enactment of this statute a number of cathedral chapters actually turned down the opportunity to farm the episcopal temporalities.⁶⁸ The statute may, therefore, have represented something of a safeguard in the eyes of bishops and cathedral chapters in the sense that it provided the crown with an incentive not to overexploit episcopal temporalities in fear of losing guardianship in future vacancies. The fact that some cathedral chapters did not take advantage of the statute also suggests that overexploitation by royal keepers, whilst clearly a genuine problem, should not be overstated, and that the surviving petitions relating to the abuse may represent particularly acute cases.

In terms of cathedral chapters securing grants for the custody of vacant episcopal temporalities only a couple of petitions have survived. The first was presented by John Monmouth, bishop of Llandaff (1294-1323), and the second was presented by John Stratford, bishop of Winchester (1323-1333).⁶⁹ The contrast between the requests conveyed in these petitions is striking. Whereas the bishop of Llandaff put forward a rather

⁶⁵ Stevenson, 'The Escheator', p. 138. These grants appear to represent a fair arrangement for cathedral chapters in terms of the financial assessment of the farm owed to the crown. The chapter of Ely were required to pay £2,000 if the see remained vacant for a year, *CFR, 1327-1337*, pp. 120-121. This was roughly equal to the level of net episcopal income in the 1290s, and substantially lower than the net income between October 1298 and October 1299 which amounted to £2,550. E. Miller, *The Abbey and Bishopric of Ely: The Social History of an Ecclesiastical Estate from the tenth century to the early fourteenth century* (Cambridge, 1951), p. 81; B. Thompson, 'The Fourteenth Century', p. 103.

⁶⁶ *CFR, 1327-1337*, pp. 120-121; *CFR, 1327-1337*, p. 456.

⁶⁷ W. M. Ormrod, *Edward III* (Stroud, 2005), p. 148; *SR*, I, 294.

⁶⁸ For example, the temporalities of the diocese of Coventry and Lichfield was in the king's hand in 1359, *CCR, 1354-1360*, p. 588; a royal clerk was appointed as keeper of the temporalities of the diocese of St David's in 1347, *CCR, 1346-1349*, p. 348.

⁶⁹ SC 8/279/13917; SC 8/15/719.

straightforward request for his cathedral chapter to have custody of the episcopal temporalities for the duration of future vacancies, the petition from John Stratford provided a much more expansive and embellished account of precisely why such a grant was required in the case of Winchester. Stratford proclaimed that he had been granted the bishopric of Winchester by the pope – the right to fill the episcopal vacancy having been claimed by the papacy since the incumbent Rigaud d’Assier (1319-1323) had died at the papal curia – but upon receiving the temporalities of the diocese, Stratford had found them greatly damaged by the royal guardians.⁷⁰ What is particularly interesting about this petition is that the request was actually rather confrontational in the way that it essentially accused the king of failing to preserve the temporalities intact and thereby diminishing Stratford’s provision by the pope. Given the furore that surrounded Stratford’s provision to Winchester by Pope John XXII in the face of strong opposition from Edward II, the petition shows little attempt on the part of the bishop to pursue a conciliatory course and restore good relations with the king.⁷¹ The endorsement to Stratford’s petition is also of special interest, since the recorded royal response to the bishop’s request was apparently never put into effect. The endorsement recorded that a charter granting the terms of Stratford’s petition should be issued upon the payment of a fine and after the rolls of the exchequer had been searched. Yet there is no evidence of any such charter being issued or any fine having been paid. Indeed, following the translation of John Stratford to Canterbury in November 1333, the temporalities of Winchester diocese were taken into the king’s hands and

⁷⁰ Rigaud d’Assier died at the papal curia in Avignon on 12 April 1323, see R. M. Haines, *Archbishop John Stratford: Political Revolutionary and Champion of the Liberties of the English Church, c. 1275/80 – 1348* (Toronto, 1986), p. 136. For papal provision of those who died at the curia, see W. A. Pantin, ‘The Fourteenth Century’, in C. H. Lawrence (ed.), *The English Church and the Papacy in the Middle Ages* (1965), pp.187-9.

⁷¹ See Haines, *Archbishop John Stratford*, pp. 136-150. The practice of papal provision to vacant bishoprics more generally was not established as the normal method of appointment until 1344, see J. R. L. Highfield, ‘The English Hierarchy in the Reign of Edward III’, *TRHS* 6 (1956), pp. 133-4.

royal guardians were appointed.⁷² Therefore, if Stratford's petition genuinely did represent concern with the problem of overexploitation by royal ministers it was ultimately unsuccessful in attaining the desired outcome despite receiving a positive response from the king.

The uncertainty surrounding the date of the petition raises problems when trying to assess its significance. It has been suggested elsewhere that the petition may have been presented around the time of a royal grant made on 6 April 1327 which ordered that in future vacancies the keepers of the episcopal temporalities should not interfere with certain parish churches.⁷³ Yet, it is clear that this grant was not issued in response to the petition from Stratford highlighted above. Indeed, given that Stratford had sought full custody of episcopal temporalities for his cathedral chapter, the grant of 1327, which related only to the custody of churches within the diocese, represented something of a climb down from the bishop's previous position. Furthermore, given that there is no reference to Edward II as the 'late' king in Stratford's petition, it seems likely that the petition was presented sometime before 1327 and possibly shortly after the episcopal temporalities were delivered by order of a royal writ dated 28 June 1324.⁷⁴ When considered in this context, Stratford's petition may have been intended as a political statement promoting the right of the papacy to provide his chosen candidate to vacant sees without interference from the English crown when the incumbent died at the papal curia. Additionally, the petition may have been intended as a protest against a recognizance that had been imposed on the bishop following his provision to Ely as a bond to ensure good

⁷² *CPR, 1334-1338*, p. 21. It is evident that the king exploited the issues from the temporalities in the customary way, see *CCR, 1333-1337*, pp. 212. For appointment of guardians, see *CFR, 1327-1337*, p. 385.

⁷³ SC 8/15/719. See TNA description at catalogue level. Haines also tentatively suggested 1327, see Archbishop John Stratford, p. 148; *CPR, 1327-1330*, p. 65.

⁷⁴ *CPR, 1321-1324*, p. 432.

behaviour.⁷⁵ As part of the terms of this financial imposition, the king could demand payment of £2,000 from the bishop at any time, and Stratford's petition may, therefore, have been designed to discourage the king from demanding payment whilst also conveying to Edward II that the episcopal temporalities had already suffered as a result of exploitation by royal ministers.

Aside from the developments relating to the custody of episcopal temporalities that have been surveyed above, a parallel development also worked to reduce the potential for conflict between bishops and escheators. Since 1234, two escheators had been appointed at any one time in England with one officer exercising jurisdiction over the counties that lay north ('beyond') the River Trent, and a second over the counties that lay south ('this side') of the river.⁷⁶ However, in 1275 the two escheatrics were dissolved, and sheriffs were empowered to deal with royal escheats. This was the first stage in a series of changes whereby the office of escheator was subjected to consecutive waves of administrative experiment. By 1283, the two Trentine escheatrics had been reconstituted, and the office of escheator remained regional in nature until the Despensers came into power in 1322 when the two escheatrics were replaced with eight. Upon the accession of Edward III, this policy was reversed restoring the Trentine escheatrics, but with subsequent reversals in 1332 and 1335. In the parliament of 1340 the system of eight local escheators that had been adopted in 1322 was reinstituted, but lasted only until November 1341 when the escheatrics were reformed to coincide with the shrievalties. After 1341, the office of escheator remained essentially local, rather than regional, in character.⁷⁷ As

⁷⁵ Haines, *Archbishop John Stratford*, pp. 148-149.

⁷⁶ For what follows, see Jewell, *English Local Administration*, pp. 95-96; Stevenson, 'The Escheator', pp. 118-19.

⁷⁷ In 1355, the office of sheriff and escheator were separated, but there was no return to Trentine escheatrics and escheators were appointed for each county.

such, although there were several waves of administration, the office of escheator was transformed from a regional, to a local office by 1341.

The localisation of the office probably averted many of the problems that had been faced by bishops before 1341. Before this transition there were a number of petitions presented by bishops complaining about the ‘wrongful’ confiscation of episcopal properties.⁷⁸ Of particular interest for our discussion here are instances whereby bishops complained that the escheator had wrongly confiscated property of his own volition rather than acting upon royal orders, since in such cases it is clear that the escheator had not been susceptible to the exertion of local influence. Such petitions have survived from the bishops of Durham, Lincoln and York.⁷⁹ The latter of these cases has left the most comprehensive documentary record, and will illuminate the type of conflict that could be more easily avoided after the localisation of the office.

Sometime before 17 February 1302,⁸⁰ Thomas Corbridge, archbishop of York (1299-1304), presented a petition outside parliament against the escheator north of the Trent who had seized a third of the woods and moor of his manor of Cawood.⁸¹ In response, a writ issued by chancery asked the escheator, Richard Havering, to explain his actions. Havering replied that the lands in question had been appropriated in *mortmain* by one of the archbishop’s predecessors, John Romeyn (1285-1296), and that the lands were of the king’s sergeantry and held in chief of the king by David Cawood.⁸² The escheator was subsequently summoned to chancery by a writ dated 29 March and, upon reciting the details of the case, it was decided by

⁷⁸ SC 8/3/120A; SC 8/8/389; SC 8/322/E538; SC 8/46/2268; SC 8/153/7615; SC 8/153/7616; SC 8/216/10756; SC 8/109/5411; SC 8/109/5414; SC 8/109/5416.

⁷⁹ SC 8/3/120A; SC 8/322/E538; SC 8/46/2268.

⁸⁰ The date on which a writ was issued in response to this petition, SC 8/46/2269.

⁸¹ SC 8/46/2268.

⁸² SC 8/46/2269; SC 8/46/2270.

the king and council that the archbishop should receive the confiscated lands upon the payment of a fine.⁸³

In terms of the relationship between escheators and bishops, the petition from the archbishop of York against the confiscation of a third of the woods and moor of Cawood Manor is particularly interesting in the way that it states that the escheator had confiscated the land ‘*saunz reson e jugement*’ (‘without reason or judgement’).⁸⁴ The accusation here was one of wilful misconduct and, moreover, misconduct that was set against the context of the archbishop’s claim that the manor of Cawood and its appurtenances had been held ‘*pesiblement*’ (‘peacefully’) by the archbishop and his predecessors by the right of his church. The supplicatory strategy adopted by Archbishop Corbridge was to apportion blame directly upon the escheator, with the archbishop complaining that he had suffered unjustly by the unwarranted action of a royal officer. Although it is clear from other surviving evidence that the escheator had actually acted to enforce the *mortmain* legislation, it is nevertheless interesting that the Corbridge targeted the royal officer. Notably, in a similar case relating to a breach of the *mortmain* legislation dating from the 1340s – when sheriffs were also responsible for executing the duties of the escheator – it was determined by the crown that the sheriff of Norfolk could not be trusted to safeguard royal interests because he was party to the patronage of the bishop of Norwich.⁸⁵ This suggests that the type of problem faced by the archbishop of York in the first decade of the fourteenth century might have been resolved after 1341 through the exercise of episcopal influence on a local level without recourse to a petition. A wider study into the petitions presented from all elements of society, not just

⁸³ SC 8/153/7619. A request for lands amortised without a royal charter to be restored upon payment of a suitable fine, in line with the process followed here, was presented as an article of clerical *gravamina* in the parliament of June 1344, see *PROME*, June 1344, item 23 (c. III). *CCR, 1296-1302*, p. 543.

⁸⁴ SC 8/46/2268.

⁸⁵ See above, p. 58.

bishops, would no doubt provide invaluable insight into the localisation of the office of escheator in 1340s and its effects.⁸⁶ However, the evidence surveyed here has demonstrated that the localisation of the office, combined with the opportunity for cathedral chapters to farm vacant episcopal temporalities, led to a discernible reduction in the volume of complaints from bishops against the conduct of escheators after the early 1340s.

3.3 The Crown

Having surveyed the petitions presented against royal officers relating to various aspects of governance and administration, this chapter will proceed to examine petitions which sought to directly challenge the legal claims of the crown. In these cases, supplicants sought to convince the crown to relinquish various claims to properties or rights. The discussion will begin with a focus on two preliminary considerations, firstly, the distinction between the 'king' as an individual and the 'crown' as a legal construct, and secondly, the role of royal grace in responding to petitions. The body of petitions from bishops relating to proceedings against the crown will then be explored, with a particular focus on two detailed case studies involving the bishop of Ely. The first of these case studies relates to the bishop of Ely's complaint against the crown's acquisition of several knights' fees in Cambridgeshire, whilst the second relates to competing claims to the forfeited lands of those condemned by the king's justices in the aftermath of the Peasants' Revolt in the summer of 1381.

⁸⁶ Over 700 petitions relating to the office of escheator survive in TNA SC 8.

3.3.1 The 'King' and 'Crown'

The crown, as a legal concept, encompassed the inherited rights and powers of the king – the royal prerogative, royal jurisdictional rights, financial powers, lands and wealth – that should be passed intact to the monarch's successor.⁸⁷ The distinction made between the crown as a 'permanent institution', and individual rule encompassing the 'power and authority' of the king, gathered momentum under Edward I and emerged more fully through the utilisation of the distinction by the political opponents of Edward II in the Ordinances of 1311.⁸⁸ In petitions, however, the distinction was rarely made. Whilst some supplicants made reference to the rights of '*la corone*' ('the crown'), in most cases it was the king himself who was identified as being responsible for the offending or detrimental action. For example, Richard Bury, bishop of Durham (1333-1345) spoke of his predecessor having been 'ejected by the king' and Robert Orford, bishop of Ely (1302-1310) defended knights' fees 'against the king', whilst Walter Reynolds, archbishop of Canterbury (1313-1327) sought remedy by asking Edward I to revoke an order and give consideration to a grant made by his ancestors.⁸⁹ By contrast, abuse identified as resulting from action taken by the 'crown' was a diplomatic rarely employed.⁹⁰ Whilst this indicates that petitions did not mirror developments in the early-fourteenth century relating to the emerging legal distinction between king and crown, the evidence from petitions should not be taken as indicative of a widespread belief that the king was directly responsible for a supplicant's woes. In the same way that supplicants understood that their petitions, whilst addressed to the king, would not necessarily receive the king's personal attention, complaints

⁸⁷ J. Dunbabin, 'Government' in J. H. Burns (ed.), *The Cambridge History of Medieval Political Thought, c. 350-c. 1450* (Cambridge, 1988), pp. 498-499.

⁸⁸ Prestwich, *Plantagenet England*, pp. 34-5.

⁸⁹ SC 8/44/2167; SC 8/45/2219; SC 8/259/12911.

⁹⁰ One such example is the petition from John Buckingham, bishop of Lincoln, concerning a benefice in 1369, SC 8/210/10463.

against the king did not attribute to the royal person responsibility for abuse suffered at the hands of royal lawyers or as a result of the administrative mechanisms that were in place to protect the rights of the crown. Indeed, petitions were frequently addressed to *'la roi et son conseil'* ('the king and his council') rather than the king exclusively.⁹¹ This mode of address is unusual in comparison with other supplicatory systems whereby petitions were formally addressed solely to the king or pope,⁹² and the inconsistency is indicative of a widespread awareness that petitions for justice in England essentially represented an application for the initiation of a legal or administrative process in which the king was not directly involved.

Despite the tendency of petitioners to refer to the actions of the 'king' in all petitions against the rights and actions of royal government, the direct responsibility of the king himself for detrimental action taken against the supplicant was identified by a small proportion of petitioners. For example, in 1328 the bishop of Llandaff asked for an acquittance from a financial obligation that had been unduly placed upon him by Edward II – a decision allegedly taken because of pressure exerted on the king's person by the royal favourite Hugh Despenser.⁹³ In another case, the bishop of Durham made complaint against the arbitrary exercise of the royal will by Edward I in the seizure of a manor which had been carried out *'par pouer roial e' sanz jugement'*

⁹¹ For discussion of these petitions, see G. Dodd, 'Parliamentary Petitions? The Origins and Provenance of the 'Ancient Petitions' (SC 8) in the National Archives' in W. M. Ormrod, G. Dodd and A. Musson, *Medieval Petitions: Grace and Grievance* (Woodbridge, 2009), pp. 33-40.

⁹² J. E. Shaw, 'Writing to the Prince: Supplications, Equity and Absolutism in Sixteenth-Century Tuscany', *Past & Present* 215 (2012), p. 61; C. Nubola, 'Supplications between Politics and Justice: The Northern and Central Italian States in the Early Modern Age', *IRSH* 46, p. 37. It has been argued that if the form of address for written petitions had been prescribed from the outset, it probably would have taken the form of an application to the king only, just as writs were issued in his name and not in the name of his council, L. Ehrlich, 'Proceedings against the Crown (1216-1377)' in P. Vinogradoff (ed.), *Oxford Studies in Social and Legal History* (Oxford, 1921), p. 96.

⁹³ SC 8/21/1027. Cf. S. J. Harris, 'Taking Your Chances: Petitioning in the Last Years of Edward II and the First Years of Edward III' in W. M. Ormrod, G. Dodd and A. Musson (eds), *Medieval Petitions: Grace and Grievance* (Woodbridge, 2009), pp. 173-192.

(‘by royal power and without judgement’).⁹⁴ In other instances, the precise involvement of the king remains uncertain. For example, three petitions relating to the will of Edward III made complaint against the orders of Richard II which had denied the executors of the deceased king’s will delivery of the lands enfeoffed to them.⁹⁵ The first petition was presented in 1378 when Richard II was only eleven years old, and the others were presented only two years later. As such, it seems likely that the king was acting under the influence of royal councillors, with a leading role played by the king’s tutor and under-chamberlain, Simon Burley.⁹⁶ Therefore, whilst petitioners tended to phrase their supplications in terms of wrongs caused by the king, the precise nature of the king’s personal role as a cause for the petition can be difficult to assess.

In the vast majority of complaints against the crown, it is likely that the king played no personal role at all. Such instances include the complaint of Henry Woodlock, bishop of Winchester (1304-1316), who petitioned against a *quare impedit* that had been brought against him by the king concerning an advowson in Cambridgeshire,⁹⁷ and the complaint of Thomas Corbridge, archbishop of York (1300-1304) that he had been ordered by royal command not to carry out a visitation of the archdeaconry of Richmond.⁹⁸ Notably, the endorsement to the petition in the latter case recorded that the king, having understood the content of the letter, revoked entirely the order contained within it thereby suggesting that he had no prior knowledge of the letter. Since the direct involvement of the king is suggested by only a few petitions, and even then the precise nature of the king’s role remains uncertain, all petitions presented by bishops against the king are

⁹⁴ SC 8/44/2166; Fraser, *Northern Petitions*, pp. 264-5.

⁹⁵ For a full account of this conflict see C. Given-Wilson, ‘Richard II and his grandfather’s will’, *EHR* 93 (1978), pp. 320-37; SC 8/109/5412; SC 8/100/4995; SC 8/100/4989

⁹⁶ *Ibid.*, p. 328.

⁹⁷ SC 8/45/2219; SC 8/320/E431; SC 8/277/13844B

⁹⁸ SC 8/46/2283

discussed in the present work as petitions against ‘the crown’. Whilst the usage of this phrase is not reflected in the petitions themselves, the use of the legal abstraction seems applicable given the uncertainty of the king’s direct involvement in the cases discussed below.

3.3.2 The Application of Royal Grace

Until recently, the place of private petitions within the context of legal and governmental frameworks in the late-thirteenth and fourteenth centuries has gone largely overlooked.⁹⁹ This has resulted in a degree of inconsistency in terms of how petitions have been categorised in the existing historiography, as well as in relation to the role of royal grace in the crown’s response to petitions. Given the sizeable body of petitions surveyed by the present work, it seems worthwhile addressing these inconsistencies here. It will be argued below that existing historiographical distinctions between petitions for grace and petitions for justice are generally representative of how the crown rationalised petitionary material, yet there were evidently some cases whereby grace was deployed to resolve legal disputes between the king’s subjects, and even used to circumvent the course of justice. The number of cases whereby legal disputes were resolved through an act of grace were probably very small in number, but the occurrence of such instances – even if they were rare – provides an important implication for our understanding of the late medieval petitionary system and may help to explain the discrepancy between how royal grace was perceived by the crown, and how the concept was used by the supplicants and incorporated into their petitions.

⁹⁹ This has been observed by G. Dodd, *Justice and Grace*, pp. 3 and 108-125; hitherto, consideration for the legal context of private petitions has been provided chiefly in L. Ehrlich, ‘Proceedings against the Crown (1216-1377)’, in P. Vindogradoff (ed.), *Oxford Studies in Social and Legal History* (Oxford, 1921), and also in J. S. Baldwin, *The King’s Council in England during the Middle Ages* (Oxford, 1913), pp. 262-344.

Royal grace comprised the elementary principle that the subjects of the king had no right to any royal action. In other words, ‘it was a matter of royal grace if the subject received a confirmation of privileges, certain rights, and so on, but he could not claim them in law.’¹⁰⁰ In terms of rationalising the extensive and diverse body of petitions contained in SC 8, historians have tended to divide petitions into two broad categories: on the one hand there were petitions for grace (or patronage) whilst on the other hand there were petitions for justice.¹⁰¹ The implication of such a division is that petitions seeking justice did not involve the exercise of grace. However, J. G. Edwards has asserted that *all* petitions ‘asked that the king *of his grace* would provide the petitioners with a remedy’ (my italics),¹⁰² whilst it has been suggested elsewhere that royal grace was exercised through the chancellor when, in what would later develop into a body of separate law known as equity, a remedy to the deficiencies at the common law was provided through the application of the chancellor’s conscience.¹⁰³ As J. F. Willard and W. A. Morris have pointed out, the application the chancellor’s conscience ‘essentially involved the exercise, though inevitably a limited exercise, of the king’s grace’.¹⁰⁴ This line of argument has been pursued most comprehensively by T. S. Haskett, who has argued that it was the chancellor’s role to ensure that the king’s subjects received royal grace in

¹⁰⁰ W. Ullmann, *Principles of Government and Politics in the Middle Ages* (London, 1961), p. 120.

¹⁰¹ F. W. Maitland, ‘Introduction’, *Memoranda de Parlamento* (London, 1893), pp. lxxvii – lxxviii; Ehrlich, ‘Proceedings Against the Crown’, p. 96; Baldwin, *King’s Council*, p. 325; Willard and Morris, *The English Government at Work*, p. 26; Haskins identifies four categories of petition, but still identifies those seeking patronage as those granted by the king’s grace, ‘The Petitions from the Representatives’, pp. 9-10.

¹⁰² J. G. Edwards, *Historians and the Medieval English Parliament* (Glasgow, 1960), pp. 15-16.

¹⁰³ Equity as a distinct body of law from the common law did not emerge until the sixteenth century. As such, various terms have been used to describe the jurisprudence exercised by the late medieval chancellor, including ‘discretionary justice’, ‘supplemental action’, and the application of ‘conscience’. See T. S. Haskett, ‘The Medieval English Court of Chancery’, *Law and History Review* 14 (1996), pp. 245-313.

¹⁰⁴ Willard and Morris, *The English Government at Work*, pp. 190-1.

order to aid those who could find no justice at common law.¹⁰⁵ Whilst this does not necessarily support the view that *all* petitions involved the exercise of grace, it does provide a qualification to the division of petitions into the two broad categories of grace and justice, since many of those petitions which sought justice but were subsequently passed to the chancellor might be said to have involved the application of grace.

In terms of legal theory, this view is generally supported. The power of the king to correct the course of justice if the law proved inequitable in its application was interpreted, in the late-thirteenth century, as the application of natural law to remedy the deficiencies of positive law in line with the Aristotelian virtue of *epieikeia*.¹⁰⁶ Essentially, this involved judicial intervention to ensure that the law was applied according to its true effect and intention.¹⁰⁷ In this sense, the discretionary justice exercised by the chancellor relied upon the delegation of the king's power to correct the application of the law and ultimately represented an act of grace. Moreover, the chancellor's role as keeper of the king's grace has been widely acknowledged, and in the course of the second half of the fourteenth century the chancellor began to exercise a 'discernible role in the dispensation of royal grace'.¹⁰⁸ Yet, evidence drawn from the petitions themselves suggests that, on the part of the crown at least, there *was* a general distinction being made between petitions for grace and petitions for justice.

There is a discrepancy between the legal theory surrounding the exercise of royal grace through the chancellor's application of conscience,

¹⁰⁵ T. S. Haskett, 'Access to Grace: Bills, Justice and Governance in England, 1300-1500' in H. Millet (ed.), *Suppliques et Requêtes: Le Gouvernement par la Grâce en Occident (XII^e – XV^e Siècle)* (Rome, 2003), p. 299.

¹⁰⁶ J. Dunbabin, 'Government' in J. H. Burns (ed.), *The Cambridge History of Medieval Political Thought, c. 350-c. 1450* (Cambridge, 1988), p. 487.

¹⁰⁷ This was noted by Christopher St German in his *Doctor and Student* written in 1523-31, and cited in T. S. Hasket, 'The Medieval English Court of Chancery', p. 272.

¹⁰⁸ A. Musson and W. M. Ormrod, *The Evolution of English Justice: Law, Politics and Society in the Fourteenth Century* (London, 1999), pp. 24-25.

and the crown's interpretation of the petitionary material brought into parliament. A letter to the sheriffs of London, dated 23 January 1349, provided separate instructions for the processing of petitions 'concerning the king's favour', and those 'concerning the common law'.¹⁰⁹ Petitions concerning favour were to be passed to either the chancellor or the keeper of the privy seal, and from there forwarded to the king with their advice so that the king could signify his will. Essentially, this meant that all acts of grace should be witnessed by the king, and the instructions conveyed in the royal order are consistent with the evidence drawn from the endorsements to petitions, whereby the term 'grace' was restricted in its application to only certain types of request that were brought before the king.¹¹⁰ Furthermore, the idea that petitions for grace formed a distinct body of supplications was reiterated in 1383, when it was unequivocally stated, in response to a common petition, that '*celles billes qe sont de grace soient baillez au roy mesmes*' ('those bills which concern grace be submitted to the king himself').¹¹¹ From the point of the view of the crown, the concept of grace was clearly tied to the personal consideration of a request by the king. As such, although the argument might be made in theory that the application of conscience by the chancellor essentially involved the exercise of grace through the delegation of royal authority, in practice, grace was a concept applied only to requests that necessitated the king's express approval.

Precisely where the crown drew the line between justice and grace is provided in a particularly illuminating petition from William Courtenay, archbishop of Canterbury (1381-1396). Courtenay's petition contained a request defending his right to make presentation to benefices within the diocese of St Asaph.¹¹² The endorsement was provided in two parts, with the first providing remedy as a matter of justice, and the second involving the

¹⁰⁹ CCR, 1346-1349, p. 615.

¹¹⁰ Dodd, *Justice and Grace*, p. 234.

¹¹¹ PROME, October 1383, item 51.

¹¹² SC 8/21/1027.

application of grace. The first part of the endorsement (the part involving justice) noted that the petition should be sent to the king's council where the archbishop should have his '*droit*' ('right'). Written below this, and in a different hand, was the second part of the endorsement (the part involving grace) which stated that the king would not make appointments to the archbishop's prejudice in the future. What is especially interesting, however, is that a royal clerk apparently went back over this second part of the endorsement and added, in superscript, that this had been granted '*de sa speciale grace*' ('of his [i.e. the king's] especial grace').¹¹³ Clearly there was a concern, either on the part of Richard II himself or his government, to ensure that there could be no confusion between what had been granted by the king and what the bishop could claim in law. In this particular case, the amendment may have been deemed necessary since the act of grace essentially reserved the right of the king to present to benefices in the diocese of St Asaph in times of vacancy. This royal concession, that appointments prejudicial to the archbishop would not be made in future, was based purely on the king's goodwill. As such, no legal right was relinquished on the part of the crown and the royal concession thereby remained open to revision. Yet, the statement of good intent from the crown as an act of grace perhaps helps to explain why so many petitioners included a plea for remedy in their petitions.

It has been observed by Gwilym Dodd that whereas petitioners tended to use the term 'grace' in a general sense as a way of acknowledging the king's authority to resolve their difficulties through his personal judgement, the term was invoked by the crown in a much more restrictive sense and tended to be applied only in cases whereby there was no legal obligation on the part of the king to provide remedy for the deficiencies of

¹¹³ SC 8/21/1027.

common law.¹¹⁴ Interestingly, this phenomenon, whereby some supplicants asked for ‘grace’ in their petitions even in cases seeking juridical remedy, appears to be somewhat underrepresented in petitions from bishops. Indeed, only two such petitions have survived, both of which were presented by bishops of Ely. In 1305, Robert Orford (1302-1310) requested ‘*le grace nostre seigneur le Roy et remedie*’ (the grace [of] our lord the king and remedy), since the mayor and bailiffs of Cambridge had wrongly assessed the bishop for tallage on his mill in Cambridgeshire.¹¹⁵ Meanwhile, one of Orford’s successors, John Hotham (1316-1337), sought the king’s grace because the treasurer and barons of the exchequer had refused to acknowledge his right to fines and amercements and all manner of forfeitures within the Isle of Ely in the account of the sheriff of Cambridgeshire.¹¹⁶ Neither of these issues was dealt with by the crown as a matter for the king’s grace. The former was endorsed ‘*Ad scaccarium, et fiat justicia et super hoc fiat breve de cancellaria*’ (‘At the exchequer; and let justice be done and a writ of chancery is to be made on this’), whilst in response to the latter it was ordered that the bishop should have a writ according to his charter.¹¹⁷ The paucity of petitions from bishops seeking the king’s grace in matters of justice may relate to the observation that bishops, both in their individual and collective petitions, appear to have been reluctant to emphasise a mutuality of interest between the church and the crown. The near absence of appeals for grace in matters of justice appears to represent a conscious desire on the part of the episcopate to emphasise the institutional autonomy of the church by basing their appeals on the basis of legal *rights*, rather than incorporating into their petitions pleas for grace and thereby

¹¹⁴ Dodd, *Justice and Grace*, pp. 232-239.

¹¹⁵ SC 8/258/12882; SC 8/81/4035 (duplicate).

¹¹⁶ SC 8/53/2611.

¹¹⁷ SC 8/258/12882; SC 8/81/4035; with full edition provided in *PROME*, Roll 12, Appendix, no. 85; SC 8/53/2611.

emphasising a reliance on the mere goodwill of the crown in matters that should be resolved through the proper application of the law.

Despite the reluctance of bishops to include appeals for grace in their petitions, it is clear that legal disputes might be resolved through the application of grace essentially through the arbitrary exercise of the royal will. In the case of Archbishop Courtenay highlighted above, remedy was provided through both justice and grace, with the bishop's right being determined before the king's council and the king demonstrating his goodwill in the matter as a separate act of grace. However, in the dispute between the bishop of Norwich and the burgesses of Bishop's Lynn that has been explored in a previous chapter, it is clear that the royal grant resolving the dispute in the bishop's favour was politically motivated, and that grace was exercised here *instead* of justice, and indeed, arguably at the expense of it. Rather than allowing the council to decide in favour of the bishop on the basis of a stronger legal claim, in this instance the king provided the bishop with a favourable outcome, apparently upon payment of a substantial fine. What was involved here was not the application of discretionary justice to ensure that the deficiencies at common law were remedied, but rather, the arbitrary exercise of royal will. Although the exercise of grace in such a way was probably reserved for high profile cases involving important and powerful individuals, the fact remains that the petitionary system in late medieval England offered the king's subjects the opportunity to resolve legal disputes through the application of grace.

Clearly there is much work left to do in terms of reconstructing legal disputes and placing petitions within their broader context in order to gain a fuller understanding of the nuances surrounding the application of grace in response to petitions seeking justice. Yet, the remote possibility that grace might actually be applied in certain cases may explain why, even when seeking resolution to judicial problems, many supplicants explicitly asked for

the application of grace. This also goes some way towards establishing something of a 'power distance index' for late medieval English society,¹¹⁸ since petitions could be used, theoretically by anyone, to solicit the direct intervention of the king in their personal affairs. In this sense, the king was accessible to all but also, as a corollary, ultimately accountable for any failure to provide supplicants with a favourable outcome – especially since grace was sometimes applied in matters of justice. As such, although inviting subjects to bring their complaints before the crown has been demonstrated to result in an extension of royal authority throughout society,¹¹⁹ it may have been something of a double-edged sword. If we take the example of the petition from Robert Orford highlighted above, wherein the bishop of Ely asked for remedy against the mayor and bailiffs of Cambridge who had wrongly assessed the bishop's mill for tallage, in asking the king to provide grace and remedy Bishop Orford, like many other supplicants, made a direct appeal for the king's personal intervention. It is conceivable that the failure of some petitioners to receive redress resulted in a sense of injustice, made all the more acute by the fact that their supplication had been made directly to the king. If justice was unobtainable from the highest power in the land, it follows that there was no other authority to which the supplicant could turn other than political opposition against the king himself. In this sense, it is interesting that the height of medieval petitioning occurred under Edward II.¹²⁰ As discussed below in relation to a petition from the bishop of Carlisle, whose request appears to have been quite explicitly ridiculed by Edward II,

¹¹⁸ Power distance is a term used to denote the degree of inequality in power between two individuals of different social placement belonging to the same social system, and essentially represents the degree to which members of a society agree that power should be shared unequally. The ability of petitioners to openly complain against actions of the king in parliament is indicative of a low power distance culture. In such societies, it is more likely that the underprivileged will reject power dependency and contribute to social instability. R. J. House *et al* (eds), *Culture, Leadership, and Organizations: The GLOBE Study of 62 Societies* (Thousand Oaks, CA, 2004), pp. 513-559.

¹¹⁹ Dodd, *Justice and Grace*, pp. 31-46.

¹²⁰ For fluctuations in petitioning, see *Ibid.*, pp. 49-88.

the personal intervention of the king in responding to some requests may well have alienated supplicants and thereby made some small but direct contribution to the political instability of the 1320s. Read in this context, the move by Edward III to restrict the opportunities for private petitions to be heard in parliament, thereby causing a constriction of the petitionary system and syphoning an increasing load of business to common law, which had benefited from a number of innovations by the mid-fourteenth century, may have helped to alleviate the problem of discontent through frustrated legal claims.¹²¹

3.3.3 Proceedings against the Crown

Petitions which sought to initiate legal proceedings against the crown number 63 documents. Almost half of these petitions were presented to challenge the right of the crown to properties that had been taken into royal custody. Three of these petitions relate to a dispute that has been dealt with at length elsewhere concerning the execution of the will of Edward III,¹²² whilst another series of petitions, presented by successive bishops of Durham, relates to the right of forfeitures within the palatinate of Durham which has been touched upon in a previous chapter. Both of these cases demonstrate the potential difficulty involved in attaining a favourable outcome against the legal claims of crown. In the former case, petitions appear to have facilitated a compromise arrangement between the crown and Edward III's feoffees by 1380, but it was only subsequently, and following the execution in 1388 of Simon Burley – the royal favourite who had chiefly benefited from the crown's legal policy – that real progress began to be made towards the performance of Edward III's will.¹²³ In the latter

¹²¹ Dodd, *Justice and Grace*, pp. 116-125.

¹²² Given-Wilson, 'Richard II and his Grandfather's Will', pp. 320-337.

¹²³ Ibid., p. 327.

case, the complaint of successive bishops of Durham concerning a grant made by Edward I in 1305 remained unresolved 165 years later. Similar petitions seeking remedy in relation to properties that had been taken into the king's hand include a petition from Robert Wyvil, bishop of Salisbury (1330-1375), who complained that because he could produce no better claim to woods and a free chase in Berkshire than that he had enjoyed them since time immemorial they had been confiscated before an Assize of the Forest,¹²⁴ and a petition from Robert Braybrook, bishop of London (1381-1404) for the recovery of the manor of Islington which had been seized into the king's hand following the impeachment and execution of Sir James Berners, one of Richard II's chamber knights, in the wake of the merciless parliament.¹²⁵

The latter case, involving the bishop of London, is worthy of note in light of the suggestion made by Ehrlich that petitions could serve the function of receiving a writ *de procedendo*, which granted the supplicant permission to proceed against the crown in a legal dispute.¹²⁶ In the case of Bishop Braybrook, however, it appears that the bishop's petition was presented at an earlier stage during the course of the legal proceedings, with a writ *de procedendo* acquired by Braybrook only subsequently. As such, this particular case provides support to the observation that supplications were often deferred to chancery for consideration in a special legal setting.¹²⁷ However, the case demonstrates, in this instance at least, that the bishop's petition did not serve the dual purpose of both initiating legal proceedings in

¹²⁴ SC 8/9/401.

¹²⁵ SC 8/306/15299; L. C. Hector and B. F. Harvey (eds), *The Westminster Chronicle 1381 – 1394* (Oxford, 1982), p. 332. The bishop's request was subsequently granted, see CCR, 1389-1392, p. 405.

¹²⁶ See Ehrlich, 'Proceedings against the Crown, 1216-1377' in P. Vinogradoff (ed.), *Oxford Studies in Legal and Social History* 6 (1912), p. 96; although, it has been highlighted that petitions were often sent to be dealt with in chancery, see William and Morris, *The English Government at Work, 1327-1336*, I, p. 190;

¹²⁷ William and Morris, *The English Government at Work, 1327-1336*, I, p. 190; Dodd, *Justice and Grace*, pp. 84-88.

chancery *and* serving as a *de procedendo*, the latter of which needed to be acquired separately at the relevant stage in the legal process.¹²⁸ Additionally, the case is also interesting in light of the evident difficulties faced by other supplicants when challenging the legal claims of the crown. Notably, the bishop of London was able to gain remedy even in the face of a concerted legal argument by royal lawyers outlining why the bishop should not recover the forfeited manor. It will be explored in detail below how, in a similar case, the bishop of Ely was able to attain remedy against the legal claims of the crown in the aftermath of the Peasants' Revolt of 1381. In contrast to the bishop of Ely, however, who received remedy not through repeated supplications but through an act of grace that resulted from a royal visit to the diocese of Ely, the decision made in favour of the bishop of London was reached through the course of justice that had been initiated by petitioning. Notably, after deliberation between justices, serjeants at law, and others of the council learned in law, the king was advised that livery of the ward of Islington manor should be restored to the bishop and the decision was put into effect on 1 December 1391.¹²⁹ That this decision was reached and resulted in restitution is especially interesting, given the tendency of Richard II, from the outset of his reign, to ride roughshod over property rights.¹³⁰ Set in this context, the case of the bishop of London demonstrates an instance whereby, despite a strong legal case being made in defence of the royal

¹²⁸ '... upon the bishop's petition... the king ordered the sheriff to give notice to John Innocent and John Notyngnam the king's clerks, to whom the king committed the keeping of the said manor by name of the manor of Bernersbury which was of James Berners who forfeited to the king, to be in chancery in the octaves of Michaelmas last in order to shew cause wherefore livery of the said ward and the issues aforesaid ought not to be given to the bishop... and the bishop was told to sue with the king for licence to proceed, if he should think fit; and at that day the bishop appearing by his said attorney produced the king's writ of privy seal *de procedendo*, with proviso that the chancellor should not proceed to rendering of judgment without advising the king...', *CCR, 1389-1392*, p. 405.

¹²⁹ *CCR, 1389-1392*, p. 405.

¹³⁰ A. Tuck, *Richard II and the English Nobility* (1973), pp. 75-76; Given-Wilson, 'Richard II and his Grandfather's Will', pp. 335-336.

claim, nevertheless a decision was reached in favour of the supplicant. This outcome takes on even broader significance in light of the fact that in aftermath of the Merciless Parliament in 1388, Robert Braybrook had been one of several councillors appointed by the Lords' Appellant to watch over the king. These duties apparently did not result in sufficient animosity between the bishop of London and Richard II to prevent Braybrook from receiving remedy against the legal claims of the crown.¹³¹

Aside from petitions involving legal claims to property and land, petitions from bishops have also survived relating to ecclesiastical patronage. A number of these sought to defend episcopal rights against royal appointments, such as the petition from the bishop of Lincoln against the use of a *quare impedit* writ that had been brought against him concerning a benefice at Iffley in Oxfordshire.¹³² Other petitions, meanwhile, sought to recover ecclesiastical patronage that had already been lost to the crown. One of these latter disputes, involving Thomas Brantingham, bishop of Exeter (1370-1394), and relating to the appointment of the prior at Plympton Priory in Devon, has been discussed elsewhere.¹³³ Although the bishop of Exeter experienced delays and presented repeated supplications, a favourable resolution was finally attained in February 1380. Other cases include the successful attempt by Walter Reynolds, archbishop of Canterbury (1313-1327), to recover the patronage of St Martin's Priory in Dover, which had been usurped by the crown under Edward I,¹³⁴ and the failure of Walter Stapeldon, bishop of Exeter (1307-1326), to recover the patronage of the

¹³¹ Hector and Harvey, *The Westminster Chronicle*, p. 332.

¹³² SC 8/210/10463.

¹³³ SC 8/171/8547; SC 8/215/10739; SC 8/8/361; SC 8/205/10205; SC 8/334/E1119; Fizzard, *Plympton Priory*, pp. 219-234. Although the petitions themselves have not been discussed by Fizzard, much of the material contained within them has been gleaned from repeated content in the close and patent letters.

¹³⁴ SC 8/259/12911; SC 8/278/13877; *PROME*, October 1320, item 5.

church of St Buryan in Cornwall, which was claimed by the crown as a free chapel.¹³⁵

The remaining petitions presented against the crown included a variety of issues including a challenge against the legality of an agreement made by Edward III exchanging a manor for lands,¹³⁶ a complaint against the illegality of royal orders,¹³⁷ and requests for remedy since the acquisition of lands by the crown had negatively affected episcopal temporalities.¹³⁸ An example of the latter is explored in detail below and relates to an attempt by successive bishops of Ely to gain remedy in relation to knights' fees that had previously been held of the diocese but had come into the possession of the crown. There are also a number of petitions either asking for the king to meet his financial commitments to the supplicant,¹³⁹ or else seeking some form of compensation.¹⁴⁰ Of these petitions seeking compensation, a petition from John Halton, bishop of Carlisle (1292-1324), is particularly interesting in terms of identifying the voice of the king in the royal response to the request. Bishop Halton requested remuneration for time and money spent in diplomatic service to the king, the bishop having been ordered on 2 February 1321 to treat with the Scots. Halton claimed to have spent nine weeks in Newcastle 'to his great expense'. However, not only did the king look unfavourably on this request but, unlike the vast majority of recorded endorsements which were straightforward and administrative in tone, the royal response to this petition was rather sardonic:

¹³⁵ See above, pp. 109-125.

¹³⁶ SC 8/122/6062

¹³⁷ SC 8/46/2283

¹³⁸ SC 8/150/7482; SC 8/1/28; SC 8/45/2219; SC 8/69/3420; SC 8/158/7898; SC 8/122/6062; SC 8/53/2611; SC 8/1/27; SC 8/82/4097.

¹³⁹ SC 8/146/7285; SC 8/195/9740; SC 8/276/13789; SC 8/164/8187; SC 8/107/5317; SC 8/320/E431; SC 8/155/7708; SC 8/184/9166.

¹⁴⁰ SC 8/251/12545; SC 8/280/13965; SC 8/270/13477; SC 8/103/5117; SC 8/158/7898.

Il semble au Roi et a tut son conseil qe depuis qe il ala pur commune profit du Roi et du Roialme et de sa Euesche et qil ne ala mie si loinz^{^ hors de Leuesche ^}, qil se put souffrir.

It seems to the king and all his council that henceforth for the common profit of the king and the realm and of his bishop, that he should not travel so far from his bishopric if he should so suffer.¹⁴¹

The nature of the endorsement in this instance is made all the more intriguing, since it was also recorded as ‘*Coram Rege*’ (‘before the king’) and was therefore very likely to have been considered before the king himself. The oral/aural dimensions of petitioning have been discussed by Mark Ormrod, including instances whereby direct speech add immediacy to texts that are otherwise mediated by the clerk whose services were employed in the composition of a petition.¹⁴² Although the written response in this instance does not record direct speech as such, the phraseology appears to deviate sufficiently from the norm to suggest that the clerk who recorded the endorsement captured the character of the royal response as voiced either by the king or by a member of the council. There remains the distinct possibility, therefore, that in the endorsement to the petition from the bishop of Carlisle, we hear the voice of Edward II himself. This voice not only denied the bishop’s request for compensation, but appears to have actively belittled to the point of ridicule the bishop’s petition. It has been observed elsewhere that Edward II took a proactive interest in the grievances of his subjects towards the end of his reign, and received praise for doing so from contemporaries.¹⁴³ For example, Thomas Cobham, bishop of Worcester reported to Cardinal Vitale Dufour that in the parliament of

¹⁴¹ SC 8/103/5117; Fraser, *Northern Petitions*, p. 136; cf. H. Summerson, ‘Halton, John (D. 1324)’, *ODNB*.

¹⁴² W. M. Ormrod, ‘Murmur, Clamour and Noise: Voicing Complaint and Remedy in Petitions to the English Crown, c. 1300 – c. 1460’ in W. M Ormrod, G. Dodd and A. Musson (eds), *Medieval Petitions: Grace and Grievance* (Woodbridge, 2009), p. 145.

¹⁴³ Dodd, *Justice and Grace*, p. 76.

October 1320, Edward II had listened patiently to all those willing to speak with reasonableness and in many instances had supplied ‘ingeniously of his own discernment’ what he felt to be lacking in the law, whilst the chronicle of Nicholas Trivet similarly praised the king, reporting that he ‘showed prudence in answering the petitions of the poor, and clemency as much as severity in judicial matters, to the amazement of many who were there’.¹⁴⁴ Yet, against these positive reports, evidence from the petition of the bishop of Carlisle suggests that the personal intervention of the king may have actually worked to alienate, rather than to placate, important subjects of the realm.

3.3.4 Bishop of Ely and Knights’ Fees in Cambridgeshire, 1305-1327

Over the course of some twenty-two years between 1305 and 1327, three consecutive bishops of Ely – Robert Orford (1302-1310), John Ketton (1310-1316) and John Hotham (1316-1337) – petitioned for remedy against the crown’s possession of several knights’ fees in Cambridgeshire. Two petitions were presented by Robert Orford, the first in the parliament of February 1305 and a second possibly in the parliament of January 1307, whilst John Ketton petitioned in the parliament of August 1312.¹⁴⁵ A further three petitions were presented by John Hotham, one in the parliament of January 1327, and another two petitions were probably presented sometime after 1327.¹⁴⁶ What is particularly interesting about this series of documents is that despite petitioning for remedy for more than twenty years, three bishops of Ely were apparently unable to gain a lasting and satisfactory

¹⁴⁴ E. H. Pearce (ed.), *Register of Thomas de Cobham, Bishop of Worcester, 1317-27*, Worcestershire Historical Society (1930), p. 98; BL, Cotton Mss., Nero D.X., f. 110v, cited in Dodd, *Justice and Grace*, p. 76.

¹⁴⁵ SC 8/1/28; full edition in *PROME*, Edward I, Roll 12, item 129; SC 8/110/5461; full edition in *PROME*, August 1312, SC 9/26, item 13. SC 8/45/2219, possibly presented by Robert Orford in 1307, was primarily concerned with knights’ fees that had been alienated not by Gilbert Pecche, but Roger Bigod, earl of Norfolk.

¹⁴⁶ SC 8/53/2611; SC 8/82/4097; SC 8/1/27.

outcome, and despite initially receiving some encouraging platitudes from the crown, the petitions give the impression of little progress actually being made. Indeed, each of the six petitions resulted in some form of enquiry or investigative action to ascertain the truth behind the episcopal claims. It will be argued below that the difficulty faced by the bishops of Ely and their apparent inability to gain remedy can be explained by their petitions serving an unarticulated function; to renegotiate the fines paid to the crown in lieu of military service. Furthermore, despite the outward appearance of their repeated supplications, the bishops of Ely were actually able to gain some manner of success. As such, rather than representing failure to attain remedy, the repeated petitions represented part of an on-going negotiation over the number of knights' fees upon which the bishop of Ely owed military service to the crown. Finally, the case is of additional interest because an already complex legal claim was complicated further, both by John Orford's attempt in his first petition to reassert a historic claim to a knight's fee, and also by a degree of inconsistency in the claims brought forward by consecutive bishops.

Before going on to discuss the case in detail, it is worth briefly surveying the petitions presented between 1305 and 1327, as well as the background to the dispute. In the parliament of February 1305 Bishop Robert Orford made a complaint relating to a grant by Sir Gilbert Pecche to Edward I of several manors in Cambridgeshire.¹⁴⁷ The reason for this grant, which had been made by Pecche in 1285, will be explored in due course. According to Bishop Orford, the manors granted to the crown had been held by Pecche from the diocese of Ely for four knights' fees and three-quarters and a half. Following Pecche's grant, however, the bishop had been compelled to defend the fees against the king for '*soen servise fere en sa guere et*

¹⁴⁷ Gilbert Pecche was a descendant of Hamon Pecche who had acquired land in Cambridgeshire through his marriage to a co-heir of the Peveral inheritance, see *Complete Peerage* X, pp. 335-6. SC 8/1/28; *CChR, 1257-1300*, p. 281.

en autres services dumes’ (‘his service in war and in other services that are due’), with the result that the neither Orford nor his predecessor had gained profit from the fees since the time of Pecche’s grant.¹⁴⁸ A knight’s fee originally comprised a unit of land held from the king, either immediately or mediately, in return for military service, but by the late thirteenth century a system of monetary payments had largely replaced the practice whereby ecclesiastical tenants-in-chief provided knights for service in royal armies.¹⁴⁹ Aside from military service owed to the crown, a knight’s fee also represented, in private law, the rights of the lord in chief to impose reliefs, wardships and marriages upon the holder of the fee.¹⁵⁰ Therefore, when the bishop of Ely complained about having received nothing from the knights’ fees in Cambridgeshire since the time of Pecche’s grant, it was to the profits derived from his right as lord in chief, in addition to the levy of scutage, that the bishop referred.¹⁵¹

Although the precise motivation behind Pecche’s grant in 1285 remains elusive, some consideration may have been given to the nature of the land tenure associated with his manors in Cambridgeshire. In exchange for his manors in Cambridgeshire, the king assigned Pecche lands and property to the annual value of £124 – a value equal to that of the manors he had granted to the crown.¹⁵² These properties were to be held by Pecche for the term of his life only, and upon his death they would revert to the crown. As such, the arrangement was to the manifest disadvantage of Pecche’s heirs, and indeed, it has been suggested elsewhere that Pecche’s grant to the crown was undertaken as a result of hostility towards his lawful

¹⁴⁸ SC 8/1/28; *PROME*, Edward I, Roll 12, item 129.

¹⁴⁹ H. M. Chew, *The Ecclesiastical Tenants-in-Chief and Knights’ Service: Especially in the Thirteenth and Fourteenth Centuries* (Oxford, 1932), p. 73.

¹⁵⁰ Pollock and Maitland, p. 253

¹⁵¹ For discussion of how lords imposed scutage on their tenants, see Chew, *Ecclesiastical Tenants-in-chief*, pp. 137-147; cf. ‘Scutage under Edward I’, *EHR* 37 (1922), 321-36; ‘Scutage in the Fourteenth Century’, *EHR* 38 (1923), 19-41.

¹⁵² *CChR*, 1257-1300, p. 281

heirs by his first wife.¹⁵³ However, this explanation has remained unsatisfactory, primarily because the arrangement prejudiced Pecche's eldest son by his second wife equally with his half-brothers.¹⁵⁴ The evidence from the surviving petitions presented by the bishop of Ely suggests that a different rationale may have motivated Pecche to give up his manors in Cambridgeshire. Namely, these properties were not held directly from the crown, but rather from the bishop of Ely, to whom Pecche was legally bound in certain financial obligations. The grant of these manors to the crown, therefore, may have been driven by hostility towards holding lands as a tenant of a lord in chief, or perhaps, even by hostility towards the lordship of the bishop of Ely specifically. In this context, the winners of Pecche's transaction appear to have been both the king, and Gilbert Pecche himself, who exchanged land held from the bishop of Ely for land held directly of the king. The losers of the arrangement meanwhile were Pecche's heirs, who lost out on a large portion of their inheritance, as well as the bishop of Ely, who was no longer able to exercise lordship over the fees and impose financial exactions. However, as we shall see below, successive bishops of Ely sought to utilise the opportunity presented by Pecche's grant for their own advantage.

The timing of Robert Orford's petition requires some explanation given that there was a twenty-year gap between Gilbert Pecche's grant to the crown in 1285 and Orford's supplication in the parliament of February 1305. Interestingly, the abbot of Bury St Edmunds also petitioned at the same parliament for remedy in relation to two knights' fees that had granted by Pecche to Edward I.¹⁵⁵ The twenty-year gap between Pecche's grant and complaints from the abbot of Bury St Edmunds and the bishop of Ely can probably be explained by the fact that following Pecche's grant, a feudal

¹⁵³ *Complete Peerage* X, p. 336.

¹⁵⁴ *Ibid.*

¹⁵⁵ *PROME*, Lent 1305, Appendix, item 52; E 159/78, m. 15.

summons was not issued until 1300, which assessed each knights' fee upon which a tenant-in-chief owed military service for a fine of £40 in commutation of non-service.¹⁵⁶ Another feudal summons was issued three years later in 1303 at a rate of £20 for each knights' fee.¹⁵⁷ These feudal summons appear to have resulted in a number of concerns amongst the king's subjects, judging from the number of petitions relating to knights' fees that were presented in 1305. Geoffrey Say petitioned concerning two knights' fees in Suffolk,¹⁵⁸ whilst the archbishop of York raised a complaint relating to two knights' fees in Holderness and Yorkshire.¹⁵⁹ Meanwhile, Hugh Pointz petitioned for the right to levy scutage from three knights' fees in the king's hands owing to the imbellicity of the heir to the manor of Stogursey in Somerset.¹⁶⁰ Furthermore, the timing of Orford's elevation to the episcopate, which coincided with the feudal summons of 1303, probably brought the issue to the bishop's immediate attention. Orford's election in 1302 had been quashed by Archbishop Robert Winchelsey on the grounds of his inadequate learning, but after making a celebrated appeal to the pope, Orford's election was confirmed on 22 October and his temporalities were subsequently restored on 4 February 1303.¹⁶¹ Edward I had ordered the feudal summons to muster in 1303 for Whitsun (26 May),¹⁶² and it seems likely that Orford would have become aware of the problem relating to the knights' fees associated with the Pecche grant soon after the restoration of his temporalities.

¹⁵⁶ M. Prestwich, *War, Politics and Finance under Edward I* (London, 1972), p. 82; H. M. Chew, 'Scutage under Edward I', *EHR* 37 (1922), pp. 321-6.

¹⁵⁷ Chew, *Ecclesiastical Tenants-in-Chief*, p. 70.

¹⁵⁸ *PROME*, Edward I, Vetus Codex 1305, item 90.

¹⁵⁹ *Ibid.*, item 103.

¹⁶⁰ *Ibid.*, item 48.

¹⁶¹ D. M. Owen, 'Orford, Robert (d. 1310)', *ODNB*.

¹⁶² M. Prestwich, *Edward I* (London, 1997), p. 498.

In response to Orford's petition, a mandate was sent to the barons of exchequer.¹⁶³ This mandate, witnessed by Edward I on 4 April 1305, recorded that the king wished 'to ensure the indemnity of the same bishop... lest his said church be disinherited', and instructed the barons of the exchequer to make the necessary enquiries into the bishop's claim and then proceed to reach an agreement 'in the best way they can and as seems most fitting and to ensure he [i.e. Bishop Orford] has proper recompense or allowance'.¹⁶⁴ Yet, despite these affirmations no resolution was provided and, following a second petition from Orford presented in 1307, Orford's successor, John Ketton, raised the issue again in a petition presented in the parliament of August 1312.¹⁶⁵ In addition to the knights' fees in Cambridgeshire, Ketton also petitioned about a similar problem relating to fees in Suffolk that had been held by Roger Bigod, earl of Norfolk, whose lands had escheated to the crown upon his death in 1306.¹⁶⁶ Interestingly, in relation to the Pecche grant, Bishop Ketton identified only three of the original seven estates that had been mentioned by his predecessor. Furthermore, instead of claiming four knights' fees and three-quarters and a half, as Orford had done in 1305, Ketton now claimed that Pecche had granted six knights' fees to the crown previously held of his church. These discrepancies will be discussed further below. In what was to form something of a routine response from the crown, Ketton received essentially the same response as Robert Orford in 1305, only this time, without the encouraging platitudes of the king. Ketton was instructed to sue a writ in chancery to the barons of the exchequer '*qe eux facent sercher les [evidences] qe*

¹⁶³ *PROME*, Edward I, Roll 12, item 129; E 159/78, m. 15d.

¹⁶⁴ *Ibid.*

¹⁶⁵ SC 8/110/5461; full edition in *PROME*, August 1312, SC 9/26, item 13. This repeated the substance of a second petition presented by Robert Orford relating to the Bigod fees, see SC 8/45/2219.

¹⁶⁶ *CIPM*, IV, p. 291, no. 434.

hom poet trover des fiez’ (‘for them to arrange for a search of the evidence which can be found concerning the fees’).¹⁶⁷

Despite the barons of the exchequer being ordered to investigate the bishop of Ely’s claims in response to petitions presented in 1305, 1307, and 1312, such inquiries were again ordered in response to all three petitions from John Hotham. One of these petitions was presented in the parliament of January 1327 as part of a list of petitions from the bishop of Ely,¹⁶⁸ whilst another was probably presented after this date since it reveals a change in supplicatory tactic that had been pursued up until that point by the successive bishops of Ely.¹⁶⁹ Whereas both Robert Orford and John Ketton, and indeed, John Hotham in his first two petitions, had requested that the king provide an unspecified remedy, in his petition presented after 1327 Hotham explicitly requested that the king provide an allowance for the fees ‘*aillours*’ (‘elsewhere’). This final petition is also notable for its extremely restricted length. Given the history of the dispute, it seems strange that a complaint concerning a matter that had been brought up on several occasions over a span of more than forty years would now be given such sparse treatment, and may indicate that the petition had been accompanied by some form of oral request, either from the bishop himself or his legal counsel. This is perhaps indirectly supported by the endorsement ‘*Il semble au conseil s’il prest au roi...*’ (‘It appears to the council, if it pleases the king...’), which suggests that the bishop had presented his case at a hearing before the council.¹⁷⁰ Indeed, in response to Bishop Orford’s petition in the parliament of 1305, it was arranged for the bishop to have a hearing before the treasurer, chancellor and barons of the exchequer and a similar procedure involving the council may have resulted from Hotham’s petition after 1327. However, the endorsement to Hotham’s petition proceeded to provide

¹⁶⁷ *PROME*, August 1312, SC 9/26, item 13.

¹⁶⁸ SC 8/53/2611

¹⁶⁹ SC 8/1/27. The other petition is of uncertain date and provenance, SC 8/82/4097.

¹⁷⁰ SC 8/1/27.

essentially the same response as on previous occasions, ordering yet another enquiry into the bishop's claims, and suggesting that if the claims were validated the council should then provide the bishop with remedy.

In other cases relating to the acquisition of knights' fees by the crown, it appears that remedy was easily obtainable. For example, in 1305 Robert de Vere, earl of Oxford, made a complaint in relation to the manor of Aythorp Roding in Essex, which had been held of the earl and his ancestors for two knights' fees but had been alienated to Queen Eleanor.¹⁷¹ Subsequently, the king had granted the manor to Sir Guy Ferre to be held from the king, to the disinheritance of the earl and his successors.¹⁷² The response provided by the king to the earl of Oxford's petition, which was subsequently issued as a letter patent on 5 November 1305, was that the charter granting Aythorpe Roding to Guy Ferre should be amended so that the feoffee should hold the manor by performing services due to the earl as chief lord of the fee.¹⁷³ In another case from 1315, the earl of Lancaster and the earl of Arundel received a similarly favourable response in relation to knights' fees that Roger Bigod, earl of Norfolk had held of them and had alienated to the crown.¹⁷⁴ Remedy was also provided in the same parliament to another petition presented in relation to knights' fees.¹⁷⁵ What is noticeable about these cases is that the supplicants sought to recover the services owed to them from knights' fees as tenants-in-chief. Robert Orford and his successors, by contrast, did not explicitly request the recovery of rights as lords in chief, but instead asked for an unspecified remedy.

¹⁷¹ *PROME*, Edward I, Petition 3, items 109-110; SC 8/10/495; SC 8/10/496.

¹⁷² The charter states that the manor should be held of the king by performing the service due to the chief lords of the fee, leaving it somewhat ambiguous whether the earl of Oxford would lose wardships and reliefs, escheats and other profits, as Robert de Vere claimed had happened in the event, *CCbR*, 1257-1300, pp. 330-1.

¹⁷³ *PROME*, Edward I, Petition 3, item 109; *CPR*, 1301-1307, pp. 393-394.

¹⁷⁴ *PROME*, January 1315, items 148, 150.

¹⁷⁵ *Ibid.*, item 59.

It appears that the petitions from the bishop of Ely were not intended to recover the knights' fees from the crown, but rather, to renegotiate the fines levied upon the temporalities of the bishop of Ely for knights' fees in lieu of military service. During the thirteenth century, the tenants-in-chief had been able to achieve a serious reduction in the number of knights' fees upon which they owed military service to the king. The bishop of Ely, in a manner similar to many other tenants-in-chief, had been able to achieve a reduction from the traditional *servicia debita* of 40 fees to a mere six fees. In terms of private law, this reduction of the *servicia debita* made no difference to the bishop's exercise of rights over knights' fees as lord in chief but from the perspective of the crown it was recognised that the bishop of Ely could only be assessed for military service on the basis of six fees.¹⁷⁶ As such, the original link between knights' fees as parcels of land and military service was essentially severed, and the six fees for which the bishop of Ely owed military service represented an arbitrary and negotiable figure. The exact process by which this reduction was achieved remains uncertain, but what originally appears to have been determined by royal will in most cases became fixed and the reduced quotas came to be recognised as a the valid assessment for military service due from the holdings of the tenants-in-chief.¹⁷⁷ Yet, even despite these reductions, the fines paid in lieu of military service remained a financial burden into the fourteenth century.¹⁷⁸

Under Edward I the assessment for each knight's fee varied from 100 marks in 1295 for an expedition to Gascony – although this was subsequently pardoned – to 20 marks in 1305-6.¹⁷⁹ Under Edward II and Edward III the rates varied between 60 marks and 20 marks.¹⁸⁰ Based on the

¹⁷⁶ By 1166 the bishop of Ely had enfeoffed 72¾ knights, see Chew, *Ecclesiastical Tenants-in-Chief*, p. 119.

¹⁷⁷ Chew, *Ecclesiastical Tenants-in-Chief*, p. 32; Prestwich, *War, Politics and Finance*, p. 79.

¹⁷⁸ Chew, *Ecclesiastical Tenants-in-Chief*, pp. 19, 32.

¹⁷⁹ Ibid.

¹⁸⁰ Ibid. These figures were much higher than in the early thirteenth century

upper rate, the bishop of Ely would have owed 360 marks (£240) to the crown for his *servicia debita* of six knights' fees, whilst at the lower rate the bishop was liable for 120 marks (£80). Even at the lower rate of £80, the value of the assessment for knights' service was close to the annual value (£122) of the manors in Cambridgeshire that had been granted by Pecche to the crown, and the profits derived from the manors by the bishop of Ely through the exercise of rights as chief lord of the knight's fees would have been substantially lower still.¹⁸¹ As such, it made financial sense for the bishop of Ely to cut his losses and instead of approaching the problem from the perspective of private law – which would involve an attempt to recover episcopal rights of lordship over the disputed knights' fees – the bishop sought further reductions to the *servicia debita* of the diocese of Ely. This is supported by the final petition from John Hotham, which, as we have seen, explicitly sought compensation for the knights' fees, rather than their recovery.¹⁸² It is perhaps also indicated by the petition from John Ketton in August 1312, which mistakenly attributed six knights' fees to the Pecche grant – the exact same number of fees constituting the reduced *servicia debita* of the diocese established in the thirteenth century. In this sense, the error may be indicative of how Ketton himself conceived of the Pecche grant, namely, as an opportunity to renegotiate the six knights' fees upon which the bishop of Ely owed military service.

It has been demonstrated above that the bishops of Ely used the opportunity provided by Pecche's grant to renegotiate their *servicia debita*. Yet, the repeated failure of the crown to provide lasting remedy also requires explanation, especially since in 1315 the bishop of Lincoln secured precisely this type of reduction that had eluded the bishop of Ely. In the parliament of January 1315, John Dalderby, bishop of Lincoln (1299-1320), succeeded in

¹⁸¹ The customary relief for a knight's fee was £5, see J. Hudson, *The Oxford History of The Laws of England: Volume II, 871-1216* (Oxford, 2012), p. 646.

¹⁸² SC 8/1/27.

receiving remedy in relation to two knights' fees that had been alienated to the crown. The bishop complained that a manor, previously held from the diocese of Ely for two knights' fees, had been granted to the abbey of Rewley in Oxfordshire in frankalmoin through the grant of Edmund of Almain, earl of Cornwall (1249-1300).¹⁸³ On 6 February 1307 a writ had been sent to the barons of the exchequer, ordering that the bishop receive either an allowance or the reduction of the fees held by the bishop of the king. Upon Bishop Dalderby's petition in 1315, a letter close dated 21 February 1315 was sent to the treasurer and barons of the exchequer ordering them to act upon the previous order which remained unexecuted.¹⁸⁴ This raises an important question: why was the bishop of Lincoln able to attain remedy in 1315, whereas the bishop of Ely had still not received a favourable outcome by 1327? Part of the answer appears to involve a degree of legal subterfuge on the part of Robert Orford in 1305, which served to further complicate an already complex legal claim to several knights' fees pertaining to a number of different manors.

The initial petition from Robert Orford presented in 1305 made reference to four knights' fees and a half and a quarter that had been held by Gilbert Pecche of the diocese of Ely, and identified these as having pertained to the manors of Madingley, Rampton, Cottenham, Impington, Harston, Lolworth and Long Stanton.¹⁸⁵ In four of the subsequent petitions from the bishop and his successors, however, only the manors of Madingley, Rampton and Impington were mentioned, whilst the manor of Cottenham was mentioned again in one of the petitions from John Hotham.¹⁸⁶ What is particularly interesting about the manors identified by Orford in 1305 is that the claim to a knights' fee at the manor of Long Stanton apparently represented an attempt to reassert the historic rights of the diocese of Ely.

¹⁸³ *PROME*, January 1315, item 126.

¹⁸⁴ *CCR, 1313-1318*, p. 156.

¹⁸⁵ SC 8/1/28.

¹⁸⁶ SC 8/110/5461; SC 8/45/2219; SC 8/53/2611; SC 8/1/27; SC 8/82/4097.

Whereas knights' fees held from the diocese of Ely can be established for all of the other manors mentioned in Orford's petition, at Long Stanton three sokemen had held one hide from the abbey of Ely in 1066 but there is no evidence of a knight's fee being held from the bishop of Ely. It has been suggested elsewhere that the petition from Robert Orford in 1305 was an attempt to reclaim the hide of Domesday sokeland.¹⁸⁷ If this was indeed the case, the petition concerning the knights' fees presented by Orford in 1305 was not only an attempt to gain remedy, but also to enrich the endowment of the diocese by asserting a tenuous historic claim as part of a broader and complex legal case. Given the subsequent difficulties in securing a permanent reduction of the diocese of Ely's assessment for military service, this strategy was certainly ambitious in hindsight. It does, however, add to the list of examples whereby a petition served both a primary and secondary purpose for the supplicant, and of petitions presented for redress also being utilised to pursue broader aims and goals.

Although the petitions presented throughout the course of the dispute apparently sought to renegotiate the knights' service owed to the crown by the diocese of Ely, the bishops of Ely apparently had some measure of success in recovering possession of some of the fees in question. In 1303, Harston had been recovered and was held of the bishop of Ely according to evidence provided by the aid granted by parliament towards the marriage of the king's eldest daughter, Eleanor.¹⁸⁸ By January 1316, Lolworth was held from the bishop of Ely, whilst Impington was held from the bishop and another named individual, but Harston was now held from the prior of Barnwell.¹⁸⁹ The knight's fee at Cottenham is slightly more complex. The manors of Burdeleys and Pelhams were each held for half a knight's fee

¹⁸⁷ *VCH Cambridgeshire*, IX, p. 223.

¹⁸⁸ Listed as "Haldliston" in "Trippelawe" (Triplowe) hundred, see *Feudal Aids*, I, p. 147. For the grant of the aid, see *PROME*, Easter, 1290, Introduction; SC 9/1, item 20.

¹⁸⁹ *Feudal Aids*, I, pp. 152-154.

from the bishop of Ely in the early thirteenth century,¹⁹⁰ but whereas Burdeley's was still held from the bishop by a widow in 1304,¹⁹¹ the manor of Pelhams was held by another mesne lord in 1299, after which no subsequent reference to intermediate lordship has been found.¹⁹² In the 1316 assessment, however, there was no mention of land held from the bishop in Cottenham.¹⁹³ The manor of Rampton appears to have been ultimately unrecoverable. Finally, it is worth noting that in 1306, the bishop of Ely was assessed for only three knights' fees, as opposed to the quota of six that had been established in the thirteenth century, which may indicate that Orford had been able to achieve a temporary reduction.¹⁹⁴ However, under Edward II the quota had risen to five,¹⁹⁵ and the repeated petitions from John Ketton and John Hotham concerning the issue suggests that whilst the crown was unwilling to concede a permanent reduction, there was scope for on-going negotiation over the level at which the quota should be set.

3.3.5 The bishop of Ely and the Peasants' Revolt, 1381-1383

Between 1381 and 1383, Thomas Arundel, bishop of Ely (1373-1388), presented five petitions concerning his right to lands forfeited by rebels who had taken part in the Peasants' Revolt. The first of these petitions was presented outside parliament during the summer of 1381,¹⁹⁶ a second was presented when parliament assembled in November 1381,¹⁹⁷ a third petition, co-presented with John of Gaunt, Duke of Lancaster (1340-1399), was submitted in the parliament of October 1382,¹⁹⁸ a fourth in the parliament of

¹⁹⁰ *VCH Cambridgeshire*, IX, pp. 56-7.

¹⁹¹ *Ibid.*, p. 56; *Rot. Hund.* II. p. 410; *Feud. Aids*, I. pp. 138, 148.

¹⁹² *VCH Cambridgeshire*, IX, p. 56.

¹⁹³ *Feudal Aids*, I, p. 153.

¹⁹⁴ Chew, *Ecclesiastical Tenants-in-Chief*, pp. 32 and 70.

¹⁹⁵ *Ibid.*, p. 32, n. 4.

¹⁹⁶ SC 8/216/10756.

¹⁹⁷ SC 8/109/5416.

¹⁹⁸ SC 8/109/5411.

February 1383,¹⁹⁹ and a fifth and final petition was probably presented to the king and council at Nottingham on 3 August 1383 following a royal visit to the diocese of Ely in late June.²⁰⁰ All five petitions essentially made the same request. The bishop complained that despite holding a royal charter, the forfeitures of those condemned by royal justices had escheated to the crown rather than the diocese of Ely. It will be demonstrated below that whilst Thomas Arundel appears to have placed a high store on using petitions to gain redress, it was not recourse to justice through private petitions that resolved the dispute, but rather the opportunity to make an informal, oral request afforded by a royal visit to Ely in June 1383. Furthermore, the case highlights a discrepancy between the bishop's legal claims and the actual wording of his charters. In particular, whilst in his petitions the bishop asserted that his claim to the forfeitures was based on chartered rights, his charters were actually rather ambiguous in terms of whether those forfeitures could be legitimately claimed in law. This explains why the case was resolved by an act of royal grace in August 1383, when Richard II granted the forfeited lands to the bishop in frank almoin and confirmed his charter with an article of clarification for the future security of the episcopal rights. The case has been briefly touched upon by Margaret Aston, but the precise nature of the legal dispute between the bishop and the crown has not been discussed, and neither has the series of extant petitions been explored in detail.²⁰¹

The basis of Thomas Arundel's claims was a charter granted to the diocese on 3 July 1233 by Henry III, which was subsequently confirmed, with additional points of clarification, by Edward III on 18 September

¹⁹⁹ SC 8/109/5414.

²⁰⁰ SC 8/183/9108; *CChR*, 1341-1417, pp. 288-9.

²⁰¹ M. Aston, *Thomas Arundel: A Study of Church Life in the Reign of Richard II* (Oxford, 1967), pp. 151-2.

1343.²⁰² The charter of Henry III had conferred upon the diocese of Ely the right to receive amercements from all men and lands in the hundred and half hundred of Mitford (Norfolk) and in the five and a half hundreds of Wicklow (Suffolk) and the “trilling” of Winston (Thredling hundred, Suffolk), as well as ‘all fines arising from the said amercements when anyone has fallen into the king’s mercy’.²⁰³ The charter of Edward III subsequently provided clarification that the bishop and prior of Ely should also have fines and amercements ‘in whatever court of the king the same may be imposed, provided that the same would have come to the king before this grant’.²⁰⁴ Yet, in the series of petitions from Thomas Arundel, the bishop claimed that under the charter of Edward III, he should have ‘year, waste and chattels of felons, fugitives and condemned persons, and all other forfeitures which might pertain to the king within the isle of Ely and the other lordships of the bishopric’.²⁰⁵ These rights were not explicitly mentioned in either the charter of 1233 or the charter of 1343, and it was later proposed that the bishop’s claim to forfeitures had been made under the ‘general words’ of the charters.²⁰⁶ This explains the crown’s refusal to immediately restore the forfeitures to the bishop in response to his first petition in August 1381; there was no small ambiguity over whether they could, in fact, be claimed under the bishop’s chartered rights. Indeed, in a similar legal case in Huntingdonshire, the king had ordered on 6 September 1381 that forfeited properties in Huntingdon should be restored the burgesses there, since they held a charter conferring upon them the right to have ‘the chattels of all felons, fugitives and outlaws’.²⁰⁷ As such Bishop Arundel’s claim to the disputed forfeitures was much less certain than is suggested by the force of

²⁰² *CCbR*, 1226-1257, p. 183; *CCbR*, 1341-1417, pp. 21-22. Under Edward II, the bishop of Ely had petitioned for the chattels of fugitives and felons, SC 8/191/9518.

²⁰³ *CCbR*, 1226-1257, p. 183.

²⁰⁴ *CCbR*, 1341-1417, pp. 21-22.

²⁰⁵ *CFR*, 1377-83, p. 265; SC 8/216/10756.

²⁰⁶ *CCbR*, 1341-1417, pp. 288-9.

²⁰⁷ *CCR*, 1381-1385, p. 12.

his petitions. Indeed, by the end of the dispute, the bishop of Ely sought not only the restoration of the disputed lands, but also a clarification of the rights for future security. Such confirmation, granted expressly for the ‘removal of all ambiguity’, was provided by Richard II on 3 August 1383, although, as we shall see, this was not entirely in accordance with the bishop’s wishes.²⁰⁸ Given the legal background to the dispute, therefore, it seems that the petitions presented by Thomas Arundel in the wake of the Peasants’ Revolt represented not so much a protest against the infringement of episcopal liberties, but rather, an exercise in the enrichment of the diocese of Ely and an expansion in its chartered rights.

The first petition from the bishop of Ely was probably presented outside of parliament sometime between 5 and 7 August 1381.²⁰⁹ On the latter date, the forfeitures claimed by the bishop were committed to the keeping of the bishop’s brother, Richard Fitzalan, earl of Arundel, until a resolution to the legalities between the crown and the diocese of Ely could be found.²¹⁰ Whilst Thomas Arundel failed to achieve resolution in August 1381, the royal action does demonstrate the potential effectiveness of petitions in terms of damage limitation. On 30 July, the king had ordered the escheator of Cambridgeshire to seize all forfeited ‘great beasts, sheep, fish, honey and other victuals’ for the expenses of the king’s household.²¹¹ Given the timing of the bishop’s petition, it seems likely that it was an immediate concern relating to this order which provoked Arundel to present a petition without waiting for parliament to assemble in November. As such, this case reveals a particular instance whereby it was of great importance for the supplicant that petitions could be received, and dealt with, outside of

²⁰⁸ *CCbR*, 1341-1417, pp. 288-9.

²⁰⁹ SC 8/216/10756. In his subsequent petition, the bishop notes that he pursued the case with the king at Reading, SC 8/109/5416. Richard II was at Reading between 5 and 11 August, see itinerary in N. Saul, *Richard II* (London, 1999), p. 469.

²¹⁰ *CFR*, 1377-1383, p. 265.

²¹¹ *CCR*, 1381-1385, p. 7.

parliament.²¹² If Bishop Arundel had been forced to wait until 3 November, when parliament next assembled, the forfeitures claimed by the bishop may have been diminished in value by royal use.

When the bishop of Ely presented a second petition in the parliament of November 1381 it was merely to facilitate the hearing of his case. Notably, this second petition recorded that the bishop had pursued his case with the king since petitioning him at Reading all the way up until the present parliament.²¹³ The bishop's itinerary cannot place him with the king at Reading during the period in which his first petition had been presented, and it seems likely that the bishop's case at that stage had been propounded by his legal counsel rather than by the bishop himself. However, Arundel's presence at the parliament in November, where he was appointed a trier of petitions, failed to advance matters.²¹⁴ A letter close, dated 20 February 1382, was issued shortly before the end of the assembly – which had been prorogued over Christmas – recorded that the earl of Arundel was to continue in his possession of the forfeited lands because the dispute remained unresolved.²¹⁵

The next evidence of the bishop presenting a petition is in the parliament of October 1382.²¹⁶ Once again a letter close was issued, shortly after the adjournment of the session, on 1 November, recording that a resolution had still not been found. In contrast to the other petitions presented throughout the course of the dispute, in the parliament of October 1382, the bishop had co-presented his petition on this occasion

²¹² For the presentation of petitions outside parliament, see G. Dodd, 'Patronage, Petitions and Grace: the 'Chamberlains' Bills' of Henry IV's Reign' in G. Dodd and D. Biggs (eds), *The Reign of Henry IV: Rebellion and Survival, 1403-1413* (York, 2008), pp. 119-126.

²¹³ SC 8/109/5416.

²¹⁴ *PROME*, November 1381, item 5.

²¹⁵ *CCR, 1381-1385*, p. 42.

²¹⁶ SC 8/109/5411. Whilst it is possible that the petition was presented at the assembly in May 1382, it seems likely that the letter close dated 1 November 1382 was a response to this petition, *CCR, 1381-1385*, p. 182.

with the duke of Lancaster who also claimed infringement of his liberties in the wake of the Peasants' Revolt. It is perhaps significant that this show of unity and cooperation was made at the same assembly wherein the Commons were charged with making a decision on the merit of the duke of Lancaster's proposal to lead an expedition to Spain.²¹⁷ Perhaps it was hoped on the part of the duke that an alliance with the bishop of Ely would be advantageous to his military cause, given that the bishop's brother Richard, earl of Arundel, sat on the steering committee appointed to advise the Commons.²¹⁸ If so, the duke's endeavour to use the bishop for the purpose of exerting fraternal pressure was ultimately unsuccessful, for the parliament favoured the rival proposal of Henry Despenser, bishop of Norwich (1369-1406) to lead a crusading army to Flanders.²¹⁹ At the subsequent parliament, which opened in February 1383, the bishop of Ely was himself appointed to the steering committee, although by this stage momentum appears to have been fully behind the crusade to Flanders.²²⁰ From the bishop of Ely's point of view, the outcome of his cooperation with the duke of Lancaster was also disappointing. Despite the supplicatory strategy of co-presenting a petition with the king's uncle, the crown continued to withhold resolution and the earl of Arundel's custody of the forfeitures was once again extended.²²¹ The bishop complained again, without the supplicatory support of the duke, in the parliament of February 1383 but again remedy was withheld.²²²

The final petition in the series was of a different character to those that had preceded it. Presented to the king and his council whilst they were at Nottingham, probably on 3 August 1383, the bishop's final petition was

²¹⁷ *PROME*, October 1382, item 14; P. E. Russell, *The English Intervention in Spain and Portugal* (Oxford, 1955), pp. 324-5.

²¹⁸ *PROME*, October 1382, item 14.

²¹⁹ *Ibid.*, item 46.

²²⁰ *PROME*, February 1383, item 8.

²²¹ *CCR, 1381-1385*, p. 182.

²²² *Ibid.*, p. 225; SC 8/109/5414.

drawn up with the expectation of resolution in the form of a royal charter.²²³ Notably, the petition was presented not just in the name of the bishop but also the prior and convent of Ely, and although the substance of previous complaints was again repeated, the bishop now also requested that the king provide a confirmation of his rights.²²⁴ It seems that the bishop had taken the opportunity of the royal visit to his diocese at the end of June 1383 to press his appeal with the king in person. That the case had been decided at this juncture is supported by the evidence from the resulting royal charter in the bishop's favour, which recorded that during his visit to Ely, the king had seen 'many wonders wrought by the divine power on the intercession of that glorious virgin', including 'the bestowal of sight upon a knight of the king's, who was blinded by lightning in the night time'.²²⁵ The wounded knight was Sir James Berners, a knight of the chamber,²²⁶ and the 'miracle' of his restored sight had taken place 'in the king's presence in the company of many persons'.²²⁷ Whether such spectacles had been orchestrated by the bishop or not, it seems clear that it was a personal appeal to the king that brought about a favourable resolution in this instance, rather than supplicatory perseverance through the presentation of private petitions leading to resolution through established legal channels.

The bishop's expectation of a charter explains why this petition was presented in conjunction with the prior and convent of Ely. The keeping of the episcopal temporalities when the see was vacant had been granted to the prior and convent on 20 January 1337,²²⁸ and it was therefore of importance that the royal charter be granted not only to the bishop, but also the prior

²²³ Both the resulting charter and the endorsement to the petition record that the response was given on 3 August 1383. SC 8/183/9108; *CCbR, 1341-1417*, pp. 288-289.

²²⁴ SC 8/183/9108.

²²⁵ *CCbR, 1341-1417*, pp. 288-289.

²²⁶ *CCR, 1381-1385*, p. 399.

²²⁷ *Polychronicon*, IX, p. 20 cited in Aston, *Thomas Arundel*, p. 151; *CCbR, 1341-1417*, pp. 288-289.

²²⁸ *CCR, 1333-1337*, pp. 642-643.

and convent, so that forfeitures could be taken by the diocese of Ely regardless of whether the see was vacant or not. The properties in the keeping of the earl of Arundel were granted to the bishop to be held in frank almoin, and it was further ordained that in future all other forfeitures in the isle of Ely, which would otherwise come into the king's hands by reason of the insurrection of the commons, should be taken by the ministers of the diocese of Ely and held similarly in frank almoin.²²⁹ Given that the bishop had complained about forfeitures not only in the isle of Ely, but also in Norfolk, Suffolk, and Huntingdonshire, the royal charter conferring the right of forfeiture within the isle of Ely only – to the exclusion of land held of the diocese elsewhere – might have been regarded by the bishop as something of a disappointment in terms of removing 'all ambiguity' in future cases.²³⁰

3.4 Conclusion

This chapter began with a focus on petitions presented against royal officers, with a special focus on complaints from bishops brought against escheators. Here it was illustrated that the localisation of the office of escheator, combined with the opportunity for cathedral chapters to farm vacant episcopal temporalities, led to a discernible reduction in the volume of complaints from bishops against the conduct of escheators after the early 1340s. The second half of this chapter focused on petitions presented against the crown. It has been demonstrated that petitions for justice were occasionally resolved through the exercise of grace, and in some cases, grace was applied through the arbitrary exercise of the royal will. Although the exercise of grace in this way was probably rare, and reserved for only high profile cases, the fact remains that the petitionary system in late medieval

²²⁹ *CCbR, 1341-1417*, pp. 288-289.

²³⁰ *Ibid.*

England offered access to grace and this may explain why, even when seeking resolution to judicial problems, many supplicants explicitly asked for the king's grace. In terms of petitions presented against the legal claims of the crown, discussion has focused on two case studies involving the bishop of Ely. Both cases demonstrate the limitations of petitioning as a way of facilitating a favourable resolution in disputes involving legal claims against the crown. In the former case, petitions appear to have represented an on-going negotiation between successive bishops and the crown, whilst in the latter case it was only through the spectacle of miraculous divine power, and an oral appeal during the king's visit to the diocese of Ely in late June 1383, that the bishop was able to gain remedy. The two cases support the observation made elsewhere that it was often difficult to secure redress against the legal claims of the crown, although the case of Robert Braybrook, demonstrates that remedy through supplication was attainable in certain cases even against the concerted defence of the crown's legal claim by royal lawyers.

The evidence surveyed in this chapter resists the notion that there was a special relationship between members of the episcopate and the crown – at least in cases whereby bishops sought to challenge royal legal claims. This provides a notably different picture from chapter one, wherein the evidence surveyed suggests that bishops attained remedy more easily in disputes against members of laity. The conclusion from this chapter draws parallels with the dispute between the bishop of Durham and Walter Selby relating to palatine rights to forfeitures. Here, the palatine rights of the bishop of Durham were disregarded when the crown stood to directly profit, but conversely, they were respected when Walter Selby, a third party, stood to gain advantage instead. In much the same way, it appears that whilst the crown was prepared to provide bishops with legal remedy in response to petitions against third parties – in some cases through the arbitrary exercise

of the royal will – in challenges against royal legal claims the crown was much more reluctant to offer concessions and remedy. Notably, Thomas Arundel failed to secure the forfeitures of those condemned following the Peasants' Revolt through petitioning even after forming a supplicatory alliance with the duke of Lancaster, whilst earlier in the century three successive bishops of Ely had been unable to successfully negotiate a lasting reduction in fines owed to the crown in lieu of military service. Furthermore, as we saw in the previous chapter, Walter Stapeldon was unable to gain remedy against the crown in relation to the status of the church of St Buryan. Yet, in all three cases, bishops demonstrably relied heavily on repeated supplications to the crown in their endeavours to secure redress.

Was this reliance on petitions the result of legal necessity or personal preference? In the case of Stapeldon, it was probably a little of both. Whilst neither his successor nor predecessor petitioned on the issue – both choosing to deal with the problem through the direct exercise of episcopal authority – a final and lasting resolution could only have been provided if the crown rescinded the claim that the church of St Buryan was a royal free chapel. Yet it was probably Stapeldon's close relationship to the crown that led him to petition in the first place in the belief that a final and lasting resolution was attainable – if not through the crown accepting that its legal claim was bogus, then perhaps through an act of grace. In the case of Thomas Arundel, the decision to petition for remedy was probably driven more by personal preference than legal necessity. The case essentially involved asserting a legal claim based on chartered rights that the bishop did not actually have. Whilst the success of this strategy necessitated an appeal to the crown in order to challenge royal rights, the decision to use petitions to claim what could not actually be claimed by law was ultimately down to an opportunism and legal duplicity driven by Arundel's episcopacy. Finally, the case of the three successive bishops of Ely and their attempt to

renegotiate the *servicia debita* of the diocese of Ely is perhaps the most complicated of all. Clearly there was an element of legal necessity here. As demonstrated by other cases wherein knights' fees had been lost by lords in chief, there was a legal obligation on the part of the king to ensure that his tenants-in-chief were not disinherited of their rights. Yet, the decision of the successive bishops of Ely to repeatedly petition over the course of some twenty-two years for a reduction in knights' service owed to the crown, rather than seeking the recovery of their rights over the knights' fees, is more indicative of a personal preference to use petitions to gain a more favourable outcome than could be attained merely by applying for legal justice. And this, perhaps, is the crux of the issue. Whereas in the case of Walter Stapeldon, the bishop sought justice against the claim that the church of St Buryan was a royal free chapel, in both the cases relating to the bishop of Ely, the supplicants used petitions to go beyond asking for justice, and sought instead a more favourable remedy that ultimately rested on the goodwill of the crown. Yet, whereas this could prove effective in legal disputes with third parties (as demonstrated in chapter one), in cases whereby bishops sought to challenge the claims of the crown the exercise of royal favour and grace was less forthcoming.

The Clerical *Gravamina* and Collective Petitions

4.1 Introduction

Throughout the thirteenth and fourteenth centuries the clergy presented lists of grievances, or *gravamina*, to the crown for redress. These clerical *gravamina* contained complaints against a broad array of abuses suffered by the clergy, either at the hands of royal officers or pertaining to the conflict between the church and crown over the demarcation of ecclesiastical and secular jurisdiction.¹ This chapter will explore the *gravamina* and their content, with a special focus on the clerical grievances presented after the enactment of the statute *Articuli Cleri* in 1316. It will be demonstrated that after 1316 the clergy adopted a more pragmatic approach to their jurisdictional conflict with the crown and the *gravamina* became characterised by a greater willingness to set aside old grievances and concentrate instead on new areas of dispute. After discussing the importance of the *Articuli Cleri*, this chapter will turn its focus to an anomalous ‘political’ list of *gravamina* presented in the parliament of April 1341, which was dominated by the interests of Archbishop John Stratford and marks the first occasion upon which the *gravamina* were recorded on the rolls of parliament. This development, it will be argued, can be explained by the political context in which the list of 1341

¹ The most comprehensive survey of the clerical *gravamina* can be found in W. R. Jones, ‘Bishops, politics, and the two laws: the *Gravamina* of the English clergy, 1237-1399’, *Speculum* 41 (1966) pp. 209-45. The conflict between the two laws has also been explored in detail by Jones, see ‘Relations of the Two Jurisdictions: Conflict and Cooperation in England during the Thirteenth and Fourteenth Centuries’, *Studies in Medieval and Renaissance History* 7 (1970), pp. 79-210. Cf. R. H. Helmholz, *The Oxford History of the Laws of England: The Canon Law and Ecclesiastical Jurisdiction from 597 to the 1640s* (Oxford, 2004); R. N. Swanson, *Church and Society in Late Medieval England* (Oxford, 1989), pp. 140-190.

was composed, with many of the complaints relating to the political crisis surrounding Edward III's dismissal of his ministers on 30 November 1340. After proceeding to discuss the broader content of the fourteenth-century *gravamina*, with a special focus on complaints brought forward in 1352 and 1377 concerning the confiscation of episcopal temporalities, comparison will then be made between the clerical *gravamina* and their lay equivalent, common petitions.

The main finding of this chapter is that the transition of the *gravamina*, from a position of ideological opposition against the jurisdictional claims of the crown, towards a more moderate and pragmatic approach, is reflected in the archiepiscopacy of Walter Reynolds (1313-1327), which laid the groundwork at the very outset of the reign of Edward III for an episcopate favouring harmony over a reliance on uncompromising standards.² The general picture is that of an episcopate attempting to support the integrity of its working relationship with the crown whilst simultaneously asserting its own autonomy by standing up against royal pressures without a reliance on support from the papacy. However, the ability of the clergy to defend the autonomy of the church against royal encroachments was impaired by the very existence of the petitionary system in England, which had stunted the development of the *gravamina* and denied individual clergymen the opportunity to build reform agendas based upon their private grievances that could then be presented with the supplicatory strength of the whole church. The result was to exacerbate the political marginalisation of the clergy at a time when there was an effort to safeguard the liberties of the church through compromise with the crown and without relying on the support of Rome.

² The term "episcopate", rather than "clergy", is used intentionally here. It is argued below that the episcopate were the driving force behind the compilation and presentation of the *gravamina*, see p. 246.

This focus on clerical *gravamina* here may seem like a departure from the discussion surrounding private petitions found in previous chapters. Yet, a sustained analysis of the *gravamina* is inherently linked to a discussion of petitions presented by individual bishops. Not only were the clerical *gravamina* essentially lists of petitions put forward in the name of the collective clergy, but the episcopate also appears to have been the driving force behind both the composition and presentation of the *gravamina*. Archbishop Stratford was able to utilise the *gravamina* to serve his own ends against Edward III in 1341, whilst a number of other grievances demonstrate a near exclusive concern for the interests of the episcopate.³ As such a focus on the clerical *gravamina* facilitates a broader appreciation of the supplicatory system within which bishops presented their private petitions. Furthermore, a handful of private petitions have survived that were presented in the name of the collective clergy. These documents raise important questions about presentation of clerical complaints: what was the relationship between these private petitions and the *gravamina* presented to the king? Do any of these petitions actually represent lists of *gravamina*? And why were some complaints presented as petitions rather than as articles of *gravamina*? Before proceeding to examining the *gravamina* in detail, it is first worth attempting to answer these questions, whilst also clarifying the key differences between the *gravamina* and private petitions put forward by the collective clergy.

4.2 The Clerical *Gravamina* and ‘Private’ Petitions from the Collective Clergy

The first surviving list of *gravamina*, apparently never answered by the crown, dates to the legatine council of 1239, when the papal legate Otto received

³ *PROME*, April 1341, items 1-7; January 1352, items 63, 66 and 67; January 1377, item 85.

complaints from the clergy of both the provinces of Canterbury and York to seek remedy from Henry III for a multitude of abuses prejudicial to ecclesiastical liberties.⁴ This marked the beginning of a tradition whereby *gravamina* were presented to the crown for redress on a semi-regular basis until the reign of Richard II. The *gravamina* of the thirteenth century were usually compiled in convocation, where up to three weeks might be spent collecting the grievances for presentation to the king.⁵ The conciliar provenance of the lists presented in the fourteenth century is more uncertain,⁶ yet they still appear to be the product of broad consultation. Although it is argued below that the episcopate were able to exercise a strong influence over the content of the *gravamina* in the fourteenth century, it is clear that the lower clergy were still being consulted. The *gravamina* were also linked to grants of clerical taxation from an early date, with a subsidy of 52,000 marks being offered by the clergy in 1257 on the condition that the king would agree to remedy their grievances.⁷

The articles contained in the clerical *gravamina* can be broadly defined as pertaining to the ‘institutional’ relationship between the church and crown in England. In the parliament of January 1316, the *gravamina* were referred to as the ‘petitions for the estate of the church’, whilst in the parliament of October 1377 they were introduced as the ‘grievous complaints of divers

⁴ The first list of grievances to be afforded answers from the crown dates from the period 1257-61. *C&S*, I, ii, pp. 687-692; Jones, ‘Bishops, politics and the two laws’, p. 210.

⁵ Jones, ‘Bishops, politics and the two laws’, p. 222 and *passim*.

⁶ It is unclear if the lists of 1341, 1376 and January 1377 had been compiled in convocation, since no convocation sat concurrently with parliament on these occasions. The *gravamina* presented in the parliament of June 1344 can be linked to the convocation held at St Paul’s in that year, see *PROME*, June 1344, item 1. The *gravamina* presented in January 1352 are likely to have been discussed in the convocation held in May the previous year, when the second year of the biennial tenth was made conditional on the redress of clerical grievances, see D. B. Weske, *Convocation of the Clergy: A study of its antecedents and its rise, with special emphasis upon its growth and activities in the thirteenth and fourteenth centuries* (London, 1937), p. 253; Jones, ‘Bishops, politics and the two laws’, p. 222 and *passim*.

⁷ Jones, ‘Bishops, Politics and the Two Laws’, p. 213. Although there were occasions whereby the clergy granted a subsidy without presenting a list of *gravamina*, see Weske, *Convocation of the Clergy*, pp. 147-179.

injuries and wrongs committed against God and holy church'.⁸ These 'injuries and wrongs' were primarily jurisdictional. One of the most voluminous topics of complaint concerned writs of royal prohibition, which prevented ecclesiastical judges from proceeding in legal cases because it had been claimed by one of the litigants that the case belonged to the cognisance of secular law.⁹ Another topic frequently arising in the *gravamina* concerned the processing of criminal clergy, their caption and indictment.¹⁰ Grievances relating to these two issues will be explored in greater detail below. Other jurisdictional complaints related to tithes, royal patronage and benefices, whilst non-jurisdictional grievances comprised complaints against the conduct of royal officials.¹¹ There were also a handful of anomalous grievances, mostly found in the list of 1341, relating to contemporary political developments.¹² In seeking remedy, the clerical *gravamina* primarily served a legislative function and sought to enact new laws, alter existing legal procedure, or to encourage the enforcement of existing legislation. Complaints against royal officers meanwhile, sought preventive measures against action taken to the detriment of the church. This raises an important functional difference between the *gravamina* and private petitions, for whilst the latter – when presented either by individual clergymen or by the clergy

⁸ *PROME*, October 1377, item 112; January 1316, "SC 9/20", item 1 [Answers to the petitions of the prelates].

⁹ *PROME*, January 1327, items 1, 2 and 13; June 1344, item 23 (c. 5); April 1376, items 199-202, 206, 207 and 209; January 1377, items 80-84; October 1377, items 119, 120, 122-123. For the list compiled in 1399, see *Concilia*, iii, 240a-245b (cc. 48, 49, 51, 52, 62 and 63). Also, for a complaint against limitations placed upon ecclesiastical prohibitions, see *PROME*, January 1352, item 63.

¹⁰ *PROME*, January 1327, items 10 and 11; April 1341, items 19, 22 and 24; June 1344, item 23 (cc. 1, 3 and 7); January 1352, items 60-61 and 66-68; January 1377, item 6; October 1377, items 114 and 118.

¹¹ For articles concerning the litigation of tithes see *PROME*, January 1327, item 3; June 1344, item 23 (c. 7); April 1376, item 205; April 1376, item 205; October 1377, items 118 and 121. For articles concerning patronage and benefices, *ibid.*, January 1352, items 59, 64, and 12. For complaints against royal officials, *ibid.* January 1327, item 8; April 1341, items 23 and 25; October 1377, items 115 and 117; *Concilia*, iii, 240a-245b (cc. 46, 47 and 60).

¹² See below, pp. 215-226.

collectively – complained that the crown or a third party had taken unlawful action, or else sought remedial action through the exercise of discretionary justice under special circumstances that applied only to the supplicant, the *gravamina*, by contrast, predominantly made an appeal for permanent legislative change and sought to ensure that the same abuse would not arise again in the future.

There are nine extant ‘private’ petitions that were presented in the name of the collective clergy.¹³ Only three of these related in some manner to lists of clerical *gravamina*. One document is a Latin version of the *gravamina* recorded on the parliament roll in January 1377, and probably represents the original manuscript presented by the clergy of Canterbury Province in that assembly.¹⁴ Another of the documents, most probably presented in 1325, appears to represent an anomalous list of *gravamina* that has hitherto been overlooked and will be discussed further below. A third document, meanwhile, appears to have served a mechanistic function by requesting that a number of unanswered complaints presented to the ‘late king’ be remedied.¹⁵ Although of uncertain provenance,¹⁶ this document appears to represent a similar procedural dynamic to that recorded on the parliament roll in 1352 when Archbishop Simon Islip petitioned the king to ‘order the petitions of the clergy to be heard and tried’.¹⁷ Aside from these three documents, the six remaining petitions do not relate to, nor should be considered, clerical *gravamina*. These six petitions each contain a single request or complaint – rather than a list of articles – relating to a variety of

¹³ SC 8/7/346; SC 8/40/1985; SC 8/40/1986; SC 8/277/13840; SC 8/340/16007; SC 8/16/785; SC 8/135/6717; SC 8/46/2285; SC 8/19/901.

¹⁴ SC 8/135/6717.

¹⁵ SC 8/40/1985.

¹⁶ The most likely date for this petition seems to be the parliament of 1309. A note on *TNA: The Catalogue* suggests the year 1315 on the basis that this document was formerly attached to a transcription of the statute *Articuli Cleri*. However, it is unlikely that the clergy would make reference to the ‘late king’ whilst seeking remedy in 1315 for unanswered complaints, since a list of unanswered complaints had been rehearsed before Edward II in 1309.

¹⁷ *PROME*, January 1352, item 57.

issues: in one petition the king was asked to attend the translation of a saint, whilst the other petitions made complaint against the fiscal policies of the crown, tax collectors making undue distrains upon the clergy, lay forces occupying churches throughout the realm, the archbishop of York having his cross carried before him in the province of Canterbury, and a general complaint against oppressions against the clergy and the pope.¹⁸

Aside from the fact that some of these petitions contained complaints against a third party – in contrast to the *gravamina* where complaints were brought exclusively against the crown – only one of the petitions from the collective clergy contained a complaint that finds parallel in an article of *gravamina*. The private petition presented by the clergy in the parliament of October 1378, against tax collectors who had ‘levied large sums of money and taken various distrains from the clergy’, is broadly similar to the type of complaint put forward as an article of *gravamina* in the parliament of 1341.¹⁹ Yet, even in this instance, the comparison only goes so far. Notably, the article of *gravamina* presented in 1341 was partly directed against royal officers who had attempted to collect a levy from churchmen who were ‘not bound to come to parliament and never granted the said ninth’.²⁰ As such, the article of *gravamina* in 1341 dealt with a sensitive political issue surrounding the obligation of clergy who had not attended parliament to pay taxation, whereas the petition presented in 1378 focused merely on the maladministration of tax collectors, particularly within the city of London.²¹ Moreover, in 1341, the clergy complained that royal officers had publicly forbade ‘all people to pay the tithe of lambs, fleeces and sheaves to God and holy Church’, thereby adding an additional jurisdictional dimension to their

¹⁸ SC 8/277/13840; SC 8/16/785; SC 8/19/901; SC 8/46/2285; SC 8/7/346; SC 8/340/16007.

¹⁹ SC 8/19/901.

²⁰ *PROME*, April 1377, item 25.

²¹ The collectors were apparently trying to levy a fifteenth that had been granted by the commons in parliament upon the goods of the clergy, who had made a separate grant of two tenths. SC 8/19/901.

complaint. Yet, the similarity of the complaints is such that we cannot discount the possibility that the request presented in 1378 might have made its way onto a list of *gravamina*. There is, however, no evidence that a list of *gravamina* was rehearsed in the parliament of October 1378, and on this occasion, the clergy sought recourse to justice through the presentation of a petition. All of the remaining petitions from the collective clergy find no such parallel amongst the clerical *gravamina*, which perhaps serves to reemphasise the observation made above that private petitions and the *gravamina* served different supplicatory functions.

Two petitions in particular, both presented in the name of the collective clergy, help to identify some additional characteristics of the *gravamina*. One of these petitions, concerning the archbishop of York having his cross carried before him in the province of Canterbury, has been discussed in a previous chapter.²² The case serves to highlight the point here that whereas private petitions might incorporate partisan interests, the clerical *gravamina* contained no such instance of intra-church conflict. Whilst on several occasions throughout the thirteenth and fourteenth centuries *gravamina* were presented by the clergy of Canterbury Province exclusively, the clerical grievances always represented a united front against the crown in defence of the church.²³ The other notable petition contained a complaint against general oppressions committed against the church and asked the king to show deference to the pope and the Church of Rome.²⁴ As J. R. Wright has noted, the concerns raised by the clergy in their *gravamina* were

²² SC 8/7/346. See above, pp. 92-95.

²³ Jones, 'Bishops, politics and the two laws', *passim*. In the fourteenth century the *gravamina* were presented in the name of the clergy from both provinces in 1344, 1352 and October 1377; whilst in 1376, and January 1377 the *gravamina* were presented in the name of the Province of Canterbury. The *gravamina* from 1327, recorded on the Canterbury Register I, apparently also represent those from Canterbury Province. In 1376 the *gravamina* are given under the general heading 'petitions of the clergy', suggesting that the Province of Canterbury were seen as representative of the complaints of the whole church. *PROME*, June 1344, item 23; January 1352, item 57; October 1377, item 112; April 1376, item 199; January 1377, item 80.

²⁴ SC 8/340/16007.

overwhelmingly characterised by an insularity that promoted the concerns of the church in England to the exclusion of the interests of the pope.²⁵ Notably, no articles of *gravamina* were ever presented in protest against the anti-papal Statute of Provisors that was enacted in 1351, and in fact, the evidence surveyed in this chapter demonstrates that the episcopate responded instead by asserting the important role played by bishops in domestic politics.²⁶ Indeed, aside from a small number of anomalies whereby the clergy presented complaints nominally in the interest of not just the church but the whole realm, most articles of *gravamina* reflect the tendency of private petitions from bishops to seek exclusive advantage for the church in England.²⁷ As such, the petition mentioned above stands alone as a request made by the collective clergy explicitly promoting the interests of the pope.²⁸ Unfortunately, the provenance of this document is unclear and can be dated only roughly on the basis of the hand to the late-thirteenth or early-fourteenth century. Without further evidence it is difficult to assess the circumstances under which the clergy decided to adopt this particular stance or the significance of their decision on this occasion. However, the petition does demonstrate that the clergy were not completely averse to petitioning collectively in favour of the pope and the absence of such complaints amongst the articles of *gravamina* reinforces the notion, outlined below, that there was a clearly conceived idea of the function that the *gravamina* could serve.

Perhaps most interesting of all the petitions presented by the collective clergy is a document representing a hitherto overlooked list of

²⁵ J. R. Wright, *The Church and the English Crown, 1305-1334* (Toronto, 1980), p. 188. Although see complaint in parliament, *PROME*, January 1390, item 24.

²⁶ See below, pp. 230-241.

²⁷ The anomalies are the *gravamina* presented in the parliaments of April 1341 and October 1377, see *PROME*, October 1377, item 112, and for the “political” list of April 1341 see below, pp. 215-226.

²⁸ In 1344 the clergy asserted the exclusive right of the pope to judge bishops and archbishops, but this was still fundamentally a defence of the English church rather than a promotion of papal interests, see *PROME*, June 1344, item 23 (c. 1).

gravamina that was probably presented in the parliament of June 1325.²⁹ The content of this document is consistent with the types of issues that were typically raised in the *gravamina*, and four out of the five requests cover overtly jurisdictional issues. Indeed, one of the requests, concerning a £100 fine levied against bishops for clerical felons who escaped from the custody of the church, was actually repeated in the *gravamina* presented in 1327.³⁰ However, if properly considered as clerical *gravamina*, the document is somewhat irregular in the sense that it was presented not in the name of the collective clergy, but in the name of the ‘prelates assembled in parliament’. Furthermore, the final request contained in the document asked the king to provide a response to ‘the articles which are many times given in parliament concerning the franchises and free customs of the Church’ – a reference to articles of *gravamina* that had been presented in 1316 but not remedied by the statute *Articuli Cleri* which had been drawn up in the parliament of that year. Although the *gravamina* of 1341 were presented in the name of the prelates exclusively, rather than the collective clergy, no other surviving list contained a request which asked for the king to provide answers to unspecified outstanding grievances. As such, the list of *gravamina* presented in June 1325 appears to represent something of a “missing link” between the clerical

²⁹ The date is derived from the internal reference to the bishops of the Province of Canterbury who did not have their temporalities should be permitted to attend parliament. Two bishops were excluded from the summons to parliament in June 1325 lending support to this date, *Parliamentary Writs*, II, ii, 328-33. Although Henry Burghersh, bishop of Lincoln had been reconciled with the king in 1324, the temporalities of Adam Orleton, bishop of Hereford remained in the king’s hands having been confiscated in March 1324. Meanwhile, the temporalities of William Airmyn, bishop of Norwich, had been confiscated following his provision to the see by Pope John XXII in 1325, see W. Page (ed.), *The Victoria History of the County of Norfolk*, II (London, 1906), p. 238. In the parliament of 1327 a common petition requested restitution for ‘several bishops’ who had suffered confiscation under Edward II. See R. M. Haines, *The Church and Politics in Fourteenth Century England: The Career of Adam Orleton, c. 1275-1345* (Cambridge, 1978), p. 146; *PROME*, 1327, item 5; SC 8/40/1986.

³⁰ SC 8/40/1986; *PROME*, January 1327, “Canterbury Register I”, item 4.

gravamina and private petitions from the collective clergy.³¹ The most likely explanation for this anomalous list is that Edward II barred the clergy from formally presenting *gravamina* in the years following the enactment of the *Articuli Cleri*, and refused to offer legislation providing further jurisdictional concessions after 1316. Consequently, the clergy were forced to seek recourse through the presentation of *gravamina* in what was effectively a private petition. It was only with the ascendancy of the regency government under Mortimer and Isabella in the parliament of 1327 that the clergy were again permitted to formally present their grievances against the crown, in response to which they received mostly conciliatory answers.³² In this sense, a hitherto overlooked result of the deposition of Edward II may have been that the tradition of presenting clerical *gravamina* continued for another half-century until the first parliament of Richard II.

Strictly speaking then, the petition from the ‘prelates assembled in parliament’ in June 1325 was a private petition that asked the king to provide a response to outstanding articles of *gravamina*, and contained a number of complaints that would otherwise have been presented as a list of *gravamina* had it been permitted by the king. Thus, only in exceptional circumstances did the clergy present material that was usually reserved for the *gravamina* in a private petition. The procedural difficulty facing the clergy when presenting complaints usually reserved for the *gravamina* in a private petition is demonstrated by the response of the crown to two of the issues raised, in the first instance stating that ‘the law of the land is certain on such points’, and in the second stating that ‘the king is still not advised to change the uses

³¹ The *gravamina* in the late thirteenth century repeated a composite list of outstanding grievances known as the *gravamina antiqua*, but these were always rehearsed in detail, whereas in the petition presented in 1325, the request suggests that the clergy had attempted to rehearse their outstanding grievances but the king had refused to provide answer.

³² *PROME*, January 1327, “Canterbury Register I”, items 1-13.

nor the law used in his land'.³³ Because of the jurisdictional nature of the complaints, they required the goodwill of the king to concede the possibility of legislative change. If such grievances were put forward in a private petition however, the danger was that these complaints would merely be dealt with procedurally against existing law and practice, rather than through the provision of a legislative remedy that was required in such cases.

4.3 The *Articuli Cleri* of 1316

The enactment of the statute *Articuli Cleri* in 1316 was considered by F. M. Powicke to be a pivotal moment in church-crown relations. Having ended a long movement that had begun in 1239 with the compilation of the first list of *gravamina* under the papal legate Otto, the statute of 1316 'defined the issue [i.e. jurisdictional conflict] between Church and state in the century to come'.³⁴ Powicke's assessment of the statute as an important milestone for the clergy echoes that of Stubbs, who emphasised the importance of the *Articuli* as a concordat between church and state, a view which has found general support elsewhere.³⁵ The statute, which contained thirteen articles, concerned a number of jurisdictional issues, including writs of prohibition, cognisance of cases by royal courts, absolution of excommunicates, fugitives seeking sanctuary, caption of excommunicated tenants of the king's demesne, examination of royal nominees to benefices, elections to ecclesiastical offices, the processing of felonious clerks, and benefit of clergy.³⁶ Two

³³ SC 8/40/1986.

³⁴ F. M. Powicke, *The Thirteenth Century* (Oxford, 1962), p. 484.

³⁵ W. Stubbs, *Constitutional History of England in its Origin and Development*, II (Oxford, 1896), p. 356; L. C. Gabel, *Benefit of Clergy in England in the Later Middle Ages* (New York, 1969), p. 122; K. Edwards, 'The political importance of English bishops during the reign of Edward II', *EHR* 59, (1944), p. 331; Jones, 'Bishops, politics and the two laws', p. 224. For discussion, see J. H. Denton, 'The Making of the 'Articuli Cleri' of 1316', *EHR* 101 (1986), pp. 564-5.

³⁶ *SR*, i, pp. 171-4; *CPR, 1313-1317*, p. 607; a summary of these articles is provided in Denton, 'The Making of the 'Articuli Cleri'', pp. 574-85.

further non-jurisdictional complaints concerned distrains by royal ministers placed upon ecclesiastical property and religious houses burdened by royal patronage. It has been highlighted by W. R. Jones that of these thirteen articles, seven were merely a confirmation of concessions granted to clergy on previous occasions, and a further four articles, although representing new concessions, had actually been presented for the first time in 1309.³⁷ As such, the *Articuli* represented an exercise in consolidation more than it did the provision of new concessions and, on this basis, its significance as a milestone for the clergy has been doubted by some and comprehensively questioned by Jeffrey Denton.³⁸ Yet, in terms of historiography, 1316 undoubtedly marks a clear line of demarcation. For whilst the clerical *gravamina* of the thirteenth century – up to and including the promulgation of the *Articuli* – have received attention in a number of studies, the post-1316 lists have gone largely overlooked.³⁹ Yet, judging by the number of surviving lists after 1316, the presentation of clerical *gravamina* clearly continued to be an important clerical tradition.

Following the enactment of *Articuli Cleri* in 1316, lists of clerical *gravamina* have survived from 1327, 1341, 1344, 1352, 1376, and 1399, with two lists also presented in 1377.⁴⁰ The lists of 1327 and 1399 have left no trace on the parliament roll. The former was recorded, along with royal responses, in a register preserved amongst the Canterbury Cathedral

³⁷ Jones, 'Bishops, politics, and the two laws', pp. 224-5.

³⁸ F. Makower, *Constitutional History of the Church of England* (London, 1895), pp. 39-40; H. G. Richardson and G. Sayles, 'The clergy in the Easter parliament, 1258', *EHR* 52 (1937), p. 230; Denton, 'Articuli Cleri', p. 565 and *passim*. S. Phillips provides only a brief summary of the *Articuli* making no comment on, and thereby implicitly questioning, its broader significance, *Edward II* (Yale, 2010), pp. 268-9.

³⁹ The exception is provided by the detailed survey of the *gravamina* presented in the thirteenth and fourteenth centuries found in Jones, 'Bishops, politics, and the two laws', pp. 209-45.

⁴⁰ *Ibid.*, pp. 225-239; *PROME*, January 1327, "Canterbury Register I"; April 1341, items 18-33; June 1344, item 23 (cc. 1-7); January 1352, items 57-69; April 1376, items 199-208; January 1377, items 80-85; October 1377, items 112-125; *Concilia*, iii, pp. 240a-245b (cc. 44-63).

Archives.⁴¹ The articles dating from 1399, meanwhile, have survived in the register of Archbishop Thomas Arundel (1396-1397 and 1399-1414) where they are recorded without responses from the crown.⁴² There is no reference to clerical *gravamina* on the rolls of parliament for the first years of Henry IV, and it seems likely that the series of articles compiled in 1399 was a draft list that was never formally presented to the king.⁴³ Aside from the lists highlighted above, there is evidence that further lists were presented in 1325, as we have already seen, but also in 1340, 1356-60 and possibly also in 1380 when Archbishop Sudbury asked for the redress of clerical grievances.⁴⁴ No list from these latter years has yet been discovered. Yet, given the evidence that clerical *gravamina* were presented on perhaps twelve different occasions after 1316, their continued importance after the enactment of the *Articuli Cleri* seems clear. The question of why the *gravamina* ceased to be presented under Richard II must be left to a discussion elsewhere. The intermittent and irregular presentation of the clerical *gravamina* in the fourteenth century, especially compared to the more regular presentation of common petitions by the laity, can probably be explained by the political marginalisation that resulted from the clergy granting subsidies to the crown in their own assemblies rather than with the rest of the political community in parliament.⁴⁵ Whereas parliament wielded the political influence to ensure

⁴¹ *PROME*, January 1327, “Canterbury Register I”; printed in H. G. Richardson and G. O. Sayles (eds), *Rotuli Parliamentorum Angliae Hactenus Inediti* (London, 1935), pp. 106-110.

⁴² *Concilia*, iii, pp. 240a-245b. The *gravamina* begin at article 44, the first 43 being matters which could be reformed by the prelates and clergy themselves, see Storey, ‘Clergy and common law in the reign of Henry IV’, p. 342.

⁴³ Although the clergy did receive some manner of remedy in 1402, see *PROME*, September 1402, items 30 and 82. For discussion, see R. L. Storey, ‘Episcopal King-Makers in the Fifteenth Century’ in R. B. Dobson (ed.), *Church, Politics and Patronage in the Fifteenth Century* (Gloucester, 1984), pp. 91-92.

⁴⁴ For 1340, see *PROME*, March 1340, introduction and items 7 and 11; for 1356-60, see R. L. Storey, ‘Simon Islip, Archbishop of Canterbury (1349-66): Church, Crown, and Parliament’ in W. Brandmüller (ed.), *Ecclesia militans: Studien zur Konzilien- und Reformationsgeschichte* (Paderborn, 1988), pp. 148-151; for 1380, see Weske, *Convocation of the Clergy*, p. 167, with reference to *Reg. Sudbury*, fols. 59v.-60.

⁴⁵ For further discussion of common petitions, see below pp. 246-250.

that grants of taxation usually resulted in statutory concessions from the crown, the clergy's ability to insist upon the conditionality of their grants was more limited.⁴⁶ Furthermore, it is argued below that the tradition of compiling the *gravamina* in convocation, rather than parliament, probably inhibited the political significance of the *gravamina* by preventing private interests from clerical communities from being presented in the name of the collective clergy.

The importance of *Articuli Cleri* as a milestone for the clergy in their conflict with the crown over the delineation of the two jurisdictions has been questioned most directly by Denton, who has gone so far as to suggest that the *Articuli* was issued in 'defence of the interests of royal government'.⁴⁷ As Denton has highlighted, the clergy presented twenty-one articles of *gravamina* at the parliament of January 1316, yet only six of these were actually included in the resulting statute.⁴⁸ Indeed, the petition presented by the prelates assembled in the parliament of June 1325 highlighted above supports the notion that the clergy were disappointed with the *Articuli*. Presented almost a decade later after the statute, the petition demonstrates that the clergy felt there was progress yet to be made, despite Edward II's apparent refusal to consider the possibility of further concessions.⁴⁹ Furthermore, it has been highlighted by Wright that when the clergy were permitted to present *gravamina* in 1327, eleven of the thirteen articles repeated issues that had been raised in previous lists.⁵⁰ Yet, despite

⁴⁶ W. M. Ormrod, 'The Rebellion of Archbishop Scrope and the Tradition of Opposition to Royal Taxation' in G. Dodd and D. Biggs (eds), *The Reign of Henry IV: Rebellion and Survival, 1403-1413* (York, 2008), pp. 176-77.

⁴⁷ This seems unlikely, since it ignores the importance attached to gaining previous concessions enshrined in statutory form, see Jones, 'Relations of the Two Jurisdictions', p. 96. Furthermore, the clergy asked for the confirmation of the *Articuli Cleri* in the *gravamina* of 1399, see *Concilia*, iii, 240a-245b (c. 2). Denton, 'The Making of the 'Articuli Cleri'', p. 585.

⁴⁸ Denton, 'The Making of the 'Articuli Cleri'', pp. 569 and 571.

⁴⁹ SC 8/40/1986.

⁵⁰ J. R. Wright, *The Church and the English Crown: A Study based on the Register of Archbishop Walter Reynolds* (Toronto, 1980), p. 192, n. 81.

the fact that the clergy had good reason to be disappointed with the statute of 1316, we should be wary of interpreting the *Articuli* as a defence of royal interests under the ‘guise of a concession for the clergy’ in the way that Denton has suggested.⁵¹ Aside from the fact that – as Denton himself has highlighted – there were areas in which the statute provided the clergy with new concessions, in 1399 the clergy asked for the *Articuli Cleri* to be confirmed, alongside the liberties granted to the church that were contained in Magna Carta and the important writ *Circumspecte Agatis* that had been issued by Edward I and clarified the limits of secular jurisdiction.⁵² This demonstrates that the clergy placed no small importance on *Articuli*, even if a greater proportion of the grievances that they laid before the crown in 1316 had been ignored. Yet, despite the shortcomings of the statute, there is still reason to see the *Articuli* as a watershed in terms of the conflict over rival jurisdictions, as it appears to have been the last occasion on which the clergy repeated their *gravamina antiqua*.

The phrase ‘*gravamina antiqua*’ was first used in the list of *gravamina* presented in 1309, and denoted a reference to the articles of 1280 and 1285, which had been repeated, revised and added to by the clergy in 1300-1.⁵³ As such, although the phrase ‘*gravamina antiqua*’ was used for the first time in 1309, it encapsulated the accumulation of grievances that the crown had refused to concede to the clergy throughout the thirteenth century. A list of *gravamina antiqua* has not survived from January 1316, yet an entry on the parliament roll suggests that the clergy followed the same pattern as they did in 1300-1 and 1309 and rehearsed their old grievances in addition to presenting new complaints raised in 1316 and the ‘*gravamina prius non*

⁵¹ Denton, ‘The Making of the ‘*Articuli Cleri*’’, p. 585.

⁵² *Concilia*, iii, p. 243 (cc. 44-45).

⁵³ *Concilia*, ii, pp. 316-321; *C&S*, II, ii, pp. 1205-1218; Jones, ‘Bishops, politics and the two laws’, p. 223.

proposita’ that had been raised in 1309.⁵⁴ Provided, then, that the *gravamina antiqua* were repeated in 1316, this was the last occasion on which the clergy rehearsed old grievances en masse and, although the *gravamina* presented in January 1327 repeated complaints that had been raised before 1316, there was apparently no repetition of the *gravamina antiqua* as a composite list.⁵⁵ As such, the *Articuli Cleri* constitutes a watershed, since the parliament of 1316 was the last occasion on which the clergy brought before the king the accumulated, outstanding grievances of the thirteenth century to which they had hitherto received no answer. Therefore, whilst doubt remains over the extent to which the *Articuli* should be considered a milestone for the clergy in terms of new concessions granted by the crown, the importance of 1316 as a watershed goes some way towards validating Powicke’s suggestion that the *Articuli* ended the ‘first stage’ in a movement that had begun in 1239.

It has been demonstrated above that in 1300-1, 1309 and 1316, the clergy presented a mix of new complaints and old grievances comprising the *gravamina antiqua*. After 1316, however, these old grievances were no longer being repeated as a composite body of requests. By dropping the pretence that they were demanding redress for a large, ambitious list of grievances, and by adopting smaller, more focused lists, the clergy reinforced the notion that they were now presenting grievances for which they expected remedy, rather than something akin to an ideological manifesto wherein they refused to accept anything less than a best case scenario for the church in the conflict over the secular and ecclesiastical jurisdictions. Moreover, the timing

⁵⁴ The parliament roll refers to the *gravamina* as ‘the petitions which they, the prelates, had previously presented to the said king in relation to the state of the church’. See Denton, ‘The Making of the ‘Articuli Cleri’’, pp. 571-2; *PROME*, January 1316, “SC 9/20”, item 1 [Answers to the Petitions of Prelates].

⁵⁵ The inclusion on the list of 1327 of three complaints which received no royal response supports the assumption that the *gravamina antiqua* were not rehearsed in 1327. If all articles surviving from 1327 and recorded on the Canterbury Register I also recorded corresponding answers, it would leave open the possibility that the *gravamina antiqua* had been repeated, and that the clergy had only chosen to record those articles that were afforded answers from the crown, see *PROME*, January 1327, “Canterbury Register I”, items 2, 6 and 10.

of the clergy's decision to adopt this approach is significant. At the parliament in which Edward II was deposed, it might have been expected that the regency of Mortimer and Isabella would have bid above the asking price for support from any quarter that would offer it, not least from the church. If the clergy ever expected to gain redress for their outstanding grievances, this was their chance. Yet, at this crucial juncture, they decided to drop many outstanding grievances and instead focus on a limited list of thirteen complaints. This decision emphasises a conscious break with the past, and a desire to utilise fully the opportunity brought about by recent events to ensure that real progress was made. The implication of the clergy's action suggests that the *gravamina antiqua* were now considered unrealistic. The tactic appears to have worked, and even if there was an obvious political reason as to why the concessions were made in 1327, the fact remains that the clergy received positive responses to eight of the thirteen articles they presented, whilst another received the response that the issue would be given further consideration.⁵⁶ This was a significant advance for clergy, considering there had been no concessions achieved by the clergy for the eleven years after 1316, and even then, of the twenty-one articles brought forward by the clergy, only six of these received remedy.

The list of 1327 created a model for subsequent lists presented throughout the fourteenth century. Instead of repeating the *gravamina antiqua*, or falling into the same pattern of repeatedly presenting the same complaints from list to list – and thereby creating in effect a new set of *gravamina antiqua* – the lists of the fourteenth century rarely repeated in substance a request that had been made previously. The issues raised by the clergy in 1327 appear to have been specially selected from a large body of petitions that had gone unanswered in 1316 and were rough approximations of previous

⁵⁶ Positive responses were given to items 1, 3, 5, 7, 8, 9, 11 and 12, whilst the response to item 4 ordered searches of 'old eyres' to determine custom. See *PROME*, January 1327, "Canterbury Register I", items 1-13.

complaints – often with a change of focus – rather than verbatim repetitions.⁵⁷ As Denton has highlighted, the gulf between the interests of church and the crown remained wide on a number of issues in 1316, including complaints against the novel concern of royal courts with testamentary matters, and complaints against the exemption from episcopal jurisdiction claimed for royal free chapels and their dependent churches.⁵⁸ In 1327 the clergy appear to have accepted this as reality and focused instead on making progress where it could be made. This transition from a position of ideological opposition – ideological in the sense that the *gravamina* represented uncompromising standards in the conflict over the demarcation of secular and ecclesiastical jurisdictions – towards the more moderate and pragmatic approach underlying the post-1316 lists of *gravamina* has hitherto gone overlooked, and helps to explain the dramatically reduced number of articles contained in the lists presented throughout the remainder of the fourteenth century.⁵⁹ Of course, many of the articles continued to concern issues relating to the conflict over ecclesiastical jurisdiction, such as the abuse of writs of prohibition, and the indictment of clergy, but each list tended to contain complaints with a new focus as the clergy reacted to new conflicts as they arose.⁶⁰

⁵⁷ Compare the articles of 1327 identified originating in 1309 in Wright, *The Church and the English Crown*, p. 192, n. 81, with those rehearsed in the 1316 list identified by Denton, ‘The Making of the ‘*Articuli Cleri*’’, pp. 590-595. Only items 9 and 11 appear to substantially repeat grievances from 1316, and in the latter case the complaint is significantly expanded, see *PROME*, January 1327, ‘Canterbury Register I’; *C&S*, II, ii, pp. 1271-1274 (cc. 4 and 12).

⁵⁸ Subsequent progress was made in the area of misappropriations made by royal custodians of vacant bishoprics, see *PROME*, January 1327, ‘Canterbury Register I’, item 8; Denton, ‘*Articuli Cleri*’, p. 586.

⁵⁹ The smallest list, not including the petition of 1325, was that presented in January 1377, which contained only six articles, see *PROME*, January 1377, items 80-85. In 1295, by contrast, the clerical *gravamina* numbered fifty-two articles, see *C&S*, II, ii, pp. 1138-1147.

⁶⁰ The three lists presented in 1376 and 1377 form an exception to this and demonstrate a substantial degree of repetition and continuity because of the political climate in those years surrounding the Good Parliament and the death of Edward III meant that the clergy experienced difficulty in forcing the crown to provide an answer. See Jones, ‘Bishops, Politics and the Two Laws’, p. 234.

This finding, that the post-1316 *gravamina* did not incorporate a policy of habitually repeating requests, is at odds with suggestions made elsewhere. It has been suggested by Wright that two articles contained in the list of *gravamina* from 1327 may have constituted a ‘routine’ repetition of grievances.⁶¹ Both of the articles highlighted by Wright concerned captioned excommunicates and problems surrounding the circumstances in which they were released prematurely by the crown. Finding no evidence that these alleged abuses ever took place, either in his own research or the work of F. D. Logan, Wright suggested that the repetition of old complaints ‘may have been something of a routine formality’.⁶² Wright’s inference would suggest that although the *gravamina antiqua* had been dropped, the fourteenth-century *gravamina* continued to be underlined by the same dynamics that would lead to the repetition of old grievances. However, whilst the two issues raised by the clergy in 1327, and identified by Wright as repetitions, focus on similar problems to those that had been raised in previous lists, the clergy appear to have actually modified their requests in each instance. For example, although in 1327 the clergy repeated a complaint against the premature release of excommunicates in royal custody which was broadly similar to grievances presented in 1300-1 and 1312,⁶³ in 1327 they appear to have focused specifically on the king compelling bishops to accept a surety for the release of the excommunicate – a detail not contained in previous requests.⁶⁴ Furthermore, whilst another complaint raised in 1327 appears to repeat a grievance raised in 1300,⁶⁵ in 1327 the clergy focused on those arrested for

⁶¹ Wright, *The Church and the English Crown*, p. 213.

⁶² Wright’s own research focused on the C85 files “Significations of Excommunication”, and the registers of Robert Winchelsey, archbishop of Canterbury (1293-1313) and Walter Reynolds, archbishop of Canterbury (1313-1327), see *ibid*; F. D. Logan, *Excommunication and the Secular Arm in Medieval England* (Toronto, 1968).

⁶³ *C&S*, II, ii, pp. 1213 (c. 18) and 1356 (c. 6).

⁶⁴ *PROME*, January 1327, “Canterbury Register I”, item 7.

⁶⁵ *C&S*, II, ii, p. 1272 (c. 4). Wright also suggests that c. 10 of the *gravamina* presented in 1301 repeated the same complaint, but the substance appears to be dissimilar, see *C&S*, II, ii, p. 1211 (c. 10); Wright, *The Church and the English Crown*, p. 192, n. 81.

the church by a writ of '*capias*', thereby apparently broadening the scope of their complaint and seeking remedy in more general terms for all those arrested at the request of the church – not just excommunicates.⁶⁶ These subtle changes to the clergy's requests resist the conclusion that they were presenting *gravamina* in 1327 as a matter of 'routine formality'.

As noted above, in 1327 the clergy appear to have repeated material concerning outstanding jurisdictional issues that they deemed unsatisfactorily answered in 1316. That the clergy modified their requests even under these circumstances only serves to emphasise further how the clergy had broken away from the tradition of repeating old requests. Furthermore, even if there was a limited element of routine involved in the repetition of these grievances, 1327 was the last occasion upon which complaints were raised relating to the two particular issues highlighted by Wright, with subsequent lists containing no requests that were even broadly similar to those raised in 1327. Aside from the repetition of material found in three lists that were presented in close proximity to each other between 1376 and 1377, which can be explained by the inertia of Edward III at the very end of his reign, there are few instances in the fourteenth century whereby grievances were substantially repeated from one list to another.⁶⁷

It is worth briefly noting here that another demarcation line in the conflict between the church and crown over jurisdictions has been highlighted by Jones. According to Jones, during the reign of Edward I the jurisdictional conflict over the competence of royal and ecclesiastical courts had entered a new phase. The church had conceded 'the right of the king's courts to delimit the scope of ecclesiastical justice' and by the late-thirteenth century focused on 'preventing the abuse of this discretionary power'.⁶⁸

⁶⁶ *PROME*, January 1327, "Canterbury Register I", item 9.

⁶⁷ Both c. 11 of 1327 and c. 2 of 1344 cover the problem of clerks accused of bigamy, and although the complaint is not repeated verbatim, it is essentially the same, see *PROME*, January 1327, "Canterbury Register I", item 11; June 1344, item 23.

⁶⁸ Jones, 'Relations of the Two Jurisdictions', p. 85.

However, in terms of the 1280s forming a watershed in this way, the difference between the lists of *gravamina* appears to be less clear cut as Jones has suggested. Even in the earliest lists from 1237/9 and 1257, the clergy seem resigned to a position of acceptance over the use of prohibitions, with articles trying to limit their use in the same way that Jones suggests happened only by the time of Pecham.⁶⁹ Whilst the current study supports the conclusion that *gravamina* witnessed a transition towards a more moderate stance against royal jurisdictional claims, this transition was most evident not in the 1280s, as Jones has identified, but in 1327, when the *gravamina antiqua* were dropped and henceforth the clergy began to focus on new issues of jurisdictional conflict where progress could be made.⁷⁰

The pragmatic concern of the clergy in the post-1316 lists also appears to have carried another characteristic; they tended to target the process or mechanism by which usurpation of ecclesiastical jurisdiction took place.⁷¹ For example, in the list from 1300-1, the clergy had complained that royal courts were making unlawful exactions in cases of matrimony and wills ‘*jurisdictionis ecclesiasticae praejudicium manifestum*’ (‘to the manifest prejudice of ecclesiastical jurisdiction’).⁷² However, amongst post-1316 *gravamina*, the clergy restricted their only complaint on the matter of testamentary cases to complain about a novel development whereby commissions of inquiry, sent out to investigate ecclesiastical justices, exceeded the remit of their jurisdiction by trying cases of wills.⁷³ The main focus of the complaint had shifted away from a debate surrounding the demarcation of competing

⁶⁹ Jones himself concedes that ‘The *gravamina* of 1239 requested the denial of prohibitions to patrons who used them to prevent clerics from recovering their tithes in the Courts Christian on grounds that the advowson of certain churches was being diminished.’ See, *ibid.*, p. 113.

⁷⁰ As Helmholtz has pointed out, the clergy had to react to areas where conflict arose, see *The Oxford History of the Laws of England*, p. 119-20.

⁷¹ Some of these issues have been highlighted by Denton, ‘The Making of the ‘*Articuli Cleri*’’, p. 586.

⁷² *C&S*, II, ii, p. 1213-14 (item 20).

⁷³ *PROME*, June 1344, item 23 (c. 6).

jurisdictions towards combatting a novel legal procedure that had resulted in the indictment of ecclesiastical judges. This focus on the targeting of processes and mechanisms is also characteristic of the other lists of *gravamina* presented after 1316. For example, in 1327, the clergy complained about the use of the writ *Indicavit*, which the clergy alleged was being used by some justices to usurp ecclesiastical jurisdiction in cases concerning tithes.⁷⁴ Similarly, in 1344 the clergy complained about clerks being summoned to answer for tithes in chancery, but focused their complaint specifically against the use of the writ of *Scire Facias* – the method by which clerks were summoned.⁷⁵ Whilst in 1352, a complaint was raised against royal justices who refused to deliver criminals and kept them in goal, even after it had been determined that they were members of clergy. The result of this transition was smaller, more focused lists of complaint, characterised less by an attempt to renegotiate the extent of ecclesiastical jurisdiction, and more by a pragmatic concern over administrative processes.

The reign of Edward III has been identified as an important stage in the history of the medieval church whereby the crown came to exercise *de facto* control over the provision of bishops with the result that the episcopate became more subservient to royal demands.⁷⁶ The evidence from the *gravamina* suggests that an important transition towards a more harmonious relationship between church and crown had taken place at the very outset of Edward's reign. Part of the explanation for this development may lie with the archiepiscopacy of Walter Reynolds (1313-1327). Reynolds had a long history of service under both Edward I and Edward II, and it was through royal advancement that he attained the see of Worcester in 1309 and the subsequent translation to Canterbury in 1313. In contrast to the tumultuous relationship with both Edward I and Edward II that characterised the

⁷⁴ Ibid., January 1327, "Canterbury Register I", item 3.

⁷⁵ Ibid., item 23 (c. 7).

⁷⁶ P. Heath, *Church and the Realm, 1272-1461: Conflict and collaboration in an age of crises* (London, 1988), pp. 103-148.

archiepiscopacy of his predecessor, Robert Winchelsea (1293-1313), it has been highlighted that Reynolds:

...tried to work with the crown rather than in direct opposition to it, prizing the virtues of moderation, harmony, and stability higher than a reliance on uncompromising standards in which he did not believe. Reynolds desired to see the king and realm at peace, and he used his influence to that end, even when it necessitated a politics based more on expediency than on ultimate principles.⁷⁷

The notion of prizing the virtues of moderation over uncompromising standards and a politics characterised more by expediency than ultimate principles, are strongly reflected in the transition observed in the clerical *gravamina*. As we shall see below in the example of John Stratford, it is clear that the archbishops of Canterbury were able to exercise a strong influence over the content of the *gravamina*. The new focus on pragmatism that characterised the post-1316 lists of *gravamina* may, therefore, have been primarily down to the legacy of Archbishop Reynolds.

Before going on to examine the two most voluminous topics of complaint found in the fourteenth-century *gravamina* – writs of prohibition and the indictment of clergy – it is worth turning our attention to another transitory stage in this clerical tradition. The list of 1341 was unique for several reasons, and occupies a pivotal place in the presentation of *gravamina* for it was the first occasion on which the articles were recorded on the parliament roll. A focus here on the list of 1341, with its particularly vitriolic use of rhetoric, also provides an opportunity to discuss the supplicatory tone of the fourteenth-century *gravamina*, which can be demonstrated to have broadly reflected that of private petitions from bishops.

⁷⁷ J. R. Wright, 'Reynolds, Walter (d. 1327)', *ODNB*.

4.4 Archbishop John Stratford, the “Political” *Gravamina* of 1341 and the use of Rhetoric

The articles of *gravamina* presented to Edward III in the parliament of April 1341 were unique for several reasons. Not only was this the first occasion on which the clerical grievances were recorded on the rolls of parliament but, as we shall see below, many of the articles were uncharacteristically related to recent political developments rather than the jurisdictional issues that were more typical of the *gravamina*. The list of 1341 was presented in the name of the ‘archbishop and other prelates’ rather than the collective clergy, and the use of rhetoric was more confrontational with the crown than that found in other lists.⁷⁸ Taken together, these anomalies suggest that the list of 1341 was the only occasion during the fourteenth century when an individual prelate – Archbishop John Stratford – was able to exploit the clerical *gravamina* as a vehicle to pursue his own political agenda. Since the list of 1341 was so closely linked to the political crisis surrounding Edward III’s dismissal of his minister and his subsequent confrontation with the archbishop of Canterbury, it is worth briefly recounting the events in the lead up to parliament which opened on 23 April.

On 30 November 1340, Edward III had returned to England from his cash-strapped continental campaign against the French and summarily dismissed the chancellor Robert Stratford (bishop of Chichester, 1337-1362) and the treasurer Roger Northburgh (bishop of Coventry and Lichfield, 1321-1358), and arrested five justices of the king’s bench as well as a member of the regency council.⁷⁹ Two weeks hitherto, on 18 November

⁷⁸ *PROME*, April 1341, item 21.

⁷⁹ For extended discussion of the crisis and for what follows see, W. M. Ormrod, *Edward III* (London, 2011), pp. 229-246; R. M. Haines, *Archbishop John Stratford: Political Revolutionary and Champion of the Liberties of the English Church, ca. 1275/80 – 1348* (Leiden, 1986), pp. 278-327; N. M. Fryde, ‘Edward III’s removal of his ministers and judges,

1340, the king had also dispatched envoys to lay charges before the pope against John Stratford, archbishop of Canterbury, who had headed the regency council between June and November 1340. The archbishop was accused of providing false counsel, withholding money, and imagining the death of the king. In reaction, Stratford retreated to Canterbury Cathedral where he pronounced sentences of greater excommunication against six categories of offender on 29 December, and on 1 January wrote a letter to the king containing a thinly-veiled reference to the precedent for deposition provided by Edward II. When parliament met in April 1341, a set of thirty-two articles were published against the archbishop, who responded by making a stand upon his status as a peer and requesting trial ‘in full parliament’. On 1 May a committee was appointed to consider Stratford’s request, but two days later the archbishop submitted to a reconciliation that was formalised months later when the primate and the king exchanged a kiss of peace on 23 October. As N. M. Fryde has observed, the relationship between John Stratford and Edward III remained frayed right up until the archbishop’s death in 1348. Meanwhile, Stratford’s call for a parliamentary trial resulted in a short-lived statutory concession granting that peers of the land ‘should not be arrested or brought to judgement except in parliament by their peers’, which was revoked on 1 October 1341 on the grounds that the king had not exercised free consent.⁸⁰ As we shall see below, the issue surrounding trial by peers and how it applied to bishops was something to which the episcopate would return in the *gravamina* presented in 1352. Having established the core details of the dispute, we will now turn to look at the content of the *gravamina*, which has gone largely overlooked in existing accounts of the crisis.

1340-1’, *BIHR* 48 (1975), 149-61; G. T. Lapsley, ‘Archbishop Stratford and the parliamentary crisis of 1341’, *EHR* 30 (1915), 6-18.

⁸⁰ *SR*, i, pp. 295 and 297.

It has been asserted by Brenda Bolton that the *gravamina* presented in 1341 substantially repeated old grievances, and that ‘the constant repetition of the same complaints’ illustrates the vulnerability of the church to the impact of secular politics.⁸¹ However, as we have already seen, whilst the broad areas of complaint remained fairly consistent throughout the fourteenth century, the same complaints were rarely repeated in substance. In this sense, rather than it being the repetition of old grievances that demonstrates the vulnerability of the church to secular pressures, it was the clergy’s reaction to new difficulties arising in old areas of grievances that truly hints at the problem of jurisdictional encroachment that faced successive archbishops. Furthermore, the *gravamina* presented in the parliament of 1341 were in fact highly irregular. In the first instance, it has been suggested that the development whereby the *gravamina* came to be included on the official record of parliament was related to the attempt by both the commons and the clergy in 1340 to receive guarantees of redress in return for grants of taxation.⁸² However, the unusual nature of the *gravamina*, in terms of their broad political content as an agenda for reform, may also have contributed to the novelty. Perhaps most significantly in this respect, the list of 1341 contained articles which did not seek the exclusive advantage of the church but also forwarded the interests of the laity.⁸³ One article asked for the confirmation of the ‘franchises and free customs’ granted to ‘to cities such as London, York, etc. or any other city, castle or borough, or to the Cinque Ports, or to the commonalty’, whilst another asked for the deliverance of ‘clerks and *lay people*’ (my italics) who had been imprisoned

⁸¹ B. Bolton, ‘The Council of London, 1342’, in G. J. Cumming and D. Baker (eds), *Councils and Assemblies: Papers Read at the Eighth Summer Meeting and the Ninth Winter Meeting of the Ecclesiastical History Society, Studies in Church History* 7, p. 160.

⁸² W. M. Ormrod, *The Reign of Edward III* (London, 1990), pp. 138-140; *PROME*, June 1344, introduction.

⁸³ The *gravamina* presented at the parliament of October 1377 also saw the clergy join ranks with the commons when they petitioned for the retrenchment of royal expenditure, see *PROME*, October 1377, item 112.

contrary to Magna Carta.⁸⁴ Complaints of this type were almost unparalleled amongst the lists of *gravamina*, and only in the list presented in October 1377 did the clergy include a similar complaint seeking the ‘greater comfort’ of the king and his subjects, rather than the church exclusively.⁸⁵ Indeed, given that the clergy ordinarily looked out for the interests of the church, even to the exclusion of papal concerns, the list of *gravamina* presented in 1341 was a radical departure from what had gone before.

It has been noted elsewhere that Archbishop Stratford succeeded in gaining widespread support amongst the political community, in part due to the opposition against the general commissions of *oyer et terminer* issued by the king on 10 December.⁸⁶ The *gravamina* reflect this spirit of cooperation, and the clergy’s concern for the laity is mirrored by a common petition presented at the assembly, which requested that the ‘clerks, peers of the land and other freemen and people of estate’ who had been arrested and imprisoned should be released and restored to their benefices, lands and possessions.⁸⁷ Such an explicit display of support for the clergy was extremely unusual in common petitions which frequently expressed overtly anti-papal sentiment.⁸⁸ Although these complaints often focused on the abuses of alien clergy, and do not necessarily represent anti-clericalism, nevertheless, there remain few occasions on which the commons presented

⁸⁴ Ibid., April 1341, item 21.

⁸⁵ Ibid., October 1377, item 112.

⁸⁶ Ormrod, Edward III, p. 240; D. Hughes, *A Study of Social and Constitutional Tendencies in the Early Years of Edward III* (London, 1915), pp. 169-70.

⁸⁷ *PROME*, April 1341, item 9.

⁸⁸ Complaints concerning papal provisors can be found *PROME*, June 1344, item 23 (c. 1); September 1346, items 30-43; January 1348, item 50 and 63-4; February 1351, items 13 and 46; January 1365, item 7; November 1373, item 30; April 1376, items 90 and 94-116; January 1377, items 13, 36, and 74; October 1377, item 66-67 and 77; January 1380, item 37; October 1386, item 16; January 1390, items 32 and 44; November 1391, item 38; January 1397, item 21. For complaints against Peter’s pence, see May 1366, item 7 and October 1377, item 84. Anticlerical common petitions were presented in November 1372, items 41 and 42.

a petition on the clergy's behalf.⁸⁹ Cooperation between the commons and clergy in the parliament of April 1341, combined with the general political character of the list, may help to explain why they were recorded on the parliament roll on this occasion.

From a list of seven articles in total, only two of the articles presented in 1341 covered broader issues of jurisdiction that were more typically dealt with by clerical *gravamina*; one complained about the use of *capias* writs to circumvent the authority of bishops, and another complained about secular courts taking cognisance over cases of usury resulting in the derogation of ecclesiastical jurisdiction.⁹⁰ The remaining three articles, in addition to the two mentioned above concerning the interests of laity, can be directly attributed to the political crisis of 1341.⁹¹ The explanation for this political focus can be traced to the influence of John Stratford. The leading role played by the archbishop in the composition of the *gravamina* can be seen on the parliament roll where it is recorded that the articles ('petitions') had been put forward by 'the archbishop and the other prelates'.⁹² Whilst in 1316 and 1327 the *gravamina* were similarly presented in the name of the prelates only, on these occasions it was made explicit that the articles were presented either 'on behalf of the clergy' or 'for the estate of the church'.⁹³ The different formula used in 1341 may represent a conscious recognition by Stratford and the prelates of the unorthodox nature of the grievances against the crown, thereby seeking to protect the lower clergy from detrimental

⁸⁹ Support for the clergy in common petitions can be found in *PROME*, January 1327, item 3; April 1376, item 63; January 1377, item 23; October 1377, items 44, 90 and 99; October 1399, items 109 and 121.

⁹⁰ *Ibid.*, April 1341, items 22 and 24.

⁹¹ These included complaints against the arrest and imprisonment of clergy, the extortion of the church by ministers of the king, and the enforced levy of taxation from clergy who should have been exempt. *Ibid.*, items 19, 23 and 25.

⁹² *PROME*, April 1341, item 18.

⁹³ *PROME*, January 1316, "SC 9/20", item 1 [Answers to the petitions of the prelates]; April 1341, item 18; also, the lower clergy were not obliged to attend the provincial council in June 1341 summoned by Archbishop Stratford, see E. Kemp, 'The Origins of Canterbury Convocation', *JEH* 3 (1952), pp. 137-8.

ramifications such as the fines that were imposed upon them by Edward I in 1297 when Winchelsey fought the king on the issue of clerical taxation.⁹⁴

The hand of John Stratford in the clerical *gravamina* of 1341 helps to explain another unusual feature of the list – the boldness of the supplicatory tone adopted in the articles, and the severity of the rhetoric used in the formulation of the grievances. The fourteenth-century lists of *gravamina*, like many of the private petitions presented by individual bishops, frequently fell back on the use of routine rhetoric emphasising the damage done to the holy church. For example, in an article presented in 1327 against the processing of those excommunicated by the church, the clergy complained that royal action had been taken to the ‘great prejudice of the estate of the holy church’, whilst other articles complained of action taken to the ‘detriment of the franchise of the holy church’ or beseeched remedy for the ‘better avoidance of danger to souls’.⁹⁵ In other cases, rhetoric was augmented through the inclusion of more specific detail concerning injustices as well as through the use of repetition to emphasise the severity of the abuse visited upon the church. For example, the complaint against purveyance in 1376 complained of action taken ‘contrary to the ecclesiastical liberty, the constitutions of the holy fathers and the statutes of the realm’, whilst the complaint against secular judges hearing pleas of tithes in October 1377 was ‘to the injury of God, holy church’ as well as the ‘party himself’.⁹⁶ However, in 1341 the rhetoric was taken to a new level, for not only did all but one of the articles contain the use of repetition to emphasises the severity of the abuses suffered, but the clergy also went so far as to threaten the soul of the king himself. In their complaint against the imprisonment of

⁹⁴ J. H. Denton, *Robert Winchelsey and the Crown, 1294-1313* (Cambridge, 1980), pp. 100-136.

⁹⁵ *PROME*, January 1327, “Canterbury Register I”, item 7; June 1344, item 23 (c. 6); April 1376, item 207.

⁹⁶ *Ibid.*, April 1376, item 204; October 1377, item 121.

clerks and lay people against the Great Charter, the clergy petitioned (my italics):

that it may please our lord the king, in order *to avoid the peril to his soul* and to maintain the laws of his land as he is bound, to order the deliverance of the said clerks and lay people who are thus imprisoned, and that henceforth this shall not be done.⁹⁷

This remarkably blunt statement explicitly linked the king's duty to maintain the laws of his kingdom to the concept of Christian salvation. Furthermore, the unarticulated assumption underlying this statement was that Archbishop Stratford, and the episcopate generally, were responsible for making sure that the king was held to account for his actions. In other words, the king's soul was quite literally in the hands of the episcopate. It has been argued by Gwilym Dodd that bishops played an important role as custodians of natural law as it applied to royal justice in late medieval England, yet rarely did the episcopate hold the king to account quite so explicitly as they did in 1341.⁹⁸ The article of *gravamina* echoes the sentences of greater excommunication that had been pronounced by Stratford on 29 December against six categories of offence including diminishing the liberties of the church of Canterbury, disturbing the peace, and infringing Magna Carta.⁹⁹ But what is perhaps even more interesting in terms of the threat made against the soul of the king is the fact that the clerical *gravamina* were presented in parliament *after* John Stratford had reached reconciliation with the king and the storm of the political crisis had largely subsided. Stratford submitted to formal reconciliation on 3 May, and it was not for another six days until the

⁹⁷ Ibid., April 1341, item 21.

⁹⁸ G. Dodd, 'Reason, Conscience and Equity: Bishops and the King's Judges in Late Medieval England', unpublished journal article (2013).

⁹⁹ Haines, *Archbishop John Stratford*, pp. 285-6.

gravamina were presented on 9 May.¹⁰⁰ As noted above, Edward III and Archbishop Stratford experienced a difficult relationship for the rest of Stratford's archiepiscopacy, and the *gravamina* do not hint at any particular wish on the part of the archbishop to moderate his position. Not only, then, does the list of *gravamina* presented in 1341 support Fryde's assertion concerning the superficiality of Stratford's reconciliation, but also demonstrates an aspiration by Stratford to pursue an agenda that was broader than a personal concern to secure his own vindication. However, even in this politically charged atmosphere there was to be no return to the '*gravamina antiqua*' and in the subsequent list that was presented in the parliament of June 1344, the *gravamina* continued to be characterised by moderation and pragmatism.

The use of language in the list of 1341 makes for an interesting comparison with rhetoric deployed in the list of common petitions presented at the same parliament. Common petitions were usually underlined by a desire to emphasise the shared and mutual benefit to be gained by the king and his people, and most of the common petitions presented in April 1341 were no different. However, the Commons were uncharacteristically confrontational when they complained that (my italics):

the points of the said Great Charter, ordinances and statutes are impaired in many ways and not upheld as well as they ought to be, to *the great peril and shame of the king and to the damage of his people*.¹⁰¹

In this common petition the interests of the king are still tied to his people, only here it is not mutual *benefit* which is emphasised, but mutual *peril*. It is particularly interesting that the Commons decided to use the phrase '*grant*

¹⁰⁰ *PROME*, April 1341, introduction and items 18-25; answers were provided on 11 May, but were referred to the prelates for consultation with unnamed secular lords, and an amended series of answers was provided at an indeterminate date, see items 26-33.

¹⁰¹ *Ibid.*, item 9.

peril ('great peril') in their complaint, which hints at a conscious attempt to echo the threat of excommunication and the peril to the king's soul raised in the clerical *gravamina*. This comparison between the supplicatory tone of the clerical *gravamina* and the common petitions in 1341 demonstrates how the gulf that usually existed between the clergy and the Commons could be closed in times of crisis. Furthermore, the deployment of confrontational rhetoric in a common petition serves only to highlight the consensus of opinion against the actions of the king upon his return from the continent. Before going on to look at the most voluminous topics of complaint found amongst the articles of *gravamina*, it is worth briefly highlighting here another list of *gravamina*, presented in 1352, which stands alongside the list presented in 1341 for its particularly heavy use of rhetoric.

Whilst seven of the twelve articles in the list of *gravamina* presented in the parliament of January 1352 are essentially devoid of persuasive rhetoric, those articles which do incorporate persuasive language place a greater emphasis on the injury done to the clergy than is usually found in other lists. For example, one complaint against the king's illegal collations to benefices explained that the presentees were held as 'thieves and robbers' and could not be absolved by the church whilst they held a contested benefice 'to the peril of their souls'. The clergy therefore asked that the king grant remedy 'for the reverence of God and the holy church and for the salvation of the soul' to provide redress.¹⁰² Similarly strong rhetoric was used in a complaint against the indictment of clergy, where it was stated that the clergy were being dragged to secular courts 'in disgrace of holy church and of the clergy contrary to right and ancient custom'. Indeed, the clergy even went so far as to raise the spectre of Thomas Becket, reminding the king that this type of abuse was the 'first reason for which Saint Thomas died'.¹⁰³ Although there are other complaints made by the clergy throughout the fourteenth century

¹⁰² Ibid., January 1352, item 59.

¹⁰³ Ibid., item 60.

against the indictment of clergy, this appears to be the only reference to Thomas Becket. The use of this particularly severe rhetoric in 1352 was probably a reaction to both the Statute of Provisors, which had been promulgated the previous year, as well as the recent confiscation of the temporalities of the bishop of Exeter. Precisely how the supplicatory tone of the *gravamina* presented in 1352 fits into this broader context will become clear in the discussion below concerning the confiscation of the temporalities of Exeter diocese. In this context, the use of unusually confrontational language in 1352 may be seen as symptomatic of a church coming to terms with a new sense of insularity; the *gravamina* presented in 1352 were used by the clergy to demonstrate their willingness to stand up against the king without relying on papal support.

The list of *gravamina* presented in 1352 is also interesting for the use of notably deferential tone found in an article put forward in name of the lower clergy. Unlike any other article of *gravamina* brought forward in the fourteenth century, one article in the list of 1352 was identified as having been drawn from the ‘commonalties of the clergy’. The complaint of the lower clergy concerned the collation to benefices after six months lapse by the lay patron, and asked the king to provide remedy ‘as a work of charity in salvation of the estate of the holy church’.¹⁰⁴ The use of such deferential language is a stark contrast to the overtly confrontational reference to Thomas Beckett found in the same list.¹⁰⁵

The deferential supplicatory tone adopted by the lower clergy in 1352 serves to demonstrate two points. Firstly, it lends weight to the suspicion that the clerical *gravamina*, which usually did not contain this type of rhetoric,

¹⁰⁴ *PROME*, January 1352, item 69.

¹⁰⁵ It is unlikely that the clerk of parliament influenced the wording of the articles of *gravamina*. In the parliaments of 1341 and 1344, the list of *gravamina* was introduced as a ‘copy’ of petitions presented ‘in the form that follows’, indicating that the clerk merely reproduced a list that was presented by the clergy to parliament as, indeed, we know happened in 1377 owing to the survival of the Latin original. *PROME*, April 1341, item 18; June 1344, item 23; SC 8/135/6717.

were predominantly compiled and dominated by the interests of the higher clergy. Although the complaint put forward in the name of the lower clergy in 1352 indicates that the *gravamina* were not entirely dominated by the episcopate, the article nevertheless remains an anomaly. As we have seen, Archbishop Stratford was able to closely influence the content of the *gravamina* presented in 1341, and it will be discussed in more detail below how individual bishops were able to have their grievances put forward as articles of *gravamina* in 1352 and 1377. Furthermore, the influence of the episcopate over the content of the *gravamina* is also supported by evidence from the parliament roll of January 1352, where it is recorded that Archbishop Simon Islip ‘petitioned the king’ for the ‘petitions of the clergy to be heard and tried’.¹⁰⁶ Similarly, in 1316 it was recorded that the petitions ‘for the estate of the church’ had been presented by the prelates.¹⁰⁷ It seems likely that such a procedure, whereby the *gravamina* were heard by the king at the behest of the archbishop of Canterbury, was employed in most, if not all, lists of *gravamina* that were presented in the fourteenth century.

The second point raised by the petition from the commonalties of the clergy is that it echoes the concern of the higher clergy to emphasise only the exclusive interests of the church. In other words, there was no adoption of the language of ‘common profit’ found in the common petitions of the laity which emphasised the shared interests of suppliant and crown. In this sense, although the supplicatory tone of the complaint from the lower clergy was markedly deferential, both higher and lower clergy appear to have operated within the same broad supplicatory framework. This framework asserted the institutional autonomy of the church by rejecting the use of rhetoric which placed special emphasis on the dependence of the church upon the goodwill of the king, and instead sought exclusive advantage for the clergy. The present work has revealed that bishops also abided by this

¹⁰⁶ *PROME*, January 1352, item 69.

¹⁰⁷ *PROME*, January 1316, “SC 9/20”, item 1 [Answers to the petitions of the prelates.].

principle when compiling their private petitions. The key exception to this supplicatory framework, as we have seen, is the “political” list presented in 1341, whose broader scope of interest appears to have been instrumental in the development whereby *gravamina* began to be recorded on the parliament roll, thereby setting a precedent for future lists even if they did not contain the same degree of broad political content.

4.5 The Content of the Fourteenth-Century *Gravamina*

4.5.1. *Writs of Prohibition and Benefit of Clergy*

One of the most voluminous topics of complaint concerned writs of royal prohibition, which could be obtained in chancery to block proceedings in an ecclesiastical court on the contention that the jurisdiction of the secular courts was being usurped. These *prohibitions regias* were the subject of 24 out of 89 articles contained in the lists of *gravamina* presented between 1327 and 1399.¹⁰⁸ However, they were not presented throughout the fourteenth century at an even rate; fourteen of the articles concerning prohibitions were presented in the three lists from 1376 and 1377, whilst the lists of 1341 and 1352 did not contain a single article against royal prohibitions. There was apparently an increased concern with the use and abuse of prohibitions in the years of transition between the reigns of Edward III and Richard II, which may represent an attempt by the clergy to test the new regime. In 1290 Edward I enacted the Statute of Consultation, which conferred upon the clergy the ability to challenge prohibitions before royal judges, but the clergy complained on several occasions that this process was ineffectual.¹⁰⁹ As W. R. Jones has highlighted, most complaints against royal prohibitions fall into two categories; the first comprised complaints against prohibitions

¹⁰⁸ See above, p. 196, n. 9.

¹⁰⁹ *SR*, i, p. 108; *SC* 9/1, no. 31.

being issued too readily by chancery, and the second comprised complaints against the difficulties involved in obtaining consultations with sufficient speed to adequately stem abuses surrounding prohibitions. Whilst many of the complaints against prohibitions do indeed fall into these two categories, it is important to emphasise the finding noted above that the precise focus of the complaints differed from list to list. It is only the three lists presented in quick succession in 1376-7, as well as the list of 1399, that contain substantial repetition of the same complaints.¹¹⁰

Despite all of the complaints against the use of prohibition contained in the articles of clerical *gravamina*, in private petitions presented by individual bishops complaints against the writs are almost non-existent. In fact, from the 283 petitions presented by individual bishops between 1272 and 1399, only two petitions refer to prohibitions. Rigaud d'Assier, bishop of Winchester (1320-1323), in the early 1320s requested that he might recover the fruits of the bishopric received in the name of the previous bishop, and explained that a writ of prohibition was preventing this.¹¹¹ Around the same time, Roger Northburgh, bishop of Coventry and Lichfield (1321-1358), requested that a royal writ be sent to the justice and chamberlain of Chester for the annulment of a prohibition.¹¹² Apparently, the archdeacon of Chester and others had sued a writ of prohibition to take certain grievances outside the court of Chester in contravention of the

¹¹⁰ For the articles concerning conditional consultation, see *PROME*, April 1376, item 206, repeated in January 1377, item 82, and October 1377, item 122. Concerning prohibitions in cases of pensions owed by a church to a church, see *PROME*, April 1376, item 202, repeated in January 1377, item 82, repeated and expanded in October 1377, item 119, and repeated in *Concilia*, iii, 240a-245b (c. 60). Concerning the complaint asking for prohibitions to be discussed in chancery before being issued, see *PROME*, April 1376, item 207, repeated in *Concilia*, iii, 240a-245b (c. 63), whilst *PROME*, October 1377, item 120, repeats the substance of the complaint but in more general terms and without explicitly mentioning major excommunication.

¹¹¹ SC 8/146/7300.

¹¹² It is possible that this petition was presented in 1317 by Northburgh's predecessor, see SC 8/103/5126 and "Additional Note" on catalogue description.

bishop's special jurisdiction.¹¹³ The latter petition suggests that the bishop had originally been able to obtain remedy to his problem by appealing to the king 'at his council in Nottingham', and it was only the failure of the machinery of royal administration to carry out the ordained remedy that caused the bishop to present a written supplication. It would, therefore, be unwise to discount entirely the importance of prohibitions to the affairs of individual bishops on the basis that such a diminutive number of private petitions have survived concerning the issue, since bishops appear to have been able to attain remedy without the presentation of a written supplication, as the bishop of Coventry and Lichfield had apparently been able to do in this case. On the other hand, the body of evidence does suggest that bishops only infrequently faced serious problems caused by writs of prohibition, and even if the abuse could sometimes be resolved without the presentation of a written supplication, there remains a vast gulf between the prominence given to writs of prohibition in the *gravamina* and the number of complaints brought up on the issue in private petitions from bishops.

It is perhaps also worthy of note that neither the petition from the bishop of Winchester, nor that from the bishop of Coventry and Lichfield, relate directly to any of the issues raised in the clerical *gravamina* concerning prohibitions. The former concerned a prohibition that had been issued under circumstances relating to the vacancy of the diocese whereby episcopal temporalities were being withheld from the incumbent bishop by the executors of his predecessor's will as if they were private property.¹¹⁴ This might be loosely related to an article contained in the list of *gravamina* from 1300-1 and highlighted above, which complained about the usurpation of testamentary cases by the secular courts, but it does not relate to any complaint raised in the *gravamina* against the use of prohibitions

¹¹³ SC 8/103/5126.

¹¹⁴ SC 8/146/7300.

specifically.¹¹⁵ Neither does the latter petition from the bishop of Coventry and Lichfield readily relate to an article of *gravamina*, and appears instead to have contended the use of the prohibition based on the bishop's special jurisdiction exercised in the court of Chester. There is a clear disparity, then, between *gravamina* and private petitions from individual bishops over the use of prohibitions. Although the *gravamina* were dominated by the concerns of the higher clergy, they do not appear to be representative of the complaints brought forward by bishops in the private petitions.

Aside from complaints about the use and abuse of prohibitions, another category of complaint which predominates throughout the fourteenth-century lists of *gravamina* are those that can be broadly defined as relating to benefit of clergy.¹¹⁶ Complaints relating to the caption, imprisonment, indictment and impeachment of clergy account for 19 articles in the lists of fourteenth-century *gravamina*.¹¹⁷ Again, there were few instances whereby the same complaint was repeated in the post-1316 *gravamina*. Only three complaints appear to have been repeated in substance in more than one list. The three lists of 1376-77 all contained what was essentially the same complaint against the arrest of clergy during divine service and those delivering eucharist to the sick,¹¹⁸ whilst the list of 1344 repeated a request that had been raised in 1309 and 1327 that benefit of clergy should be allowed even if the clerk stood accused of bigamy.¹¹⁹ Of particular interest for the current focus on petitions from bishops, both the list of 1352 and the list of January 1377 sought to defend the privileges of bishops, and petitioned in complaint against the confiscation of episcopal temporalities. In the list of 1352, two articles contained complaints against

¹¹⁵ *C&S*, II, pt ii, p. 1213-1214 (c. 20).

¹¹⁶ For a detailed study of benefit of clergy in England see, Gabel, *Benefit of Clergy*.

¹¹⁷ See above, p. 196, n. 10.

¹¹⁸ *PROME*, April 1376, item 208; January 1377, item 84; October 1377, item 125.

¹¹⁹ *C&S*, II, ii, p. 1273 (c. 12); *PROME*, January 1327, "Canterbury Register I", item 11; June 1344, item 23 (c. 2); Wright, *The Church and the Crown*, p. 192, n. 81.

the confiscation of the temporalities of John Grandisson, bishop of Exeter (1327-1369).¹²⁰ These set out to establish that contempt of royal jurisdiction was not a sufficient reason for the confiscation of temporalities, and asserted the right of bishops to trial by peers in parliament. The list of January 1377 meanwhile, asked for William Wykeham, bishop of Winchester (1366-1404), to be restored to his temporalities after they were confiscated as a result of charges brought against him relating to his time as chancellor earlier that decade. However, despite the similarities between the two cases, in 1352 the clergy broadened their complaint against the confiscation of the Exeter temporalities as part of a reaction against the Statute of Provisors, whereas in 1377 the request of the clergy was much more restricted in its scope.

4.5.2 The Confiscation of Episcopal Temporalities and Trial by Peers

The case of John Grandisson and the confiscation of the Exeter temporalities has not been explored in detail elsewhere, and it is worth taking the time here to explore the background of the case before going on to discuss the articles of *gravamina*.¹²¹ The episcopal temporalities of Exeter diocese were taken into the king's hand for contempt of royal justice.¹²² John Grandisson had refused to admit a royal clerk to the church of South Hill in Cornwall, and was held in contempt for failing to carry out an order in the form of a writ of *quare non admisit*. By 4 July 1350 the king had granted out custody of the temporalities in return for a payment of £200 but no complaint was raised by the clergy at the parliament that opened in February the following year.¹²³ The issues surrounding the confiscation were taken up in convocation during the summer of 1351, but by the time parliament had

¹²⁰ *PROME*, January 1352, items 66 and 67.

¹²¹ The case is not mentioned in A. Erskine, 'Grandison, John (1292–1369)', *ODNB* (Oxford, 2004) [<http://www.oxforddnb.com/view/article/11238>, accessed 9 Jan 2013].

¹²² *PROME*, 1352, item 66; KB 27/359, 25-25d.

¹²³ *CPR, 1350-1354*, pp. 312-3

assembled again on 13 January 1352 and the clergy presented their *gravamina* – which contained two articles concerning the Exeter temporalities – John Grandisson had already received restitution by the ‘mere will’ of the king on 1 December 1351.¹²⁴ The confiscation of the Exeter temporalities relates to a broader jurisdictional conflict between the church and crown over cases of patronage that has been dealt with in detail elsewhere and only the particulars of this broader conflict relating to the case of John Grandisson need be recounted here.¹²⁵

By the middle of the thirteenth century, the clergy had ceased to challenge the competence of royal courts in cases concerning benefices when advowson was the principal issue. Rather, the *gravamina* presented in the second half of the thirteenth century and the fourteenth century sought to defend the jurisdiction of church courts indirectly by challenging the crown in related areas, such as tithes, which affected the right of advowson.¹²⁶ Since the end of the twelfth century royal control over cases of advowson had been extended by the introduction of new rules and legal precedents, prominent amongst which was the possessory assize *quare impedit*, through which a bishop could be amerced for refusing to institute a presentee. A bishop could refuse institution on the grounds that the candidate was insufficiently learned through his right to hold an inquest *de iure patronus*, and since this aspect of episcopal authority was respected by the king’s courts as pertaining to the spiritual office, common lawyers had to develop methods to circumvent it.¹²⁷ Amongst the other legal devices *ne admittas*, *quare incumbravit*, and *ut admittas* which emerged to pressure bishops into acquiescence, was the writ *quare non vult recipere idoneam personam*, later rephrased *quare non admisit idoneam personam*, against which John Grandisson was accused of having acted in contempt in 1350. By the writ *quare non*

¹²⁴ Ibid., pp. 188-189, 190.

¹²⁵ See Jones, ‘Relations of the Two Jurisdictions’, pp. 102-132.

¹²⁶ Ibid., p. 106.

¹²⁷ Ibid., p. 117.

admisit the king's courts commanded a bishop to exercise his office in accordance with the decisions of the royal courts and threatened punishment for failing to do so. As such, *quare non admisit* circumvented episcopal authority by transforming the issue of instituting a presentee into one of contempt of royal jurisdiction. Under Edward I, the archbishop of York acquitted himself for a fine of £10,000 after confiscation of his temporalities for failing to act in response to a *quare non admisit*.¹²⁸ However, since the writ was an extreme measure, there are few recorded cases of its use.¹²⁹ Indeed, the clergy never explicitly complained about the use of *quare non admisit* in any of the lists of *gravamina* in the fourteenth century, even in the parliament of 1352 following the confiscation of the Exeter temporalities.

It has been cited elsewhere, erroneously, that the bishop of Exeter paid a fine of £200 for his restitution in December 1351.¹³⁰ The evidence for this is based on the records of the king's bench, which actually records an instance of maladministration.¹³¹ When Edward III granted custody of the confiscated Exeter temporalities to Guy de Bryan, Otto de Grandisson, Roger de Bello Campo and a clerk by the name of Master Adam de Lichefield on 4 July 1350, this grant was made in return for a fine (i.e. a legal payment) of 200 marks.¹³² William Thorpe and his fellow justices of the king's bench mistakenly believed that another 200 marks should have been paid by John Grandisson on account of his contempt in not admitting a clerk presented by the king to South Hill church. Upon supplication from the bishop of Exeter, the extracts of the justices of the bench were sent to the exchequer and from there into chancery where it was found that the fine paid by the appointed keepers of the temporalities, and the 'pretended' fine

¹²⁸ G. O. Sayles (ed.), *Select Cases in the Court of King's Bench under Edward I*, iii (London, 1939), p. 137; cited in Jones, 'Relations of the Two Jurisdictions', p. 122.

¹²⁹ J. W. Gray, 'The Ius Praesentandi in England from the Constitutions of Clarendon to Bracton', *EHR* 67 (1952), p. 505 and n. 3.

¹³⁰ Jones, 'Relations of the Two Jurisdictions', p. 122.

¹³¹ KB 27/359, 25-25d.

¹³² *CPR, 1350-1354*, pp. 312-3; *CCR, 1349-1354*, pp. 423.

now asked of the bishop, were in fact ‘one and the same’. Furthermore, it was categorically stated that ‘the bishop made no fine for that contempt’, and since restitution had been made as an act of grace, John Grandisson was acquitted of the 200 marks which should never have been demanded in the first place.¹³³ The bishop’s allegation of a ‘pretended’ fine clearly suggests foul play and draws attention to the role of Chief Justice William Thorpe who was arrested for corruption on 25 October 1350 just a few months after keepers had been appointed to the Exeter temporalities.¹³⁴ The patent letter finally resolving the case was issued on 21 August 1352, and it is a point of interest that William Thorpe, appointed second baron of the exchequer on 24 May 1352 after a full pardon by the king, may have come face to face with his previous shady business as Chief Justice of the king’s bench in his new role at the exchequer.¹³⁵

Erroneous and misrepresentative conclusions have similarly been drawn from the article of *gravamina* concerning the Exeter temporalities put forward by the clergy in the parliament of 1352. For example, Jones has asserted that ‘the higher clergy under Archbishop Stratford’s leadership appealed to the king in Parliament for the privilege of making a reasonable fine instead of suffering the loss of their temporalities’.¹³⁶ Aside from the fact that Stratford had died in 1348 and it was Archbishop Simon Islip who petitioned the king on behalf of the clergy in the parliament of 1352, the clergy at no point requested the substitution of a reasonable fine in the place of confiscation. Whilst the resulting statute *Pro Clero* provided for the payment of a fine for contempt of royal justice instead of confiscation of

¹³³ Ibid.

¹³⁴ J. R. Maddicott, *Law and Lordship: Royal justices as retainers in thirteenth and fourteenth century England* (Oxford, 1978), pp. 40-51; G. O Sayles (ed.), *Select Cases in the Court of King’s Bench under Edward II*, iv (London, 1957), pp. xxv-xxvi; cf. R. C. Kinsey, ‘Legal Service, Careerism and Social Advancement in Late Medieval England: The Thorpes of Northamptonshire, c. 1200 – 1391’ (University of York PhD thesis, 2009), pp. 137-51.

¹³⁵ CPR, 1350-1354, pp. 312-3.

¹³⁶ Jones, ‘Relations of the Two Jurisdictions’, p. 122.

temporalities, the clergy did not specify this remedy in their *gravamina*. Cheyette has similarly misrepresented the request of the clergy, suggesting that Edward III sought to ‘mollify’ the clergy into further financial contributions to this war effort by granting that temporalities ‘would no longer be taken into the king’s hand, but only a reasonable fine’.¹³⁷ As we shall see, if it was the king’s intention to ‘mollify’ the clergy, he apparently attempted to do so by granting a concession that the clergy had not asked for in their *gravamina*. Finally, it has been stated elsewhere that the clergy ‘sought, and were granted, a guarantee that contempt was not sufficient grounds for the confiscations of ecclesiastical temporalities’.¹³⁸ Whilst this avoids the mistake of suggesting that the clergy asked for the implementation of a reasonable fine as a substitute for confiscation, it still misrepresents the clergy’s request by suggesting that it was exclusively focused on the issue of temporalities being confiscated for contempt of royal jurisdiction. In actual fact, the clergy put forward a much broader request and complained that John Grandisson had suffered the loss of his temporalities without being afforded the opportunity of trial by peers.

The confusion over the true nature clergy’s request appears to have arisen because the resulting statute, *Pro Clero*, involved a partial rewrite of the original request put forward by the clergy in parliament. In fact, what the clergy asked for in 1352 and the concession they received from the crown were in fact two different things. The importance of the parliament of 1352 as a pivotal stage in the clergy’s response to the Statute of Provisors, has thus gone overlooked. It is worth, therefore, citing the clergy’s petition in the parliament of 1352 in its entirety:

¹³⁷ F. Cheyette, ‘Kings, courts, cures, and sinecures: the Statute of Provisors and the common law’, *Traditio* 19 (1963), p. 305.

¹³⁸ *PROME*, January 1352, introduction.

Item, come archevesques \et/ evesques tiegnent lour temporaltes du roi en chief, et par tant sont pieres de la terre come sont autres countes et barons; q'il vous plesse a eux grantier qe nul justice, pur soul contempt, puisse desoremes lour temporaltes faire prendre en la main nostre dit seigneur le roi, nient plus q'ils ne font les terres d'un counte: come fust fait ore tard del evesque de Excestre, sanz nulle deliberacion prise ovesqe le grant conseil le roi, ou des pieres de la terre.

(Also, whereas archbishops and bishops hold their temporalities of the king in chief, and are therefore peers of the land as are other earls and barons; that it may please you to grant to them that no justice, merely on account of contempt, may henceforth cause their temporalities to be taken into the hands of our said lord the king, no more than they shall cause the lands of an earl; as was recently done concerning the bishop of Exeter, without any deliberation being taken with the king's great council or the peers of the land.)¹³⁹

Whilst the clergy did complain that temporalities had been seized for contempt, it is evident that this was only a secondary constituent part of their broader request for the right to trial by peers in parliament. Not only did the clergy begin by asserting the role of bishops as tenants-in-chief, and requesting that royal justices should not be able to confiscate episcopal temporalities 'no more that they shall cause the lands of an earl', but the main thrust of their complaint was that the Exeter temporalities have been seized without deliberation before the great council or peers of the land. It is clear that the true nature of the clergy's request was not primarily concerned with confiscation for contempt of royal justice, but with the right of the episcopate to trial by peers. As we have seen, during the Stratford affair in 1341 it had been established by statute that 'peers of the land' should not be judged or suffer the loss of their temporalities except by a decision of the

¹³⁹ Ibid, item 66.

peers in parliament, but this had been swiftly revoked on 1 October 1341 once Edward III recovered his political position.¹⁴⁰ As such, the clergy sought in 1352 to resurrect the agenda that had been pursued in 1341 under the leadership of Archbishop Stratford.

In the years between the statute of 1341 guaranteeing trial by peers and the confiscation of the Exeter temporalities in 1352, the only other case to emerge providing the clergy with the opportunity to press their agenda was that of 1346 concerning William Bateman, bishop of Norwich, which has been discussed at length in a previous chapter. There is a similarity between the case of William Bateman and John Grandisson in the sense that in both instances the bishops had demonstrated contempt of royal justice. Yet, in 1346 the clergy did not make any appeal on for trial by peers. Why, then, did the clergy make a stand in 1352? In the first instance, it has been demonstrated that Bateman did little to enamour himself to the English clergy by taking a hard-line stance in his dispute with the abbey of Bury St Edmunds. There may have been a sense that Bateman had brought about his own misfortune by refusing to back down, and intentionally provoked the king's ire by excommunicating a royal messenger. The evidence suggests that Bateman was simply too much of an apathetic figure for the clergy to rally around. In 1352, by contrast, the circumstances in which John Grandisson suffered confiscation of his temporalities were much more conducive to a sympathetic response. By taking a stand against a writ of *quare non admisit*, John Grandisson was caught up in a conflict of a jurisdictional nature that was much closer to the concerns typically encapsulated in the *gravamina* than the rather cavalier action taken by William Bateman which had originated from an instance of intra-church conflict. Given the timing of the clergy's request in 1352, with the Statute of Provisors having been issued in February the previous year, the assertion

¹⁴⁰ *PROME*, April 1341, item 51; *SR*, i, 295 (c. ii).

that bishops were tenants-in-chief and peers of the realm equal to earls takes on a new significance.

Although the Statute of Provisors had limited practical effect on papal provisions as royal willingness to enforce the statute waxed and waned, the legislation retained ideological importance.¹⁴¹ It is significant, therefore, that at a time when legislation was passed against papal provisions for the first time in a 'symbolic statement of the crown's claims to sovereignty over the English church',¹⁴² the episcopate unreservedly asserted their social bond to the English king as well as their position amongst the domestic political elite. By putting themselves forward as 'tenants of the king in chief' and 'peers of the realm' at such a time of symbolic fracture with Rome, the bishops could not avoid providing an indication in the strongest terms of their loyalty to the crown as liege subjects of the king of England. Even if the clergy did not consciously take such an approach in 1352, privilege of peerage and involvement in domestic politics were two sides of the same coin. Such an interpretation does not require us to keep one eye on the Reformation and see in the clergy's action anything more than a nominal assertion of their importance to the crown at an opportune moment. Rather, it appears that the bishops merely sought to reassure the crown of their loyalty in light of recent political developments whilst at the same time attempting to advance their legal privileges.

It should be clear from the preceding discussion that more was at play in 1352 than the clergy merely seeking to remedy abuses surrounding the writ of *quare non admisit* which had led to the seizure of the temporalities of Exeter. Yet, the response provided by the crown to the clergy's request in 1352 refused to acknowledge that any agenda broader than the jurisdictional

¹⁴¹ C. Davies, 'The Statute of Provisors of 1351', *History* 38 (1953), pp. 116-33; R. D. England, 'The Statute of Provisors of 1351', *Studies in Medieval Culture* 4 (1974), pp. 353-8.

¹⁴² Ormrod, *Edward III*, p. 368.

issue in point had been raised.¹⁴³ It has already been highlighted that whereas the article of *gravamina* itself contained no reference to the writ of *quare non administ*, yet the royal response reads as if the writ had been of foremost concern to the clergy. Interestingly, when Archbishop Islip communicated the form of the statute *Pro Clero*, the writ *quare non administ* does appear on the statute as if it had been part of the clergy's original complaint.¹⁴⁴ The statute *Pro Clero* was probably not issued until July 1352, when it was recorded in Islip's register, and the delay between the communication of the statute and the end of parliament suggests continued negotiation over the issues at stake. *Pro Clero*, therefore, appears to have retrospectively shifted the focus of the clergy's complaint to cast the concessions granted to the clergy in a more positive light. In support of such an interpretation it is notable that in return for those same concessions the clergy had confirmed a second year of the biennial tenth granted in 1351.¹⁴⁵ However, to return to the main point, on both the parliament roll and the resulting statute the

¹⁴³ Although the resulting statute, *Pro Clero*, paraphrased the request including their assertion that they were 'peers of the realm', it did not address this aspect of their complaint, see *SR*, I, p. 234.

¹⁴⁴ A comparison of the royal response to the clergy's request found on the parliament roll and that found on both the statute *Pro Clero* and Archbishop Sudbury's letter communicating the form of the statute recorded in his register reveals a notable discrepancy. On the parliament roll the clerk appears to have omitted the word 'fine' altogether, and by doing so the meaning of the royal response is different in the two latter documents. A comparison of the text contained on the parliament roll and in Archbishop Islip's register reveals similarities that highlight that the omission was a mistake of the parliament clerk. The parliament roll reads '...les justices qi rendont les juggementz ont poair par la ley de recevoir resonable, solonc la quantite du trespas ou la qualite du contempt' ('...the justices who return the judgments have power by the law to act reasonably, according to the scale of the trespass or the nature of the contempt'), see *PROME*, 1352, item 66; whereas Archbishop Islip's letter reads '...desore receivant pour le contempt ensy ajugge, fine resonable de la partie ensy condemne, solonc la graunte du trespas, et solonc la qualites de contempt...' ('...henceforth receiving for the contempt thus adjudged, reasonable fine of the party thus condemned, according to the size of the trespass, and according to the nature of contempt...'), see *Concilia*, iii, p. 24. The phrase 'receivre resonable' on the parliament roll makes more sense if the omitted word 'fine' is added.

¹⁴⁵ *Concilia*, iii, p. 24; *PROME*, 1352, introduction.

crown avoided entirely engaging in any debate over the right of bishops to trial before peers in parliament.

The success of the crown in responding to the clergy as if the dispute over *quare non admisit* was all that was at stake, combined with the possible complicity of Archbishop Sudbury in putting a more positive spin on the clergy's achievements in the resulting statute *Pro Clero*, demonstrates the power of the crown to dictate the terms of negotiation in replying to the clerical *gravamina*. There is indirect evidence that the clergy rejected the crown's attempted circumvention of the trial by peers issue in the records surviving from the next convocation. When they assembled at St Paul's on 16 May 1356, the clergy complained that certain grievances presented in 1352 had not been fulfilled and should be made in the next parliament.¹⁴⁶ Unfortunately, no list of *gravamina* has survived from this convocation, nor from the parliament that met on 17 April 1357. It has been suggested that a list may have been presented in the parliament of May 1360, for which no parliament roll has survived.¹⁴⁷ A brief survey of the royal responses to the *gravamina* of 1352 reveals that all but two of the articles received answers providing satisfaction to the clergy, one of which was the clergy's request concerning the bishop of Exeter and trial by peers.¹⁴⁸ However, there is no evidence that the clergy pushed the agenda in subsequent parliaments, serving to underline a defining characteristic of the fourteenth-century *gravamina* – they tended not to repeat grievances upon which the crown was unwilling to grant concessions.

Before going on to look at the clergy's complaint against the confiscation of the Winchester temporalities in 1377 it is worth briefly

¹⁴⁶ Weske, *Convocation of the Clergy*, pp. 158-9; R. L. Storey, 'Simon Islip, Archbishop of Canterbury', p. 147.

¹⁴⁷ Storey, 'Simon Islip, Archbishop of Canterbury', p. 147-151.

¹⁴⁸ The other cause for complaint was item 64, which asked for ecclesiastical cognisance over the vacancies of benefices under certain circumstances, to which they received a reply reaffirming the competence of royal judges but promising justice, see *PROME*, January 1352.

drawing attention to the fact that, although the clergy failed to secure the right of bishops to trial by peers in 1352, Edward III did face opposition from his clerical ministers three years later when he ordered the arbitrary confiscation of the Ely temporalities from Bishop Thomas de Lisle. Following a plea for royal support from Lady Wake, Edward III had ordered the seizure of the temporalities shortly after the end of parliament on 30 November 1355.¹⁴⁹ However, the royal chancellor, John Thoresby (archbishop of York, 1352-1373), and the treasurer, William Edington (bishop of Winchester, 1345-1366), intentionally failed to execute the king's orders, eliciting an indignant letter from Edward III asking how confiscation could be enacted 'without offence to the law', and complaining that 'if the matter had touched a great peer of the realm other than the bishop you would have made an altogether different execution'.¹⁵⁰ A verdict provided by the council exonerated the royal ministers' inaction on the basis of a statute enacted in 1340 which ordained that 'our lord king will not act to seize the temporalities of archbishops, bishops, abbots, priors, nor of anyone else without true and just cause in accordance with the law of the land'.¹⁵¹ Yet, given the complaint of the clergy in parliament three years previously, it may have been a conscious decision on the part of Thoresby and Edington to raise the issue of trial by peers once again. According to de Lisle's biographer, the bishop asked to be tried by nobles in parliament when he appeared before the king's bench in the Hilary term of 1356, but his request was denied. Whilst this account contradicts the official record of the king's bench, where it is documented that de Lisle claimed benefit of clergy instead, John Aberth has argued for the general accuracy of de Lisle's biography and it may have been that the bishop asked for trial by peers first,

¹⁴⁹ The details of the case have been examined in J. Aberth, *Criminal Churchmen in the Age of Edward III: The Case of Bishop Thomas de Lisle* (University Park, PA, 1996), pp. 117-42.

¹⁵⁰ B. Wilkinson, 'A Letter of Edward III to his Chancellor and Treasurer', *EHR* 42 (1927), pp. 250-1.

¹⁵¹ *SR*, i, 294 (c. iii).

and after this was rejected, fell back on benefit of clergy.¹⁵² Certainly, given the tenor of the clergy's request in 1352, it seems unlikely that the bishop would not have at least attempted the route of a parliamentary trial rather than face a jury of twelve commoners in a hostile court at Somersham, especially when the king had made no attempt to disguise the verdict he wanted. Yet, despite Archbishop Thoresby and Bishop Edington's refusal to execute a royal order, there was no concerted appeal by the clergy in 1356 for trial by peers, and it may be that Thomas de Lisle's crimes caused a sense of apathy amongst the clergy in the same way as William Bateman's actions had in 1346. What is clear from the de Lisle case, however, is that despite the clergy's efforts in 1352, trial by peers could be readily ignored by the crown and the only legal obstacle to the seizure of episcopal temporalities was the statute of 1340, and even this Edward III wilfully tried to disregard in 1355.

An informative comparison can be drawn between the clergy's complaint in 1352 concerning the confiscation of the Exeter temporalities and the seizure in 1377, under rather different circumstances, of the temporalities of William Wykeham, bishop of Winchester (1366-1404). The proceedings against Wykeham have been outlined elsewhere and there is little need to repeat them in detail here.¹⁵³ The precise reason for Wykeham's sudden fall from grace, and the initiation of legal proceedings against him relating to his time as chancellor before 1371, remains uncertain. The negative correlation of fortunes between Wykeham and William Latimer, the royal chamberlain who was roughly treated by the bishop of Winchester in the Good Parliament suggests that the initiation of legal proceedings was, in part, an

¹⁵² Aberth, *Criminal Churchmen*, pp. 136-139, and *passim*.

¹⁵³ V. Davis, *William Wykeham: A Life* (London, 2007), pp. 63-70; G. A. Holmes, *The Good Parliament* (Oxford, 1975), p.179.

‘act of revenge’.¹⁵⁴ Furthermore, Virginia Davis has also suggested that John of Gaunt may have encouraged the prosecution of Wykeham as a way of deflecting criticism away from his own role in reversing the decisions that had been made in the Good Parliament.¹⁵⁵ In terms of the clerical *gravamina*, the clergy made a much more ambiguous complaint in 1377 than they had in 1352, stating that the decision to confiscate the Winchester temporalities had been taken ‘without sufficient consent and assent from those to whom it belongs in this matter’.¹⁵⁶ Rather than making a stand on first principles and resurrecting once again the issue surrounding trial by peers, the clergy’s complaint in 1377 was, therefore, predominantly concerned with the prevailing political situation surrounding the inertia of the king as well as suspicions over the usurpation of royal authority by John of Gaunt.

The clergy’s complaint concerning the confiscated temporalities of William Wykeham helps to make sense of the seemingly irreconcilable discrepancy provided in the accounts of the *Anonimalle Chronicle* and Thomas Walsingham. Whereas Walsingham recorded that Wykeham had been found guilty by John of Gaunt ‘without trial’, and that the duke subsequently enforced the confiscation of episcopal temporalities ‘with the authority of the king’, the *Anonimalle Chronicle* documented in detail the accusations brought against Wykeham before the great council as well as the bishop of Winchester’s defence against these accusations.¹⁵⁷ The version of events provided by Walsingham is supported by Wykeham’s own claim that he had been denied judgement of his peers,¹⁵⁸ whilst the account provided by the *Anonimalle Chronicler*, is supported by a close letter dated 25 August 1377,

¹⁵⁴ Davis, *William Wykeham*, p. 65.

¹⁵⁵ *Ibid.*, pp. 64-5.

¹⁵⁶ *PROME*, January 1377, item 85.

¹⁵⁷ J. Taylor et al. (eds), *The St Albans Chronicle I, 1376-1394: The Chronica Maiora of Thomas Walsingham* (Oxford, 2003), p. 61; V. H. Galbraith (ed.), *The Anonimalle Chronicle, 1333-1381* (Manchester, 1927), pp. 96-8.

¹⁵⁸ Taylor, *St Albans Chronicle I*, p. 93; P. Partner, ‘William Wykeham and the historians’, in R. Custance (ed.), *Winchester College, Sixth-Centenary Essays* (Oxford, 1982), p. 10.

which refers to accusations against the bishop being laid before ‘the lords of England and others of the Great Council specially appointed and sitting judicially’.¹⁵⁹ On the one hand we have a version of events whereby John of Gaunt acted arbitrarily against Wykeham, whilst on the other hand we have a version of events whereby Wykeham was tried before the great council. These apparently contradictory accounts are explained, and to some extent reconciled, by the evidence from the clerical *gravamina*.

In the first instance, it is notable that in their *gravamina* the clergy did not pursue Wykeham’s allegation that he had been denied trial by peers, and rather, ambiguously suggested that confiscation had taken place without the sufficient consent of those to whom it pertained. The clergy thereby backed away from the complaint raised in 1352 about the confiscation of temporalities requiring either trial before peers in parliament or the great council. Even if they felt – as Wykeham himself evidently did – that the bishop of Winchester had not been afforded a fair trial, the clergy appear to have implicitly accepted that the bishop had been tried before a conciliar body sufficiently composed for its judicial purpose. The complaint of the clergy, then, was not about the process of arraignment, but the manner in which the sentence had been processed. Whilst evidence taken from the *gravamina* undermines Walsingham’s assertion that Wykeham had been denied a trial at all, the clergy do echo the chronicler’s suggestion that John of Gaunt had acted arbitrarily in pronouncing sentence. The implication of the clergy’s phrasing that confiscation had taken place without ‘sufficient consent’ is that John of Gaunt had acted unilaterally and ordered the confiscation of the Winchester temporalities without the consent of the conciliar body before whom the case was brought. As such, the clergy’s complaint goes some distance in salvaging Thomas Walsingham’s account as more than mere anti-Lancastrian propaganda, and the suggestion that John

¹⁵⁹ CCR, 1377-81, p. 36.

of Gaunt began exercising royal authority without proper consent adds to the body of evidence explaining why the duke faced hostility in subsequent years, and significantly also, why he faced allegations that he held designs for the crown itself.

It is clear from the preceding discussion that the complaints raised by the clergy in the lists of *gravamina* presented in 1352 and 1377 concerning the confiscation of episcopal temporalities carried very different aims. In 1352 the clergy had attacked the judicial process exacted against bishops who acted in contempt of royal jurisdiction, and sought to assert their right to trial by peers. In 1377, by contrast, the clergy's complaint was much more wound up in the prevailing political situation surrounding the inertia of Edward III and related far less to the institutional relationship between the church and crown. Another key difference between the complaint of 1352 and that of 1377 is that Wykeham was apparently able to get what essentially amounted to a private complaint incorporated as an article of *gravamina*. In this sense, there was a similarity between the list of 1377 and the "political" list of 1341, since in both instances individual bishops had been able to use the *gravamina* to pursue a private agenda. In the case of Wykeham, it is somewhat ironic that the bishop of Winchester fought against the apparently reluctant Archbishop Sudbury to have his case presented as an article of *gravamina*, and relied upon Bishop Courtenay of London to champion his cause in convocation, only for the crown to ignore the article of *gravamina* pertaining to his temporalities.¹⁶⁰ Although Wykeham received broad support for his case, not least from the commons,¹⁶¹ the clergy's complaint concerning the Winchester temporalities was alone amongst the articles of *gravamina* presented in January 1377 to receive no royal response. In the end,

¹⁶⁰ Davis, *William Wykeham*, p. 67; Taylor, *St Albans Chronicle I*, p. 73; K. B. McFarlane, *Wycliffe and English Nonconformity* (Harmondsworth, 1972), p. 60.

¹⁶¹ PROME, January 1377, item 99.

Wykeham was forced to seek unilateral rehabilitation, according to Walsingham through the intercession of Alice Perrers, and his temporalities were restored three days before the death of Edward III on 25 August 1377.¹⁶²

The power of the *gravamina* to resolve an individual bishop's difficulties against the crown remains uncertain. Although Archbishop Stratford witnessed some initial success in 1341 before the king accomplished a deftly executed volte-face that left the archbishop politically isolated, in 1377 the clergy's complaint on behalf of William Wykeham was ignored by the crown. In the case of John Grandisson, the bishop had been restored to his temporalities before the clergy had even presented their *gravamina* in January 1352. In any case, despite the notable exceptions of 1341 and 1377, it is clear that the *gravamina* did not provide an open platform that could be readily utilised by any individual clergyman with a cause to pursue. We have already seen how Bishop William Bateman in 1346, and Bishop Thomas de Lisle in 1355, failed to gain the support of the clergy and have their grievances incorporated in to the lists of *gravamina*. Furthermore, although Wykeham was able to use the *gravamina* as a platform in 1377, he did so only by enlisting the support of the influential bishop of London and against the better judgement of Archbishop Sudbury. It would appear, then, that despite the episcopate holding an instrumental role in the presentation of the clerical *gravamina*, the lists could not be easily monopolised by individual bishops and their content was vetted and regulated so that most of the complaints brought forward in the name of the collective clergy genuinely pertained to the institutional issues governing the relationship between the church and the crown in England. In this respect, as will be explored below, although the clerical *gravamina* were the ecclesiastical

¹⁶² Davis, *William Wykeham*, p. 69; CCR, 1377-81, p. 36.

equivalent of the secular common petitions, in terms of their content they were governed by a radically different approach to petitioning.

4.6 Clerical *Gravamina* and Common Petitions

Common petitions emerged between 1316 and 1322 as a collated schedule of grievances representing the public interest. These were passed directly to the king and council rather than passing through the standard administrative machinery that had been used to dispatch petitionary business since the emergence of petitioning in parliament on a grand scale in the 1270s – the triers and receivers in parliament.¹⁶³ From their inception, common petitions addressed broad economic, social and religious themes, such as requests for tighter controls over royal officials and commercial concerns over the sale of wine, cloth workers and alnagers. By January 1327, the commons had received acknowledgment from the crown that common petitions could form the basis of new legislation.¹⁶⁴ Although the *gravamina* and common petitions were similar in the sense that both the clergy and the commons aspired to have their requests result in statutory legislation, or at the very least, receive responses from the crown that would become a matter of public record, clearly the *gravamina* carried a much narrower array of concerns than the common petitions. Whilst the *gravamina* predominantly contained complaints against the crown chiefly arising from jurisdictional conflict, common petitions contained much broader requests predominately exhibiting a concern for the better governance of the realm rather than representing instances of conflict. Furthermore, the *gravamina* never came to incorporate local and private concern in the same way that common

¹⁶³ For a full discussion of this development and what follows, see Dodd, *Justice and Grace*, pp. 126-155.

¹⁶⁴ Ibid., pp. 135-8.

petitions came to adopt local issues from relatively narrow interests groups from the mid-1370s onwards.

From 1373 common petitions arising from the private interests of urban, commercial and county communities, formed a significant minority of the issues being forwarded for consideration before the king and council.¹⁶⁵ By having their complaints incorporated amongst common petitions supplicants were virtually assured of receiving a definitive response from the crown, and the enrolment of their requests on the parliament roll meant that these answers became a matter of public record. As such, the two-tier petitionary system that had emerged during Edward II's reign was now opened up to private petitioners who had the wherewithal and political astuteness to have their request considered as pertaining to the 'public' affairs of the realm. However, the clerical *gravamina* never developed in this manner. As we have seen, although complaints brought in favour of individual bishops were raised in 1352 and 1377, the case of John Grandisson was utilised to pursue a broader agenda and William Wykeham faced opposition from Archbishop Sudbury in having his case adopted in the *gravamina*. Neither case represents a readiness to adopt private complaints as articles of *gravamina*. Meanwhile, other petitions from individual bishops concerning issues that might reasonably have been considered 'institutional' and raised in defence of the liberties of the church – such as the imprisonment of clerks, complaints against keepers of episcopal temporalities and the exemption of clerks from tolls – were never adopted as articles of *gravamina*.¹⁶⁶ The closest that individual clergymen who were not members of the episcopate came to having their complaints forwarded by the collective clergy was in two articles presented in 1352. The request presented by the 'commonalities of the clergy' has already been discussed above, and whilst being of unusual provenance exemplifies exactly

¹⁶⁵ Ibid., pp. 143-4.

¹⁶⁶ SC 8/176/8752; SC 8/146/7299; SC 8/5/213.

the type of jurisdictional complaint we might expect to find in the *gravamina*. Another complaint raised in the same list cited three examples of clerks being brought before secular justices, including a 'knight' at Lincoln who was found to be a clerk by an ecclesiastical judge, a priest in Nottingham, and the monks of Combe Abbey.¹⁶⁷ However, the clerks mentioned in this instance merely served the function of providing illustrative examples as a part of the clergy's broader grievance, and there is no sense in which the complaint represents the type of local, narrow interest groups that were beginning to be found amongst the common petitions in the mid-1370s. Neither does it appear that the *gravamina* reflected the development of common petitions in the 1370s, for the grievances raised in the list that was compiled in 1399 adhered to the same type of issues that had been raised over the past two centuries with no indication that private grievances were now being incorporated. The result was to place the clergy in a position of supplicatory weakness, as clergymen were denied both access to the higher-tier of the petitionary system in parliament and the opportunity to have their private grievances presented in the name of the collective clergy.¹⁶⁸

The explanation for the failure of the *gravamina* to develop along the same lines as the common petitions probably lies in the fact that convocation was never used as the venue through which private grievances from individuals should be transmitted to the king. From the time of their inception and expansion under Edward I, petitions were dealt with in parliament on a much more regular basis than the compilation and presentation of clerical *gravamina*. On a number of occasions a parliament met without a concurrent convocation, and even if convocation had been called, there was no guarantee that a list of grievances would be compiled and presented to the crown. Since clergymen could pass their petitions

¹⁶⁷ *PROME*, January 1352, item 60.

¹⁶⁸ The political marginalisation that resulted from the clergy making grants of taxation in convocation rather than parliament has been highlighted by W. M. Ormrod, 'The Rebellion of Archbishop Scrope', pp. 176-7; *Edward III* (Stroud, 2005), p. 145.

directly to the receivers in parliament, private supplications bypassed discussion in convocation, resulting in a functional disconnect between private petitions from individual clergymen and the compilation and presentation of the clerical *gravamina*. Whereas petitions from the laity operated within a single supplicatory system in parliament, where pressure could be exerted by communities and interest groups to have their complaints presented in the name of the public good, the ability of the clergy to present their petitions in parliament meant that there was no such pressure to encourage the functional development of the *gravamina*. The clergy were caught between what were, in effect, two separate supplicatory systems, with the result that the *gravamina* remained strictly concerned with the types of issues that had been raised in the early-thirteenth century. If there was any pressure for the *gravamina* to incorporate a broader variety of complaints, it was readily countered by a conservative tendency to regulate the content of the articles that were put forward, as indeed the common petitions were generally reserved for matters of genuine public interest until 1373.

It has been highlighted elsewhere that the clergy's insistence on conducting fiscal and political negotiations with the crown in convocation rather than parliament left them marginalised.¹⁶⁹ That the *gravamina* failed to provide individuals with a higher-tier platform from which to present their petitions in the name of the collective clergy, and similarly failed to provide a vehicle in which private complaints might be brought together and form broader agendas in the same way as common petitions did for the laity, surely served to exacerbate this marginalisation. As Dodd has highlighted, the introduction of the petitionary system under Edward I worked to project royal power.¹⁷⁰ The conclusion reached by the present work suggests that it

¹⁶⁹ Jones, 'Bishops, Politics and the Two Laws', 209-45; Ormrod, *Reign of Edward III*, pp. 121-44.

¹⁷⁰ Dodd, *Justice and Grace*, p. 42.

also appears to have inadvertently enhanced royal power vis-à-vis the church by undermining the ability of the clergy to act collegiately in convocation and preventing the *gravamina* from developing in a similar way to the common petitions. In short, the supplicatory system in fourteenth-century England put the clergy at a disadvantage, reducing their ability to defend the autonomy of the church in the face of royal demands at a time when they had already sought to moderate their ideological opposition to the crown whilst also seeking to safeguard their liberties without relying on the support of the papacy.

4.7 Conclusion

The three most significant findings of the preceding chapter are: firstly, that the clergy shifted from a position of ideological opposition towards a practical approach in the presentation of their *gravamina* after the enactment of the statute *Articuli Cleri* in 1316; secondly, that in 1352 the clergy attempted to resurrect the agenda pursued by Stratford in 1341 and win the right of bishops to trial by peers in parliament, whilst simultaneously asserting the importance of the episcopate in domestic politics as a reaction to the Statute of Provisors; and thirdly, that the petitionary system in fourteenth-century England may have undermined the supplicatory strength of the clergy and their ability to defend autonomy of the church in England. In terms of the broader supplicatory framework, the finding that six out of nine private petitions from the collective clergy are significantly different from the *gravamina* in terms of a form and content, as well as the fact that the complaints brought forward in the *gravamina* do not reflect the concerns raised by individual bishops in their private petitions, reinforces the notion that the *gravamina* were vetted to contain only complaints pertaining to the institutional relationship between the church and crown – predominantly

issues relating to the conflict between the ecclesiastical and secular jurisdictions. In seeking remedial legislation, the *gravamina* invite a comparison with the lay common petitions, and it has been demonstrated that the two forms of supplication were governed by significantly different dynamics; the *gravamina* being almost entirely restricted to complaints against the crown, whilst common petitions contained much broader requests that were more likely to represent a concern for the better governance of the realm than confrontation with the crown. It is probably this dynamic that helps to explain the difference in supplicatory tone when comparing the *gravamina* and common petitions, which in turn is reflected in a symmetrical contrast between the use of rhetoric found in private petitions from the clergy and the laity.

The transition from a position of ideological opposition against the crown towards a more pragmatic approach to petitioning, as exemplified in the post-1316 lists of *gravamina*, reflects the general character of the archiepiscopacy of Walter Reynolds and laid the groundwork at the very outset of the reign of Edward III for an episcopate favouring moderation and harmony over a reliance on uncompromising standards. The lack of support for William Bateman in 1345, when his conflict with the king provided an opportune moment to resurrect the agenda put forward four years earlier surrounding trial by peers, only serves to underline the fact that even under Archbishop Stratford – that ‘champion of the liberties of the English Church’ – the clergy were reluctant to support an individual who so flagrantly displayed uncompromising opposition against the crown.¹⁷¹ As it was, the agenda surrounding trial by peers was not revived until January 1352 when, in the context of the Statute of Provisors, the episcopate’s bid for legal entitlement also provided a statement in the strongest terms of their loyalty to the crown as liege subjects of the king of England. Demonstrably,

¹⁷¹ Haines, *Archbishop John Stratford*, *passim*.

articles of *gravamina* could be used to pursue broader agendas and provide political statements from the clergy as well as seeking legislative remedy for jurisdictional infringements. Perhaps more than any other list, this is evident in the political *gravamina* presented in 1341 under the influence of John Stratford, which marked the beginning of a new procedure whereby clerical *gravamina* began to be enrolled on the rolls of parliament. This precedent, borne of confrontation between the church and crown, appears to have complemented the moderate pragmatism that was more typical of the *gravamina* presented in the fourteenth century, and the clergy were more successful than ever before in receiving answers to their complaints in written form that then became a matter of public record in parliament.

The general picture provided by the evidence surveyed in this chapter is one of an episcopate and clergy attempting to harmonise its working relationship with the crown whilst simultaneously asserting its own autonomy by standing up against royal pressures without recourse to support from the papacy. The moderate but equally autonomous stance represented by the *gravamina* offers a defining characteristic of the English church in the fourteenth century, and a proviso against a pattern of increasing royal control and dominance. However, the ability of the clergy to defend the autonomy of the church against royal encroachments was impaired by the fact that the clergy essentially existed between two supplicatory systems. As a result, the *gravamina* failed to develop parallel to the common petitions, and the restrictive functionality of these lists denied individual clergymen the opportunity to act collegiately and build reform agendas based upon their private grievances, that could then be presented with the unity and supplicatory strength of the whole church. The result was to exacerbate the political marginalisation of the clergy already brought about by their reluctance to be taxed with the laity in parliament. At a time when the clergy sought to safeguard the liberties of the church through

compromise with the crown and without relying on papal support, the petitionary system in England sapped the supplicatory strength of the clergy and reduced their ability to defend their autonomy in the face of royal demands.

Conclusion

The preceding study has explored the interaction of bishops with both the English crown and members of late medieval society more generally by focusing on petitions and the supplicatory strategies adopted by bishops in their endeavours to secure legal remedy. Aside from revealing that bishops were often indistinguishable from lay petitioners in terms of the content of their petitions, with many of their complaints arising from their role as great landlords and tenants-in-chief rather than relating to the exercise of episcopal office, this research has also demonstrated that distinct supplicatory cultures separated the clergy from the laity. Notably, whereas petitions from lay supplicants often incorporated crown-alignment rhetoric into their petitions, thereby mirroring the language of ‘common profit’ found in common petitions whereby emphasis was placed on a mutuality of interest between supplicant and crown, petitions from bishops reflected the supplicatory character of the clerical *gravamina* and presented requests for the exclusive interest of the church. As such, petitions from bishops, alongside the clerical *gravamina*, encapsulated a set of values, manifest through the use of language and rhetoric, which sought to assert the institutional independence of the church. Yet, despite being part of a supplicatory culture which sought to defend church autonomy and ecclesiastical jurisdictional integrity, the petitionary system in England sapped the supplicatory strength of the clergy and reduced their ability to defend their autonomy in the face of royal demands.

Each chapter of this thesis has reached a number of disparate conclusions relating to petitions, petitioning and the legal problems facing bishops in the fourteenth century. A brief summary of the most significant findings from each chapter will be outlined below before proceeding to reflect more broadly significance of this study. The first chapter explored petitions against the laity and worked to demonstrate the sophisticated legal strategies that often lay behind the act of petitioning. Notably, petitions could serve different functions at different stages of a legal conflict, incorporate misinformation, form tacit agreements with the crown, serve both primary and secondary functions, and seek remedies in legal cases which had implications for broader jurisdictional conflicts. The second chapter explored instances of intra-church conflict and cooperation, demonstrating how petitions could be used to supplement and circumvent papal authority as well as how petitions of cooperation sometimes cast bishops as intermediaries between the crown and their cathedral chapters. It was also demonstrated here, in relation to the St Buryan case study, how some bishops were demonstrably more predisposed to petitioning for remedy than others. The third chapter examined petitions presented against royal officers as well as petitions challenging the legal claims of the crown. Here it was found that the localisation of the office of escheator, combined with the opportunity for cathedral chapter to farm vacant episcopal temporalities, led to a discernible reduction in the volume of complaints from bishops against the conduct of escheators after the early 1340s. The evidence from petitions also works to support the observation made elsewhere that it was often difficult for supplicants to gain remedy against the legal claims of the crown. The final chapter compared ‘private’ petitions from the collective clergy and the clerical *gravamina*. This demonstrated that predominantly the *gravamina* were regulated to include only issues pertaining to the institutional relationship between the church and the crown with a

particular focus on the demarcation of secular and ecclesiastical legal jurisdictions. The main conclusion here was that the clergy adopted a more moderate and pragmatic approach to jurisdictional conflict with the crown after the enactment of the statute *Articuli Cleri* in 1316, as the fourteenth-century episcopate attempted to harmonise its relationship with the crown whilst simultaneously seeking to assert institutional autonomy without relying on the support of the papacy.

More broadly, the survey of petitions from bishops demonstrates the extent to which the episcopate was reliant on access to royal justice when seeking remedy for their legal problems. Although bishops could, and did, receive writs from chancery initiating action at common law, individuals elevated to the episcopate faced a multitude of intractable legal problems and petitioned for remedy in the same way as other members of society when procedure at common law would not suffice. The volume of petitions from bishops seeking some form of legal remedy rather than patronage – around 230 petitions in the late-thirteenth and fourteenth centuries – is significant, but not substantial. Certainly, not every bishop presented a petition to the crown, although each of the twenty-one dioceses of England and Wales are represented in SC 8 with at least one incumbent for each diocese having sought remedy from the crown at some stage.¹ There is no obvious discernible pattern in terms of the profile of bishops who petitioned the crown, and on the whole supplications appear to have been used on an ad hoc basis as the need to petition arose. It has been suggested in chapter two that individuals who served in government or acted as trusted royal councillors may have been more inclined to seek remedy through direct appeals to the crown. However, petitions from the likes of Ralph Walpole, bishop of Norwich (1288-1299), Ralph of Shrewsbury, bishop of Bath and Wells (1329-1363), and John Swaffham, bishop of Bangor (1376-1398), who

¹ See Appendix F.

played little role in secular politics, clearly demonstrates that it was not just bishops who were close to the king who petitioned for remedy.²

It has been demonstrated elsewhere that the opportunity for subjects to petition for redress projected royal authority into geographically remote regions.³ Within the borders of England itself, the opportunity provided by the petitionary system worked to diminish papal authority as bishops looked to the crown in order to supplement, or even circumvent, appeals to the pope for legal remedy. In other cases, appeals to the crown were used in an attempt to gain an immediate, short-term advantage since legal disputes might remain unresolved at the papal curia, in some cases, for several decades. Furthermore, the importance of gaining a favourable outcome from the papacy was reduced since there was no guarantee that papal support could be converted to a lasting and favourable resolution. This was a lesson well learnt by William Bateman shortly after his elevation to the episcopate when he received papal support for his endeavour to impose episcopal authority over the abbey of Bury St Edmunds against the wishes of Edward III. Ultimately, Bateman was forced to backtrack and sought reconciliation with the king. This demonstrates how royal, rather than papal support, was of primary importance for securing legal victory in England. Moreover, this study has only found one instance whereby a supplicant was unable to gain remedy even though support from the crown had been granted. This was the case of Walter de Selby, who received a favourable response from the crown but was unable to regain the manor of Felling from the bishop of Durham. This forms something of an exceptional case, however, since the bishop of Durham was able to resist royal orders because of special palatine jurisdiction, and although the crown was happy to contravene these rights when royal interests were at stake, the king was apparently unwilling to compromise the claims of the bishop of Durham on behalf of a third party.

² SC 8/219/10935; SC 8/238/11897; SC 8/184/9194.

³ Dodd, *Justice and Grace*, p. 42.

This demonstrates the primacy of royal authority in England, and it seems likely that in most cases which received royal backing it was possible for the supplicant to attain lasting victory.

Aside from using petitions to access royal justice, petitions also offered access to royal grace. In several case studies surveyed here, remedy was provided through an act of grace, and in the case of the bishop of Norwich and the burgesses of Bishop's Lynn, remedy through grace actually equated to the arbitrary exercise of the royal will. This finding holds broader significance in the sense that in many, if not the majority of cases, petitions were presented to the crown with the hope that the personal intervention of the king would lead to a favourable resolution. In the case of high profile supplicants such as bishops, who were not only church leaders and members of the political elite, but in many cases royal councillors, diplomats or ministers in government as well, it is possible that the hope that a petition might be favourably received by the king was transmuted into an expectation. Certainly the repeated supplications of William Bateman (chapter one), Walter Stapeldon (chapter two), and Thomas Arundel (chapter three) indicate a perseverance in the search for resolution from the crown. Even if bishops were reluctant to explicitly ask for 'grace' in the composition of their petitions, the petitionary system promoted a reliance not only on petitions as a manner of accessing royal justice, but also as a way of seeking remedy through the goodwill of the king. Indeed, in a number of cases it is evident that bishops went beyond asking for justice in their petitions, and actually sought a more favourable outcome entirely that was contingent upon receiving a degree of royal favour. Whilst clearly not all bishops placed the same value on petitions as a method of resolving legal conflicts, and the episcopate generally resisted building supplicatory strategies upon the language of mutual interest, the existence of a system offering remedy both through the application of an extraordinary legal

process, but also through royal grace, probably worked to promote a harmonious relationship with the crown as the episcopate sought to cultivate royal goodwill.

Significance is also attached to the fact that the vast majority of petitions were delivered in parliament, and as such, not only did bishops routinely seek justice and grace from the English crown, but they did so in a public forum. Indeed, even at the apex of the church hierarchy the archbishop of Canterbury sought remedy against the archbishop of York in the controversy over the carrying of the cross, despite there being a decision pending at the papal curia. This may form part of the explanation as to why that the clergy ceased to complain quite so vociferously against infringements of ecclesiastical jurisdiction by secular courts in the 1320s. Complaints against the usurpation of ecclesiastical legal jurisdiction must have appeared somewhat hypocritical when the clergy themselves were evidently reliant on royal justice and routinely made application for the intervention of the crown. Whilst seeking to defend ecclesiastical jurisdiction from encroachment by secular courts when petitioning collectively, in their private petitions bishops were essentially endorsing the competency of royal justice. The fact that this transition took place during the 1320s, the very period when the use of petitions peaked in parliament suggests that the clergy recognised the need to moderate their stance.

In terms of the clerical *gravamina*, it has been demonstrated that the episcopate in the early-fourteenth century sought to harmonise its relationship with the crown by moderating their stance on jurisdictional conflict, whilst also continuing to assert the right of the church to stand up to the crown in jurisdictional matters without relying on papal support. As mentioned above, this was reflected more broadly in petitions from individual bishops which resisted adopting rhetoric which emphasised a mutuality of interest with the crown. This finding offers a small, but

important, proviso against the pattern of increasing royal control and dominance of the episcopate and church in the fourteenth century. Ultimately, however, the ability of the clergy to defend the autonomy of the church against royal pressure was impaired by the fact that the clergy essentially existed between two supplicatory systems. The *gravamina* failed to develop in parallel to the common petitions, and the restrictive functionality of these collective complaints denied individual clergymen the opportunity to build reform agendas based upon their private grievances that could then be presented with the unity and supplicatory strength of the whole church. Instead, individual churchmen took their private petitions directly to parliament, working to further exacerbate the political marginalisation of the clergy already brought about by their reluctance to be taxed with the laity in parliament.⁴

In terms of private petitions and petitioning in parliament, a couple of key findings can be drawn from the preceding study. Firstly, it may be cautiously suggested that petitioning was a double-edged sword for the English Crown. The advantages of allowing members of society to petition for redress directly from the crown have been well rehearsed. Not only did the crown ensure that royal officials were held to account and grievances against the legal claims of the crown were brought to light rather than allowed to fester, but the petitionary system also projected royal authority into remote territories claimed by the English crown whilst also working to diminish competing authority within the borders of England itself. Yet, the height of medieval petitioning occurred during the reign of Edward II, and despite receiving praise from contemporaries for his assiduousness in expediting petitionary business, the ability of the king's subjects to peacefully appeal for legal remedy ultimately did little to prevent his deposition.⁵ Indeed, it has been argued in the present work that the disappointment felt

⁴ W. M. Ormrod, *Edward III* (Stroud, 2005), p. 145.

⁵ For fluctuations in petitioning, see Dodd, *Justice and Grace*, pp. 49-88.

by petitioners, who carried their appeal directly to the crown hoping for the direct intervention of the king but were unable to obtain remedy, may have had a destabilising effect on political society. Certainly, the curt and bizarrely sardonic reply received by the bishop of Carlisle in his appeal for remuneration for diplomatic service in 1321 did little to enhance royal authority and very probably alienated a magnate of great tactical importance.⁶ Yet, the political insensitivities of Edward II's court aside, a legal system wherein petitions played a significant role and whereby subjects could appeal directly to the crown for remedy and favour may have worked to reduce the majesty of kingship by reducing the king to the role of a functionary in royal government.⁷ The failure of supplicants to obtain remedy would, perhaps, have been tolerable if the king was never personally involved in the outcome of a case. However, in a system whereby some petitions were dealt with administratively by the king's council, but in other cases the king provided remedy as an act of grace, the failure of any supplicant to receive a favourable outcome would no doubt have been felt all the more acutely owing to the fact that a supplication had been made directly to the king. In this context, the reduction of petitionary business in parliament under Edward III may partly explain the general stability of domestic politics throughout his reign.

The main finding of the preceding work, as it relates to petitions as a documentary source is that it is only when petitions are considered within the historical context in which they were presented that we can begin to appreciate the broader significance of these documents and the sophistication of the supplicatory strategies that they often conveyed. Perhaps most significantly of all, the legal cases reconstructed as part of this study have revealed how petitions could contain multi-faceted requests. Several cases have been examined whereby petitions conveyed various

⁶ See above, pp. 167-168.

⁷ Although see Dodd, *Justice and Grace*, p. 318.

degrees of misinformation, or else they held a broader significance and did not merely seek the remedy that was explicitly requested. If nothing else, it is hoped that this study has demonstrated the richness and variety of petitions as a source for reconstructing the lives and experiences of the inhabitants of England during the late-thirteenth and fourteenth centuries.

Finally, in terms of suggesting avenues for further research, this study has emphasised the extent to which bishops were concerned, not only with the exercise of spiritual office, but also the management, defence and enrichment of episcopal temporalities. To this end, there is ample evidence that bishops used all manner of methods at their disposal to preserve intact, for their successors, the endowment of the dioceses to which they had been elevated. Perhaps, most significantly in this respect, is the finding that bishops appear to have exercised patronage networks to enhance their power and authority in the localities in much the same way as secular lords. This has been demonstrated in the body of petitions presented *against* bishops, whereby supplicants complained about their corrupting influence on royal officials, as well as in the case of the bishop of Norwich whereby it is demonstrable that the sheriff of Norfolk was maintained by the bishop, and also in the notable decline in complaints against escheators once that royal office became local rather than regional in character. A sustained analysis of the extent, form and character of the involvement of bishops in local politics, alongside a comparison between the secular and episcopal exercise of temporal authority, would undoubtedly provide an important contribution to the existing historiography surrounding the medieval episcopate as well as medieval political society more generally.

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Appendix A: The Laity¹

Petitions arranged in alphabetical order of diocese. Petitions relating to more than one diocese under “Z”.

Petition Reference	Date Range (c.)	Petitioners	Diocese	Summary ((T) designates petitions relating to civic authorities and urban affairs)
SC 8/184/9194	1396	John [Swaffham]	Bangor	Complains that he had been indicted by false accusations of the people of North Wales.
SC 8/213/10642	1380	John [Swaffham]	Bangor	His franchises in the said lands, with the profits, were seized into the hand of the Countess of March.
SC 8/341/16064	1380	John Swaffham	Bangor	Three writs were sent to the Countess of March but she refused to appear, and continued her molestations against the bishop's tenants.
SC 8/274/13683	1307-1335	Bishop of Bangor.	Bangor	(T) Requests that his burgesses of Bangor are not impeded by the sheriff and other bailiffs of the market towns of the counties of Anglesey and Caernarfon
SC 8/247/12340	1332	Ralph [of Shrewsbury]	Bath and Wells	(Parts 2 and 3) Clarify and enlarge on charter concerning his men quit of tolls; tenants of dean and prior be quit of quayage and pikage.
SC 8/238/11897	1343	Ralph [of Shrewsbury]	Bath and Wells	(T) Malefactors have prevented receiving profits from fairs. Also disturb his view of frankpledge and hundred court there.
SC 8/174/8697	1273-1278	[Robert Kilwardby]	Canterbury	(Parts 2 and 7) Suit against the earl of Warwick; distraint of Lord Nicholas Meinil.
SC 8/97/4840	1328	Simon [Meopham]	Canterbury	(T) Because of a charter granted by king, the barons of cinque ports are attracting the bishop's tenants.

¹ All summaries and dates derived from description provided on The National Archives electronic catalogue.

SC 8/193/9608	1315	Walter [Reynolds], Archbishop	Canterbury	(T) Chancellor and treasurer to examine process of the people of Staplegate.
SC 8/82/4071	1320	John [of Halton] and the clerks of the diocese	Carlisle	(Part 2) The mayor and bailiffs of Newcastle and his bailiffs be ordered to make allowance of a messuage and an acre of land which they demolished.
SC 8/303/15105	1397-1399	Thomas [Merkes]	Carlisle	Requests that a writ be directed to the sheriff of Westmorland to cause certain persons to come before the King's council to answer for their actions.
SC 8/313/E67	1302	John [of Halton]	Carlisle	Requests that the lands of Ouyot in Scotland that the king granted to his church and the bishops there be rendered to him as Segrave has entered the same land.
SC 8/38/1856	1318	John [de Halton]	Carlisle	(T) The burgesses of Newcastle-upon-Tyne have come and demolished the houses and dug a ditch through his place.
SC 8/188/9394	1337-1362	Robert [Stratford]	Chichester	People of Battle half-hundred no longer contribute to keeping of the sea.
SC 8/38/1884	1325-1350	Bishop of Chester	Coventry and Lichfield	(Part 2) Requests remedy since the bishop had brought a writ of novel disseisin against Massey and others for his free tenement in Tarvin, and on the day agreed Massey did not wish to come.
SC 8/156/7777	1332	[Roger of Northburgh]	Coventry and Lichfield	The bishop requests that he can have the years waste in a messuage held in chief from him by Belleyeter.
SC 8/311/15528	1328	[Richard Northburgh]	Coventry and Lichfield	Chester requests the withdrawal of his recognizance for £376 6s 8d due to Despenser since he has paid the debt.
SC 8/260/12964	1320-1340	Bishop of Chester	Coventry and Lichfield	(T) the Mayor and Bailiffs of Chester usurp his tenants to their court of the city of Chester.
SC 8/11/508	1328	Roger Northburgh	Coventry and Lichfield	Concerning franchise, tenants and milling.

SC 8/44/2158	1319-1322	Louis [de Beaumont]	Durham	Bishop seized the manor of Felling because of Selby's adherence to the Scots as his rights in his liberty allow, and held it until the king gave it to Epplingdon, and he was ousted.
SC 8/44/2167	1336	Richard [de Bury]	Durham	The bishop requests justice and remedy relating to the manor of Wark.
SC 8/6/275	1322	Louis de Beaumont	Durham	Richard de Emeldon, keeper of the contrariants' lands in the bishopric of Durham, has seized his goods and chattels within the diocese into the king's hand, without cause.
SC 8/105/5211	1331	Louis [de Beaumont]	Durham	King of Scotland has passage by boat, used to be worth £20 each year. Sued Scot King, recieved no justice.
SC 8/105/5217	1379-1384	Thomas [Hatfield]	Durham	Defrauded of £1000 by Alice Perrers.
SC 8/43/2121	1329-1331	Louis [de Beaumont]	Durham	Agreements surrounding the surrender of castle contrary to the law.
SC 8/311/15542	1331	Lewis [de Beaumont]	Durham	Constable recieved loan from king without the bishop's permission.
SC 8/261/13028	1334	Richard [of Bury]	Durham	Berwick taken into king's hand, ministers enjoy profit from ferry which was held by force by King of Scotland.
SC 8/250/12493	1383	John [Fordham]	Durham	(I) Concerning the "men of Newcastle upon tyne" disturbing profits from coal.
SC 8/192/9581	1335	[John de Hothum]	Ely	(Part 4) Oyer and terminer against men who hunted in warren and beat people.
SC 8/162/8059	1348	[Thomas de Lisle]	Ely	Writ of villeinage against named individual.
SC 8/45/2212	1348	[Thomas de Lisle]	Ely	Oyer and terminer against him, asks that they might be investigated and repealed.
SC 8/258/12882	1305	[Robert Orford]	Ely	(I) The Mayor and Bailiffs of Cambridge have assessed him for their tallage by reason of his mill in Cambridge, which belongs to his barony.

SC 8/81/4035	1305	[Robert Orford]	Ely	(T) The Mayor and Bailiffs of Cambridge have assessed him for their tallage by reason of his mill in Cambridge, which belongs to his barony.
SC 8/110/5464	1308-1319	Walter [Stapledon]	Exeter	(Part 2) dispute over manor.
SC 8/155/7747	1340	John [Grandisson]	Exeter	Writ of quare impedit brought against him, though the bishop claims nothing in it except as ordinary.
SC 8/109/5446	1320-1326	Walter [Stapeldon]	Exeter	(T) Requests assistance in his dispute with the mayors of Exeter over his rights in the fee of St Stephen, Exeter.
SC 8/116/5756	1377	Bishop, Dean and Chapter	Hereford	(T) Against the bailiffs of Hereford, who have raised undue levies and are threatening his tenants.
SC 8/183/9117	1383	John [Buckingham], Bishop of Lincoln; John de Waltham, parson of Hadleigh; Richard de Ravenser, Archdeacon of Lincoln; John de Bricleworth, parson of Ketsby; William Michel of Friskney; Albinus de Enderby; Richard Muriel; John Yerdeburgh (Yarborough).	Lincoln	License to grant land, now in the king's hands, to abbot and convent.
SC 8/21/1033	1384	John [Buckingham];	Lincoln	(T) Examine inquisition concerning dispute between him and tenants over land.
SC 8/21/1023A	1390	John Buckingham; Dean and Chapter of Lincoln	Lincoln	(T) Certain possessions seized by people of the city of Lincoln. They conspire to prevent justice, petitioners request a jury of outsiders.
SC 8/86/4270	1320	[John de Monmouth]	Llandaff	Several lay lords in Wales and the March are usurping this right, and occupying the goods of those who have died intestate.

SC 8/221/11018	1399	Robert Braybrooke	London	Request relating to marriage, asks the king grant to several individuals 100 marks from the hands of Braybrok and Warrewyk, farmers of the Latimer lands in Bedfordshire and Northamptonshire, cancelling his original grant.
SC 8/251/12545	1398	Robert Braybrooke; Edmund Hampdene	London	The petitioners request that they be granted 100 marks per year for the sustenance of John Willoughby, son and heir of Elizabeth and Robert Willoughby, stating that they have been granted the marriage of John, whose lands are in the hands of the king.
SC 8/176/8752	1297	[Stephen Gravesend]	London	(I) Requests writ to the mayor and sheriffs of London that they not permit the imprisonment of chaplains and clerks who are members of Holy Church.
SC 8/234/11692	1315	[John Salmon]	Norwich	(Part 1) (I) Requests a prison at Bishop's Lynn, no prison closer than Norwich.
SC 8/130/6500	1344-1358	William [Bateman]	Norwich	Infringement of rights by ministers of Queen Mother
SC 8/300/14993	1383	Henry Dispenser (Dispenser)	Norwich	Repeal of protection concerning crusade. Brewer, trying to escape creditors.
SC 8/300/14994	1383	[Henry Dispenser (Dispenser)]	Norwich	Protection because of debts to the people of London be repealed.
SC 8/219/10935	1298-1299	Ralph [Walpole]	Norwich	(I) Requests Commission of oyer et terminer against the mayor and commonalty of King's Lynn, who he claims have committed various wrongs and trespasses.
SC 8/239/11921	1350	William [Bateman]	Norwich	(I) Asks that liberties at Bishop's Lynn, taken into the king's hand following inquiry, be restored to him.
SC 8/257/12817	1315	[John Salmon]	Norwich	(I) Requests a prison at Bishop's Lynn, no prison closer than Norwich.
SC 8/246/12272	1350	William Bateman	Norwich	(I) Restoration of liberties in Bishop's Lynn, confirmation of predecessors gift
SC 8/246/12274	1346	William Bateman	Norwich	(I) (Part 2) Restored to liberties wrongly seized.

SC 8/246/12275	1346	William Bateman	Norwich	(T) (Part 2) Restored to liberties wrongly seized.
SC 8/165/8202	1316-1344	David [ap Bleddyn]	St Asaph	Abuses perpetrated by bailiffs of lay lords.
SC 8/201/10001	1329-1330	[Dafydd ap Bleddyn]	St Asaph's	Case concerning advowsons. Commission sent back to be amended. Requests that writ be sent to justices to stay proceedings.
SC 8/138/6881	1281	Thomas [Bek]	St David's	Petition concerning the damages committed against the bishop by the earl of Hereford and justice of West Wales
SC 8/146/7285	1334	Adam [Orleton]	Winchester	King granted manors in repayment of debts. But due to assize of novel disseisin, remaining lands not sufficient to cover debt.
SC 8/332/15786	1395	William de Wykeham	Winchester	(T) Requests that the King pardon the town of Oxford for granting without licence, and him and his college for accepting, a quantity of the town wall and various paths.
SC 8/331/15634	1331	William [de Melton]	York	(Part 1) William, archbishop of York, who has the right to all felons in Beverley, requests the return of Acreman in accordance with his franchise.
SC 8/170/8499	1330	William [Melton]	York	(Part 2) Ordain on a matter of prisage.
SC 8/153/7616	1302	Thomas [Corbridge]	York	Novel disseisin against bishops.
SC 8/172/8555	1330	William de Melton	York	Bishop named as complicit in the deliverance of Edward II, arraigned before the council.
SC 8/46/2273	1336	William de Melton	York	Purchased manor with King's permission, but was ejected by STP through force of arms. Requests no more delays in the assizes.

SC 8/46/2275	1280	[William Wickwane]	York	The Archbishop of York states that the church of Knaresborough is a prebend of York, but that because Archbishop Walter de Gray presented Philip de Eye at the request of the King of Almaine, the present Earl of Cornwall presented Alan de Walkingham. This resulted in a law-suit between the Earl, the king and the Archbishop.
SC 8/308/15361	1303	Thomas Corbridge	York	(T) Arrest various people who cannot be excommunicated.
SC 8/22/1051	1394	William [Courtenay], Archbishop of Canterbury; [Robert Braybrooke], Bishop of London; [William Aston] Dean of St Martin le Grand and chancellor of the church of St Paul in London	Z: Canterbury and London	(T) Requests royal letters to Mayor and Aldermen not to disturb jurisdiction of the Holy Church, or the process in Court Christian between master's of grammar.
SC 8/122/6062	1380-1381	John [Buckingham], Bishop of Lincoln, Henry [Despenser], Bishop of Norwich, Philip le Despenser, knight, Hugh le Despenser, knight, and John de Staumford (Stamford).	Z: Lincoln and Norwich	Edward III made an agreement concerning exchange a manor for lands, petitioners dispute legality .

Appendix B: The Clergy¹

Petitions arranged in alphabetical order of diocese. Petitions relating to more than one diocese under "Z".

Petition	Date Range (c.)	Petitioner (in case of multiple petitioners, bishops in bold)	Diocese	Summary ((C) designates petitions presented in a cooperative capacity)
SC 8/243/12103	1332	Ralph [of Shrewsbury]	Bath and Wells	(C) (Part 3) Requests dean and chapter of Wells and the prior and monks of Bath and their tenants be quit of quayage and pikage and confirmation.
SC 8/247/12340	1332	Ralph [of Shrewsbury]	Bath and Wells	[Duplicate] (C) Requests dean and chapter of Wells and the prior and monks of Bath and their tenants be quit of quayage and pikage and confirmation.
SC 8/16/758	1355-1356	Simon [Islip]	Canterbury	Henry III granted a chapel to the Bishop of Exeter, the current bishop has wrongly granted visitation rights to the king, in prejudice of Canterbury.
SC 8/7/346	1324-1325	[Walter Reynolds] Archbishop of Canterbury; Prelates of the province of Canterbury	Canterbury	(C) Complaint relating to the carrying of the Cross by the Archbishop of York. They request the honour of the king's coronation, which only the Archbishop of Canterbury is able to perform.
SC 8/259/12911	1320	Walter [Reynolds]	Canterbury	(C) Edward I, in his fourteenth year, brought a writ against the Prior of Holy Trinity, claiming the advowson of this priory.
SC 8/218/10876	1280	Archbishop of Canterbury	Canterbury	Abbot claims to be quit of the responsibility of maintaining a bridge.

¹ All summaries and dates derived from description provided on The National Archives electronic catalogue.

SC 8/174/8697	1273-1278	[Robert Kilwardby]	Canterbury	(Parts 4 and 5) patronage of Bilsington so house not be destroyed; canons of Hastings and Ospringe dispute over visitation rights
SC 8/166/8283	1330	John [de Rosse]	Carlisle	Prior granted tithes from assarts by king – resulted in Prior taking tithes from the bishop's parishes – against the charter.
SC 8/1/4	1290	[John de Halton]	Carlisle	The tithes from two newly assarted pieces of land in the forest of Inglewood which the prior by a deceitful suggestion despoiled the bishop of his tithes
SC 8/82/4071	1320	John [of Halton] and the clerks of the diocese of Carlisle	Carlisle	(C) (Part 3) The clerks of the diocese request that they be able to pay the arrears that they owe for the taxation as it was assessed on the value of their goods before they were burnt by the Scots
SC 8/103/5126	1321-1327	[Roger de Northburgh]	Coventry and Lichfield	Archdeacon of Chester and others sued a writ of prohibition and wrongly took grievances outside of the court of Chester to the great prejudice of the estate of his church.
SC 8/296/14775	1329	Lewis (Louis) [de Beaumont]	Durham	Right to visit churches wrongly challenged by the Archbishop. Asks king to stay secular power and prevented armed men aiding the archbishop until case resolved in Court Christian.
SC 8/183/9108	1383	Thomas [Arundel]; Prior and Convent of Ely	Ely	(C) Receive all the lands, tenements, goods and chattels of men in their franchises who have been condemned to death for their part in the Peasants' Revolt.
SC 8/192/9582	1335	John de Hothum	Ely	(C) Requests permission to give some lands and tenements in London and Middlesex to the Prior and convent of Ely
SC 8/308/15360	1272-1307	Bishop	Ely	(C) Release of rector who is imprisoned.

SC 8/53/2611	1327	John de Hotham	Ely	Church has right of lodging fee in New Temple London – now in hands of Hospitallers who are not allowing him his right.
SC 8/110/5464	1308-1319	Bishop of Exeter	Exeter	Concerning the rights of the bishop's ordinary within the king's free chapel of St Buryan
SC 8/169/8447	1318	Walter [Stapledon]	Exeter	Stapledon requests remedy as he has full rights of ordinary jurisdiction of the parish and church of St Buryan, but Manton by a false allegation during the time of the king's father procured a grant of the office of dean .
SC 8/309/15445	1290	[Peter Quinel]	Exeter	(C) Grant of a manor. Licence to alienate.
SC 8/116/5756	1377	Bishop, Dean and Chapter	Hereford	(C) Bailiffs of Hereford, undue levies and threatening tenants.
SC 8/210/10463	1369	[John Buckingham]	Lincoln	(C) quare impedit brought by the crown against the bishop, the archdeacon of Oxford, and the prior of Kenilworth concerning benefice.
SC 8/21/1023A*	1390	John [Buckingham]; Dean and Chapter of Lincoln	Lincoln	(C) Certain possessions seized by people of the city. They conspire to prevent justice, petitioners request a jury of outsiders.
SC 8/64/3157	1300	John [Dalderby]	Lincoln	Prior raised markets to detriment of suppliant. Writ unobtainable because of procedural problem.
SC 8/183/9117	1383	John [Buckingham]; John de Waltham, parson of Hadleigh; Richard de Ravenser, Archdeacon of Lincoln; John de Bricleworth, parson of Ketsby et al.	Lincoln	(C) Grant of land.
SC 8/279/13917	1318	John [Monmouth]	Llandaff	(C) Chapter of Llandaff to have temporalities during vacancy.

SC 8/341/16055	1315	John [de Monmouth]	Llandaff	Granted tithes of assarts not owned by other parishes, because of confusion of boundaries of forest, other churches receive tithes.
SC 8/57/2809	1320-1322	[John Monmouth]	Llandaff	(C) Remedy for the Abbot of Glastonbury and his tenants of Bassaleg in Wales, who for some unknown reason have been distrained and had their goods seized and sold.
SC 8/4/169	1320	[Stephen Gravesend]; Dean and chapter of London	London	(C) Order the treasurer and barons of the Exchequer to allow them the amercements of their tenants, and the chattels of fugitives and felons from their other franchises which they have by royal grant
SC 8/59/2925	1322	[Stephen Gravesend]; Dean and Chapter of London	London	(C) all matters pending before the King which relate to the Eyre of London, and which concern them, or the ordinaries or ministers of their church, might be adjourned
SC 8/86/4273	1320	[Stephen Gravesend]; Dean and Chapter of London	London	(C) ask the king to order the Treasurer and Barons of the Exchequer to allow them the amercements of their tenants, and the chattels of fugitives and felons, and their other franchises.
SC 8/237/11847	1278	Bishop, Dean and chapter of St Paul's	London	(C) King ordered suppliants to grant land to the Dominicans – which has caused harm – preserve immunity of churches ruined by Dominicans. Promised rent in compensation. Also, ask Dominicans to stop harassing the Dean and Chapter.
SC 8/180/8993	1396	Robert [Braybrooke]; William [de Sancto Vedasto (St Vedast)], Prior of Ogbourne St George; William [de Estrepeny], Prior of Cowick.	London	(C) Priory of Stoke by Clare given to suppliants as proctors during the schism – complaint against William George who appointed himself Prior.

SC 8/226/11258	1383	Robert [Braybrooke]; Walter Clopton; William Gascoigne; John [Wymeswold], parson of the church of [Tarrant] Keyneston.	London	(C) Grant manor to Abbey for Chaplains for the souls of two named individuals.
SC 8/300/14966	1383	[Henry Despenser]	Norwich	Repeal protection to go on crusade – learnt from Archbishop of Canterbury sought refuge because of debts.
SC 8/212/10588	1389	Henry [Despenser]	Norwich	(Part 1) Disputed parsonage.
SC 8/87/4311	1320	[Hamo Hethe]	Rochester	Two complaints against executors of predecessors will: Walter de Mertone, formerly Bishop of Rochester, left various implements in the manors of Cobham in Kent and Middleton in Northamptonshire, to remain to the church of Rochester and to his successors, with the King receiving the profits during vacancies, the executors have taken these implements, to the disinheritation of his church
SC 8/87/4313	1320	[Dafydd ap Bleddyn] and chapter	St Asaph	(C) They have always had a fair at St Asaph, with all profits and customs except toll on the things sold there, and ask that they might receive toll in future.
SC 8/255/12713	1382	[Adam de Houghton]	St David's	(C) Confirmation of Royal grant of chaplains to the chapel built adjacent to the cathedral.
SC 8/42/2062	1332	Bishop	St David's	Permission to grant church and lands to found a chantry.
SC 8/146/7298	1319-1320	Adam [de Wynton (Winchester)], Bishop-elect	Winchester	Archbishop has delayed election and will do nothing until he hears from court of Rome. The king should command the archbishop, or ordain in parliament that a letter should be sent to the Pope.

SC 8/325/E674	1317	[John Sandale]	Winchester	(C) Request confirmation for himself and the prior and convent.
SC 8/196/9781	1389	William Wykeham	Winchester	(C) Grant him various lands in the town so that he can give them to New College Oxford.
SC 8/208/10384	1327	[[Wulstan Bransford], Bishop-elect]	Worcester	Elected and provided by archbishop – but now letters from Rome to obstruct the election. Asks third parties not to obey letters without permission from king. Asks king to overrule Pope.
SC 8/197/9802	1283	Godfrey [Giffard]	Worcester	Parishioners of the church are suing him before the official of Canterbury and his commissary
SC 8/2/98	1315	William [Gainsborough]	York	Institution and destitution in the churches and vicarages of Lowdham and other places which are in the archbishop's diocese, and over which he was used to having all manner of jurisdictions
SC 8/19/914	1377	Alexander [Neville]	York	Right to appoint provost of College, disputed by scholars who have stolen belongings of the college.
SC 8/11/504	1327	[William Melton]; Abbot and convent of Fountains and their tenants; Community of Wharfedale	York	(C) Foresters operating outside jurisdiction.
SC 8/100/4989	1380	John of Gaunt; Simon [Sudbury]; John [Buckingham]; Henry [Wakefield]; William, Lord Latimer; John Knyvet; Robert de Ashton; John de Ipres (Ypres); Nicholas Carrowe [Carrew].	Z: Canterbury; Lincoln; Worcester	(C) Recovery of properties entrusted to them by the dead king. Ousted by ministers.

SC 8/100/4995	1380	John of Gaunt; Simon [Sudbury]; John [Buckingham]; Henry [Wakefield]; William, Lord Latimer; John Knyvet; Robert de Ashton; John de Ipres (Ypres); Nicholas Carrowe (Carrew)	Z: Canterbury; Lincoln; Worcester	(C) Recovery of properties entrusted to them by the dead king. Ousted by royal officers.
SC 8/22/1051	1394	William [Courtenay]; [Robert Braybrooke]; [William Aston] Dean of St Martin le Grand and chancellor of the church of St Paul in London	Z: Canterbury; London	(C) Letters to Mayor and Aldermen not to disturb jurisdiction of the Holy Church, or the process in Court Christian between master's of grammar.
SC 8/122/6062	1380	John [Buckingham]; Henry [Despenser]; Philip le Despenser, knight, Hugh le Despenser, knight, and John de Staumford (Stamford).	Z: Lincoln; Norwich	(C) Edward III made an agreement concerning exchange a manor for lands, petitioners dispute legality
SC 8/64/3197	1286	Ralph [Walpole], bishop of Norwich executor of Hugh de Balsham, Bishop of Ely; Ralph, Archdeacon of Ely, executor of Hugh de Balsham, Bishop of Ely.	Z: Norwich; Ely	(C) The executors request remedy for £200 is being demanded from them by the Exchequer against the liberties of Holy Church.

Appendix C: The Crown¹

Petitions arranged in alphabetical order of diocese. Petitions relating to more than one diocese under “Z”.

Petition Reference	Date Range (c.)	Petitioner	Diocese	Summary
SC 8/81/4044	1320	John [Droxford]	Bath and Wells	(Part 3) Allowance for lands that have been in the king's and Oliver de Bordeaux's hands.
SC 8/43/2133	1324	John Droxford	Bath and Wells	Asks the king to issue a writ to authorize his essoin
SC 8/95/4718	1324	John de Drokenesford (Droxford)	Bath and Wells	Asks the king to issue a writ to authorize his essoin
SC 8/21/1027	1390	William [Courtenay]	Canterbury	Right to present benefices during the vacancy of St Asaph. Right usurped by crown.
SC 8/259/12911	1320	Walter [Reynolds]	Canterbury	Advowson of priory held by king against charter.
SC 8/103/5117	1321-1324	John [de Halton]	Carlisle	Remuneration for expenses when acting as ambassador.
SC 8/280/13965	1301	[John de Halghton]	Carlisle	Remuneration for victuals.
SC 8/346/E1368	1300	Gilbert [de St Leofard]	Chichester	Concerning right of presentation.
SC 8/270/13477	1312	Bishop of Chester	Coventry and Lichfield	(Part 2) requests that Spigurnel, Scrope and Norwich or two of them be assigned to enquire of what goods of the bishop's came to the hand of the king when the bishop was arrested, and what came to others, and that those

¹ All summaries and dates derived from description provided on The National Archives electronic catalogue.

				goods that did not come to the king be restored to the bishop.
SC 8/270/13477	1312	Bishop of Chester	Coventry and Lichfield	(Part 1) Requests that it is commanded that allowance is made to him in £130 if it be found that he is in arrears in tenths and other things.
SC 8/20/981B	1390	Walter [Skirlaw]	Durham	Statute ordained that forfeited properties should be to the king against the right of the bishop.
SC 8/44/2166	1334	Richard [de Bury]	Durham	Edward I, by royal power ejected bishop and granted captured manor. Against royal liberty and right to forfeitures. Revoke collation.
SC 8/44/2158	1319-1322	Louis [de Beaumont]	Durham	Ousted from manor but king, doesn't have the right.
SC 8/44/2154	1327-1333	[Louis de Beaumont]	Durham	Suit in parliament failed, seeks remedy from king for lands should have escheated to him.
SC 8/44/2167	1336	Richard [de Bury]	Durham	Ejected from manor by king.
SC 8/106/5256	1322	Louis [de Beaumont]	Durham	Right of sequestration breached.
SC 8/261/13028	1334	Richard [of Bury]	Durham	Berwick taken into king's hand and his ministers enjoy profit from ferry claimed by the bishop.
SC 8/20/980	1388	John [Fordham]	Durham	Statute ordained that forfeited properties should be to the king against the right of the bishop.

SC 8/3/105	1335-1336	Richard [de Bury]	Durham	Requests that the king order a writ to his justices that he should be able to plead his right to the advowson of the church of Simonburn, and respond to the king in the right despite the king and his predecessors presentments made in usurpation of the bishop and his predecessor's rights.
SC 8/44/2155	1332-1333	[Louis de Beaumont]	Durham	New establishment of staples in various places to detriment of liberty. Bishop should have first cognisance of forfeitures.
SC 8/44/2152	1337	Richard [de Bury]	Durham	Writ issued from chancery to bailiffs ordering them to search ports. Contravenes his prerogative.
SC 8/107/5317	1377-1381	Thomas [Hatfield]	Durham	Payment of assignment of £1,000 owed to him through loan.
SC 8/7/345	1324	Lewis [de Beaumont]	Durham	Previous petitions remain unanswered.
SC 8/109/5411	1381	John [of Gaunt], Duke of Lancaster; Thomas [Arundel]	Ely	Complaint relating to forfeitures following the Peasants' Revolt, infringement of supplicants' liberties.
SC 8/109/5412	1378	Executors of Edward [III]	Ely	Infringment of rights as liberty holders.
SC 8/109/5414	1383	Thomas [Arundel]	Ely	Infringement of liberty concerning forfeitures.
SC 8/109/5416	1381	Thomas [Arundel]	Ely	Infringement of liberty concerning forfeitures.
SC 8/1/28	1305	Robert Orford	Ely	Grant of land to the king means that bishop has to defend against king for knights fee.
SC 8/45/2219	1307	[Robert Orford]	Ely	Protection of knights' fees granted to king against disinheritance.

SC 8/53/2611	1327	John de Hothom	Ely	(Part 2) Protection of knights' fees granted to king against disinheritance.
SC 8/1/27	1322-1326	John Hotham	Ely	Provision made for knights' fees purchased by king's father.
SC 8/82/4097	1320	John [Hotham]	Ely	Unable to have the services or profits from knights' fees granted to the crown.
SC 8/110/5461	1310-1337	John [?]	Ely	Requests assistance in relation to knights' fees held of the church of Ely.
SC 8/171/8547	1379	Thomas [Brantingham]	Exeter	Remedy concerning patronage of priory, temporalities taken into the king's hand under Edward III.
SC 8/334/E1119	1308-1326	Walter [Stapledon]	Exeter	Requests that the truth of his rights in the church of St Buryan are enquired of in any manner that the council ordains.
SC 8/215/10739	1379	Thomas [Brantingham]	Exeter	Inquest regarding the patronage of a priory before king's justices.
SC 8/8/361	1325	Walter [Stapledon]	Exeter	Adwoson of church being held wrongly by king.
SC 8/205/10205	1308-1326	Walter [Stapledon]	Exeter	Petition concerning the rights of the bishop of Exeter with regard to the free chapel of St Buryan.
SC 8/327/E817	1308	Walter [Stapledon]	Exeter	The bishop's predecessor, paid a moiety of his spiritualities and temporalities to the late king in his 23 years and was also assessed for the tenth in the same year, and now the tenth is demanded, and he requests that he, the executors of the late bishop, and other religious in the same position be treated as the laity and pay only one.

SC 8/210/10463	1369	John [Buckingham]	Lincoln	Quare Impedit brought by King against petitioner.
SC 8/306/15299	1391	Robert [Braybroke]	London	Request for the delivery of a manor, now in the king's hands.
SC 8/251/12545	1398	Robert Braybrooke; and Edmund Hampdene	London	Granted 100 marks a year for sustenance of heir.
SC 8/246/12275	1346	William Bateman	Norwich	(2 parts) Record and proccess be brought before triers in parliament and if error be found, redress made to him. Restored to liberties wrongly seized of him.
SC 8/246/12274	1346	William Bateman	Norwich	(2 Parts) Record and proccess be brought before triers in parliament and if error be found, redress made to him. Restored to liberties wrongly seized of him.
SC 8/69/3420	1322	[Hamo Hethe]	Rochester	Knight service withdrawn following forfeited lands being taken into the king's hands.
SC 8/9/401	1337	[Robert Wyvil]	Salisbury	Woods and free chase taken into king's hand because they could not be claimed from time immemorial. Previous challenges against his free chase be annulled. Requests a charter for his right.
SC 8/184/9166	1380	William [Spridlington]	St Asaph	Request for compensation for land lost to sea in accordance with grant.
SC 8/155/7708	1279	[Anian II]	St Asaph	(Parts 1 and 4) appointment of bailiff for the sustenance of the children and the restoration of their land; assignment of ten librates of land granted to him.

SC 8/15/729	1330	Henry [Gower]	St David's	Concerning rent reevaluation by crown at lower level than previously resulting in disinheritance.
SC 8/146/7284	1313	Henry [Woodlock]	Winchester	King brought Quare Impedit against him for advowson.
SC 8/146/7285	1334	Adam [Orleton]	Winchester	King granted manors in repayment of debts. But due to an assize of novel dissesin, remaining lands not sufficient to cover debt.
SC 8/139/6903	1324	John Stratford	Winchester	Request for the delivery of temporalities.
SC 8/168/8371	1327	Attornies of the Bishops	Winchester and Norwich	The bishops are currently on the king's service in France, and knew nothing of the king's recent military summons to Newcastle before their departure. The attornies claim that they have no power to raise the bishops' people, and therefore request that the king ensure that the bishops do not suffer damage or impeachment for their failure to attend or send their people.
SC 8/150/7482	1322	Thomas [Cobham]	Worcester	Forfeited lands in kings hands, against rights.
SC 8/320/E431	1303-1307	William Gainsborough	Worcester	(Three parts) Relief for him and his diocese of the tenth for the time that the king took all the issues of the diocese; neither he nor his tenants should be distrained any further for the subsidy granted from knights' fees for the marriage of the king's eldest daughter; he requests that he is able to be certified if any of his predecessors were bound in anything to the king and how much.
SC 8/320/E430	1303-1307	William [Gainsborough]	Worcester	Request for king to moderately assess the bishopric if any service is to be done to the king in the present war.

SC 8/46/2283	1300-1301	Thomas [Corbridge]	York	The king has ordered him, by his letter under the privy seal [targe], not to visit in the Archdeaconry of Richmond: he asks the king to repeal this command, as visitation is a purely spiritual matter.
SC 8/158/7898	1322-1340	Archbishop of York	York	(Part 1) barred from homages by king's purchase of Holderness.
SC 8/195/9740	1274-1279	W[Walter Giffard]	York	Requests an allowance for the keeping of Nottingham castle when he was its keeper, according to the tenor of a writ from the King to the Treasurer and Barons of the Exchequer on this matter.
SC 8/100/4989	1380	John of Gaunt; Simon [Sudbury]; John [Buckingham]; Henry [Wakefield]; William, Lord Latimer; John Knyvet; Robert de Ashton; John de Ipres (Ypres); Nicholas Carrowe [Carrew].	Z: Canterbury, Lincoln, Worcester, the realm	Recovery of properties entrusted to them by Edward III. Ousted by ministers.
SC 8/100/4995	1380	John of Gaunt; Simon [Sudbury]; John [Buckingham]; Henry [Wakefield]; William, Lord Latimer; John Knyvet; Robert de Ashton; John de Ipres (Ypres); Nicholas Carrowe (Carrew)	Z: Canterbury, Lincoln, Worcester, the realm	Recovery of properties entrusted to them by Edward III. Ousted by ministers.

SC 8/122/6062	1380-1381	John [Buckingham]; Henry [Despenser]; Philip le Despenser, knight, Hugh le Despenser, knight, and John de Staumford (Stamford).	Z: Lincoln and Norwich	Edward III made an agreement concerning exchange a manor for lands, petitioners dispute legality .
SC 8/173/8613	1330	William [Melton], Stephen [Gravesend]; William [de Digepet], Abbot of Langedon; William la Zouche; and many others.	Z: York and London	Request that the king say his will as they have been accused of being adherents of Edmund, earl of Kent in the deliverance of the late king, and have been adjourned into the King's Bench at Easter next to their great damage.

Appendix D: Royal Officers¹

Petitions arranged in alphabetical order of diocese. Petitions relating to more than one diocese under “Z”.

Petition Reference	Date Range (c.)	Petitioner	Diocese	Summary ((CA) designates petitions relating to the king's central administration)
SC 8/81/4046	1318	Bishop	Bangor	Requests that his tenants rather than paying an aid demanded by the king, ought to be left in peace.
SC 8/276/13767	1289-1305	[Anian]	Bangor	(Parts 4, 5 and 6) some of the King's ministers observe badly the charters granted him by the King; the sheriff of Caernarfon prohibited the King's men coming to his market at Bangor to buy and sell as they were accustomed; requests that his officers not be impeded in making corrections in the King's new towns at Conway, Caernarfon and Beaumaris and elsewhere, as certain of the King's ministers threaten.
SC 8/274/13683	1307-1335	Bishop of Bangor.	Bangor	Requests that his burgesses of Bangor are not impeded by the sheriff and other bailiffs of the market towns of the counties of Anglesey and Caernarfon .
SC 8/242/12060	1334	Ralph [of Shrewsbury]	Bath and Wells	(CA) Order to Chancellor to renew charters, and adjust them so able to move fair to more convenient location.
SC 8/81/4044	1320	John [Droxford]	Bath and Wells	(CA) (Part 5) requests that the treasurer and barons of the Exchequer are ordered to hear the account of the Wardrobe from the time of the king's father so that the auditors do not take possession of it before it is heard

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SC 8/240/11997	1315	Walter [Reynolds], Archbishop	Canterbury	(CA) Writ under targe to chancellor or keeper of great seal, to send writ to exchequer relating to summons in eyre of kent.
SC 8/269/13413	1348	John [Stratford]	Canterbury	(CA) Because of action by Treasurer and Barons of the Exchequer, bailiffs not able to know whether those from whom they receive the chattels, fines and amercements have land outside of the liberty.
SC 8/154/7681	1275- 1290	Archbishop	Canterbury	requests remedy as le Pestur was cleared of killing a man in Romney by purgation, according to the custom of the Cinque Ports, but he has been attached by the king's writ by the constable of Dover.
SC 8/245/12204	1326	Archbishop of Canterbury	Canterbury	(Part 1) Requests that the king order the constable of Leeds Castle that the archbishop is able to lodge there when necessary on his coming and going.
SC 8/269/13437	1265- 1300	Archbishop	Canterbury	(Parts 2 and 3) asks that the respite that has been given him to answer for his franchises until the parliament at London might be given in writing to the justices of Surrey; the King might give his grace to the bishops and others who should be at the common summons before the justices of Surrey that without incurring a default they might appear at Canterbury as they ought by custom.
SC 8/276/13789	1293- 1324	John [de Halghton]	Carlisle	(CA) Exchequer ordered to make allowance for wool given to king, but nothing done.
SC 8/314/E131	1302	John [of Halton]	Carlisle	At the making of the perambulation of the barony certain acres of moor were excluded because of contention between the bishop and the steward of the forest of Inglewood.

SC 8/82/4071	1320	John [of Halton] and the clerks of the diocese	Carlisle	(Part 1) Requests that he will order of his grace that £100 be allowed in the Exchequer from a certain fifth granted to the king's father to be put to the defence of the Scottish March.
SC 8/324/E620	1303	Bishop	Chichester	(CA) Requests that the treasurer and barons of the Exchequer make to come at the quindene of the feast of St John the record and process of all the business concerning the bishops complaint concerning the prebends of the chapel of Hastings.
SC 8/38/1892	1344-1362	Robert [Stratford]	Chichester	Justices assigned by king acting in contravention of charters concerning fines and amercements.
SC 8/38/1884	1325-1350	Bishop of Chester	Coventry and Lichfield	(Part 1) An approvement that he has made in his manor of Tarvin has been thrown down by the keeper of the forest of Delamere.
SC 8/38/1885	1328	Roger [Northburgh]	Coventry and Lichfield	(CA) Request that Exchequer view acquitances and withdraw recognizances.
SC 8/11/508	1328	Roger Northburgh	Coventry and Lichfield	The king's ministers of Chester have forced them to mill at the king's mill against the bishop's will to the prejudice and disinheritance of his church.
SC 8/270/13477	1312	Bishop of Chester	Coventry and Lichfield	(Part 3) Requests that he be paid for a sum that Chagele had of him for expenses in Rome, and which was spent in the Wardrobe.
SC 8/277/13844A	1319-1322	Lewis [de Beaumont]	Durham	(CA) Previous petitions answered but remain unexecuted in Chancery.
SC 8/259/12949	1319-1322	Louis (Lewis) [de Beaumont]	Durham	(CA) Records have been sent to parliament by exchequer, in keeping of William Airmyn. Request to proceed to justice
SC 8/321/E456	1316	[Richard Kellaw]	Durham	(CA) Repetition of petitions previous. Request for the Council to hear his petitions.

SC 8/43/2147	1337	Richard [of Bury]	Durham	(CA) Repeal a writ sent to him from the exchequer contravening franchise, to distrain certain people of his franchise.
SC 8/44/2157A	1337	Richard [de Bury]	Durham	(CA) Money paid for castle guard devolved to bishop, against charter acquitting him from such service. Requests writ to treasurer and barons.
SC 8/82/4096	1320	[Louis de Beaumont]	Durham	(CA) Beaumont requests that the keepers of the Mint at the Tower of London be ordered to deliver the three upper punches for minting coins that they detain until the king will order otherwise.
SC 8/44/2152	1337	Richard [de Bury]	Durham	(CA) Writ issued from chancery to bailiffs ordering them to search ports. Contravenes his prerogative.
SC 8/174/8685A	1333-1345	Richard	Durham	(CA) (Dirty and Faded) Complaint against royal intrusions into the liberty of Durham and concerns a writ of the Exchequer to distrain the treasurer and barons of the Durham Exchequer.
SC 8/44/2153	1366-1367	[Thomas Hatfield]	Durham	Restitution of profits issuing from ferry over river Tweed. Seised by Chamberlain of Berwick.
SC 8/44/2185	1376	[Thomas Hatfield]	Durham	Final discussion concerning his rights to ferry on the river tweed.
SC 8/311/15542	1331	Lewis [de Beaumont]	Durham	Constable of Norham Castle received loan from king without the bishop's permission.
SC 8/3/120A	1315	Richard [Kellaw]	Durham	Escheator confiscated land against bishop's franchise.
SC 8/6/275	1322	Louis de Beaumont	Durham	Keeper of the contrariants' lands in the bishopric of Durham, has seized his goods and chattels within the diocese into the king's hand, without cause.
SC 8/108/5384	1327	Louis [de Beaumont]	Durham	Requests orders to the keepers of lands formerly of the earl of Warwick allowing him his rights of forfeiture of war within the franchise of Durham.

SC 8/108/5381	1332	Louis [de Beaumont]	Durham	Writ to effect rights to castle, franchise confirmed in parliament, but writ to keeper had no effect.
SC 8/44/2151	1345-1346	[Thomas Hatfield]	Durham	Sheriff of Northumberland distrained tenants to pay the ninth.
SC 8/108/5400	1305	Robert Orford	Ely	(CA) The treasurer and barons of the Exchequer will not allow him forfeitures of debts within his liberty.
SC 8/53/2611	1327	John de Hothom	Ely	(CA) (Part 1) he holds the Isle of Ely free and quit of all royal demands, and with fines, amercements and all manner of forfeitures, the Treasurer and Barons of the Exchequer refuse to allow him these issues in the Sheriff's account.
SC 8/294/14671	1320-1325	John [Hothum (Hotham)]	Ely	(CA) The Treasurer of England, procured an inquest which claimed that William held lands of the crown: which he did not, except for the manor of Silton in Dorset, of the honour of the Eagle, and the manor of Cainhoe in Bedfordshire, of the honour of Bedford, which were both escheated to the king, not to the crown.
SC 8/298/14878	1339	[Simon Montacute]	Ely	(Parts 1 and 2) requests a writ to John Bardolf and his companions, arrayers of men at arms in Norfolk and Suffolk, to discharge them from making their array in those parts; collectors of wools in Huntingdonshire, are demanding from his people in the soke of Somersham 86 stone of wool beyond what they have already paid.
SC 8/8/389	1324-1325	John [Hotham]	Ely	Lands taken into king's hand against rights.

SC 8/192/9581	1335	[John de Hothum]	Ely	(Parts 1 and 2) a warrant of the privy seal to the Chancellor, to give him a charter of permission to amortize certain tenements to the church of Ely; two or three of his people, to be named by him, might occupy and guard his possessions immediately after his death, so that the escheator and other ministers of the King do not meddle with them.
SC 8/321/E464	1298-1310	Bishop	Ely	The keepers appointed during the vacancy ploughed and harrowed part of the land in the manors with the oxen and carried away the hay found in the manor.
SC 8/216/10756	1381	Thomas [Arundel]	Ely	Escheators acting contrary to charters. Relates to the aftermath of the Peasants' revolt.
SC 8/183/9108	1383	Thomas [Arundel]; Prior and Convent of Ely	Ely	Request to recieve temporalities of those condemned in the peasants' revolt.
SC 8/191/9518	1318	[John Hotham]	Ely	(Part 3) As the Bishop and his predecessors have had chattels of felons and fugitives in their lands and fees, he asks that he and his Bailiffs might seize these chattels without any sheriff or other minister of the King being involved.
SC 8/171/8548	1379	Thomas [Brantingham]	Exeter	(CA) Requests that the chancellor be commanded to bring the inquisition taken into his rights to the patronage of Plympton priory into parliament and that justice be done to him
SC 8/110/5465	1308-1326	Walter [Stapledon]	Exeter	(CA) Requests remedy in his dispute with the treasurer and barons of the exchequer over their attempt to levy scutage on the chapelry of Bosham in the time of the present king's father.
SC 8/341/16082	1384	Thomas [Brantingham]	Exeter	(CA) (Badly faded) Legal process stalled, requests remedy for action in Chancery.

SC 8/258/12856	1318	Walter [Stapledon]	Exeter	(CA) (Badly damaged) States that his predecessors had a tithe of the operation of stamping of tin and of the profit of the stannaries in the counties of Devon and Cornwall. The King ordered an inquisition into this, which has been held, as can be seen from the schedule attached to this petition. He asks that justice might be done to him and his church according to the findings of this inquisition.
SC 8/203/10138	1318	Adam [Orleton]	Hereford	After the death of the bishop's predecessor the king seized all the bishop's lands into his hand by his escheator, and Audley seized three vills held of Bishop's Castle. After the petitioner received his lands and did fealty a writ was sent to Audley to deliver the vills but he has done nothing.
SC 8/161/8043	1324-1327	Adam [Orleton]	Hereford	Orleton requests that the record and process of a suit held before Staunton and his companions be brought into parliament, and that they be examined and if the error is found that he is able to have the lands and tenements, goods and chattels that were taken and seised into the king's hand .
SC 8/322/E538	1298-1299	Oliver [Sutton]	Lincoln	(Part 1) He was ousted by the escheator and had restoration by the king's command, but is again ousted because the escheator because Creeting held a small piece of land in Maelor Saesneg in socage.
SC 8/64/3160	1328	Henry [Burghersh]	Lincoln	Requests a writ to the justices assigned to hold an assize of novel disseisin brought by Latherley against Margaret Burghersh for the manor of Lashley that they be advised that nothing is to be done to the prejudice of the king

SC 8/309/15409	1279	Richard [Gravesend]	Lincoln	Requests the King's grace because the sheriff of Lincoln exacts from him 12 marks of Queen's Gold of a fine of 120 marks for his service in the King's army of Wales
SC 8/157/7818	1328	Bishop	Llandaff	Requests that the bailiffs of the New Forest be ordered to pay the tithes of iron to him, as the tithes were granted to his predecessor who is dead, and the bailiffs will not give him the tithes without a new warrant.
SC 8/279/13917	1318	John [Monmouth]	Llandaff	(Part 1) Henceforth in times of voidance the chapter of the church of Llandaff [should have] the keeping of the bishopric as fully as the King and his heirs held it.
SC 8/328/E884	1299	Bishop	Llandaff	Hegham has said that he cannot attend inquisition because of other business of the king and the bishop requests that Hegham is caused to approach the country or that other justices are assigned.
SC 8/10/498A	1320	[John de Monmouth]	Llandaff	Complains that a tithe from the iron mine in the Forest of Dean, within the parish of the church of Newland, which belongs to him, is being withheld from that church; he requests that the king order his bailiffs of the Forest of Dean to restore the tithe.
SC 8/279/13917	1318	John [Monmouth]	Llandaff	Chapter of Llandaff to have temporalities during vacancy.
SC 8/86/4273	1320	[Stephen Gravesend], the Dean and Chapter	London	(CA) Order the Treasurer and Barons of the Exchequer to allow them the amercements of their tenants, and the chattels of fugitives and felons, and their other franchises.
SC 8/4/169	1320	Stephen Gravesend and dean and chapter	London	(CA) Order to Exchequer to allow amercements of tenants.
SC 8/316/E213	1302	Richard [Gravesend]	London	Request for the delivery of church, king's hand.

SC 8/59/2925	1322	[Stephen Gravesend] and dean and chapter	London	That all matters pending before the King which relate to the Eyre of London, and which concern them, or the ordinaries or ministers of their church, might be adjourned until the quinzaine of Michaelmas.
SC 8/164/8187	1327	William [de Ayremynne (Airmyn)]	Norwich	Lands taken into king's hand against rights.
SC 8/11/511	1328	William [de Airmyn]	Norwich	Predecessors have held the fee farm of Hoxne hundred from the king and his ancestors, and they and their bailiffs have had the execution of all things arising in the Hundred, and have had the precepts of all writs from the sheriff. However the current sheriff will not make such precepts to the bailiffs.
SC 8/64/3197	1286-1291	Ralph [Walpole]; archdeacon and others of Ely	Norwich/ Ely	(CA) Charged for duplicate fines of £100 by exchequer.
SC 8/88/4385	1380	William [Spridlington]	St Asaph	Tithe of lead mines withheld without reason.
SC 8/155/7708	1279	[Anian II]	St Asaph	(Part 3) Requests that the king's bailiffs be ordered to compel the miners of new mines to pay tithes to the churches in whose parishes they are sunk.
SC 8/138/6881	1281	Thomas [Bek]	St David's	(Part 2, 3, 4, and 5) Various complaints against justice of West Wales and his ministers.
SC 8/106/5272	1300-1335	Bishop	St David's	Exemption by charter that neither he nor his tenants should answer in any pleas except before the king's justice, specially assigned to the bishopric, yet the sheriff of Carmarthen has taken an assize in a plea of free force on the land of the bishop.
SC 8/146/7299	1320	[Rigaud de Assier], Bishop-elect	Winchester	The bailiffs and escheators in his diocese have, during the last vacancy, cut down and sold, in the parks and foreign places of the diocese, more than 1500 trees, to the great destruction of these places.

SC 8/15/719	1327	John [Stratford]	Winchester	Bishopric ruined by keepers, requests chapter hold vacancy henceforth.
SC 8/146/7300	1320-1323	[Rigaud de Assier], Bishop of Winchester	Winchester	(Part 2) the fleeces shorn from the sheep that are part of the implement of the bishopric, after he was received by the King to the bishopric and its temporalities, and which are being withheld in the King's name by the keepers of the bishopric, might be handed over to him;
SC 8/88/4356	1320	[Rigaud of Assier], bishop-elect	Winchester	His predecessors had a fair at Winchester, the fair of St Giles, from which they used to receive the profits until this year, when Richard de Cornwaille, Marshal of the measures, entered the franchise and took fines and amercements.
SC 8/147/7303	1328	Adam [Orleton]	Worcester	Distrained by sheriff on two accounts of tax, one to pope, two to king.
SC 8/320/E429	1303-1307	[William Gainsborough]	Worcester	Complain against sheriff relating to the goods of those who died intestate.
SC 8/257/12816	1305	Godfrey [Giffard]	Worcester	After the death of his predecessor tenements were seized into the King's hand with his other lands, and [passed to] John Giffard, his predecessor's heir.
SC 8/195/9740	1274-1279	[Walter Giffard]	York	(CA) Requests an allowance for the keeping of Nottingham castle when he was its keeper, according to the tenor of a writ from the King to the Treasurer and Barons of the Exchequer on this matter; as the Treasurer and Barons of the Exchequer do not wish to do this without a special command from the King.

SC 8/153/7610	1322	William [Melton], archbishop	York	(CA) Requests remedy as although he and his predecessors have had cognizance of pleas made by parties in the Bench and elsewhere concerning land or trespass in the liberties of Beverley and Ripon, he has been denied it in the suit between Hoton and the Hubbards concerning land in Ripon.
SC 8/11/515	1330	[William Melton]	York	The bailiff of Kingston-upon-Hull has seized the port of Hull and the franchises of the archbishop into the king's hand.
SC 8/170/8499	1330	William [Melton]	York	(Part 1) The king's bailiff of Kingston-upon-Hull has taken the corn measures of the archbishop and the profits due to the bishop from cognisance of contacts, covenants, trespasses.
SC 8/153/7615	1302	Thomas [Corbridge]	York	The escheator north of the Trent has seized a third of the woods and moor of this manor into the king's hand, without reason or judgment.
SC 8/46/2268	1302	Thomas [Corbridge]	York	The escheator north of the Trent has seized a third of the woods and moor of this manor into the king's hand, without reason or judgment.
SC 8/8/377	1325	[William Melton] Archbishop	York	During the last vacancy, the king's ministers, especially Robert de Barton, keeper of the temporalities, took from the churches of Penrith and Dalston tithes of wool and lambs, mortuary gifts, offerings, pensions, revenues and other spiritual rights.
SC 8/257/12835	1327	[William Melton], Archbishop; Abbot and convent of Fountains and their tenants; Community of Wharfedale	York	The foresters of Knaresborough are inflicting various charges and grievances upon them as if their lands were within the forest and the honour of Knaresborough.

SC 8/11/504	1327	[William Melton], Archbishop; Abbot and convent of Fountains and their tenants; Community of Wharfedale	York	Foresters make charges upon the petitioners, take their profits from amercements for trespass, and extort corn from each bovate of land in Wharfedale as if their lands were in the forest.
SC 8/46/2272	1338	William [Melton]	York	King broughtoyer and terminer against concerning trespass in Beverley. Justices sat outside franchise, in prejudice of franchise.
SC 8/153/7620	1327-1340	William [de Melton]	York	Requests that his ancient right that he and his predecessors have cognisance of all pleas, both crown and others for their liberty of Beverley be suffered and allowed by the king's justices.
SC 8/158/7898	1322-1340	Archbishop of York	York	(Part 3) The archbishop requests remedy concerning the taking of prises of wine in his port of Hull as he has been ousted by the king's butler.
SC 8/5/213	1321-1322	William [Melton]	York	The king's bailiffs of Boroughbridge are asking toll from goods carried by river from Boroughbridge to York and elsewhere.
SC 8/153/7612	1322	William [Melton], archbishop	York	requests remedy as William Wickwane, his predecessor was disturbed in his port of Hull by the Butler of Edward I and the port with its prise of wine still remains in the king's hand.
SC 8/331/15634	1331	William [de Melton]	York	(Part 2) Requests that Neville, Scrope and Bamburgh, justices assigned in a dispute between him and the people of Kingston-upon-Hull, enrol their findings on the Parliament roll.

SC 8/159/7924	1320	Bishops, abbots and priors	Z: England	Claim of the extortions by which their bailiffs of franchises when going to the Exchequer are charged 1 mark or 10s. when they should be charged 2s. or 12d.
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Appendix E: Patronage and Favour¹

Petitions arranged in alphabetical order of diocese. Petitions relating to more than one diocese under “Z”.

Petition Reference	Date Range (c.)	Petitioner	Diocese	Summary
SC 8/31/1537	1320	[Anian Sais]	Bangor	Pardon for tax because of impoverishment.
SC 8/331/15659*	1320	[Anian Sais]	Bangor	First vacancy of Church.
SC 8/226/11266	1386	John [Swaffham]	Bangor	Pardon for payment of subsidies and request to appropriate churches.
SC 8/15/733	1327-1350	Bishop	Bangor	Confirmatio of charter granted by Prince of Wales.
SC 8/246/12255	1349	Ralph [of Shrewsbury]	Bath [and Wells]	Ratify ordinances for appropriated church, vicar and three chantry priests
SC 8/243/12103	1332	Ralph [of Shrewsbury]	Bath and Wells	(Four Parts) clarify and enlarge on charter concerning fines and amercements; concerning his men quit of tolls; Tenants of dean and prior be quit of quayage and pikage; Confirmation.
SC 8/247/12340	1332	Ralph [of Shrewsbury]	Bath and Wells	(Four Parts) clarify and enlarge on charter concerning fines and amercements; concerning his men quit of tolls; Tenants of dean and prior be quit of quayage and pikage; Confirmation.

¹ All summaries and dates derived from description provided on The National Archives electronic catalogue.

SC 8/81/4044	1320	John [Droxford]	Bath and Wells	(Part 1, 2 and 4) he be able to enclose and improve his own land at will at his lodging at Perbright in the forest of Windsor without impeachment of the assize of Forest; confirmation of his charters; requests that he can purchase lands to the value of £20 and an advowson for a chantry for his soul;
SC 8/269/13437	1265-1300	Archbishop	Canterbury	(Partly illegible) (Parts 1 and 4) Concerning a feast that the King has promised to honour; that the King might grant him the right of his church of Canterbury.
SC 8/174/8697	1273-1278	[Robert Kilwardby]	Canterbury	(Parts 1, 3 and 6) Acquittance from 'seminatores' or 'seminati' in his diocese in the time of his father; confirmation of the assignment of the church of Reculver made to the hospital of Harbledown; requests that he can have return of writs in Middlesex free just as in other places.
SC 8/246/12293	1354	[Simon Islip]	Canterbury	Requests 12 acres in addition to the 42 acres already granted, to enclose a park.
SC 8/278/13877	1320	Walter [Reynolds]	Canterbury	Confirm the charters in which Henry II gave to Theobald, then Archbishop of Canterbury and his successors forever
SC 8/245/12204	1326	Archbishop of Canterbury	Canterbury	(Part 2) Requests that it be granted that he can enfeof the prior and chapter of Canterbury with a small piece of land.
SC 8/181/9028	1307	John [of Halton]	Carlisle	Requests land to build house in Carlisle.
SC 8/99/4905	1305	John [of Halton]	Carlisle	Requests timber for rebuilding.
SC 8/21/1025	1390	Friends of Thomas Russhok, formerly Bishop of Chichester	Chichester	Requests support for exiled bishop for term of his life.
SC 8/242/12052	1338	Robert [Stratford]	Chichester	Request for charters of liberties with clause licet.

SC 8/309/15419	1298	[Walter de Langton]	Coventry and Lichfield	Requests confirmation of Wake's grant to him of the same manor for life.
SC 8/82/4074	1320	[Walter de Langton]	Coventry of Lichfield	Request for pavage.
SC 8/97/4842	1327	Roger [Northburgh], bishop of Chester	Coventry and Lichfield	Asks that a sum of money owed to him by the King's father for corn bought from him when he was Archdeacon of Richmond, might be allowed against the sum he owes the King for the arrears of the subsidy of 5d in the mark.
SC 8/207/10329	1322	Roger [Northburgh]	Coventry and Lichfield	Request for discharge of issues on the return of writs in connection with a writ of debt brought against the executors of Walter Langton.
SC 8/156/7777	1332	[Roger of Northburgh]	Coventry and Lichfield	Requests that he can have the years waste in a message.
SC 8/223/11109	1396	Richard [le Scrope]	Coventry and Lichfield	Requests license to found a chantry.
SC 8/227/11314	1337	[Roger Northburgh]	Coventry and Lichfield	Requests fair.
SC 8/105/5230	1327-1334	[Louis de Beaumont]	Durham	Pardon of debt because of destruction.
SC 8/239/11939	1332	Lewis (Louis) [de Beaumont]	Durham	Request to pay off the loan to the king in installments of 20 marks annually.
SC 8/43/2148	1320-1350	Bishop	Durham	Request for right to issue writs.
SC 8/107/5305	1391	Walter [Skirlaw]	Durham	Requests that the king, with the assent of the lords in parliament, confirm and ratify with clause licet all the privileges granted God and St Cuthbert and all the bishop's predecessors.
SC 8/218/10896	1299	[Anthony Bek]	Durham	Requests delivery of charter relating to advowson.

SC 8/191/9518	1318	[John Hotham]	Ely	(Four Parts) confirmation of charters; confirmation in the aforesaid form of the franchises which he and his predecessors have had and used; he asks that he and his Bailiffs might seize these chattels without any sheriff or other minister of the King being involved; he and his predecessors have always had return of writs and all the aforesaid franchises in the half-hundred of Mitford in Norfolk, and asks that he might have a coroner there by writ of the King.
SC 8/109/5403	1377	Thomas Arundel	Ely	Complaint against hygiene and inconveniences suffered by those coming to parliament in London.
SC 8/335/15807A	1302	[? Robert de Orford]	Ely	Confirmation of liberties.
SC 8/192/9581	1335	[John de Hothum]	Ely	(Part 3) Ratify, renew and confirm his charter acquitting him of all debts, accounts and loans.
SC 8/321/E459	1318	[John Hotham]	Ely	(Four Parts) confirmation of charters; confirmation in the aforesaid form of the franchises which he and his predecessors have had and used; he asks that he and his Bailiffs might seize these chattels without any sheriff or other minister of the King being involved; he and his predecessors have always had return of writs and all the aforesaid franchises in the half-hundred of Mitford in Norfolk, and asks that he might have a coroner there by writ of the King.
SC 8/247/12343	1330	[John Hotham]	Ely	Requests license to approve wast in vill for profit.
SC 8/209/10434	1370	Thomas [Brantingham]	Exeter	Requests charter of bishop's rights in Chudleigh.
SC 8/110/5459	1312	Walter [Stapledon], and James Peverel, knight of the shire	Exeter	Permission to delay their arrival at parliament.
SC 8/116/5777	1399	[Henry Beaufort]	Lincoln	Request for king to ratify various appointments within his diocese.
SC 8/18/877	1327	Henry [Burghersh]	Lincoln	Permission for fairs to last longer.

SC 8/173/8609	1328	[John de Eaglescliffe]	Llandaff	Requests that he be acquitted of the obligation that he was forced to make for entry to his diocese during the time of the king's father.
SC 8/275/13745	1305	[John de Monmouth]	Llandaff	Requests tithes from assarts.
SC 8/234/11692	1315	[John Salmon]	Norwich	3 parts: He requests a prison in Lynn; return of writs and plea by vetito namio in Lynn; the charter which the King's father granted for a fair in Lynn might be confirmed, with the addition that he might have the fair even if he has not made use of it in the past.
SC 8/341/16053	1283	[William Middleton]	Norwich	Requests that his fair at King's Lynn, which begins on the eve of St Margaret the Virgin, might begin on the eve of St Peter ad Vincula, to last as before.
SC 8/155/7708	1279	[Anian II]	St Asaph	(Parts 2 and 4) Requests other lands in compensation for the abbey of Rhuddlan; assignment of ten librates of land granted to him.
SC 8/87/4313	1320	[Dafydd ap Bleddyn] and chapter	St Asaph	They have always had a fair at St Asaph, with all profits and customs except toll on the things sold there, and ask that they might receive toll in future
SC 8/143/7120	1390	John Treffaur (Trevor), Bishop-elect	St Asaph	Requests permission to go to the court of Rome to sue for the Pope's confirmation of his election.
SC 8/267/13349	1379	William [Spridlington]	St Asaph	Requests that he is able to appropriate without fine the church of Llanrhaeadr for the sustenance of 10 chaplains and 6 vicars and choristers.
SC 8/263/13100	1379	William [Spridlington]	St Asaph	(Three parts) Requests to unite vicarages and portions.
SC 8/184/9198	1383	Adam [Houghton]	St Davids	Confirmation of privileges.
SC 8/105/5249	1331	Henry Gower	St Davids	Permission to appropriate lands, tenements etc worth £40 for hospital and prayers for king.
SC 8/42/2062	1332	Bishop	St Davids	Permission to grant church and lands to found a chantry.

SC 8/307/15331	1290-1291	Thomas [Bek]	St David's	Requests yearly fairs to last for five days in several manors. He also requests a Monday markets and warrens.
SC 8/255/12713	1382	Adam de Houghton	St David's	The chapel of Our Lady adjacent to the cathedral of St David's [has been granted] a college of eight chaplains by the Duke of Lancaster and the Bishop, who have given it certain parish churches for its sustenance. He asks the King to ratify and confirm these things.
SC 8/87/4314	1320	[David Martin]	St David's	Requests permission to purchase of land for accomodation.
SC 8/269/13448	1310-1340	Bishop	Winchester	Requests letters of protection.
SC 8/246/12262	1349	William [Edendon]	Winchester	Request for good people assigned to enquire into liberties and customs for fair and make a special charter specifying these.
SC 8/179/8948	1280-1300	Godfrey Giffard	Worcester	Requests deer for parks.
SC 8/274/13699	1307	[William Gainsborough]	Worcester	Request to approve 200 acres in forest.
SC 8/179/8948	1280-1300	Godfrey Giffard	Worcester	Requests that he and his successors be confirmed in certain rights regarding the tenants of the church of Worcester. Also requests deer for parks.

Appendix F: Petitions from Bishops, c.1272-1399

Petitions arranged in alphabetical order of diocese. Petitions relating to more than one diocese under “Z”.

Petition Reference	Date Range (c.)	Petitioner	Diocese	Addressees
SC 8/81/4046	1318	Bishop	Bangor	King and council
SC 8/15/733	1327-1350	Bishop	Bangor	King and council
SC 8/276/13767	1289-1305	[Anian]	Bangor	King
SC 8/31/1537	1320	[Anian Sais]	Bangor	King
SC 8/331/15659	1320	[Anian Sais]	Bangor	King
SC 8/226/11266	1386	John [Swaffham]	Bangor	King
SC 8/184/9194	1396	John [Swaffham]	Bangor	King, Peers and Lords of Parliament
SC 8/213/10642	1380	John [Swaffham]	Bangor	King and council
SC 8/341/16064	1380	John Swaffham	Bangor	King and council
SC 8/274/13683	1307-1335	Bishop of Bangor.	Bangor	King

SC 8/246/12255	1349	Ralph [of Shrewsbury]	Bath and Wells	King
SC 8/177/8845	1329-1363	Ralph [of Shrewsbury]	Bath and Wells	King
SC 8/173/8633	1327	John de Drokenesford (Droxford)	Bath and Wells	King and council
SC 8/243/12103	1332	Ralph [of Shrewsbury]	Bath and Wells	King
SC 8/247/12340	1332	Ralph [of Shrewsbury]	Bath and Wells	King
SC 8/81/4044	1320	John [Droxford]	Bath and Wells	King
SC 8/43/2133	1324	John de Drokenesford (Droxford)	Bath and Wells	King
SC 8/95/4718	1324	John de Drokenesford (Droxford)	Bath and Wells	King
SC 8/242/12060	1334	Ralph [of Shrewsbury]	Bath and Wells	King
SC 8/238/11897	1343	Ralph [of Shrewsbury]	Bath and Wells	King and council
SC 8/21/1027	1390	William [Courtenay]	Canterbury	King and lords in parliament
SC 8/259/12911	1320	Walter [Reynolds], Archbishop	Canterbury	King and council
SC 8/240/11997	1315	Walter [Reynolds], Archbishop	Canterbury	King
SC 8/269/13413	1348	John [Stratford]	Canterbury	King
SC 8/154/7681	1275-1290	Archbishop	Canterbury	King and council

SC 8/278/13877	1320	Walter [Reynolds], Archbishop	Canterbury	King
SC 8/245/12204	1326	Archbishop of Canterbury	Canterbury	King
SC 8/269/13437	1265-1300	Archbishop	Canterbury	King
SC 8/174/8697	1273-1278	[Robert Kilwardby]	Canterbury	[King]
SC 8/218/10876	1280	Archbishop	Canterbury	King
SC 8/246/12293	1354	[Simon Islip]	Canterbury	King
SC 8/16/758	1355-1356	Simon [Islip]	Canterbury	King and council
SC 8/97/4840	1328	Simon [Meopham]	Canterbury	King
SC 8/193/9608	1315	Walter [Reynolds], Archbishop	Canterbury	King
SC 8/169/8409	1332-1342	John [Kirkby]	Carlisle	King and council
SC 8/276/13789	1293-1324	John [de Halghton]	Carlisle	N/A
SC 8/314/E131	1302	John [of Halton]	Carlisle	King
SC 8/99/4905	1305	John [of Halton]	Carlisle	King
SC 8/276/13795	1299-1300	[John de Halghton]	Carlisle	Treasurer
SC 8/82/4071	1320	John [of Halton] and the clerks of the diocese	Carlisle	King.
SC 8/1/4	1290	[John de Halton]	Carlisle	N/A

SC 8/166/8283	1330	John [de Rosse]	Carlisle	King and council
SC 8/103/5117	1321-1324	John [de Halton]	Carlisle	King
SC 8/280/13965	1301	[John de Halghton]	Carlisle	N/A
SC 8/181/9028	1307	John [of Halton]	Carlisle	King
SC 8/303/15105	1397-1399	Thomas [Merkes]	Carlisle	Chancellor
SC 8/313/E67	1302	John [of Halton]	Carlisle	King
SC 8/38/1856	1318	John [de Halton]	Carlisle	King and council
SC 8/346/E1368	1300	Gilbert [de St Leofard]	Chichester	King and council
SC 8/324/E620	1303	Bishop	Chichester	King and council
SC 8/38/1892	1344-1362	Robert [Stratford]	Chichester	King
SC 8/242/12052	1338	Robert [Stratford]	Chichester	King
SC 8/228/11360	1344	[Robert Stratford]	Chichester	N/A
SC 8/188/9394	1337-1362	Robert [Stratford]	Chichester	[King.]
SC 8/270/13477	1312	Bishop of Chester	Coventry and Lichfield	King
SC 8/342/16139	1290-1315	Bishop	Coventry and Lichfield	[Lost]

SC 8/38/1884	1325-1350	Bishop of Chester	Coventry and Lichfield	King and council
SC 8/342/16134	1300-1325	[? Bishop of] Chester	Coventry and Lichfield	[Lost]
SC 8/342/16134	1300-1325	[? Bishop of] Chester	Coventry and Lichfield	[Lost]
SC 8/38/1885	1328	Roger [Northburgh]	Coventry and Lichfield	King and council
SC 8/11/508	1328	Roger Northburgh	Coventry and Lichfield	King and council
SC 8/309/15419	1298	[Walter de Langton]	Coventry and Lichfield	King
SC 8/223/11109	1396	Richard [le Scrope]	Coventry and Lichfield	King
SC 8/227/11314	1337	[Roger Northburgh]	Coventry and Lichfield	King
SC 8/97/4842	1327	Roger [Northburgh], bishop of Chester	Coventry and Lichfield	King and council
SC 8/207/10329	1322	Roger [Northburgh]	Coventry and Lichfield	King and council
SC 8/156/7777	1332	[Roger of Northburgh]	Coventry and Lichfield	King and council
SC 8/103/5126	1321-1327	[Roger de Northburgh,]	Coventry and Lichfield	King and Council
SC 8/311/15528	1328	[Richard Northburgh]	Coventry and Lichfield	King and council
SC 8/260/12964	1320-1340	Bishop of Chester	Coventry and Lichfield	King and council.

SC 8/82/4074	1320	[Walter de Langton]	Coventry of Lichfield	King
SC 8/158/7878	1318-1333	Louis [de Beaumont]	Durham	King and council
SC 8/108/5385	1327	Louis [de Beaumont]	Durham	King and council
SC 8/20/981B	1390	Walter [Skirlaw]	Durham	King and lords of parliament
SC 8/44/2155	1332-1333	[Louis de Beaumont]	Durham	King and council
SC 8/44/2166	1334	Richard [de Bury]	Durham	King and council
SC 8/20/980	1388	John [Fordham]	Durham	King and lords of parliament
SC 8/44/2154	1327-1333	[Louis de Beaumont]	Durham	King and council
SC 8/44/2167	1336	Richard [de Bury]	Durham	King and council
SC 8/174/8685A	1333-1345	Richard	Durham	King
SC 8/3/105	1335-1336	Richard [de Bury]	Durham	King and council
SC 8/321/E456	1316	[Richard Kellaw]	Durham	King
SC 8/43/2147	1337	Richard [of Bury]	Durham	King and council
SC 8/44/2152	1337	Richard [de Bury]	Durham	King and council

SC 8/44/2157A	1337	Richard [de Bury]	Durham	King and council
SC 8/82/4096	1320	[Louis de Beaumont]	Durham	King
SC 8/7/345	1324-1325	Lewis [de Beaumont]	Durham	King and council
SC 8/259/12949	1319-1322	Louis (Lewis) [de Beaumont]	Durham	King and council
SC 8/277/13844A	1319-1322	Lewis [de Beaumont]	Durham	King
SC 8/106/5256	1322	Louis [de Beaumont]	Durham	King and council
SC 8/3/120A	1315	Richard [Kellaw]	Durham	King and council
SC 8/44/2151	1345-1346	[Thomas Hatfield]	Durham	King and council
SC 8/44/2153	1366-1367	[Thomas Hatfield]	Durham	King and council
SC 8/44/2185	1376	[Thomas Hatfield]	Durham	King and council
SC 8/6/275	1322	Louis de Beaumont	Durham	King and council
SC 8/108/5381	1332	Louis [de Beaumont]	Durham	King and council.
SC 8/107/5305	1391	Walter [Skirlaw]	Durham	King
SC 8/218/10896	1299	[Anthony Bek]	Durham	King
SC 8/106/5298	1345-1381	[Thomas Hatfield]	Durham	King

SC 8/107/5317	1377-1381	Thomas [Hatfield]	Durham	King and council
SC 8/277/13844B	1319-1322	Lewis [de Beaumont]	Durham	King and council.
SC 8/105/5230	1327-1334	[Louis de Beaumont]	Durham	King and Council
SC 8/239/11939	1332	Lewis (Louis) [de Beaumont]	Durham	Council
SC 8/43/2148	1320-1350	Bishop	Durham	King and council
SC 8/108/5384	1327	Louis [de Beaumont]	Durham	King and council
SC 8/296/14775	1329	Lewis (Louis) [de Beaumont]	Durham	Chancellor
SC 8/105/5211	1331	Louis [de Beaumont]	Durham	King and Council
SC 8/105/5217	1379-1384	Thomas [Hatfield]	Durham	King and Council
SC 8/43/2121	1329-1331	Louis [de Beaumont]	Durham	King and council
SC 8/311/15542	1331	Lewis [de Beaumont]	Durham	King and council
SC 8/261/13028	1334	Richard [of Bury]	Durham	King and council
SC 8/250/12493	1383	John [Fordham]	Durham	King
SC 8/1/28	1305	Robert Orford	Ely	King and council

SC 8/109/5411	1381	John [of Gaunt], Duke of Lancaster; Thomas [Arundel,] Bishop of Ely	Ely	King and Council
SC 8/109/5414	1383	Thomas [Arundel]	Ely	King and council
SC 8/45/2219	1307	[Robert Orford]	Ely	King and council
SC 8/108/5400	1305	Robert Orford	Ely	King and council
SC 8/294/14671	1320-1325	John [Hothum (Hotham)]	Ely	King and council
SC 8/109/5416	1381	Thomas [Arundel]	Ely	King and council
SC 8/216/10756	1381	Thomas [Arundel]	Ely	King and council
SC 8/321/E464	1298-1310	Bishop	Ely	King
SC 8/8/389	1324-1325	John [Hotham]	Ely	King and council.
SC 8/183/9108	1383	Thomas [Arundel]; Prior and Convent of Ely	Ely	King
SC 8/335/15807A	1302	[? Robert de Orford]	Ely	N/A
SC 8/1/27	1322-1326	John Hotham	Ely	King and council
SC 8/192/9582	1335	John de Hothum	Ely	King
SC 8/247/12343	1330	[John Hotham]	Ely	King

SC 8/298/14878	1339	[Simon Montacute]	Ely	Chancellor
SC 8/192/9581	1335	[John de Hothum]	Ely	King
SC 8/191/9518	1318	[John Hotham]	Ely	King
SC 8/321/E459	1318	[John Hotham]	Ely	King
SC 8/53/2611	1327	John de Hothom	Ely	King and council
SC 8/109/5403	1377	Thomas Arundel	Ely	King and Council
SC 8/82/4097	1320	John [Hotham]	Ely	King and council
SC 8/110/5461	1310-1337	John [?]	Ely	King and council.
SC 8/308/15360	1272-1307	Bishop of Ely.	Ely	Council
SC 8/162/8059	1348	[Thomas de Lisle]	Ely	King and council
SC 8/45/2212	1348	[Thomas de Lisle]	Ely	King and council
SC 8/258/12882	1305	[Robert Orford]	Ely	King and council
SC 8/81/4035	1305	[Robert Orford]	Ely	King and council.
SC 8/171/8547	1379	Thomas [Brantingham]	Exeter	King and council
SC 8/334/E1119	1308-1326	Walter [Stapledon]	Exeter	King and council

SC 8/215/10739	1379	Thomas [Brantingham]	Exeter	King and council
SC 8/8/361	1325	Walter [Stapledon]	Exeter	King and council.
SC 8/205/10205	1308-1326	Walter [Stapledon]	Exeter	King and council.
SC 8/110/5465	1308-1326	Walter [Stapledon]	Exeter	King and council
SC 8/171/8548	1379	Thomas [Brantingham]	Exeter	King and council
SC 8/341/16082	1384	Thomas [Brantingham]	Exeter	[Lost]
SC 8/209/10434	1370	Thomas [Brantingham]	Exeter	King and council
SC 8/258/12856	1318	Walter [Stapledon]	Exeter	King and council
SC 8/110/5459	1312	Walter [Stapledon], and James Peverel, knight of the shire	Exeter	King and council
SC 8/309/15445	1290	[Peter Quinel]	Exeter	King
SC 8/110/5464	1308-1319	Walter [Stapledon]	Exeter	King and council
SC 8/169/8447	1318	Walter [Stapledon]	Exeter	King and council
SC 8/327/E817	1308	Walter [Stapledon]	Exeter	King and council
SC 8/155/7747	1340	John [Grandisson]	Exeter	King and council

SC 8/109/5446	1320-1326	Walter [Stapeldon]	Exeter	King and council
SC 8/203/10138	1318	Adam [Orleton]	Hereford	King and council
SC 8/161/8043	1324-1327	Adam [Orleton]	Hereford	King and council.
SC 8/116/5756	1377	Bishop, Dean and Chapter	Hereford	King and Lords of Parliament
SC 8/210/10463	1369	John [Buckingham]	Lincoln	King and council
SC 8/309/15409	1279	Richard [Gravesend]	Lincoln	King
SC 8/64/3160	1328	Henry [Burghersh]	Lincoln	King and council
SC 8/116/5777	1399	[Henry Beaufort]	Lincoln	King
SC 8/18/877	1327	Henry [Burghersh]	Lincoln	King and council
SC 8/183/9117	1383	John [Buckingham], Bishop of Lincoln; John de Waltham, parson of Hadleigh; Richard de Ravenser, Archdeacon of Lincoln; John de Bricleworth, parson of Ketsby; William Michel of Friskney; Albinus de Enderby; Richard Muriel; John Yerdeburgh (Yarborough).	Lincoln	King

SC 8/322/E538	1298-1299	Oliver [Sutton]	Lincoln	King and council
SC 8/64/3157	1300	John [Dalderby]	Lincoln	King and council
SC 8/210/10464	1369	John [Buckingham]	Lincoln	[Parliament]
SC 8/21/1033	1384	John [Buckingham (Bokyngham)]	Lincoln	King
SC 8/21/1023A	1390	John [Buckingham (Bokyngham)]; Dean and Chapter of Lincoln	Lincoln	King and lords in parliament
SC 8/328/E884	1299	Bishop	Llandaff	King
SC 8/157/7818	1328	Bishop	Llandaff	King and council
SC 8/10/498A	1320	[John de Monmouth]	Llandaff	King
SC 8/279/13917	1318	John [Monmouth]	Llandaff	King
SC 8/57/2809	1320-1322	[John Monmouth]	Llandaff	King and council.
SC 8/173/8609	1328	[John de Eaglescliffe]	Llandaff	King and council
SC 8/275/13745	1305	[John de Monmouth]	Llandaff	King
SC 8/341/16055	1315	John [de Monmouth]	Llandaff	King
SC 8/86/4270	1320	[John de Monmouth]	Llandaff	King
SC 8/306/15299	1391	Robert [Braybroke]	London	King

SC 8/316/E213	1302	Richard [Gravesend]	London	King and council
SC 8/226/11258	1383	Robert [Braybrooke]; Walter Clopton; William Gascoigne; John [Wymeswold], parson of the church of [Tarrant] Keyneston.	London	King
SC 8/180/8993	1396	Robert [Braybrooke], Bishop of London; William [de Sancto Vedasto (St Vedast)], Prior of Ogbourne St George; William [de Estrepeny], Prior of Cowick.	London	King
SC 8/59/2925	1322	[Stephen Gravesend] and dean and chapter	London	King
SC 8/237/11847	1278	Bishop of London, and Dean and chapter of St Paul's	London	King
SC 8/221/11018	1399	Robert Braybrok (Braybrooke)	London	King
SC 8/251/12545	1398	Robert Braybrooke; and Edmund Hampdene	London	King
SC 8/176/8752	1297	[Stephen Gravesend]	London	King
SC 8/64/3197	1286-1291	Ralph [Walpole]; archdeacon and others of Ely	Norwich	King and council
SC 8/11/511	1328	William [de Airmyn]	Norwich	King

SC 8/164/8187	1327	William [de Ayremynne (Airmyn)]	Norwich	King and council
SC 8/341/16053	1283	[William Middleton]	Norwich	N/A
SC 8/246/12275	1346	William Bateman	Norwich	King
SC 8/246/12274	1346	William Bateman	Norwich	King
SC 8/234/11692	1315	[John Salmon]	Norwich	King
SC 8/212/10588	1389	Henry [Dispenser]	Norwich	King and council
SC 8/160/7983	1327	William [Airmyn]	Norwich	King and council
SC 8/246/12272	1350	William Bateman	Norwich	King
SC 8/300/14966	1383	Henry Dispenser	Norwich	Chancellor
SC 8/130/6500	1344-1358	William [Bateman]	Norwich	King and council
SC 8/300/14993	1383	Henry Dispenser	Norwich	Chancellor
SC 8/300/14994	1383	Henry Dispenser	Norwich	Chancellor
SC 8/219/10935	1298-1299	Ralph [Walpole]	Norwich	King
SC 8/239/11921	1350	William [Bateman]	Norwich	King and council

SC 8/257/12817	1315	[John Salmon]	Norwich	King and council
SC 8/69/3420	1322	[Hamo Hethe]	Rochester	King and council
SC 8/87/4311	1320	[Hamo Hethe]	Rochester	King
SC 8/9/401	1337	[Robert Wyvil]	Salisbury	King and council
SC 8/143/7120	1390	John Treffaur (Trevor), Bishop-elect	St Asaph	King
SC 8/267/13349	1379	William [Spridlington]	St Asaph	King
SC 8/263/13100	1379	William [Spridlington]	St Asaph	Council
SC 8/155/7708	1279	[Anian II]	St Asaph	[Lost]
SC 8/184/9166	1380	William [Spridlington]	St Asaph	King
SC 8/87/4313	1320	[Dafydd ap Bleddyn] and chapter	St Asaph	King
SC 8/165/8202	1316-1344	David [ap Bleddyn]	St Asaph	King and council
SC 8/88/4385	1380	William [Spridlington]	St Asaph	King
SC 8/201/10001	1329-1330	[Dafydd ap Bleddyn]	St Asaph's	King and council
SC 8/184/9198	1383	Adam [Houghton]	St Davids	King
SC 8/105/5249	1331	Henry Gower	St Davids	The King.
SC 8/42/2062	1332	Bishop	St Davids	King
SC 8/15/729	1330	Henry [Gower]	St David's	King and council
SC 8/106/5272	1300-1335	Bishop	St David's	King and council

SC 8/255/12713	1382	Adam de Houghton	St David's	King
SC 8/87/4314	1320	[David Martin]	St David's	King
SC 8/276/13778	1290	[Thomas Bek]	St David's	King
SC 8/307/15331	1290-1291	Thomas [Bek]	St David's	King
SC 8/138/6881	1281	Thomas [Bek]	St David's	King and council
SC 8/146/7284	1313	Henry [Woodlock]	Winchester	King and council
SC 8/146/7299	1320	[Rigaud de Assier], Bishop-elect	Winchester	King
SC 8/15/719	1327	John [Stratford]	Winchester	King and council
SC 8/88/4356	1320	[Rigaud of Assier], bishop-elect	Winchester	King
SC 8/246/12262	1349	William [Edendon]	Winchester	King
SC 8/240/11984	1311	[Henry Woodlock]	Winchester	King
SC 8/342/16107	1343	Adam [Orleton]	Winchester	[Lost]
SC 8/196/9781	1389	William de Wykeham	Winchester	King
SC 8/146/7300	1320-1323	[Rigaud de Assier]	Winchester	King
SC 8/325/E674	1317	[John Sandale]	Winchester	King
SC 8/139/6903	1324	John Stratford	Winchester	King and council

SC 8/269/13448	1310-1340	Bishop	Winchester	King
SC 8/146/7298	1319-1320	Adam [de Winchester], Bishop-elect	Winchester	King and council.
SC 8/146/7285	1334	Adam [Orleton]	Winchester	King and council
SC 8/332/15786	1395	William de Wykeham	Winchester	King
SC 8/21/1025	1390	Friends of Thomas Rushook	Winchester	Commons
SC 8/150/7482	1322	Thomas [Cobham]	Worcester	King and council
SC 8/147/7303	1328	Adam [Orleton]	Worcester	King
SC 8/320/E429	1303-1307	[William Gainsborough]	Worcester	King
SC 8/179/8948	1280-1300	Godfrey Giffard	Worcester	King
SC 8/320/E431	1303-1307	William Gainsborough	Worcester	King
SC 8/197/9802	1283	Godfrey [Giffard]	Worcester	King
SC 8/274/13699	1307	[William Gainsborough]	Worcester	King
SC 8/320/E430	1303-1307	William [Gainsborough]	Worcester	[King]
SC 8/208/10384	1327	Wulstan Bransford, Bishop-elect	Worcester	King and Council
SC 8/257/12816	1305	Godfrey [Giffard]	Worcester	King [and council]
SC 8/46/2283	1300-1301	Thomas [Corbridge]	York	King and council

SC 8/158/7898	1322-1340	Archbishop of York	York	King and council
SC 8/195/9740	1274-1279	W[Walter Giffard]	York	King
SC 8/46/2272	1338	William [Melton]	York	King's council
SC 8/153/7610	1322	William [Melton], archbishop	York	King and council
SC 8/11/515	1330	[William Melton]	York	King and council
SC 8/153/7612	1322	William [Melton], archbishop	York	King and council
SC 8/153/7615	1302	Thomas [Corbridge]	York	King
SC 8/153/7620	1327-1340	William [de Melton]	York	King and council
SC 8/257/12835	1327	[William Melton], Archbishop	York	King and council
SC 8/46/2268	1302	Thomas [Corbridge]	York	King
SC 8/5/213	1321-1322	William [Melton]	York	King and council.
SC 8/8/377	1325	[William Melton] Archbishop	York	King and council
SC 8/11/504	1327	[William Melton], Archbishop; Abbot and convent of Fountains and their tenants; Community of Wharfedale	York	King and council
SC 8/2/98	1315	William [Gainsborough], archbishop	York	King and council

SC 8/331/15634	1331	William [de Melton]	York	King and council
SC 8/170/8499	1330	William [Melton]	York	King and council
SC 8/19/914	1377	Alexander [Neville]	York	King and council
SC 8/153/7616	1302	Thomas [Corbridge]	York	King
SC 8/172/8555	1330	William de Melton	York	King and council
SC 8/46/2273	1336	William de Melton	York	King and council
SC 8/46/2275	1280	[William Wickwane]	York	King
SC 8/308/15379	1265-1279	Walter Giffard	York	King
SC 8/22/1051	1394	William [Courtenay], Archbishop of Canterbury; [Robert Braybrooke], Bishop of London; [William Aston] Dean of St Martin le Grand and chancellor of the church of St Paul in London	Z: Canterbury and London	King
SC 8/122/6062	1380-1381	John [Buckingham], Henry [Despenser], Philip le Despenser, knight, Hugh le Despenser, knight, and John de Stamford	Z: Lincoln and Norwich	King and Council
SC 8/173/8613	1330	William [Melton], Stephen [Gravesend], William [de Digepet], Abbot of Langedon, William la Zouche, and many others	Z: York and London	King and council

SC 8/154/7658	1305-1325	John	N/A (damaged)	King and council
SC 8/266/13291	1324	Bishop of . . .	N/A (damaged)	King and council