

An Edition of the Cartulary of St. Mary's Collegiate Church, Warwick

Volume 1 of 2

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Abstract

This thesis is an edition of the fifteenth-century cartulary of the collegiate church of St. Mary and All Saints, Warwick (founded *c.* 1123). The cartulary, whose documents span the period 1100-1500, has been edited in full. Each document has been dated, is preceded by a summary in English, and followed by notes on the text. These include references to originals, other manuscript and printed copies, variant readings from contemporary copies, and furnish reasons for assigning a particular date, besides biographical and contextual information relating to the document and those mentioned within it. A full introduction to the cartulary and editorial method is given at the beginning of the edition itself. Appended to the edition is also a biographical index of the college's *fasti* and an edited version of an important set of its 1441 statutes. A more contextual introduction to this edition consists of five chapters, which explore the college's history and development and form the initial volume. The first chapter deals with the foundation of church and college and the importance of their Anglo-Saxon past, in which context Norman contributions must be viewed. Chapter 2 defines the constitution of the college and explores the interplay between individual and community, personality and politics, in shaping its legislation, constitution and the practice of each. Chapter 3 examines the place of the collegiate church as an institution in the diocesan and politico-economic frameworks of the later Middle Ages, before assessing relations between St. Mary's and the diocese of Worcester. Chapter 4 investigates the college's acquisition of property and the patronal, institutional, political and economic forces that most affected the scale and form of acquisition and how, in turn, these interacted with the college's constitutional make-up and functioning. In the final chapter the role of the college's patrons is explored, with particular attention being paid to the Beauchamp earls of Warwick.

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Abbreviations

BCA	Birmingham City Archives
BL	British Library
<i>CAD</i>	<i>Catalogue of Ancient Deeds</i>
<i>Cal. Doc. France</i>	<i>Calendar of Documents preserved in France</i>
<i>Cal. Inq. p.m.</i>	<i>Calendar of Inquisitions post mortem</i>
<i>C.Ch.R</i>	<i>Calendar of Charter Rolls</i>
<i>CCR</i>	<i>Calendar of Close Rolls</i>
<i>CFR</i>	<i>Calendar of Fine Rolls</i>
<i>CPL</i>	<i>Calendar of Papal Letters</i>
<i>CPP</i>	<i>Calendar of Papal Petitions</i>
<i>CPR</i>	<i>Calendar of Patent Rolls</i>
<i>CRR</i>	<i>Curia Regis Rolls</i>
CUL	Cambridge University Library
<i>EEA</i>	<i>English Episcopal Acta</i>
EETS	Early English Text Society
HWRO	Hereford and Worcester Record Office
LAO	Lincolnshire Archive Office
LCL	Lichfield Cathedral Library
LPL	Lambeth Palace Library
LRO	Lichfield Record Office
<i>Monasticon</i>	Dugdale, <i>Monasticon Anglicanum</i>
N.S.	New Style
n.s.	new series
O.S.	Old Style
o.s.	original series
<i>PUE</i>	Holtzmann (ed.), <i>Papsturkunden in England</i>
PRO	Public Record Office
SBT	Shakespeare's Birthplace Trust Record Office
<i>VCH</i>	<i>Victoria County History</i>
WCL	Worcester Cathedral Library
WRO	Warwick Country Record Office

For the printed works whose abbreviations are given here, full bibliographic references can be found in the bibliography.

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Introduction

Sanctificavi domum hanc, quam aedificasti, ut ponerem nomen meum ibi in sempiternum, et erunt oculi mei et cor meum ibi cunctis diebus¹

The fifteenth-century cartulary of St. Mary's, Warwick, (an edition of which forms the basis of this thesis) is not only a valuable source for the history of this town and church but, equally importantly, it enables further light to be cast upon the secular college more generally. The collegiate church and its function within, and contributions to, medieval society has received relatively scant attention since the death of Alexander Hamilton Thompson in 1952.² This author published widely on the subject of their constitutions and made available in print various statutes, visitation records and histories pertaining to a variety of these colleges of secular canons.³ Thereafter historical interest has been piecemeal. The largest *corpus* of work belongs to those studying the secular cathedral chapters⁴ and Saxon minsters (an antecedent of the post-Conquest college).⁵ This is followed by studies concerning the royal free chapels (secular colleges in the patronage of the Crown and usually exempt from the jurisdiction of

¹"I have hallowed this house, which thou has built, to put my name there forever; and mine eyes and mine heart shall be there perpetually" 1 Kings, 9:3. All biblical quotations are taken from *Biblia Sacra Vulgatae Editionis Sixti U. Pont. Max. jussu recognita et Clementis VIII auctoritate edita* (Tournai, 1881) and *The Bible: Authorized King James Version with Apocrypha* (World's Classics, Oxford, 1997).

²D.M. Smith, 'Alexander Hamilton Thompson' in C. Sturman (ed.), *Some Historians of Lincolnshire: lectures delivered in 1989* (Occasional Papers in Lincolnshire History and Archaeology, 9, Lincoln, 1992), pp. 61-6.

³A. Hamilton Thompson, 'Notes on Colleges of Secular Canons in England', *Archaeological Journal*, 74 (1917), pp. 139-239; 'English Colleges of Chantry Priests', *Transactions of the Ecclesiological Society*, 1 (n.s.) (1943), pp. 92-108; 'The Statutes of the Collegiate Church of St. Mary and All Saints, Fotheringhay', *Archaeological Journal*, 75 (1918), pp. 241-309; 'A Gnosall Lawsuit of 1395', *Staffordshire Historical Collections* (3rd ser., 1927), pp. 80-110; 'The Collegiate Churches of the Bishopruck of Durham', *Durham University Journal*, 36:2 (1944), pp. 33-42; 'The Cathedral Church of the Blessed Virgin Mary, Southwell', *Thoroton Society*, 15 (1912), pp. 15-62; 'Early History of the College of Irthlingborough', *Associated Architectural Societies Reports and Papers*, 35:2 (1920), pp. 267-92; 'The Chapel of St. Peter at Kirkby-upon-Wreake (Kirby Bellars): Documents from the Lincoln Episcopal Registers with an Introduction by A.H. Thompson', *Transactions of the Leicestershire Archaeological Society*, 16 (1929-31), pp. 129-212; *The History of the Hospital and the New College of the Annunciation of St. Mary in the Newarke, Leicester* (Leicester, 1937); *The English Clergy and their Organisation in the Later Middle Ages: The Ford Lectures for 1933* (Oxford, 1947), chapters 3, 5; with W.G. Clark-Maxwell, 'The College of St. Mary Magdalene, Bridgnorth, with some account of the deans and prebendaries', *Archaeological Journal*, 84 (1927), pp. 1-87. For a fuller bibliography of his work, see *An Address Presented to Alexander Hamilton Thompson with a Bibliography of his Writings* (Oxford, 1948).

⁴K. Edwards, *The English Secular Cathedrals in the Middle Ages: A Constitutional Study with special reference to the Fourteenth Century* (Manchester, 1967); E.U. Crosby, *Bishop and Chapter in Twelfth Century England: A Study of the Mensa Episcopalis* (Cambridge, 1994); D. Lepine, *A Brotherhood of Canons Serving God: English Secular Cathedrals in the Later Middle Ages* (Studies in the History of Medieval Religion 8, Woodbridge, 1995); and the relevant volumes in the series of *English Episcopal Acta* published by the British Academy.

⁵See Chapter 1.

the local diocesan).⁶ Colleges of chantry priests have received some notice from historians of the diocese or chantries more generally,⁷ but few comprehensive surveys of individual institutions exist,⁸ and while basic histories and constitutions are sketched in county histories and *en passant* in other works, the place of such colleges in wider society remains obscure and, all too often, conveniently over-simplified. The relatively small number of such colleges, and the fact that their historical presence is diminished even further by their variety of ‘type’, constitution, patronage and perceived purpose, has generally led to the secular college being considered as somewhat anachronistic. This is heightened by the disappearance of many secular colleges during the century after the Norman Conquest. For, despite various minsters surviving in a new collegiate form, and other colleges being founded by the Norman nobility, the fate of many was sealed with the changing patterns of religious patronage, which took account of the invective delivered against such colleges by the Gregorian reform movement and the growing popularity of the Augustinian and monastic orders.⁹ As a result, many patrons converted their colleges to a regular mode of life, granting them to religious houses, using them as the fiscal and physical basis of a new religious foundation or imposing a monastic Rule on an existing college and its canons. Many colleges thus made only a brief and transitory appearance, with the result that

The part held by the canonical order in the life and history of the Norman church in the ducal epoch appears to have been too generally under-estimated. Secular canons have been very often severely judged, and even calumniated, by those who have competed with them, partisans of canonical reform and regular chapters, and above all partisans of monasticism. In the controversy which began at the close of the eleventh century and beginning of the twelfth between the supporters of ancient forms and the champions of the regular life, we have a tendency to lend a more complaisant ear to the party which finally

⁶J.H. Denton, *English Royal Free Chapels 1100-1300: A Constitutional Study* (Manchester, 1970); W.R. Jones, ‘Patronage and Administration: the King’s Free Chapels in Medieval England’, *Journal of British Studies*, 9:1 (1969), pp. 1-23; D. Styles, ‘The Early History of the King’s Chapels in Staffordshire’, *Birmingham Archaeological Society Transactions and Proceedings*, 60 (1936), pp. 56-95; ‘The Early History of Penkridge Church’, *Staffordshire Historical Collections* (3rd ser., 1950-51), pp. 1-52.

⁷K.L. Wood-Legh, *Perpetual Chantries in Britain* (Cambridge, 1965); G.H. Cook, *Medieval Chantries and Chantry Chapels* (London, 1948); A. Kreider, *English Chantries: the Road to Dissolution* (Harvard Historical Studies, 97, Cambridge, Massachusetts, 1979); M. Bowker, *The Secular Clergy in the Diocese of Lincoln 1495-1520* (Cambridge, 1968), chapter 5; D.M. Owen, *Church and Society in Medieval Lincolnshire* (Lincoln, 1971), chapter 7.

⁸Hamilton Thompson, *Newarke Hospital and College*; P.H. Coulstock, *The Collegiate Church of Wimbourne Minster* (Studies in the History of Medieval Religion 5, Woodbridge, 1993).

⁹D. Knowles, *The Monastic Order in England: A History of its Development from the times of St. Dunstan to the Fourth Lateran Council, 943-1216*, (Cambridge, 1940), pp. 139-41; M. Brett, *The English Church under Henry I* (Oxford, 1975), pp. 138-40; G. Constable, *The Reformation of the Twelfth Century* (Cambridge, 1996), pp. 54-5, 318; and see Chapter 1 below.

came to triumph. For us the vanquished seculars are hardly a consistent shadow; they have left practically no archives, nor writings, while we collapse under the weight of parchment bequeathed by the victorious regulars.¹⁰

This was the situation facing French historian, Lucien Musset, in 1961, and an imbalance he hoped to begin to correct by his paper on communities of secular clerks in Normandy in the eleventh-century.¹¹ There are parallels too with the study of English colleges, not least the lack of documentary evidence we have concerning many of them. This is all too frequently fragmentary at best, with only occasional records such as scattered charters, a set of statutes or visitation findings existing, and many of these surviving only through the records of other institutions or administrations.¹² Moreover, comparison of such colleges is bedevilled by the variety of institution that came under the banner of secular college. This term could embrace cathedral chapters, royal free chapels, university colleges, chantry colleges, colleges of vicars choral, *matrices ecclesiae* such as Beverley, Southwell and Ripon, even churches of portioners,¹³ not to mention the 'older type' of college like St. Mary's (founded generally in the period after the Conquest and before that of the chantry college, modelled on the constitution of the secular cathedrals and in private patronage). These distinctions have been noted by Hamilton Thompson in his publications, and although they are by no means mutually exclusive, many of the colleges sharing similar attributes and facing comparable problems and trends, the uneven constitutional ground upon which many are based and the idiosyncrasies that can mark each, made all the more treacherous by the paucity of written evidence, has generally deterred further discussion of them. This is especially true of colleges such as St. Mary's, Warwick and those establishments that did not play an integral or noticeably overt part in the administrations of kings, archbishops or bishops, or were situate in the cathedral close or university.

This omission might be generally attributed to their lack of survival and evidence, but in the case of the collegiate church of St. Mary, Warwick, founded c. 1123 by the earl of

¹⁰L. Musset, 'Récherches sur les Communautés de Clercs Séculars en Normandie au XI^e Siècle', *Bulletin de la Société des Antiquaires de la Normandie*, 55 (1961), p. 5.

¹¹Musset, 'Récherches sur les Communautés de Clercs Séculars', pp. 5-38.

¹²For example, Hamilton Thompson, *Newarke Hospital and College*.

¹³For this type of establishment, see: A.T. Bannister, 'The Collegiate Church of Ledbury', *Transactions of the Bristol and Gloucestershire Archaeological Society*, 42 (1920), pp. 59-61; Hamilton Thompson, 'A Gnosall Lawsuit of 1395', pp. 84, 107-109.

Warwick, we have no such excuse. St. Mary's, is especially lucky in the survival of its cartulary which includes the texts of various grants, charters and confirmations, statutes and legal disputes, inventories and memoranda,¹⁴ not to mention the existence of several sets of accounts from the fifteenth and sixteenth centuries, the earliest of which have been printed.¹⁵ Moreover, further documentation can be found in the *acta* of bishops and their later registers, the state papers of government, the papal chancery, not to mention local charters and the cartularies of its patron, local families and institutions.

With these sources, it is my wish to explore not only the history but also the nature of the institution, and in doing so to test, and where necessary remedy, some of the assumptions so readily adopted by historians concerning the character and role of the collegiate church and its secular canons. In defining more clearly the functions this institution performed in medieval society generally (and Warwick particularly), it is also hoped that parallels with other types of college will be highlighted and that consequently this study may open the way for further discussion of these institutions and their place in society. To this end, this thesis will be implicitly exploring whether the college and its survival can be treated as anachronistic, whether it bore any relevance to society beyond the benefits accrued by its canons and patron respectively, if and how its role and functions changed over time, and how it interacted with various elements, trends and authorities in its history.

This thesis accompanies an edition of St. Mary's cartulary, whose contents have naturally influenced the themes and material studied here. It is more than an administrative history of the institution itself, though. In discussing the principal topics of the college's foundation, constitution, relations with its diocese, its acquisition of property and the role played by its patrons, an opportunity is furnished for assessing this institution upon its own terms and with reference to the wider social, economic, administrative, ecclesiastical, cultural and political trends of which it was undoubtedly a part. In stepping beyond its basic constitutional make-up, even the bare fact of its existence, one naturally begins to place the college upon its own footing and make it less vulnerable to the assumptions and

¹⁴For a description of the cartulary and its contents see the Introduction to the edition in the accompanying volume.

¹⁵D. Styles (ed.), *Ministers' Accounts of the Collegiate Church of St. Mary, Warwick, 1432-85* (Dugdale Society Main Series, 26, Oxford, 1969); 'A Financial Account of St. Mary's, Warwick, Michaelmas 1410 - Michaelmas 1411' in *Miscellany I* ed. R. Bearman (Dugdale Society Main Series, 31, Oxford, 1977), pp. 138-58.

preconceptions of others. The inherently flexible constitution and structure of the secular college has led to the impression that such institutions were, for example, mere puppets in the hands of their patron, a means of satisfying the personal and selfish ambitions of its canons, and bore little regard for their spiritual duties or the communities in which they operated. The following chapters permit a more accurate view of how this flexible structure worked and was harnessed, and allow more flesh to be added to the useful but deceptively thin bones of earlier discussions of the church and its like.

The cartulary and the sources it accompanies allow this study to follow the progression and development of these themes and events in the college's history over four centuries and enable the reader to gain a sense of both continuity and change. The chronological sweep of the college's history also enables us to bring together various strands of research connected with other types of college, and so we see in St. Mary's history the role of other colleges, minster churches, secular cathedrals and royal free chapels in shaping its form and development, and in freeing such subjects from their isolation give greater immediacy and relevance to an institution like St. Mary's. And while the broad period covered by the thesis may sometimes lead to a lack of detailed explanation surrounding a given example, the reader is encouraged to refer to the accompanying edition whose textual notes give the more immediate context to the documents contained therein.

Having adopted the main themes of foundation, constitution, relations with the diocese, the acquisition of its property and patronage as the chapters for this thesis, more specific questions will be raised, such as the place of the college's Saxon past in its post-Conquest history, whether the church of All Saints (with which it was united) was indeed a minster church and what the implications were of this union, and the endowment and jurisdictions it brought St. Mary's. It will also explore the motives behind the choice of this particular form of college, the duties expected of it and the ends it served, how it functioned and was regulated, the role and influence of its canons and clergy, its relations with patron and diocese, bishop, college, chapter and parish, and how the demands and expectations of each were accommodated, besides the degree of influence and initiative the canons themselves sustained in such relationships. Indeed, did the college develop a corporate identity of its own, or was it subsumed by that of its patron? With regard to urban society, the role of the college in promoting urban growth and its effect on jurisdictions and civic freedoms within the town will

be explored, besides its status as a parish church. The influence of its environs and its place in the locality will form an important aspect of many of these discussions and will again serve to demonstrate the relevance of such a college to its local environs. This will be seen not only in its endowment and acquisition of property, but also in the role of patronage and the use it made of local relationships and political and administrative affinities. Links equally apparent in its feudal and seigneurial associations, and the actions of individual canons as much as the chapter collectively. In stressing the variety of spheres in which the college and its clergy operated, and exploring its institutional development, it should become evident that its structure was more complex than is previously acknowledged. Although prone to abuse, the flexibility it provided was, nevertheless, a necessary and inevitable concession to meeting the varied demands placed on it, and I shall contend that the canons themselves had an important role to play in containing the inescapable structural, constitutional and economic weaknesses that resulted, whilst preserving the requisite flexibility that enabled them to fulfill the roles and duties expected of them as clerks, canons and a collegiate chapter. In maintaining this equilibrium, I hope to establish that the strategies they adopted were neither alien nor unique, nor necessarily confined to ecclesiastical circles, but that the collegiate church borrowed from, and was influenced by, lay and ecclesiastical spheres alike. To this end, I hope to demonstrate that the secular collegiate church was truly grounded in society as a whole, and that as a collegiate organisation it was no fictitious body or sham corporation. Rather, that it was indeed a community and as such is deserving of its place in Church and locality during the Middle Ages, and consequently of greater recognition from historians of this period.

Chapter 1

The Legacy of All Saints and the Foundation of St. Mary's

Rogerus, comes adeptus consulatum Warewici ibi in honorem Dei et sancte Dei genitricis Marie et omnium sanctorum veneratione . . . disposuit quatinus clerici ecclesie sancte M[arie] de Warew' et clerici Omnium Sanctorum, que sita est in castello . . . in memorata ecclesia sancte Marie, omnes pariter, canonico more, Deo et sancte Marie diligenter die nocteque servirent¹

The foundation of the collegiate church of St. Mary and All Saints, Warwick, was completed *c.* 1123 by Roger de Newburgh, the second earl of Warwick, and marked the culmination of a process initiated by his father, Henry de Beaumont. A significant portion of the new college's endowment derived from the college of All Saints, Warwick, whose property, privileges and secular canons were translated by Earl Roger and Simon, bishop of Worcester, to form a new secular college situated in the parish church of St. Mary in the same town. It is the aim of this chapter to achieve a general understanding of the early history of St. Mary's and the process by which it was founded as a collegiate institution.

As the above excerpt from one of the college's 'foundation' charters illustrates, the new college was by no means a *de novo* establishment. St. Mary's church was itself a probable product of the Saxon era, and was certainly well established at the time of the Domesday Survey. Its 'inheritance' from the college of All Saints serves equally to set the roots of this institution in the Mercian landscape of Anglo-Saxon England. It is thus with care that I employ the term 'foundation': using it to refer to the establishment of the *college* by the earls of Warwick, and making a necessary distinction between 'foundation' and 'origins'. It is these origins as much as the theme of 'foundation', then, that will form the scope of this chapter: exploring the relationship between the two churches; assessing their respective origins, early history and development within a context of jurisdictional change and urban growth; investigating the various forces, bonds, jurisdictions and relationships that effectively constituted the churches, and those which, in turn, impacted upon the institutions themselves. Such a survey thus serves to place the college's later history in historical, chronological and thematical context.

¹No. 20 (these numbers refer to documents contained within the edition).

While the twelfth-century college of St. Mary's, Warwick, was technically a new foundation, its origins have their roots in a time before this, and the collegiate church was in some respects an amalgam of at least two inheritances: the parish church of St. Mary and the college of All Saints. It is consequently necessary to trace the history, role and nature of these two ecclesiastical establishments prior to 1123 and to outline the possible course of their development, locating this within the very real and significant context of urban growth and society, and the changing nature of ecclesiastical institutions and jurisdictions. By doing so not only can the relationship between the two churches be illuminated (and the dynamics and agents operating within and on that relationship), but also the constituent question of how and why the two institutions came to be united, and in such a form.

Two crucial questions are immediately posed when looking at the college of All Saints in the Castle, Warwick: when was it founded and was it an Anglo-Saxon minster church? Taking the latter enquiry first, according to the minster hypothesis propounded principally by John Blair, a minster was a religious community comprised of priests who staffed an extensive local area termed the *parochia*.² It constituted a focus for religious ministry and observance at a local level, and its community of priests, initially at least, had a missionary aspect to their role as well as a pastoral function. They were effectively the local unit of ecclesiastical organisation before the development of the parochial system from the tenth-century and the consequent hardening of ecclesiastical jurisdictions. They were founded systematically, predominantly by royalty and bishops, from the seventh-century, and enjoyed foundation and refurbishment through to the tenth-century.³ In recent years, however, this model and its applicability have been challenged and usefully refined, and questions such as the early and deliberate foundation of a network of minster churches, their pastoral responsibilities, the model's application to different regions and over time, and the nature of the evidence used,

²The *parochia* of a minster was significantly larger than our concept of a parish today. Blair has estimated that a *parochia* might encompass between five or fifteen modern parishes: J. Blair, 'Secular Minster Churches in Domesday Book' in P.H. Sawyer (ed.), *Domesday Book: A Reassessment* (London, 1985), p. 104.

³Blair, 'Secular Minster Churches', pp. 118-21. For a fuller discussion of the role and nature of Anglo-Saxon minster churches cf. J. Blair, 'Introduction: from Minster to Parish Church' in Blair (ed.), *Minsters and Parish Churches: The Local Church in Transition 950-1200* (Oxford, 1988), pp. 1-19; 'Minster Churches in the Landscape' in D. Hooke (ed.), *Anglo-Saxon Settlements* (Oxford, 1988), pp. 35-58; R. Morris, *Churches in the Landscape* (London, 1989), chapters II-V. For a definition of terminology see also: S. Foot, 'Anglo-Saxon Minsters: A Review of Terminology' in J. Blair and R. Sharpe (eds.), *Pastoral Care before the Parish* (Leicester, 1992), pp. 212-25, and M.J. Franklin, 'The Identification of Minsters in the Midlands' in R.A. Brown (ed.), *Anglo-Norman Studies VII: Proceedings of the Battle Conference 1984* (Woodbridge, 1985), pp. 69-88.

have been disputed and debated.⁴ Among the aspects of the model that are critiqued (especially the implied uniformity and universality of the model's applicability) is the concept of the minsters' disintegration and the fact that the late Saxon church was a prime result of this process.⁵

The history of minsters is beset with the rise of the parish church, and their place in the nascent parochial system was one that was under constant redefinition, as the number of private and independent chapels and churches increased and these churches assumed (one might even say usurped) the pastoral functions of the minsters, and increasingly gained jurisdictional independence.⁶ The private church was helped in its defence of this freedom by an ecclesiastical administration which in post-Conquest years effectively formalised the rights and jurisdictional boundaries of a more decentralised system of pastoral care as possessions and privileges were recorded and confirmed in a heightened celebration of the written record.⁷

The identification of a Saxon minster church is rarely a straight-forward process, and although various criteria do exist for identification, their example can be limited.⁸ Short of an explicit (and trustworthy!) written record, the signs for identification might include: location (often being associated with royal estates or *villae*, sited at places of political and strategic as well as geographical significance, and within their own enclosures);⁹ evidence of royal foundation or royal connections; the existence of dependent churches or chapelries (perhaps staffed from the minster community); and the extent of the minster's *parochia*. The Domesday

⁴C. Cubitt, 'Pastoral Care and Conciliar Canons: The Provisions of the 747 Council of *Clofesho*' in Blair and Sharpe (eds.), *Pastoral Care before the Parish*, pp. 193-211; *Anglo-Saxon Church Councils c. 650 - c. 850* (Leicester, 1995), pp. 113-118; E. Cambridge and D. Rollason, 'Debate: The Pastoral Organisation of the Anglo-Saxon Church: a review of the "Minster Hypothesis"', *Early Medieval Europe*, 4:1 (1995), pp. 87-104; J. Blair, 'Debate: Ecclesiastical Organisation and Pastoral Care in Anglo-Saxon England', *Early Medieval Europe*, 4:2 (1995), pp. 193-212; D.M. Palliser, 'Review article: The "minster hypothesis": a case study', *Early Medieval Europe*, 5:2 (1996), pp. 207-14; D.M. Hadley, 'Conquest, Colonisation and the Church: Ecclesiastical Organisation in the Danelaw', *Historical Research*, 69, no. 169 (1996), pp. 109-128.

⁵Cambridge and Rollason, 'Pastoral Organisation of the Anglo-Saxon Church', pp. 97-102.

⁶Blair 'Local Churches in Domesday Book and Before' in J.C. Holt (ed.), *Domesday Studies* (Royal Historical Society, 1987), pp. 265-78; R. Gem, 'The English Parish Church in the 11th and early 12th Centuries: a Great Rebuilding?', C.J. Bond, 'Church and Parish in Norman Worcestershire' and J. Croom, 'The Fragmentation of the Minster *Parochiae* of South-East Shropshire' in Blair (ed.), *Minsters and Parish Churches*, pp. 21-30, 119-58, 67-82.

⁷Blair, 'Introduction: from minster to parish church', pp. 6-13.

⁸Franklin, 'Identification of Minsters', pp. 74ff; Blair 'Secular Minster Churches', pp. 106ff.

⁹Blair, 'Anglo-Saxon Minsters: a topographical review' in Blair and Sharpe (eds.), *Pastoral Care before the Parish*, pp. 226-66; 'Minster Churches in the Landscape', pp. 35-58; and Morris, *Churches in the Landscape*, pp. 133-6.

Book furnishes a degree of evidence for these criteria, although the quality and nature of the assessments can vary regionally and are by no means of an always consistent quality. As a guide to the eleventh-century system of lordship, however, the survey of 1086 may reveal those churches on royal estates or with royal connections, may provide incidental reference to the existence of canons or more than one priest and, as a survey of landed wealth, may record those churches with substantial or significant landed holdings. As Blair remarks, further ‘identifiers’ in Domesday Book might include endowments of more than a hide, the tenure of the church (and/or its land) independently from the parent manor, an individual valuation within the Domesday Book, or any ‘miscellaneous marks of status’ which point to the church’s preferment or superiority.¹⁰ Questions necessarily have to be raised concerning the use of such later documentary and topographical evidence and its ability to be retrospectively applied to ecclesiastical and even tenurial arrangements and jurisdictions possibly centuries earlier. Catherine Cubitt has voiced this concern most strongly.¹¹ Whilst we must necessarily make the best use of what information is left to us, and the cumulative evidence employed in identifying minsters remains the best means we have of gauging their existence, the ability of this evidence and the retrospective stance employed by Blair and others to sustain their arguments concerning the early and systematic foundation of minsters from the seventh and eighth centuries I find much more problematic and less convincing. Furthermore, although we might be able to identify communities of canons, to then divine their nature, form and role from such evidence (which varies in its survival and reliability) and ascribe a largely pervasive degree of constancy and uniformity to that role, would seem to be stretching its usefulness. Again this is most noticeable and problematic with regard to the first stage of the hypothesis which covers the pre-Viking period. The study of particular architectural styles or forms is especially problematic, although it may be used to yield corollary evidence.¹² The “most secure test of minster status”, however, is the existence of payments of churchscot.¹³

¹⁰Blair, ‘Secular Minster Churches’, pp. 106, 112-3; Franklin, ‘Identification of Minsters’, pp. 75-6.

¹¹Cubitt, ‘Pastoral Care and Conciliar Canons’, pp. 193, 207, 209. For similar recognition of these problems, see Palliser, ‘Review article: the ‘minster hypothesis’, p. 207.

¹²Franklin, ‘Identification of Minsters’, pp. 74, 76-7.

¹³Franklin, ‘Identification of Minsters’, p. 81. Blair describes the basic mother-church due of churchscot as “the clearest ‘hard’ test of ancient minster status” (Blair, ‘Secular Minster Churches’, p. 116+n). Churchscot was an early tax, established and imposed by royal authority, which constituted a payment to the local minster or mother church, and was paid in kind (often in grain, which would then be used as seed-corn on the minster’s estates), although later commuted to payments in cash. It appears from the seventh-century, but may have had earlier origins, and occasionally survived the Conquest (often as a secular due). Blair, ‘Minster Churches in the Landscape’, p. 50 + n; Franklin, ‘Identification of Minsters’, pp. 70-1; H.R. Loyn, *Anglo-Saxon England and the Norman Conquest* (Oxford, 1962), p. 255.

According to the fifteenth-century Warwick historian, John Rous, All Saints owed its original foundation to the fifth-century bishop, St. Dubricius, who was said to have made Warwick his episcopal seat before retiring to Wales with the advent of the Saxons.¹⁴ The story continues with Warwick's destruction during the Saxon wars and resurrection by King Warremundre (from whom the kings of Mercia were descended) only to be followed by its later devastation by the Danes and reincarnation by Æthelflæd, daughter of King Alfred and Lady of the Mercians.¹⁵ The legends surrounding All Saints' foundation by Dubricius are certainly unfounded (or, as Dugdale describes, in the word's stricter sense, 'fabulous'),¹⁶ as is the King Warremundre connection, but the role played by Æthelflæd deserves closer scrutiny. Such legends are not uncommon, and while some minsters may have been preceded by early monastic institutions again caution must be exercised with this later evidence, many churches fabricating or utilising such myths and legends to deliberately create the illusion of antiquity in order to gain the respect and prestige such age and origins engendered.¹⁷ The possible role of Æthelflæd as founder or benefactor and the relationship between the minster and the *burh* established by Æthelflæd will be discussed below. It is probable that there was a royal connection here - besides that of the royal estate on which Warwick was centred.

There remains, then, no reliable written record of All Saints' foundation or even of its status as an early Saxon minster church. To my knowledge, there are also no extant Anglo-Saxon charters concerning any of the Warwick churches. An early twelfth-century charter in the cartulary, refers to All Saints and the school affiliated to the church as both existing in the reign of Edward the Confessor, but the existence of the school at this date is questionable and weakens arguments based on this charter.¹⁸ Slater has demonstrated that tenth-century Warwick was founded on a large royal estate, using Domesday evidence which shows the borough of Warwick with its neighbouring manor of Coten to have been in the king's lordship,

¹⁴J. Rous, *The Rous Roll* (with an historical introduction on John Rous and the Warwick Roll by C. Ross, Gloucester, 1980), cap. 6.

¹⁵Queen of Mercia, acceded 911 and died 12 June 918.

¹⁶W. Dugdale, *Antiquities of Warwickshire Illustrated: from records, leiger-books, manuscripts, charters, evidences, tombes and armes, beautified with maps, prospects amd portraictures* (2nd edn., 2 vols., London, 1730), i, p. 372n.

¹⁷Cambridge and Rollason, 'Pastoral Organisation of the Anglo-Saxon Church', pp. 102-3.

¹⁸No. 18.

as were many of the surrounding rural manors.¹⁹ Many of these had been previously held under the Mercian earl, Edwin before the Conquest and were, in this respect, Mercian royal manors. Warwick's extra-hundredal status and its position as a royal borough confirm its later importance in the region, and the estate and its administrative organisation may have had early origins.²⁰ Of course, a similar *caveat* should be given concerning the retrospective stance employed in approaching this later evidence too, although the sources are on considerably firmer ground with tenurial arrangements and jurisdictions than with their ecclesiastical equivalents - which rely in the literature on a close relation with their secular and tenurial counterparts. The equation of the *parochia*'s boundaries with those of its constituent manors, and the links between the two, although highly probable, remain to be explored in greater detail. Because of this relationship between the two forms of territorial jurisdiction - ecclesiastical and manorial - the former being based upon the latter, which is itself frequently ascertained from later evidence, a great reliance is placed on the stability and continuity of these boundaries as representing ancient jurisdictions. The degree of tenurial stability will naturally vary between regions and locales and over time, thus each case must be judged upon its own merits. More will be said of the significance of royal estates and their relevance to minsters later (as will the political, strategic and geographical importance of Warwick and its location), but we may acknowledge for now the fulfilment of some of the criteria - namely, the existence of a royal estate or *villa regalis*, and the possible importance of Warwick and its status as the administrative centre of that estate. Slater has also produced evidence for the existence of All Saints' *parochia* and those satellite churches and chapels that were dependent upon the church in its role as 'mother church of the vill'. The 1367 statutes of Bishop Whittlesey, which are entitled the *Antiqua Unio* or 'The Ancient Union' in St. Mary's cartulary,²¹ and whose purpose was to reform St. Mary's and begin the process of appropriating its dependent parish churches, resulted in the two parishes of St. Mary's and St. Nicholas's assimilating those of the other smaller Warwick churches under St. Mary's, which had by the mid-fourteenth century fallen into disuse and were unable to adequately cater for the needs of their parishioners. The parish boundaries for these two churches encompass a considerable

¹⁹J. Morris (ed.), *Domesday Book: Warwickshire* (Chichester, 1976), fo. 238. See note below.

²⁰T.R. Slater, 'The Origins of Warwick', *Midland History*, 8 (1983), pp. 4-6.

²¹No. 124. Leach suspects that the substance of these statutes was not new, although he gives no justification for his suspicions: A.F. Leach (ed.), *Memorials of Beverley Minster: the Chapter Act Book*, I (Surtees Society, 98, 1898), p. xlvi.

area of jurisdiction. The medieval parish of St. Mary's extended, for example, over a territory some seven square miles in area.

In combination with the parish of St. Nicholas's a very large area is enclosed and if this is taken to be indicative of the former parish of All Saints it is atypical of the small parishes of the close-settled Avon valley. It points to the strong possibility that this was an unrecorded early Saxon minster church originally serving a wide area. Within this minster *parochia* some communities subsequently obtained their own churches, some of which later obtained parochial independence, normally by the 12th or 13th centuries.²²

Slater has proceeded to reveal some of those communities which were likely to have had parish churches by the late eleventh-century. By using the record of priests left to us by the Domesday Book, he has shown that priests were recorded at Haseley and Sherborne to the west of Warwick and at Leamington and Leek Wooton to the town's east. Furthermore, by way of providing a link with All Saints and its probable role as mother church, Slater notes that all four of the parish churches are dedicated to All Saints, supporting the common practice of daughter churches to adopt the dedication of the mother church. The surrounding vill of Haseley, Hatton and Honiley also, in 1086, constituted a ten-hide grouping, suggesting earlier unity; while, to the south-west of Warwick, the vills of Sherborne and Fulbrook together, and Budbrooke on its own, made up smaller units of five hides.²³

It can be no stronger than a possibility, therefore, that an early minster church at Warwick originally served an area encompassing the later parishes of Honiley, Haseley, Hatton, Budbrooke and Sherborne, together with their dependent chapelries, but such an hypothesis of parish church development can be paralleled elsewhere.²⁴

A word must be said about the use of Domesday evidence, for so far it has given only indirect or circumstantial (or, more optimistically, implicit) evidence as to the existence of a minster church at Warwick, there being no reference to the church, its individual status or wealth within the locale, or even of the *canonici*, *presbyteri* or *clerici* who might have served it and its *parochia*. Despite the inherent problems of this later evidence, such an evidential lacuna is not in itself, however, proof that the minster did not exist, merely that explicit reference to it does not. Neither should we be surprised by the omission: not only was the

²²Slater, 'Origins of Warwick', p. 8.

²³Slater, 'Origins of Warwick', pp. 7-9.

²⁴Slater, 'Origins of Warwick', p. 8; 'The Town and its Regions in the Anglo-Saxon and Medieval Periods', in A. McWhirr (ed.), *Studies in Archaeology and History of Cirencester* (B.A.R., 30, Oxford, 1976), pp. 81-108.

Domesday Survey not a direct clerical assessment, but the circuit which comprised Warwickshire (Circuit D) is especially problematic and should be regarded 'as a gap in the data'.²⁵ A rehearsal of the arguments and evidence propounded by Slater and Blair would lead us to seriously consider All Saints as an Anglo-Saxon minster church. Does further evidence exist however, and, if so, does it suffice to corroborate or discredit this opinion?

Somewhat oblique references exist to clerics and, more significantly, canons who may have served All Saints.²⁶ Henry de Beaumont had granted his chaplain, William, some land in Brailes between 1115 and 1119.²⁷ This land reappears in Roger's charter endowing St. Mary's *c.* 1123 and again in Bishop Simon's confirmation of 1127/8²⁸ (among possessions formerly appertaining to All Saints) as belonging to Wimund (who was the earl's chaplain and a witness in Earl Henry's earlier grant). We thus see a degree of clerical succession (William had himself succeeded a priest called Herlewin) and a group of priests connected to All Saints: by virtue not only of the Brailes land appearing amongst other All Saints' properties, but also that William and Wimund were both termed as chaplains of the earl, and as All Saints came to be engulfed by the castle in which it was situated,²⁹ we may hypothesise that (with the general ascendancy of the parish church and greater pastoral provision) the minster increasingly assumed the form and function of a private chapel serving the earl and his household. Moreover, three canons (*canonici*) are explicitly named after Wimund in Earl Henry's charter (which predates the foundation of the college of St. Mary's) and are among the staff of the earl's household.³⁰ Possible reference is also made to the *parochia* of All Saints, the confirmation of Bishop Simon of Worcester granting the new college '*tota parochia infra Warewic et extra*' - hinting not only at an extensive parochial jurisdiction but one, commensurate to a minster *parochia*, which went beyond the town itself.³¹ Again, this reference appears amongst other All Saints' property (such as the church of Greetham in

²⁵Blair, 'Secular Minster Churches', pp. 112, 114.

²⁶A.F. Leach, *History of Warwick School with notices of the Collegiate Church, Gilds and Borough of Warwick* (London, 1906), p. 35.

²⁷No. 9.

²⁸Nos. 20-1.

²⁹R.H. Kinvig, 'Warwickshire' in H.C. Darby and I.B. Terrett (eds.), *The Domesday Geography of Midland England* (Cambridge, 1971), pp. 290, 302-3, 306.

³⁰No. 9. They are preceded by the earl's doctor and followed in the same clause by the tutor of the young Roger, Earl Henry's son.

³¹Leach, *History of Warwick School*, pp. 34-6.

Rutland) which we know to have belonged to it. While this strengthens the likelihood that references to the parish, Wimund, and land in Coten End were also a part of All Saints' 'estate', caution must be exercised in dividing the properties in Bishop Simon's and Earl Roger's grants neatly between All Saints and St. Mary's as Leach has done (deciding that because a section of property would seem, from other sources, to have belonged to All Saints, the section preceding this one must consequently refer to the properties of St. Mary's). Given the questions and discrepancies surrounding these two charters and the possibility of their fabrication at a later date,³² such a distinction may be unwise. Its parochial extent, however, is reinforced by an accompanying grant of one hundred acres in Coten End,³³ the populous suburb we have already met as being a part of the ancient and royal demesne estate and whose boundaries may have been co-extensive with those of the minster's *parochia*. Firmer evidence for All Saints having been an Anglo-Saxon minster (and possibly one of some antiquity) is mention in both the charters of Earl Roger and Bishop Simon to '*chircset*' and '*circeset*' which we may infer to be a corrupted version of churchscot, the "most secure test of minster status".³⁴ The post-Conquest survival of this due should not surprise us and the fact that it remains here an ecclesiastical rather than secular due strengthens the case for minster status. The reference to churchscot also corroborates the likely existence of a *parochia*, which would be needed to define an administrative if not pastoral jurisdiction.³⁵ Certainly, then, I can find no evidence that would seem to directly contradict Slater's categorisation of All Saints as a minster church serving a relatively extensive *parochia*, in fact quite the opposite, and this consensus would appear to be vindicated in the light of All Saints' status as the 'mother-church' of the vill.³⁶ Having established the likelihood of its minster status, more needs to be said of its origins and the relationships between, and influence of, minster, *burh*, town and region.

Warwick first appears (in the Saxon Chronicle) in A.D. 914.³⁷ In the previous year, Æthelflæd 'went with all the Mercians' to establish the *burhs* of Tamworth and then Stafford, and in the early summer of 914 fortified Eddisbury (Cheshire), and afterwards, in late autumn,

³²See below.

³³No. 21 (fo. 13v).

³⁴Nos. 20-1 (fos. 12r, 13r); Franklin, 'Identification of Minsters', p. 81. See also note 13 above.

³⁵Cambridge and Rollason, 'Pastoral Organisation of the Anglo-Saxon Church', pp. 100-104.

³⁶Nos. 23, 27.

³⁷M.J. Swanton (ed.), *The Anglo-Saxon Chronicle* (London, 1996), p. 98.

completed the *burh* at Warwick.³⁸ The building of the *burh* of Warwick was part of a series of such fortifications undertaken by Æthelflæd between 912 and 915, whose purpose formed part of a larger strategy “to secure and expand English territory at the expense of the Danes.”³⁹ The siting of the *burh* at Warwick was not an arbitrary decision and denotes something of Warwick’s strategic importance (an importance which was of more than immediate significance or expediency and was, thus, to outlive the initial threat of Danish incursions). Warwick occupies a site on a defensible hill of sandstone overlooking a crossing point of the river Avon and the road from Coventry to Stratford;⁴⁰ the *burh* was also of politico-strategic importance by virtue of its location on the north-eastern border of the Hwiccan province of Mercia and was a prime site for control of the mid-Avon valley.⁴¹ It also lay within the Feldon area of Warwickshire, characterised by fertile and fairly intensively inhabited and cultivated arable land, which was itself close to the more wooded Arden region, with which many of the lowland estates of the Avon valley maintained links.⁴² These estates acted, in turn, as foci for more intensive settlement and development, thus augmenting if not occasioning the importance of their administrative centres and, to some extent, guiding the demarcation of later hundredal and ecclesiastical boundaries (which are often found to respect these older territorial units).⁴³

Warwick’s location and its position as the administrative centre of a royal estate is important both in terms of the *burh* and the urban development of the town and the existence of a minster. Warwick’s economic, strategic and political importance would certainly explain

³⁸Swanton (ed.), *The Anglo-Saxon Chronicle*, pp. 96-9.

³⁹Slater, ‘Origins of Warwick’, p. 1; Leach, *History of Warwick School*, pp. 7-22. Æthelflæd’s brother, King Edward of Wessex was enacting a similar defensive policy in southern England (J. Tait, *The Medieval English Borough: Studies in its Origin and Constitutional History* (Manchester, 1936), p. 24).

⁴⁰E. Klingelhöfer, ‘Evidence of Town Planning in Late Saxon Warwick’, *Midland History*, 3:1 (1975), pp. 1-2.

⁴¹The Hwiccan province was coterminous with the diocese of Worcester. Worcester was the capital of this independent territory and was probably the only truly ‘urban’ settlement in it before the tenth-century (it was made an episcopal see in the seventh-century). Slater, ‘Origins of Warwick’, pp. 3-5; ‘Urban Genesis and Medieval Town Plans in Warwickshire and Worcestershire’ in Slater and Jarvis (eds.), *Field and Forest: An Historical Geography of Warwickshire and Worcestershire* (Norwich, 1982), pp. 177-8; D. Hooke, ‘The Anglo-Saxon Landscape’ in Slater and Jarvis, *Field and Forest*, pp. 80-81; W.J. Ford, ‘Some Settlement Patterns in the Central Region of the Warwickshire Avon’ in P.H. Sawyer (ed.), *Medieval Settlements: Continuity and Change* (London, 1976), pp. 277-9; R.H. Hilton, *A Medieval Society: the West Midlands at the End of the Thirteenth Century* (London, 1966), p. 8.

⁴²Hooke, ‘The Anglo-Saxon Landscape’, pp. 80-93; ‘Pre-Conquest Estates in the West Midlands: preliminary thoughts’, *Journal of Historical Geography*, 8:3 (1982), pp. 227-44; Ford, ‘Some Settlement Patterns’, pp. 274-94; Slater, ‘The Town and its Regions’, pp. 86-94.

⁴³Hooke, ‘Pre-Conquest Estates’, pp. 233-4, 237-40; ‘The Anglo-Saxon Landscape’, p. 90-3.

the choice of its location as a site for a *burh* in the early tenth-century, it being the role of a *burh* to defend not only the ‘host’ settlement but also the territory dependent on that settlement.⁴⁴ Slater has already rehearsed the evidence for an “extensive estate centred on Warwick”, much of which is derived from the Domesday Survey and the area’s hundredal organisation, which points to a large estate in the hands of the Mercian kings and finally Earl Edwin of Mercia, before passing to the Crown (which held the borough of Warwick) and then undergoing subsequent division.⁴⁵

With regard to the possible or probable existence of All Saints as a minster church serving an extensive *parochia*, strong links have already been proven (in the case of minster churches more generally) between Anglo-Saxon minsters, royal estates and their administrative centres and even Æthelflædan *burhs*. The enduring nature and significance of many administrative and territorial boundaries is a noticeable theme within the literature surrounding these topics, and concomitant upon this theme is that of the continuing relevance of certain sites (although their use or habitation might not in itself be continuous). Accordingly, historians of the Anglo-Saxon minster and its *parochia* hold the relationship between minster and royal estate in high esteem.⁴⁶

The minsters’ functions and financial rights were moulded around those of the royal administrative centres where they so often stood, and often their parishes were coterminous with the districts which the centres controlled.⁴⁷

Warwick’s likely status as such an administrative centre is a strong indication of the possibility of the existence of a minster, although whether such a minster would have predated the *burh* or resulted from its establishment is moot. Slater, in admitting the very real possibility of Warwick’s existence, and even its development of an urban form, before the establishment of

⁴⁴Slater, ‘Urban Genesis’, p. 179; ‘Origins of Warwick’, pp. 3, 5; Tait, *Medieval English Borough*, p. 19.

⁴⁵Slater, ‘Origins of Warwick’, pp. 5-6.

⁴⁶Blair, ‘Secular Minster Churches’, p. 116; ‘Anglo-Saxon Minsters: a topographical review’, pp. 230-1 (Blair also notes here a subsidiary link between minsters in the Midlands and their situation on the best agricultural land; in Warwick’s case this was the Feldon region of the fertile Avon valley - see above); ‘Minster Churches in the Landscape’, pp. 35-6, 40-44; Croom, ‘Fragmentation of the Minster *Parochiae*’, pp. 67-71; Morris, *Churches in the Landscape*, pp. 102, 133, 138, 182-4; Coulstock, *The Collegiate Church of Wimborne Minster*, p. 61; Hooke, ‘Pre-Conquest Estates’, p. 233; ‘The Anglo-Saxon Landscape’, pp. 90, 93; S. Pearce, ‘Estates and Church Sites in Dorset and Gloucestershire: the emergence of a Christian society’, in S. Pearce (ed.), *The Early Church in Western Britain and Ireland: studies presented to C.A. Raleigh Radford* (B.A.R. British Series, 102, 1982), pp. 117-9.

⁴⁷Blair, ‘Secular Minster Churches’, p. 116.

the early tenth-century *burh*, adheres to the view that indeed the minster at Warwick did predate the fortified *burh*, the *burh* being “established around this *villa regalis* and its minster church in 914 as a stronghold to secure the north-eastern bounds of the Hwiccan province.”⁴⁸

This hypothesis is based on place-name evidence and the possibility that the ‘lost’ Mercian royal vill of *Werburgewic*, which occurs in early ninth-century charters, may equate to Warwick. The place-name may be interpreted as not only a *villa regalis* but also a trading place (pointing to the possible existence of a market). In this scenario part of the later *burh*’s function would have been to protect this market and important ‘trading place.’⁴⁹ Slater thus challenges the previous assumption that Warwick began with the *burh* and was established on a greenfield site. Tait also recognises that some of the *burhs* were previously settled; fords and the confluences of streams (note Warwick’s position on a crossing point of the Avon) not only being the “natural nuclei of early trade” but, as such, constituting “obvious points to defend.”⁵⁰

In this case, Warwick might be classified as one of Blair’s “‘organic’ towns [that] seem to have grown around minsters. It is also most striking how many *burh* towns on non-Roman sites, as at Hereford, Wareham and Oxford, were sited to contain pre-existing minsters.”⁵¹ The growing historiographical credence given to the role of minsters in potentially stimulating urban growth, would appear to support the outline of events postulated by Slater for Warwick. Thus, minsters might attract markets and act as stimuli for economic development and enterprises.⁵² In Warwick’s case we might, then, see the chain of events leading to the royal borough of the eleventh-century as beginning with the royal estate and its minster,⁵³ which were to spawn a market (or some form of organised trading) which utilised Warwick’s position in the road network such as it was and the links to a surrounding and dependent territory, as

⁴⁸Slater, ‘Origins of Warwick’, p. 10.

⁴⁹Slater, ‘Origins of Warwick’, pp. 6-7; ‘Urban Genesis’, pp. 178-9

⁵⁰Tait, *Medieval English Borough*, p. 19.

⁵¹Blair, ‘Minster Churches in the Landscape’, p. 47. Oxford’s origins (whether organic or ‘planted’), like those of Warwick, are similarly unclear - see M. Beresford, *New Towns of the Middle Ages: Town Plantation in England, Wales and Gascony* (London, 1967), pp. 322-3. I might add, incidentally, that Warwick might be included in this list of towns with non-Roman origins: Klingelhöfer, ‘Evidence of Town Planning’, p. 1.

⁵²Blair, ‘Minster Churches in the Landscape’, pp. 47-8; ‘Secular Minster Churches’, p. 141; ‘Anglo-Saxon Minsters: topographical review’, p. 259; Morris, *Churches in the Landscape*, pp. 182-4.

⁵³Campbell also supports this view: that minsters were commonly built in centres of authority rather than towns, it often being later that a town followed: J. Campbell, ‘The Church in Anglo-Saxon Towns’ in D. Baker (ed.), *The Church in Town and Countryside* (Studies in Church History, 16, 1979), pp. 119-35.

provided by the royal estate and minster *parochia*, as well as benefiting from the obvious function of the minster to draw people to it. Such a scenario would strengthen the reasoning behind the establishment of the *burh* in 914 if, as well as to protect a strategic position, the *burh* was also to defend a settlement with its own minster and market. One might also add the fact that the seventh- and eighth-centuries witnessed a large number of minster foundations by the Hwiccan aristocracy (although the possible programme of Mercian minster-building seems to have had its focus in western Mercia).⁵⁴

There is ground, however, to accommodate the view that the minster was founded after the *burh*. Minsters were by no means all founded in the seventh- and eighth-centuries; in fact, there is increasing reason to doubt the early foundation of such communities.⁵⁵ There were many later foundations and just as the role of the minster might change, so might its meaning and significance to the patron.⁵⁶ Accordingly, one might advance the notion that the Warwick minster originated with, or shortly after, the *burh* and owed its foundation either directly or indirectly to Æthelflæd. This has been the version espoused and accepted by Leach who says of the Mercian magnate that “she seems to have aimed at consolidating by arts what she achieved by arms; educating the heathen when she had subdued them.”⁵⁷ This hypothesis is, of course, founded on the assumption that the Warwick *burh* was established on a greenfield site and the interesting and potentially significant incidence of collegiate institutions (and frequently grammar schools as well) in many of Æthelflæd’s *burhs*. Consequently, the towns of Bedford, Bridgnorth and Stafford (besides Warwick) all contained collegiate churches with pre-Conquest origins.⁵⁸ Do we, then, discern a missionary or educational aspect to the Æthelflædan policy on *burhs*, beyond the purely defensive or tactical role traditionally ascribed to the fortifications?⁵⁹ This might be overstating the evidence, but a link has been established between minster, *burh* and Saxon patronage. Æthelflæd and other descendants of King Alfred not only continued to endow minsters but also founded new secular institutions.

⁵⁴Blair, ‘Secular Minster Churches’, p. 116; ‘Minster Churches in the Landscape’, p. 38.

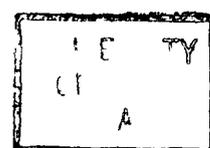
⁵⁵See above, note 4.

⁵⁶Blair, ‘Minster Churches in the Landscape’, pp. 116, 118-21, 123-4.

⁵⁷Leach, *History of Warwick School*, p. 12; *VCH Warwickshire II*, p. 300.

⁵⁸Leach, *History of Warwick School*, pp. 12-13.

⁵⁹It would, however, fit Cambridge and Rollason’s model which incorporates the influence of the Carolingian church reforms, with their emphasis on teaching and preaching as well as organisational reform - Cambridge and Rollason, ‘Pastoral Organisation of the Anglo-Saxon Church’, pp. 97-101. See also Blair, ‘Debate: Ecclesiastical Organisation and Pastoral Care’, pp. 196-7.



The great Mercian minsters owed much to Æthelflæd, who refounded St Werburgh's at Chester, St Oswald's at Gloucester, and perhaps St Alkmund's at Shrewsbury. The royal college at Stafford was established in *c.* 913; other West Midland colleges, which later claimed foundation by the prestigious Edgar, may in fact be the work of his forbears.⁶⁰

The case of Stafford, its *burh* being founded with Tamworth only a year before that of Warwick and constituting part of the same defensive strategy executed by Æthelflæd,⁶¹ is quite compelling, particularly when one gives additional consideration to Æthelflæd's active role in the patronage and establishment of secular minsters within the Mercian kingdom,⁶² and minsters' propensity to be situated within enclosures (which frequently manifested itself as an affinity to *burhs*).⁶³

The resolution of this question of 'which came first: minster or *burh*?' in my opinion depends upon the question and nature of urban development and the origins of Warwick in this period; whether one interprets Warwick's genesis as organic (stemming from earlier settlement patterns and agrarian practice, and growing with the resulting structures of estate and *parochia*, in turn stimulating further growth, organisation, 'patronage' and protection) or, 'planted' and artificially stimulated (development following swiftly and directly from the establishment of the *burh*). I would, like Slater, embrace the 'organic' view and, with Blair, acknowledge minsters as potential stimuli for urban growth. In Warwick's case, the town's seemingly strong position in the tenth- and eleventh-centuries might argue for a firmer (and, in the long term, more significant) basis than the Saxon defences and street plan. Very quickly after the *burh*'s establishment Warwick had its own mint,⁶⁴ a 'major' suburb was already in existence before 1086, as was a market which, by the time of the Normans, was undergoing a degree of specialisation (some of its functions being relocated from an increasingly cramped town

⁶⁰Blair, 'Secular Minster Churches', p. 118; Campbell, 'The Church in Anglo-Saxon Towns', pp. 125-6; A.T. Thacker, 'Chester and Gloucester: early ecclesiastical organisation in two Mercian burhs', *Northern History*, 18 (1982), pp. 199-211.

⁶¹Swanton (ed.), *The Anglo-Saxon Chronicle*, pp. 96-9.

⁶²Croom, 'Fragmentation of the Minster *Parochiae*', p. 71; Blair, 'Minster Churches in the Landscape', p. 38; Leach, *History of Warwick School*, pp. 12-3.

⁶³Blair, 'Anglo-Saxon Minsters: topographical review', pp. 231-5; 'Minster Churches in the Landscape', p. 44.

⁶⁴A coin from the Warwick mint, made in the reign of Athelstan (925-39), demonstrates its establishment soon after that of the *burh* in 914 (Klingelhöfer, 'Evidence of Town Planning', p. 2). Seven of the *burhs* established by Alfred and Æthelflæd, and which later became municipal boroughs, were selected as sites for royal mints before 1066: Chester, Hertford, Warwick, Tamworth, Stafford and Maldon by Athelstan, and Buckingham at a later date (Tait, *Medieval English Borough*, pp. 24-5).

centre).⁶⁵ Its eleventh-century administrative framework as characterised by the town's extra-hundredal status may have had its origins in the ninth-century, if not earlier, and befitted a royal estate and its administrative centre.⁶⁶ By Domesday, Warwick was a true borough and had some two hundred and forty-four burgesses (forty-six per cent of whom were in the king's lordship, another forty-six per cent subject to a further twenty-eight various lords, and eight per cent remaining independent).⁶⁷

Rather than seeing the minster as being founded by Æthelflæd with the establishment of the *burh*, there is the possibility that the Lady of the Mercians endowed or possibly refounded an existing institution when she fortified the settlement. She thus enriched the Shropshire minster of Much Wenlock in 901 (which had been previously founded in the seventh-century).⁶⁸ It might have been at this point or afterwards that the school at Warwick was attached to the minster, it certainly being in existence at the time of the Confessor.⁶⁹ The school itself is a prime example of the growing status of the nascent town and the development not only of its urban society, but also that of the minster's changing role in an expanding community. Such urban development makes most sense in the context of organic growth and, more particularly, a pre-existing royal estate (with its links to a wider territory and hinterland, as well as the divergent economy of the woodland Arden region) and a minster serving an extensive *parochia* (which provided the embryonic town with further territorial and jurisdictional links, possibly serving to reinforce those afforded by the royal estate). As Warwick developed its marketing functions, we can best see the *burh* as strengthening and stimulating growth and a higher degree of organisation - not being its sole basis.⁷⁰

⁶⁵Tait, *Medieval English Borough*, p. 7; Slater, 'Origins of Warwick', pp. 1, 6-7, 10-11; 'Urban Genesis', pp. 181, 185, 190 and figures 8.1 and 8.2 (pp. 176, 184).

⁶⁶Slater, 'Origins of Warwick', pp. 5-6.

⁶⁷*Domesday Book*, fo. 238a. N = 244; king = 113, lords = 112, independent = 19. After the king, the abbot of Coventry had the most houses in his lordship, 36 (15%). Warwick's suburban development is also evident at Domesday. Coten End, a suburb of Warwick (*extra burgum*), had (in the king's lordship) some hundred smallholders (*Domesday Book*, fo. 238b).

⁶⁸Croom, 'Fragmentation of the Minster *Parochiae*', p. 71. See also Thacker, 'Chester and Gloucester', pp. 199-211 for the examples of St. Werburgh's, Chester, and St. Oswald's, Gloucester.

⁶⁹No. 18.

⁷⁰For *burhs* and urban growth see also Tait, *Medieval English Borough*, pp. 18ff. As Tait notes, Warwick was one of only eight *burhs* to develop into a municipal borough "...the mere fortification of a spot, whether already settled or not, did not secure its future as a town. For that its site must present special advantages for trade or administration or both..." (Tait, *Medieval English Borough*, p. 24; cf. also Beresford, *New Towns of the Middle Ages*, p. 325). With Slater, I would argue that Warwick's advantages pre-dated the *burh*.

It seems probable, then, that a minster with its constituent community of canons existed at Warwick during the late Saxon era, the church of All Saints not only having a reputation for antiquity and still being described in later documents as a mother church, but also being suitably situated at the centre of a royal estate at a location of geographical, political, economic and strategic importance. Furthermore, through later evidence, a large parochial jurisdiction can be glimpsed: with dependent churches; lands and jurisdictions outside the limits of the future town; and later evidence and respect for these properties and rights as evinced in the documents of its successor. The references to the payment of churchscot and its later canons constitute firmer documentary proof, and the royal link provided by the estate and Æthelflæd renders further reason and opportunity for its existence, especially when allied to similar institutions in other *burhs*.

The question of when it was founded is likely to remain a mystery. The Æthelflædan *burh* and the nature of Warwick's origins and development seem to be important issues in the debate and at least two scenarios exist to explain the foundation. The minster may have originated with the royal estate, and from these there came the seeds of organic urban growth, which were germinated by the politically motivated *burh* whose role was not only to defend the Hwiccan border and territory but also the increasingly important administrative and trading centre and its estate, market and minster. The fortification of this strategic centre was a further stimulus to urban growth, attracting population and investment through the protection and discrimination its walls afforded. The existing church or minster (more likely the latter) was probably endowed by Æthelflæd and its pastoral role increased with the influence of the Carolingian reforms.

Alternatively, the minster may have been founded by Æthelflæd with the *burh*, the latter being sited on a greenfield site chosen for its strategic position on the Danelaw border. The planted town thus grew from, and owed its origins to, the fortifications and the investment made by Æthelflæd. Like Slater though, I would see Warwick's development as organic and the minster pre-dating the *burh*, but this scenario does not really define a period for the minster's foundation, ascribing only the period before 914. The minster hypothesis dates early minsters from the seventh and eighth centuries, but it is here, with regards to their origins, that the debate is weakest and that the uniformity of experience it apparently propounds the most unlikely. This results from a paucity of contemporary evidence and a reliance on later forms

(which, the more it is stretched to be applied to earlier centuries, becomes increasingly unconvincing). This is not to deny the possible feasibility of the model though, only to recognise that any hypothesis for this issue at this time would face a similar problem. It may be tempting, then, to stop at the Æthelflædan scenario. I, however, believe that All Saints had its origins before the *burh*, although doubt that its foundation was part of a systematic trend from the seventh-century (just because it may have preceded the *burh* I do not consider it *de facto* justification to automatically place its origins in the seventh or eighth centuries and thus use the Blair model to fill an evidential lacuna). The argument for systematic foundation and a deliberately established network of minsters rests heavily on the purpose of minster churches and that their role was pastoral, but as Blair himself acknowledges, this pastoral aspect has been ‘overemphasised’⁷¹ and the literary evidence for such a role vested in institutions is very weak,⁷² there also being little evidence of the frameworks needed to support minsters in this role at these early dates.⁷³ I prefer a more *ad hoc* and organic development: one that takes account of regional and institutional diversity and individual initiative, and from their relatively disparate, and not always early, origins, see the minsters being increasingly brought under episcopal and ecclesiastical control. Their role is thus defined by ecclesiastical authority to a greater extent, which gives the churches greater administrative definition and organisation and enables them to assume more functions. Of course, such a process would never be uniform, but it possibly acknowledges a greater scope for diversity of experience. As Cubitt has noted, the pastoral role devolved upon individuals and was not vested in the institution,⁷⁴ therefore, we must not mistake continuity of form for continuity of purpose. The character of any institution is defined in part by the persons in it, thus every institution is, to an extent, individual, although the minster appears more ‘institutionalised’ with the reforms dating from the ninth-century, when their organisation becomes more apparent and as a result they appear more analogous. The problems of later evidence have already been stressed and it may be a mistake to impute this later similarity of organisation and purpose too far back to earlier centuries, that is to a network of such institutions. If such a ‘network’ existed, it did so later

⁷¹Blair, ‘Debate: Ecclesiastical Organisation and Pastoral Care’, p. 207.

⁷²Cubitt, *Anglo-Saxon Church Councils*, pp. 113-8; ‘Pastoral Care and Conciliar Canons’, pp. 193-211.

⁷³Cambridge and Rollason, ‘Pastoral Organisation of the Anglo-Saxon Church’, pp. 97ff; Hadley, ‘Conquest, Colonisation and the Church’, pp. 121-2; C.N.L. Brooke, ‘The Missionary at Home: The Church in the Towns, 1000-1250’ in G.J. Cuming (ed.), *The Mission of the Church and the Propagation of the Faith* (Studies in Church History, 6, Cambridge, 1970), p. 69; Blair, ‘Debate: Ecclesiastical Organisation and Pastoral Care’, p. 203; Cubitt, ‘Pastoral Care and Conciliar Canons’, p. 209.

⁷⁴Cubitt, ‘Pastoral Care and Conciliar Canons’, pp. 205-7.

on and emerged only gradually and not always uniformly. All Saints' early foundation is feasible given Warwick's likely role as an early administrative centre of a royal estate. Its survival may have been helped by the fact that it was not in the Danelaw and was on a royal, and not monastic, estate (and thus open to lay encroachment), but the impression of stability and continuity given by the estate and the survival of All Saints' superior status (and much of its property) into the twelfth-century may be illusory, and impart a false image of the minster's antiquity or vitality, being more eloquent of the strength of secular lordship and political stability than the autonomy or antiquity of All Saints.

To my mind an answer to dating the minster's pre-914 origins possibly lies again in the question of urban growth, but more particularly in that of the origins of the royal estate, and I would speculate that All Saints was founded at some point prior to 914 as a church or minster to serve that estate. As Hadley notes, "on large estates of great antiquity pastoral care is likely to have long been dominated by the church at the estate centre."⁷⁵ This view strengthens the pre-*burh* case, and also (depending upon our definition of 'pastoral care')⁷⁶ further discredits the minster hypothesis, the parochial system emerging and receiving greater definition only by the mid-eighth and ninth-centuries.⁷⁷ Whatever date we may ascribe to this event though, it is clear that a multitude of forces and factors impacted upon the development of these institutions and that, accordingly, their histories are as diverse as they are enigmatic.

St. Mary's church appears to have been a Saxon foundation, although again no direct evidence exists to support such an assertion.⁷⁸ The church would seem to have been located within the Saxon defences of the town (although on the Saxon town's outer limits) and integral to the regular layout of a street plan that is indicative of the late Saxon period and, as such, of an Æthelflædan *burh*.⁷⁹ Possibly a gate existed at the north-western edge of its churchyard,

⁷⁵Hadley, 'Conquest, Colonisation and the Church', p. 116.

⁷⁶Cubitt, 'Pastoral Care and Conciliar Canons', pp. 193-5.

⁷⁷Cubitt, 'Pastoral Care and Conciliar Canons', pp. 193-211 (especially p. 209); Hadley, 'Conquest, Colonisation and the Church', p. 115.

⁷⁸Chatwin claims there was a Saxon church on the present site but that 'there is no record showing what this was like', however, he provides no evidence for the assertion (P.B. Chatwin, 'The Rebuilding of St. Mary's Church, Warwick', *Birmingham Archaeological Society Transactions*, 65 (1949), p. 1). Klingelhöfer supports Chatwin's view with an analysis of the Saxon town plan (Klingelhöfer, 'Evidence of Town Planning', p. 6).

⁷⁹Klingelhöfer, 'Evidence of Town Planning', pp. 5-8 and fig. 1.

strengthening the argument for St. Mary's Saxon origins - churches often appearing next to gates in other Saxon *burhs*.⁸⁰

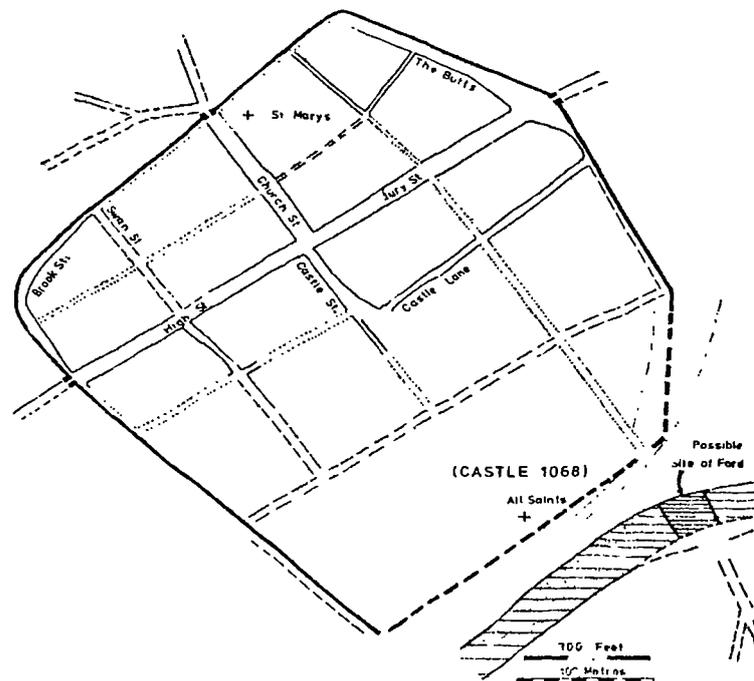


Figure 1. St. Mary's in later Saxon Warwick (adapted from: Klingelhöfer, 'Evidence of Town Panning', fig. 2).

The church's first recorded appearance is made in the Domesday Book (in which the manor of Myton was sublet to the church), and would further substantiate the argument for its pre-Conquest foundation.⁸¹ Similar corroboration comes from an analysis of the rise of the local and parish church and urban development in the late Saxon era. Privately endowed churches manned by single priests appeared from as early as the eighth-century, but their rise really began from the tenth-century, coincidental with changes in settlement and manorial structure, and from the mid-tenth-century their rise accelerated and resulted in the increasing fragmentation of the large minster *parochiae*.⁸² St. Mary's as a post-914 but pre-1066

⁸⁰See Morris, *Churches in the Landscape*, pp. 198ff., 214-7 for the significance of churches and gates in Saxon *burhs* and town plans, and other examples of this relationship.

⁸¹*Domesday Book*, fo. 241d.

⁸²Blair, 'Secular Minster Churches', pp. 104, 119, 131; 'Minster Churches in the Landscape', p. 57; 'Introduction: from minster to parish church', pp. 7-8, 10-11, 13-14; 'Local Churches in Domesday Book', pp. 265, 268-9, 271; Morris, *Churches in the Landscape*, pp. 147-9, 162, 165, 168-70, 204; Croom, 'Fragmentation of the Minster *Parochiae*', pp. 67-82. For an alternative perspective on the 'decay' of minsters and their *parochiae* see

foundation would seem to fit this trend convincingly, the establishment of the *burh* falling at the beginning of the main period of church building.⁸³ The scenario would also fit what we know of Warwick's development and status, urbanisation stimulating the foundation of churches: "the primary factors behind the proliferation of churches in towns before 1100 [being] population and wealth".⁸⁴ It has already been demonstrated how minster and *burh* might have encouraged the latter, and the relationship is given further credence by the situation of many town churches on main thoroughfares at gates and markets.⁸⁵ It was probably during the same period that Warwick's other parish churches were built, although the foundation of some may have extended into the early years of the Norman era.⁸⁶ The probability of several churches being extant in a town before 1086 is strong, given that Morris has calculated that approximately twenty-five per cent of the *burgi* or *civitates* mentioned in the Domesday Survey of that year possessed up to five churches, twenty-four per cent having more than five.⁸⁷ Although local churches proliferated from the tenth-century, their number in urban centres may well have depended on the strength of local lordship and the prevailing social structure, it being noticeable that in places with weaker lordship and a freer peasantry, such as the Danelaw, more churches were founded, by groups of lay citizens, and with their own parochial rights and functions, whereas those areas under stronger and more established seigneurial control, like the West Midlands, had "generally fewer churches in towns and ... it was not uncommon for the only parish to belong to the mother-church."⁸⁸ Given the subordination of the Warwick churches to All Saints and later St. Mary's (both of which were termed 'mother-churches'), the size of the latter's parishes, and the fact that prior to 1367 at least three of the seven Warwick churches had no burial rights or grounds (their parochial

Cambridge and Rollason, 'Pastoral Organisation of the Anglo-Saxon Church', pp. 97-100.

⁸³Morris, *Churches in the Landscape*, p. 149.

⁸⁴Morris, *Churches in the Landscape*, p. 192.

⁸⁵Morris, *Churches in the Landscape*, pp. 182-5, 198, 204.

⁸⁶Church building was given a new impetus by the Normans and some of Warwick's churches, like St. James above the West Gate, appear on the later, Norman, defences. For the 'great rebuilding' cf. Blair, 'Secular Minster Churches', pp. 125ff; 'Local Churches in Domesday Book', pp. 271ff; Gem, 'The English Parish Church', pp. 21-30.

⁸⁷Morris, *Churches in the Landscape*, pp. 169-70.

⁸⁸Hadley, 'Conquest, Colonisation and the Church', pp. 124-7; Brooke, 'The Missionary at Home: The Church in the Towns', pp. 59-83; R. Morris, *The Church in British Archaeology* (Council for British Archaeology, Research Report 47, 1983), p. 75.

functions being centred at St. Mary's),⁸⁹ as well as Warwick's earlier position at the centre of a royal estate and a history of strong seigneurial control, Warwick would appear to reflect this pattern and again the influence of the secular world is apparent. Also to be considered is the increasing enforcement of canon law following the Conquest, henceforward making it difficult to create or alter parish boundaries, with the result that from the twelfth century these boundaries and the jurisdictions they encompassed were increasingly fixed, concomitantly restricting the ability to establish new churches.⁹⁰

It is not known whether St. Mary's began its life as a dependent church under All Saints, possibly being served by the minster canons. The apparent ease with which the church and its parish fit into the late Saxon town plan might argue for its independence from the minster and its *parochia*,⁹¹ though All Saints' status as 'mother church of the vill' suggests a general acknowledgement of superiority. This superiority might have been in name only, for Slater has already shown that by the eleventh-century some of the churches within All Saints' *parochia* may have gained their independence and become manorial churches,⁹² and the minster itself might by this time have been effectively reduced to a chapel, serving the newly built Norman castle and its earls by the late eleventh-century. The castle was built in 1068. By the fact that only four Warwick houses were recorded as being destroyed for the building of the castle, and that All Saints was situated within the castle, we can assume that the now enclosed minster church and its precincts had borne the brunt of the new building.⁹³ The fact that possible canons of All Saint's were termed the earl's chaplains (*capellani comitis*) in Earl Henry's grant made between 1115 and 1119⁹⁴ would strengthen this view and illustrate the revised role played by All Saints. Bloom notes that "All Saints was probably the oldest church in the town, but had, from its position, more the nature of a castle chapel than a parish

⁸⁹No. 124. For burial rights as an indication of antiquity and parochial status, see: Thacker, 'Chester and Gloucester', pp. 204-5; Morris, *The Church in British Archaeology*, pp. 49-62. For the continued superiority of some mother-churches over their daughter churches, and the survival of some multi-parish colleges, see Palliser, 'Review Article: The "Minster Hypothesis"', pp. 207-214 (especially pp. 212-4).

⁹⁰Palliser, 'Review Article: The "Minster Hypothesis"', pp. 169, 171, 222; Blair, 'Introduction: from minster to parish church', pp. 10-14.

⁹¹Klingelhöfer, 'Evidence of Town Planning', pp. 6-7.

⁹²Slater, 'Origins of Warwick', p. 8.

⁹³Kinvig, 'Warwickshire', pp. 302-3, 306; Klingelhöfer, 'Evidence of Town Planning', pp. 2, 6.

⁹⁴No. 9.

church.”⁹⁵ The question of St. Mary’s classification in this period prior to its foundation as a secular college c. 1123 is not a straightforward one.

According to the record bequeathed to us by Domesday Book, St. Mary’s held a hide (one hundred and twenty acres) of land in Myton from Thorkil of Arden worth ten shillings, and which had formerly been in the lordship of Earl Edwin, earl of the Mercians and Northumberland. There was also land for one plough, three cottagers with a plough, a female slave and four acres of meadow.⁹⁶ The entry gives no indication of St. Mary’s already being a collegiate church in 1086, and a hide of land, which “was the commonest endowment for a church” points to there only being one priest.⁹⁷ The late date of the endowment (given by Thorkil after Earl Edwin’s death in 1071 - the land *formerly* belonging to Edwin) might lend weight to Leach’s argument that St. Mary’s was founded by the Count of Meulan after the Conquest but before the creation of the earldom of Warwick (between 1066 and 1088),⁹⁸ the Domesday entry thus signifying an endowment to accompany the foundation. This would not, however, conform with the argument and evidence delineated above, and Thorkil’s gift may be interpreted differently. Williams interprets the endowment “as a gift for the soul of Thorkil’s former lord”⁹⁹ - thus patronising his lord rather than the church directly. It could also have been a gift to support the church and its priest now that it had gained parochial independence.¹⁰⁰ Another argument that I would suggest, one that is not necessarily antagonistic to the latter two, is that, after its foundation in the tenth-century, St. Mary’s was then rebuilt with the arrival of the Normans. The rebuilding in stone (before this most church fabrics would have been of wood)¹⁰¹ might have been a part of the ‘great rebuilding’ that has already been mentioned¹⁰² (and this phenomenon, in Warwick, perhaps coincided with the

⁹⁵J.H. Bloom, ‘An Introduction to the Cartulary of St. Mary’s, Warwick’, *Transactions of the Bristol and Gloucestershire Archaeological Society*, 37 (1914), p. 79.

⁹⁶*Domesday Book*, fo. 241d. St. Mary’s is the only Warwick church to appear in the Domesday Book.

⁹⁷B. Evans, ‘The Collegiate Church at Cirencester: a critical examination of the historical evidence’ in McWhirr (ed.), *Studies in the Archaeology and History of Cirencester*, pp. 48-9; F. Barlow, *The English Church 1000-1066* (London, 1963), p. 191. Evans similarly uses this evidence in trying to find out whether the church was collegiate at this time.

⁹⁸Leach, *History of Warwick School*, pp. 23-4.

⁹⁹A. Williams, ‘A Vice-Comital Family in Pre-Conquest Warwickshire’ in R.A. Brown (ed.), *Anglo-Norman Studies XI* (1989), p. 291. Williams uses the gift as an example of the relationship between the Saxon family and the earls of Mercia.

¹⁰⁰Blair, ‘Local Churches in Domesday Book’, p. 270.

¹⁰¹Morris, *Churches in the Landscape*, pp. 148, 165.

¹⁰²See note 82 above.

building of the Norman castle and town defences), and might even have been commissioned with the plan of making the church collegiate already in mind.

Chatwin, although he cites no evidence for this, states (or assumes) that “In 1123 [St. Mary’s] was rebuilt, on a grand scale, as a collegiate church.”¹⁰³ The crypt and (original) tower of the church were both Norman,¹⁰⁴ and Blair has shown that many colleges were reorganised, rebuilt or newly founded at this time.¹⁰⁵ If St. Mary’s was rebuilt specifically as a collegiate church it would make sense if the refurbishment were later (from 1088 and the creation of Henry de Beaumont as earl of Warwick). If, on the other hand, the substantial endowment by Thorkil does signify a rebuilding, then it is possible that Leach is right in connecting Henry de Beaumont’s brother, Robert, Count of Meulan, with the building of the church and establishment of the college. If this is the case, though, I think it more likely that the church was rebuilt rather than being a *de novo* establishment.

To return to the question of St. Mary’s initial status, there is the possibility that St. Mary’s originated as a college, and one might interpret its Domesday entry as evidence of such by taking account of the size of its endowment, its separate entry/valuation, and the fact that it is the only Warwickshire church explicitly recorded in the survey.¹⁰⁶ A slightly more tenuous link with St. Mary’s as a college *ab initio* is a grant of Earl Roger made between c. 1123 and 1153 to the chapel in Myton and the canons serving there.¹⁰⁷ The fact that, as we have seen, the manor of Myton was granted by Thorkil to St. Mary’s between 1071 and 1086, and that Earl Roger’s grant concerning a chapel at Myton appears in St. Mary’s cartulary, might lead us to suspect that Myton and its canons were a chapelry dependent on and subordinate to St. Mary’s. That St. Mary’s had an eleventh-century link with Myton before its official foundation as a college in the early twelfth-century would argue against the Myton chapelry and its canons being ‘inherited’ from All Saints at the latter’s translation to St. Mary’s, but St. Mary’s having a dependent chapelry is not conclusive evidence of its collegiate status, although it would argue a degree of wealth, status and possibly age. The reference to canons could, of course,

¹⁰³Chatwin, ‘The Rebuilding of St. Mary’s’, p. 1.

¹⁰⁴Chatwin, ‘The Rebuilding of St. Mary’s’, pp. 1, 4.

¹⁰⁵Blair, ‘Secular Minster Churches’, pp. 131ff.

¹⁰⁶These characteristics would fulfill several of Blair’s criteria for evidence of collegiate life in Domesday Book (Blair, ‘Secular Minster Churches’, p. 106).

¹⁰⁷No. 13.

refer to the canons of the St. Mary's of Earl Roger's foundation who were possibly installed after 1123.

The first grant to the church made by Henry de Beaumont, the first earl of Warwick, between 1088 and 1119, giving the church of Compton Verney to "the church of the blessed Mary" in order to found "a prebend for one of the canons serving God there,"¹⁰⁸ makes no explicit reference to the church's possible collegiate status, although it too implies that there was already a community of canons. This document, however, has generally been taken to presuppose the first earl's intention of founding a college of secular canons, and perhaps uniting St. Mary's with the pre-existing college of All Saints. In this case, the canons referred to may have been from the minster community, and the clause 'serving God there' in the charter may refer not specifically to St. Mary's but, instead, allude to the town of Warwick more generally. Another charter of Earl Henry, dated between 1115 and 1119, grants to "William, my chaplain, that which he holds in alms as a prebend."¹⁰⁹ Leach takes this and Henry de Beaumont's other charter as providing "clear affirmative evidence" of the church's collegiate status.¹¹⁰ It is not, however, self-evident what these two early charters represent, and what their underlying purpose actually was. Possibly, they epitomise the beginning or part of the process to make St. Mary's collegiate, or perhaps they may represent the process whereby an already collegiate church (such as All Saints), in which the canons were sustained by a common fund or estate, had its estate then subdivided into individual prebends.¹¹¹ The most probable scenario is the first, though, and these two charters of Earl Henry, concerning only St. Mary's and making no mention of All Saints, in all likelihood:

represent one of the earliest stages in the creation of a new collegiate church of St. Mary, its conversion from the living of one parson into a college of several parsons, augmented by new gifts - first, the tithe of the toll of the borough of Warwick and of Ledsham mill; and next, the church of Compton.¹¹²

¹⁰⁸"dedi ecclesiam de Cumtona cum omnibus pertinentiis suis . . . ecclesie beate Marie de Warewic. Et hac mea carta confirmavi ut sit omni tempore in prebenda unius canonicorum ibi Deo servientium." (Warwick Record Office (WRO), CR 1886/Cup. 4/W6; no. 7).

¹⁰⁹No. 9.

¹¹⁰*VCH Warwickshire II*, p. 300. Leach has elsewhere described William as a canon of All Saints, and so the evidence of St. Mary's being collegiate prior to c. 1123 is far from clear (Leach, *History of Warwick School*, p. 35).

¹¹¹Leach, *History of Warwick School*, p. 25.

¹¹²Leach, *History of Warwick School*, p. 26.

It would consequently seem plausible that St. Mary's was only collegiate before its 'foundation charters' of 1123 to the extent that its Norman 'founder', Earl Henry de Beaumont, had begun the process of endowing a number of prebends (which was continued and consolidated by his son, Roger, after Henry's death in 1119) and which culminated in the charters of c. 1123. Which of the former two charters constituted the first endowment (the date of each being unknown and falling partly within the same date-range) is uncertain. Leach himself confuses the matter, terming the Compton charter the "earliest of these deeds" and then subverting this by having this endowment follow the second gift in his interpretation of the foundation process cited above.¹¹³ But Leach's explanation of the actual process by which St. Mary's was made collegiate may be correct, as it would then explain a little more satisfactorily the clause in the Compton charter "a prebend for one of the canons serving God there" if this gift were to follow the endowment for the other prebend, and implicitly acknowledged the plan to unite All Saints with St. Mary's.

One can, unfortunately, reach no hard or fast conclusions regarding the origins of All Saints and St. Mary's. The hypothesis I tend to favour is that of a Saxon minster church founded at the heart of a royal estate both of which were then to become factors in the siting of Æthelflæd's *burh* in 914 and stimulating if not precipitating urban growth and encouraging ecclesiastical patronage. These trends, in turn, were to effect the building of Warwick's parish churches (which probably met a very real demand for pastoral provision and ministry given the town's urbanisation and growing population). I have my doubts as to the extent to which the *parochia* of All Saints was 'fragmented', given the survival of its (and later St. Mary's) mother-church status, and the fact that parochial rights in Warwick were centred alternately on these two institutions in the twelfth-century.¹¹⁴ The survival of the subordinate relationship in respect of the Warwick churches I would not so much regard as indicative of the vitality of All Saints (which it may have been despite probable obliteration by the castle), or even of its great antiquity, but rather of the strength of lordship which remained stable and strong from the Conquest and particularly during the time of Earl Henry.

¹¹³Leach, *History of Warwick School*, pp. 23, 26.

¹¹⁴Nos. 23-40 (especially no. 23).

Possibly St. Mary's was one of the earliest of the parish churches, and thus had time to accrue some status and wealth in the community; it may have been a daughter church of All Saints, and thus closely related to the 'mother church' and perhaps even staffed by its canons. Its fortunes may have stemmed, though, from possibly being rebuilt and refurbished by the Normans (coinciding with the physical decline of All Saints) and as it found itself increasingly in the town's centre as the town's limits (as defined by its defences) were extended and as the newly created earl of Warwick began to take an interest in the church and formulate plans for its future status, welfare and role.

Henry de Beaumont was the younger son of Roger de Beaumont, the Norman magnate, whose elder brother, Robert, is better known under his maternal grandparent's title, the Count of Meulan.¹¹⁵ Henry was created earl of Warwick by William II in the latter half of 1088, having supported William Rufus against the rebels involved in the succession crisis of 1087-8.¹¹⁶ To support the new earldom, Henry was granted the lands of the Anglo-Saxon thegn, Thorkil of Arden, who had retained extensive estates in Warwickshire at the time of Domesday.¹¹⁷ Through some arrangement with his brother Robert (another significant Domesday landholder), Henry also gained the Count's lands in Warwickshire, and his property was further augmented between 1100 and 1116 when Henry I gave the marcher lordship of Gower to the earl.¹¹⁸ We have already seen that Earl Henry made two grants to St. Mary's (one directly, the other indirectly) of land and rights that were intended to form the *corpus* of two prebends.¹¹⁹ The grants are most likely to constitute the beginning of the process to make St. Mary's collegiate, serving to augment its means of support and provide it (and its future canons) with an endowment sufficient to meet their everyday needs. In this respect, Earl

¹¹⁵*Dictionary of National Biography*, vol. IV, pp. 64-6, vol. XL, pp. 316-7; *Complete Peerage*, XII, pt. 2, p. 357.

¹¹⁶*Complete Peerage*, XII, pt. 2, p. 357. For further discussion of the creation of the earldom of Warwick cf. *Complete Peerage*, XII, pt. 2, appendix A. See D. Crouch, 'The Local Influence of the Earls of Warwick, 1088-1242: a study in decline and resourcefulness', *Midland History*, 21 (1996), pp. 1-6.

¹¹⁷Thorkil was a tenant-in-chief in 1086 and held a fief of 127 hides in Warwickshire, with another five hides at Drayton (Oxon). He was possibly sheriff of Warwick and was certainly sheriff of Staffordshire. For his quite exceptional position and wealth, as well as his holdings, cf. *Domesday Book*, fos. 240b-241b; Williams, 'A Vice-Comital Family', pp. 279-95; *The English and the Norman Conquest* (Woodbridge, 1995), pp. 26, 98, 103-4, 113, 208-9; Crouch, 'Local Influence', pp. 3-4; F. Stenton, 'English Families and the Norman Conquest', *Transactions of the Royal Historical Society* (4th series, 26, 1944), p. 1.

¹¹⁸*Complete Peerage*, XII, pt. 2, p. 357. Williams, 'A Vice-Comital Family', p. 291; D. Crouch, 'Geoffrey de Clinton and Roger, Earl of Warwick: New Men and Magnates in the Reign of Henry I', *Bulletin of the Institute of Historical Research*, 55, no. 132 (1982), p. 114; 'Local Influence', p. 5; L. Fox, 'The Honour and Earldom of Leicester: Origin and Descent, 1066-1399', *English Historical Review*, 54, no. 215 (1939), pp. 386-7.

¹¹⁹Nos. 7, 9.

Henry's grants of prebendal property might be regarded as the original *donatio* and the first of a series of such grants that would only later culminate in a more general and confirmatory charter of foundation. For, despite the sometimes illusory impression of these foundation charters, "the foundation of a monastery was not, in fact, a single act. Years must elapse between the first *donatio* of the founder and the actual beginning of conventual life."¹²⁰ The two charters also betray Henry's possible intention at this early stage of amalgamating All Saints with St. Mary's, and possibly transferring the canons of the former to the new college. This predetermination is echoed in his grant of property to William his chaplain (a likely canon of All Saints) to be held as a prebend - the property later appearing in the possession of the college of St. Mary - and his grant of the Compton church as a prebend "for one of the canons serving there" (possibly intimating his intentions for the college). At any rate, there is little doubt that the new earl had clear designs for both churches and started the process of foundation.¹²¹

Earl Henry died in 1119 and at some point between this year and 1123 (from when Roger is generally styled 'earl')¹²² his son, Roger, succeeded and "he fulfyllid the virtuos purpos of his fader makyng on Colage of that of all halow in the castel and of Seynt Mary in the town of Warrewik."¹²³ One of his earliest acts was (perhaps in the spirit of his father's preceding grants and, thus, a continuation of the endowment-cum-foundation process) to grant the school of Warwick (which was affiliated to All Saints) to St. Mary's "*ut servitium Dei in eadem ecclesia frequentatione scolasticorum emendentur*."¹²⁴ This grant not only shows the preference accorded to St. Mary's over the more established All Saints but that the earls' plans for any union were not necessarily a matter of course and that the co-existence of two collegiate institutions might occasion a degree of friction, especially if the existence of one was at the expense of the other. The school had existed in Warwick from at least the time of

¹²⁰V.H. Galbraith, 'Monastic Foundation Charters of the Eleventh and Twelfth Centuries', *Cambridge Historical Journal*, 4:3 (1934), p. 214.

¹²¹A role that was acknowledged by his son, Roger, c. 1123 when in his own foundation charter intercessory provision is made "*pro anima Henrici comitis, sui patris, qui prius hoc instituit*" (no. 20).

¹²²*Handbook of British Chronology*, ed. E.B. Fryde, D.E. Greenway, S. Porter and I. Roy (Royal Historical Society, Guides and Handbooks, 2, Cambridge, 1996), p. 486.

¹²³*Rous Roll*, cap. 32. For Roger's position in both local and national politics see Crouch, 'Geoffrey de Clinton and Roger, Earl of Warwick', pp. 113-124; 'Local Influence', pp. 1-22.

¹²⁴No. 11: 'so that the service of God in the same church may be improved by being frequented by scholars'.

the Confessor, since when it had been under the governance of All Saints.¹²⁵ Roger's grant would certainly have awarded the new college added prestige and purpose and, more practically, with choristers and a master of music;¹²⁶ it also being in the school's advantage to be removed from the confines of a fully operational Norman castle. It might also be indicative of the favour in which St. Mary's was held by the new earls as well as the possible converse decline of the older minster. The reasons for founding St. Mary's and the relative position of All Saints, will be discussed later,¹²⁷ but it is important to note at this stage in the foundation process the antagonism between the institutions as they vied to gain or protect accordingly their rights, privileges and possessions.¹²⁸ And this was what All Saints did, for Roger's grant was swiftly followed by a royal writ of Henry I (probably the result of an appeal by the minster canons to the King's Court) confirming all their rights, customs and possession of the school "just as they used to have them in the time of King Edward and of my father and brother."¹²⁹ Having failed in his attempt to transfer the school to the newly endowed St. Mary's, Roger then sought to unite both churches, translating both the canons and the school of All Saints to the church of St. Mary. Whether this was his (or his father's) intention all along or whether it was a more expedient solution prompted by the success of the minster canons to retain their school and privileges is not known. For reasons that will be examined more closely when the purpose of, and motivation for, the foundation and translation are investigated later, I suspect that a union of sorts was anticipated all along. What Earl Roger's grant demonstrates is that the way it was to be achieved was first to be exploitative and effected by the gradual erosion of All Saints and its possessions. At the very least, if his intentions were not quite this pragmatic, the young Earl Roger's grant was hasty and impolitic. The resulting writ shows something of a fighting spirit within the minster community, proving that as institutions they were not all fragmented, weak, and with their canons dispersed.¹³⁰ Their role and situation may have changed, but the defence of the school shows that in Warwick they still clung to that role.

¹²⁵No. 18; Leach, *History of Warwick School*, pp. 1-6.

¹²⁶No. 5.

¹²⁷See also Chapter 5.

¹²⁸This antagonism was not necessarily the preserve of 'old' and 'new'. Earl Henry, some time after 1114 had begun his other foundation, the priory of St. Sepulchre, whose establishment Roger completed c. 1123 (D. Knowles and R.N. Hadcock (eds.), *Medieval Religious Houses: England and Wales* (London, 1971), pp. 178-9). The priory was to occasion many disputes between itself and St. Mary's; the first being its refusal to pay an annual indemnity to the churches of All Saints and St. Mary's for any loss in tithes, burial fees or other profits as a result of the priory canons having their own cemetery (nos. 23-40).

¹²⁹"*sicut solebat habere tempore Edwardi regis et patris et fratris mei*" (no. 18).

¹³⁰No. 18.

That the union was achieved, and with the consent of the All Saints' canons, is an important contradistinction.

Earl Roger's success in attaining this consent may, at first, seem surprising; especially given the canons' previous resistance to any usurpation of their rights or diminution of their position. What the earl was now offering, however, was a fundamentally different proposition; transferring not only the property, possessions and rights of the canons but the canons themselves to the new college.

The legal process by which the college of All Saints was transferred and united with the church of St. Mary, and by which the latter finally gained its full and true collegiate status, marking the culmination of the recent process of endowment, was accomplished and consummated by means of three documents. The first of these is a charter of Earl Roger of c. 1123, following the death of his father in 1119 and his succession to the earldom of Warwick, that grants the secular canons of Warwick the right "to have a dean and chapter and brotherly meeting".¹³¹ Furthermore, the Warwick canons were provided with a model to follow, being able to hold all their possessions "as freely and quietly as the canons in the cathedrals of London, Lincoln, Salisbury and York". This reference provides the first indication of the constitution of the new college which was to observe the secular system and common life that had recently been adopted by many of the larger cathedral churches. Principally, this meant that the canons of St. Mary's were able to enjoy separate prebendal incomes and, again on an individual basis, partake of a share of the common funds of the church. Similarly they were not bound to reside together as a community, but were permitted to live in their own houses. They would, however, have been required to be present and assist at the divine services at the church held at each of the seven canonical hours of the day. Putting aside for the moment Roger's choice of a college of secular canons, the charter effectively established St. Mary's as a collegiate institution, but it is interesting that he does not specify who the canons are (whether those of All Saints or of St. Mary's) and that implicit in the grant is the fact that they already have their possessions (the rights by which they may hold them now being defined). This would lead us to infer two things. Firstly, as has already been surmised, that this charter marks the culmination of St. Mary's foundation as a collegiate church (possessions and

¹³¹"*habere decanum et capitulum et fraternum conventum*" (WRO, DR 1146/1; no. 19). For the question of the dating of the document see the notes to no. 19 in the edition.

properties having already been designated to it to form the basis of several prebends);¹³² and, secondly, that the union of St. Mary's and All Saints was by this stage already decided upon. We might deduce the latter not only from the ambiguous use of the phrase 'my Warwick canons', which carries with it a generic sentiment, but also from the inference that the new church already had property and possessions for the canons (not to mention the canons themselves), all of which All Saints, as an established church, was endowed with and would provide upon its translation.

The second 'foundation charter' of Earl Roger is in a letter form, recording the events and transactions in the past tense and being more openly confirmatory in its nature. The charter carries the date 1123 and concerns, more specifically this time, the possessions and liberties granted to St. Mary's (delineating in a schedule the various churches, tithes, lands and properties granted to the new college), besides detailing the souls for whom the canons are to seek perpetual intercession. It also reiterates the tenor of Earl Roger's grant above, and the witnesses are the same for the two grants, making it seem likely that the two were written on the same day. The authenticity of this charter and its date is in question, principally because it mentions Bishop Simon of Worcester on two occasions, although he was not consecrated bishop until 1125, and because it implies that Matilda, wife of Henry I, was alive at the time, although she had died in 1118. Her occurrence in the same document as Earl Roger is also contradictory, she having died a year before his father and Henry I having remarried in January 1121.¹³³ Crouch has hypothesised that it was fabricated from Bishop Simon's own charter of confirmation, parts of which (perhaps with parts of the previous charter as well, hence the witnesses and reiteration of its terms) were copied out and amalgamated in a new form.¹³⁴ This might have been occasioned, however, not from some fraudulent intention such as an untitled claim to property, but because (perhaps in the fifteenth-century when the cartulary was

¹³²Although the charter is in a diploma form, and as such describes the actual moment of the gift/ceremony, the use of present tense does not necessarily mean that this charter represents the original *donatio*. This is apparent given the fact of Earl Henry's earlier involvement and that such diplomas, although often written at the end of a series of acts, persevered in maintaining the illusion that the charter was made at the beginning of the foundation process (Galbraith, 'Monastic Foundation Charters', pp. 214-15, 218-19, 222).

¹³³*Handbook of British Chronology*, pp. 35, 278, 486.

¹³⁴Crouch, 'Geoffrey de Clinton and Roger, Earl of Warwick', p. 117 n. Crouch supports this argument by noting that the grants listed in the charter are genuine ones and that "there seems no reason to doubt that the bishop's charter copied an earlier, and genuine, charter of the earl to which the traditional date of 1123 can be safely attached." (Crouch, 'Geoffrey de Clinton and Roger, Earl of Warwick', p. 117 n.). There is some reason to suspect Bishop Simon's charter though (see below) so caution must be exercised.

written)¹³⁵ the original was lost, or perhaps because it had never existed, the original transaction being executed verbally or ceremonially, and there only being later a need for written confirmation as documentary proof gained increasing weight and credence. The foundation date, cited in the document, of 1123, may have arisen from later medieval confusion over the date of Earl Henry's death, which Rous interestingly records as 1123.¹³⁶ Ostensibly though, the charter confirms the college's possessions and the translation of the clerks from All Saints to St. Mary's that was effected at the petition and with the full consent of the former. Consequently, it marks the final phase not only of St. Mary's foundation as a collegiate institution, but also of the dispute between the two churches, the minster canons now achieving (at least on paper) the transfer and union on their terms.

The third document, intimately related to the previous two, was a charter of the bishop of Worcester.¹³⁷ Earl Roger's charters effectively constituted the conception of St. Mary's church as a college of secular canons. Nevertheless, to secure and authenticate its legitimacy various confirmations were procured. The professed purpose of Bishop Simon's charter is to translate the clerks of All Saints and their property to St. Mary's college and to confirm the establishment of a dean and chapter, the ecclesiastical possessions of the new college, and the manner in which their property was to be held. It also confirmed St. Mary's as the mother church of Warwick. The translation was decided upon with the advice of religious men and with the consent of the earl and the canons of All Saints (which differs slightly in tenor from Earl Roger's version which ascribes a greater role and initiative on the part of the minster canons - "*cum . . . devotis petitionibus clericorum predicte ecclesie Omnium Sanctorum*"¹³⁸). The advice was perhaps necessitated by the previous dispute between All Saints and St. Mary's, which is alluded to here and which gives the impression that perhaps the conflict over the school enshrouded a deeper antagonism than has so far been suggested.¹³⁹ Such a dispute and the ensuing "*consilio religiosorum virorum*" might account for the charter's being dated four or five years after the foundation (if we can take 1123 as the date of foundation). If Earl

¹³⁵See Introduction to the edition.

¹³⁶*Rous Roll*, cap. 31. For reasons behind the modern dating of Earl Henry's death in 1119, see *Complete Peerage*, XII, pt. 2, appendix A.

¹³⁷No. 21.

¹³⁸No. 20 (fo. 11v).

¹³⁹*...his que ad utilitatem ecclesiarum nostrarum spectant, sedulam curam adhibeamus, ut in majori pacis soliditate foveantur*" (no. 21, fo. 12v).

Roger's charter of confirmation (dated 1123) was taken from this episcopal charter (possibly in the fifteenth-century), then we have some reason to place the date of foundation nearer to 1127/8 (the date of Simon's charter). However, matters are complicated further by the possibility that Simon's charter was made by Earl Roger. It was not unknown for those seeking episcopal confirmation to draft the charter themselves, then sending it to the diocesan for his approval and authentication. This might account for some possible incongruities in Simon's charter¹⁴⁰ and the similarities between the two, but completely reverses the scenario propounded by Crouch, and makes Earl Roger's charter even more of an enigma! Certainly there is some form of incestuous diplomatic relationship between the three charters, but unravelling that tangled web is not easy and at best one can only present possible scenarios, all equally valid. The similarity of the list of possessions would indicate a common source, but which of the two spawned the other is impossible to tell, although probability favours the episcopal *actum*. This itself may then have been corrupted at a later date, or possibly its errors were introduced by the earl's secretariat. At any rate episcopal sanction was sought and received for the new institution. Its rights and properties and the minster church of All Saints (in the form of its canons and possessions) were officially subsumed into the new collegiate church. Following Bishop Simon of Worcester's confirmation came others, episcopal, archiepiscopal, royal and papal,¹⁴¹ and Roger continued to grant properties to the newly founded establishment, marking a new phase in its development and history where the rights and properties so recently bestowed upon it had to be preserved and maintained.¹⁴²

It was in this manner that the collegiate church of St. Mary and All Saints came to be founded, but some important questions remain unanswered. Why did the Beaumonts choose to found a secular college, and was this unusual given the growing potency of Gregorianism and the ascendant popularity of the regular, Augustinian canons among lay founders, both of which subscribed to a stricter interpretation of common life and adherence to a Rule. Furthermore, what were the reasons behind the translation of All Saints to St. Mary's, and how

¹⁴⁰No. 21.

¹⁴¹Bishop Baldwin, Archbishop Theobald, Popes Innocent II, Eugenius III and Adrian IV, and King Henry II all confirmed St. Mary's various liberties and possessions (nos. 22, 24-8, 31-4, 49-50).

¹⁴²During his period as earl (20 June 1119-12 June 1153) Roger granted St. Mary's the chapel of St. James above the West Gate, four houses and the land pertaining to the chapel (no. 12), land in Brailes (no. 17), and had confirmed St. Mary's and All Saints' possession of all the land and tithes they had held in the time of his father, Earl Henry (no. 10). Robert de Curli, a local landholder, also surrendered to St. Mary's the church of Budbrooke, for which the canons were to provide a vicar (no. 14).

did the earls of Warwick envision St. Mary's and its role within the wider society with whom, at the earls' behest, it was to retain its discourse? Accordingly, what did the foundation of St. Mary's mean: as a secular college, and in terms of its 'inheritance' from All Saints; and what implications did these hold for setting the tone of future relationships and the seeds of the college's survival?

The growth of monasticism, the increased impact of the Gregorian reform movement, and the popularity of new sources of patronage (such as the regular canons and Cluniac monks), trends which increasingly manifested themselves from the eleventh and twelfth centuries and whose influence affected modes of patronage, spiritual tastes and their expression, were to combine to place secular colleges, including minsters and their successors, in an increasingly unfashionable light and further encumber their ability to survive.¹⁴³ Not only did they offer lay and ecclesiastical patrons new foci for pious expression, but the Gregorian ideal itself was somewhat antagonistic to the mode of life practised by the colleges of secular canons who followed no Rule, lived very much within the community (many having wives and children)¹⁴⁴ and were exposed not only to the influence of society at large but also to that of their lay patrons. In response to the perceived moral decay of the clergy,¹⁴⁵ reformers appealed to the *vita apostolica* and aspired to improve clerical discipline and eradicate such abuses as clerical marriage, simony and nepotism. A particular target was the secular college, and with the reassertion of papal authority from the eleventh-century and the gradual adoption of the Rule of St. Augustine *inter alia*, the regular or Augustinian canons gained in popularity and proved an effective method of reforming many secular colleges and their canons, not affecting their pastoral responsibilities.¹⁴⁶ Thus, during the late-eleventh and early-twelfth centuries the secular college faced an uncertain future.

¹⁴³Blair, 'Secular Minster Churches', pp. 120, 131, 133-4, 137-8; M.J. Franklin, 'The Secular College as a Focus for Anglo-Norman Piety: St. Augustine's, Daventry' in Blair (ed.), *Minsters and Parish Churches*, pp. 97-8, 102; Blair, 'Introduction: from minster to parish church', pp. 5, 7, 13-14; J. Burton, *Monastic and Religious Orders in Britain 1000-1300* (Cambridge, 1994), pp. 3-5, 43-9, 54-5. For the a similar situation in Normandy see J. Yver, 'Autour de l'absence d'avouerie en Normandie: notes sur le double thème du développement du pouvoir ducal et de l'application de la réforme grégorienne en Normandie', *Bulletin de la Société des Antiquaires de la Normandie*, 57 (1965), pp. 189-283.

¹⁴⁴R[ichard], a twelfth-century dean of St. Mary's, had a son, William (see Crouch, 'Geoffrey de Clinton and Roger', p.121 n. 54; and the biographical index of *fasti* appended to the edition).

¹⁴⁵There was a reaction against secular foundations from the time of Bede who was himself not wholly enamoured with the system, but one should be wary of ascribing too much importance to the prevalence of such clerical abuses. Morris, *Churches in the Landscape*, pp. 126-7; Foot, 'Anglo-Saxon Minsters', pp. 213-14.

¹⁴⁶Burton, *Monastic and Religious Orders*, pp. 43-55.

Only a handful of the Domesday ‘superior’ churches survived the twelfth century as secular colleges. Collegiate churches did not become popular again until the fourteenth century, and then for very different reasons. Of some 170 foundations existing in 1535 (excluding cathedral chapters and academic colleges), only about a quarter had existed before 1120, and very few had been founded between 1120 and 1250.¹⁴⁷

Given the bleak situation and even bleaker prospects of the secular college during this period, the reasons behind the Warwick earls’ choice of a secular institution in the form of St. Mary’s become even more significant, and beg the question of how unique St. Mary’s was and how it survived.

Part of the reason for their choice of this type of establishment may have been the solution it presented to the problem of All Saints. The reasons and motivation for the translation will be examined presently, but the minster church would not only prove to be an effective (and cheap) means of endowing the college,¹⁴⁸ but it would also provide the college with its complement of canons and continue to permit the satisfaction of the pastoral responsibilities incumbent upon it. These factors, however, could have been fulfilled equally as well by a community of regular canons, and so, despite the importance of All Saints to the new establishment, the reason for the continuity of form (i.e. secular college) has to be more convincing than simply preserving the *status quo*.¹⁴⁹

A key motive may lie in the very nature of the secular college (and one of the reasons why the colleges attracted such disdain), and that is the institution’s susceptibility to lay influence and patronage and its flexibility (it not being tied to a Rule). The secular college, and the growing prevalence of the prebendal system,¹⁵⁰ provided the perfect opportunity for the lay patron of not only exercising a degree of control over the ecclesiastical institution, and the

¹⁴⁷Blair, ‘Secular Minster Churches’, p. 137.

¹⁴⁸Many minster churches survived or were, more accurately, reincarnated, as other institutions, normally of a monastic nature, providing a cheap and ready source of endowment. Thus, for example, the college of Daventry (Northants) was refounded as a Cluniac priory c. 1108, Bromfield (Salop.) as a Benedictine priory in the early twelfth century, Twyneham (Hants.) and Waltham (Essex) as Augustinian priories (Franklin, ‘Daventry’, p. 97; *VCH Shropshire II*, pp. 27-9; *VCH Hampshire II*, pp. 152-3; *VCH Essex II*, pp. 166-70).

¹⁴⁹Although there is some weight to an argument for ‘tradition’, as will be expounded below, and which may appear in the more defined context of tradition as a continental and familial practice, besides the possibility that there may have been a conscious effort to preserve something of the ‘secular tradition’, possibly for the reasons of cultural assimilation.

¹⁵⁰Edwards, *English Secular Cathedrals*, pp. 11-12.

ability to appoint its brethren, but also that of appointing clerks from his own household - the secular college enabling them to continue their work (not being necessarily bound to continual residence) and the prebendal system allowing the patron to effectively pay or reward their service, not from his own pocket, but with the revenues of the church. Thus, for the patron, service was effectively rewarded, loyalty was secured, and his influence in the affairs of the college further advanced, yet he kept his household clerk and avoided paying directly for the advantages accrued. Neither was this exploitation the preserve of the Norman era, Saxon magnates exercising some control over canonries and royal minsters being annexed as endowments for household chaplains from at least the Confessor's reign.¹⁵¹ Patrons using the secular colleges in this manner included mainly the king and magnates lay and ecclesiastical - to a lesser extent the minor gentry.¹⁵² There is some evidence that St. Mary's was intended as a *guerdon* for the clerks of Warwick's household, given that its first endowments made by Earl Henry c. 1115 x 1119 were specifically for individual prebends and that in both Earl Roger's and Bishop Simon's charters it is expressly stipulated that the canons should 'keep their prebends intact.'¹⁵³ The same sentiment might be construed in Earl Roger's advocacy of the cathedral churches of York, Lincoln, Salisbury and London as models for the college.¹⁵⁴ Considering the number of clerks in the earl of Shrewsbury's household,¹⁵⁵ and that the earls of Warwick might have a similar if not commensurate number, then St. Mary's college if not providing *sinecures* might, nevertheless, have met a legitimate need of the earls.

Another motivation for founding the college was perhaps the provision of spiritual intercession by the earl's canons on behalf of himself, his family and sovereign, and that some

¹⁵¹Blair, 'Secular Minster Churches', pp. 124-5; 'Introduction: from minster to parish church', p. 6.

¹⁵²St. Martin-le-Grand (London) provided maintenance for royal servants and governmental clerks, as did the college of Bridgnorth (Salop). South Malling (Sussex) was filled with the clerical appointments of the archbishops of Canterbury, while Earl Roger of Shrewsbury rewarded his clerks from his minsters (Franklin, 'Daventry', p. 97; Clark-Maxwell and Hamilton Thompson, 'The College of St. Mary Magdalene, Bridgnorth', pp. 24ff.; *VCH Shropshire II*, pp. 123-8; *VCH Sussex II*, pp. 117-119; Croom, 'Fragmentation of the Minster *Parochiae*', p. 74; Blair, 'Secular Minster Churches', p. 126). See also: E. Mason, 'A Truth Universally Acknowledged' in D. Baker (ed.), *The Church in Town and Countryside*, p. 177. For the exploitation of secular colleges by bishops see Hamilton Thompson, 'Notes on Colleges of Secular Canons', pp. 163-66; 'The Collegiate Churches of the Bishoprick of Durham', pp. 33-6.

¹⁵³Nos. 20-1 (fos. 12r, 13r): "*salva integritate prebendarum suarum*" (the phrasing is the same for both charters).

¹⁵⁴"*omnes res suas obtineant, sicut Londonienses canonici et Lincolnienses et Salesberiensis et Eboracenses sua ecclesiastice dicuntur obtinere*" (no. 19). For the prebendal arrangements in these cathedral churches see Edwards, *English Secular Cathedrals*, pp. 11-12.

¹⁵⁵J.F.A. Mason, 'The Officers and Clerks of the Norman Earls of Shropshire', *Transactions of the Shropshire Archaeological Society*, 56 (1957), pp. 244-57.

importance was attached to this aspect of the foundation is attested by the lengthy preamble that accompanies the earl's foundation charter. In order to see more clearly who was to receive the benefit of the canons' intercession it is perhaps worth quoting the document's *arenga*.

In the name of the holy and undivided trinity, be it known to all the sons of the holy church of God, present and future, that in the year from the Incarnation of the Lord, 1123, in the reign of King Henry, Earl Roger, having obtained the consulship of Warwick, there to the honour of God and in veneration of Mary, holy mother of God, and of all the saints, for the soul of King William, conqueror of England, and Queen Matilda his wife, and their son, King William the second, and in future memory of the said soul of King H[enry], William his first son, and his wife, Queen Matilda the second, and for their children, and in memory of the soul of Roger de Belmund and his wife Aelma, and for the soul of Earl Henry his father, who first began this, and in memory of the soul of R[obert], earl of Mell[ent] and of all the faithful departed, arranged that the clerks of the church of St. Mary of Warwick and the clerks of All Saints, which was situated within the Castle, with the advice and assent and at the devout petition of the clerks of the aforesaid church of All Saints and, equally, with the deliberation of S[imon], bishop of Worcester, that they and their successors for ever may all canonically serve God and St. Mary together, diligently, day and night in the church of St. Mary, keeping the integrity of their prebends. And for the necessities of their living he granted them these things: . . .¹⁵⁶

The charter's preamble shows that St. Mary's was to have a clear intercessory purpose, and that its brethren were to pray for the souls of the Norman kings, their founders' family and 'all the faithful departed'. This has prompted Cook to categorise St. Mary's as belonging to that group of 'collegiate churches of the chantry type':

The college of S. Mary, Warwick, founded in the twelfth century, was an anticipation of the chantry colleges of later centuries, although it was not regularly constituted as such. Nevertheless, its purpose was the same, the underlying motive of all religious foundations of the Middle Ages being perpetual intercession on behalf of the souls of the founders and their families.¹⁵⁷

If such intercession was a prime reason for the foundation of St. Mary's and was more than an 'underlying motive', this further muddies the waters surrounding the purpose of St. Mary's. For, as Cook intimates, the chantry colleges which were specifically founded for the

¹⁵⁶No. 20.

¹⁵⁷G.H. Cook, *English Collegiate Churches of the Middle Ages* (London, 1959), p. 106.

spiritual provision and benefit for the souls of their founders belonged to the fourteenth-century and beyond.¹⁵⁸ In this case, is St. Mary's one of the first of this type, even a model for future establishments, and, if so, just how unique was it? The development of the doctrine of purgatory by the likes of Gregory the Great, and the increasing emphasis on the importance of the mass, and the growing acceptance of the intercessory role of the mass and anniversaries on the soul's behalf had made themselves felt by the early twelfth-century, and the first English chantry was founded by Henry of Blois, bishop of Winchester at Marwell (Hampshire) in the twelfth-century.¹⁵⁹ But while chantries themselves were not prolific until the late thirteenth and early fourteenth centuries,¹⁶⁰ many earlier colleges had a chantry function, like St. Mary's, of which Bridgnorth might also be an example,¹⁶¹ and formed one of the founder's expectations.¹⁶² St. Mary's was not, then, unique, although the emphasis given to those to receive spiritual intercession is unusual, and the college is certainly early in acknowledging this role so openly. Generally, the founder's expectation in this area was not so explicitly voiced, and this leads me to wonder whether there lay behind the preamble's text political as well as spiritual motives.

At about the time of St. Mary's foundation Earl Roger was probably not in royal favour, his brother Robert having recently rebelled against Henry I in 1118-19 and his cousin, Count Waleran of Meulan, revolting against the king again from October 1123 to April 1124.¹⁶³ Hitherto, the Beaumonts (Earl Henry particularly) had enjoyed high royal favour in the courts of William Rufus and Henry I, and perhaps the remembrance of the Norman kings, Henry I and his family is a small token of appeasement and a sign of Earl Roger's loyalty. A further reason might be to invoke royal protection for the new college - by involving the king's interest and spiritual welfare, the Crown might prove an important ally in later times. The foundation itself might have had a political aspect. Something of this has been demonstrated

¹⁵⁸Hamilton Thompson, 'The Early History of the College of Irthlingborough', p. 274.

¹⁵⁹Wood-Legh, *Perpetual Chantries in Britain*, pp. 2-5; Coulstock, *The Collegiate Church of Wimborne Minster*, pp. 114-6; C.H. Lawrence, *Medieval Monasticism: Forms of Religious Life in Western Europe in the Middle Ages* (London, 1989), pp. 69-71.

¹⁶⁰Wood-Legh, *Perpetual Chantries in Britain*, pp. 4-5; Hamilton Thompson, 'English Colleges of Chantry Priests', pp. 92-6; 'The Early History of the College of Irthlingborough', p. 274; 'Notes on Colleges of Secular Canons', pp. 159, 196ff.

¹⁶¹Clark-Maxwell and Hamilton Thompson, 'The College of St. Mary Magdalene, Bridgnorth', p. 24.

¹⁶²Burton, *Monastic and Religious Orders*, pp. 215-6.

¹⁶³Crouch, 'Geoffrey de Clinton and Roger, Earl of Warwick', pp. 116-18; 'Local Influence', pp. 5-7.

already with regard to the possible provision made for the earl's clerks - enjoining a consequent degree of loyalty and supplying allies in the ecclesiastical sphere. As mother church of the town, and with its territorial and spiritual links beyond the town's defences, influence over St. Mary's further extended and consolidated the earl's own authority, confirming "the *mores* of feudal society [which] ensured that the actions of both priest and people were manipulated in the interests of their territorial lord."¹⁶⁴

Finally, one could perceive the foundation of a secular college as something quintessentially 'Norman'. To expand, this might be manifested at three levels. Firstly, it might be part of the Norman 're-organisation' of the English Church. With the arrival of the Normans came not only change in the nationality of the heads of religious houses and those holding office within the Church, but also changes in the organisation, administration and internal practices of the Church. Accordingly, Lanfranc's *Decreta* were introduced,¹⁶⁵ reforms of cathedral chapters implemented and the prebendal system promulgated,¹⁶⁶ and many churches (from All Saints and Quatford to Old Sarum) relocated from small or unsuitable settlements and locations to more populous centres of administrative importance and convenience.¹⁶⁷ Secondly, and concomitantly, it would seem to concur with not only Continental practices at the time, but also family 'tradition'. Much of the Norman 're-organisation' had its roots in the Continent, and secular chapters were re-modelled on similar institutions in northern France. Likewise, the establishment of private colleges (founded by noble patrons) can be seen to have taken its lead from Normandy where strong parallels existed.¹⁶⁸

¹⁶⁴Mason, 'A Truth Universally Acknowledged', p. 186. See also: Coulstock, *The Collegiate Church of Wimbourne Minster*, pp. 21, 44-5; Hadley, 'Conquest, Colonisation and the Church', pp. 111-16. In this respect we see a means for the earl of consolidating and extending his power, interests and administration, and at a time when such consolidation was needed given the power-play between the earl and Geoffrey de Clinton (see Chapter 5).

¹⁶⁵Burton, *Monastic and Religious Orders*, pp. 23-4.

¹⁶⁶Edwards, *English Secular Cathedrals*, pp. 1-32; Hamilton Thompson, 'Notes on Colleges of Secular Canons', pp. 142-52; Blair, 'Secular Minster Churches', pp. 131-2.

¹⁶⁷Clark-Maxwell and Hamilton Thompson, 'The College of St. Mary Magdalene, Bridgnorth', pp. 1-6; *VCH Shropshire II*, pp. 123-4; *VCH Wiltshire III*, pp. 156-8, 161, 164-5; D.E. Greenway, 'Introduction', in J. Le Neve, *Fasti Ecclesiae Anglicanae: 1066-1300, IV, Salisbury* compiled by D.E. Greenway (London, 1991), pp. xxi, xxvii-xxix.

¹⁶⁸Blair, 'Secular Minster Churches', pp. 132-3; Musset, 'Recherches sur les Communautés de Clercs Séculars en Normandie', pp. 5-38.

In Normandy there is evidence, during the period 960-1110, for the existence of some 24 secular *collégiales*, at least 14 of which were founded between 990 and 1066. . . The colleges were small and . . . modestly endowed, and were tied firmly to their noble founders and patrons. The canons lived in their own houses and had individual prebends, . . . Canonries were usually filled by seignorial nomination . . .¹⁶⁹

We must not forget either that the Beaumont family were all involved in founding or supporting similar colleges, in both England and France. Earl Henry's brother, Robert Beaumont, Count of Meulan, founded the secular college of St. Mary in the Castle, Leicester c. 1107 for a dean and twelve prebends,¹⁷⁰ and was patron of the college of Wareham (Dorset), as well as holding the manor of Wimborne and perhaps being patron of its collegiate church.¹⁷¹ And both Henry and Robert seem to have followed the example of their father Roger de Beaumont (d. c. 1090).¹⁷² Finally, the college might be an example or expression of cultural assimilation or identity (depending on one's perspective). Accordingly, aided by the relative flexibility of the secular 'system' or college, one might interpret the choice of establishment and constitution as representing a means of successfully assimilating English and Norman cultures and practices: All Saints proving a vital link (or illustration) of continuity, while St. Mary's signalled greater innovation and a re-interpretation of an older theme, concomitantly preserving important links with the past. The new college would also brandish its Norman identity, manifested not least in the new stone fabric of the church.

It is likely that it was an amalgam of such reasoning that persuaded Earls Henry and Roger in their choice of establishment, with some elements perhaps more pressing or evident than others. It might, initially, seem curious that the college was founded quite late for 'private', secular establishments of this type, and that it was founded at all given the changing fashions in ecclesiastical patronage, the growth of monasticism and reception of the Gregorian

¹⁶⁹Blair, 'Secular Minster Churches', p. 133.

¹⁷⁰J.H. Round (ed.), *Ancient Charters, Royal and Private, prior to A.D. 1200* (Pipe Roll Society, 10, London, 1888), p. 62, no. 37; *VCH Leicestershire II*, pp. 45-6; *VCH Leicestershire IV*, pp. 370, 375-6.

¹⁷¹Coulstock, *The Collegiate Church of Wimbourne Minster*, p. 100.

¹⁷²Coulstock, *The Collegiate Church of Wimbourne Minster*, p. 100. Earl Henry, besides founding the priory of St. Sepulchre (for Augustinian canons) also founded a secular college at Wellesbourne (Warwicks.) For the family's record of ecclesiastical patronage see D. Crouch, *The Beaumont Twins: Roots and Branches of Power in the Twelfth Century* (Cambridge, 1986), pp. 196-204. Earl Henry's wife, Margaret, also enjoyed a laudable reputation for piety "*cuius religionis et honestatis fama celebris habetur, et longe lateque in vicinis regionibus inter praecipuas mulieres divulgatur*", and was a benefactor of religious institutions (*Complete Peerage*, XII, pt. 2, p. 360 (citing Orderic Vitalis)).

ideal and the Augustinian canons by lay (and ecclesiastical) patrons. It would thus seem, then, that a considered purpose was intended for St. Mary's, but its founders were not running wholly contrary to the tides of contemporary 'popular' taste, for Earl Henry had, at some point after 1114, begun building the priory of St. Sepulchre, in Warwick - a house of canons dedicated to the order of the Holy Sepulchre, and the first to be built in England. His son, Roger, finished the foundation process *c.* 1123.¹⁷³ Part of the reasoning behind the choice and nature of St. Mary's foundation, though, remains to be examined, and presents itself in the reasons why the minster of All Saints was translated to the church of St. Mary's.

While both Earl Roger's and Bishop Simon's charters acknowledge that the translation transpired with the consent of the canons of All Saints, the *actum* of the latter goes furthest in explaining the translation, citing the greater good of the churches and hinting at the previous antagonism between them ("so that they may be nurtured in greater peace"), the improvement of their clergy and pastoral provision ("so that the zeal of the churches' clergy in divine office be more earnest") and the inappropriateness of its castle location ("because that place seemed to us to be unsuitable"). The location of All Saint's (and its school) within an operational fortress and amidst its complement of various military and familial dependents and retainers would certainly have proved inconvenient for both the earl and his canons, and was not an ideal environment for the minster clergy and the schoolchildren under their care. Old Sarum, which was similarly situate in a castle, demonstrates some of the possible inconveniences; such as a lack of space and dwellings,¹⁷⁴ friction between the garrison and clergy, restricted freedom of movement (needing permission to leave the castle) and the inability of the faithful to visit and worship in the church.¹⁷⁵ All Saints may well have suffered similar privations, and the recently rebuilt church of St. Mary's would prove an attractive solution (to both the earl and the canons - if achieved on their terms) to these problems, being in all likelihood larger, with nearby dwellings for the canons and school. For the earl, translation would remove the

¹⁷³*VCH Warwickshire II*, pp. 97-99; Dugdale, *Antiquities of Warwickshire*, i, pp. 454-8; *Monasticon Anglicanum*, vi, pp. 602-3; Knowles and Hadcock (eds.), *Medieval Religious Houses*, p. 158; J.C. Dickinson, *The Origins of the Austin Canons and their Introduction into England* (London, 1950), pp. 83-4, 133n; 'English Regular Canons and the Continent in the Twelfth Century', *Transactions of the Royal Historical Society* (5th series, I, 1951), pp. 71-3; D.M. Robinson, *The Geography of Augustinian Settlement in Medieval England and Wales* (B. A. R., British Series, 80, 1980), pp. 55, 57, 59, 299, 334.

¹⁷⁴ As has already been noted, when the Norman castle at Warwick was built in 1068 only four houses were destroyed, suggesting that the minster bore the brunt of any destructive clearance and was drastically reduced in size, possibly to a mere chapelry (Klingelhöfer, 'Evidence of Town Planning', p. 6).

¹⁷⁵Greenway, 'Introduction', pp. xxvii-xxviii; *VCH Wiltshire III*, pp. 161, 164-5.

minster, school and canons from his fortress, provide his new college with canons and constitute a cheap and effective means of endowment. For All Saints, translation could mean the continued employment of its canons, the retention of its school and property (albeit under different circumstances),¹⁷⁶ and their augmentation, escape from the castle precincts and the ability to more effectively serve their parishioners. St. Mary's, in turn, received more lands, a greater jurisdiction, an enhanced status, and a school (which was to provide choristers for the church); it also lost a potential rival and everyone would gain from the resulting peace that would be nurtured.

With regard to the identity of the collegiate church, much remains to be explored, yet it is at the same time familiar and anomalous. At the time of its foundation we can see it as part of several 'trends', having a place in the decline and reincarnation of the Anglo-Saxon minsters, the 'great rebuilding' of churches, the development of urban society, the growth of parochial and other ecclesiastical jurisdictions, and the re-organisation and ecclesiastical changes and concerns of the newly installed Norman magnates. We may similarly witness the influence of lay patronage, secular lordship, continental practices and tastes, and ecclesiastical reforms; all of which, and more, combine to form the complex history of St. Mary's foundation. The college, in this respect, is not unique and many similar institutions reflect its example. Yet for all this, perhaps because it developed rather than having been planted or established from new, it is not readily definable as an institution: its identity having many dimensions and aspects, its essential structure fluid and manipulable. Thus it 'borrows' something of the Anglo-Saxon minster, the private Norman college, the English cathedral chapter, the parish church, and the chantry college, having elements of each in its inherent constitution.

As a result of the development of St. Mary's church, and its assimilation with the older minster church of All Saints, and the endowment and patronage it enjoyed from the earls of Warwick, the collegiate church of St. Mary and All Saints, Warwick, was bequeathed an endowment sufficient to meet the needs of its canons, and a sphere of jurisdiction that encompassed all the parish churches in Warwick, and several outside; moreover, it benefitted from and maintained important links with various churches and communities in Warwick's

¹⁷⁶Williams, *The English and the Norman Conquest*, pp. 128-9. For the college's endowment see Chapter 4, and for its patronage, Chapter 5.

hinterland. Such links not only preserved but also strengthened (by virtue of their antiquity) the new college's claim to its parochial and jurisdictional rights, and accordingly enhanced its chances of survival. These chances were further improved by the inherent flexibility of the secular constitution it was endowed with by minster and earl, and the fact that its privileges and possessions were secured and confirmed before episcopal authority and jurisdictions were rigidly defined or enforced. The college benefitted from having one foot in the old and one in the new. It was equally a part of the Norman reorganisation and rebuilding, gaining the patronage of the newly created earls of Warwick, and would receive some protection of its character, form and role from the secular model prescribed to it in the form of the cathedral chapters. The college of St. Mary's was consequently placed in an excellent position to survive and even thrive at a time which did not favour the secular college. The new college was in this fortunate situation by having at its disposal privileges and relationships old and new, and by being endowed with a form both ancient and modern in its character. Thus we might endorse the sentiment that "... secular colleges were not mere relics in the Anglo-Norman world: they belonged to it more naturally than hindsight suggests,"¹⁷⁷ and in acknowledging the role of the minster in aiding this transition we may now continue to explore both its legacy and the place it bequeathed the new college in later medieval society.

¹⁷⁷Blair, 'Secular Minster Churches', p. 131.

Chapter 2

St. Mary's Constitutional Development

Melior est enim obedientia quam victimæ...¹

The collegiate church of St. Mary, Warwick, was endowed with a constitution whose function was clear but whose structure was perhaps deliberately flexible. Like many similar collegiate establishments, St. Mary's was an amalgam of various influences; accident and design both conspiring to deprive the institution of any clear path of constitutional development. Among such influences could be counted aspects of the enlarged Rule of Chrodegang, Gregorian ideals and legislation, the legacy of the minsters and a nascent parochial system, besides similar continental institutions, the increasingly pervasive impact of Norman innovation and administrations, the English secular cathedrals and private patronage.² The necessary fluidity of structure engendered by these influences was further aided by the fact that, at the time of its foundation, episcopal control and jurisdictions had not yet reached their full extension nor had been consolidated,³ and further shelter from external intervention was provided by the college's private and secular patronage. Furthermore, a degree of individuality was always assured by the actual endowment of the college, the size and form of which, together with any incumbent parochial duties, would necessarily constitute key determinants in their deployment and *ipso facto* the college's structure.

This fluidity of structure is, potentially, a defining trait of the collegiate church and provides a useful explanation as to why St. Mary's defies simple categorisation, seemingly incorporating elements of various ecclesiastical institutions (the secular cathedral, the royal free chapel and the chantry college), and to its adaptability and longevity. Accordingly, it is with regard to this constitutional and structural flexibility that the church's constitution and development can be examined. While thus delineating the latter during the church's principal

¹"Behold, to obey is better than sacrifice..." 1 Samuel 15:22.

²See the previous chapter; nos. 19-21, 68; G.W.O. Addleshaw, *Rectors, Vicars and Patrons in Twelfth and early Thirteenth Century Canon Law* (St. Anthony's Hall Publications, 9, York, 1956), p. 5; Edwards, *English Secular Cathedrals*, pp. 4-12, 18-19; J. Barrow, 'Cathedrals, Provosts and Prebends: a Comparison of Twelfth-Century German and English Practice', *Journal of Ecclesiastical History*, 37:4 (1986), pp. 552-555.

³P.M. Hoskin, 'The Bishops of Worcester and their *Acta* 1218-1268' (D.Phil Thesis, Oxford University, 1995), p. 58.

periods of structural and statutory reform and development, it will also be pertinent to question the nature of this fluidity and whether it ever compromises the church's stability. Moreover, to what degree, within the structures in place, does any fluidity depend on centralised control and/or a clear guiding purpose? In turn, this debate will introduce important themes such as the corporate nature of the college: how this is defined, expressed and reconciled with other key themes such as non-residence, the increasing deputation of offices and responsibilities, the place of the individual in the institutional structure, and the scope given to individualism, besides those links forged with institutions and administrations outside the collegiate community. Finally, it is essential to recognise the impetus behind constitutional development and how the above themes influence, and are influenced by, the college's statutory legislation.

Constitutional Development from the Foundation, c. 1123 - 1367

At its foundation in the 1120s, St. Mary's was constituted with a dean and chapter and the English secular cathedrals of London, Lincoln, Salisbury and York were prescribed as its model.⁴ Its canons were granted a variety of spiritual and temporal property '*ad eorum victus necessaria*',⁵ and its rights and possessions confirmed by the local diocesan in 1127/8, who also stipulated that the dean be elected 'by fraternal and canonical deliberation'.⁶ Prior to the completion of its foundation, it had been endowed with at least two prebends, and its prebendal constitution was affirmed in the above charters, which ordained that they were to be kept intact.⁷ Thus, in its essentials, St. Mary's was defined until the more explicit statutes of 1367; fortunately more is revealed, directly and obliquely, by other sources which, cumulatively, allow the college's fundamental constitution to be disclosed

Most elusive is the precise number of prebends within the church and from what they were constituted. Styles calculated that there were most probably seven canons during this early period.⁸ There are seemingly good grounds for this total, it being the number cited by

⁴Nos. 19-21.

⁵No. 20 (fo. 12r).

⁶No. 21 (fo. 13r).

⁷Nos. 20-21.

⁸Styles, *Ministers' Accounts*, p. xxi.

Urban V in 1364,⁹ and can be accounted for by the prebend of Compton Mordak,¹⁰ the five parish churches dependent on St. Mary's after which five of its later prebends were called,¹¹ "each [prebend] carrying with it the cure of the church which formed the body of the prebend,"¹² and the small prebend held by the prior of St. Sepulchre's priory.¹³ Seven was the customary number of prebends for many early collegiate churches.¹⁴ But that the five Warwick churches constituted the body of five of these prebends is doubtful. From 1367 they indeed lent their names to five prebends, their previous nomenclature being erratic (usually being distinguished by the name of a previous incumbent),¹⁵ but the statutes of that year suggest that this was in commemoration of the loss of their parochial status rather than because they formed, or had formed, the body of several prebends.¹⁶ Furthermore, if Styles' interpretation was correct, each prebend carrying the cure of its church, then the fact that the patronage of at least two of the churches (St. John's and St. Laurence's) was vested in the same prebend, the patrons of the five churches not tallying with five different prebendaries, is curious.¹⁷ Certainly some of the canons had a financial stake in the various churches, whose patronage was also similarly attributed to certain prebends, but it is dubious whether each church formed the main corpus of an individual prebend and that their division was this clear-cut. As Styles herself noted, the Warwick churches were only partly dependent on St. Mary's. Each church kept its own rector and retained most, if not all, of its rectorial tithes.¹⁸ Neither does Styles' hypothesis account for the prebend (and its components) granted by Henry de Beaumont,¹⁹ nor a single reference to the "prebendary of Sherborne in St. Mary's" in 1339.²⁰ It would seem much more likely that the college's prebends were composed of a variety of tithes, landed

⁹No. 6; *CPP 1342-1419*, p. 501; *CPL 1362-1404*, p. 39.

¹⁰Nos. 7-8, 256-263; Styles, *Ministers' Accounts*, pp. xxi-xxii.

¹¹No. 124e; Styles, *Ministers' Accounts*, pp. xv, xxi-xxiii.

¹²Styles, *Ministers' Accounts*, p. xxi.

¹³Nos. 297-8; Styles, *Ministers' Accounts*, p. xxi.

¹⁴Leach, *History of Warwick School*, pp. 40-1; Hamilton Thompson, 'Notes of Colleges of Secular Canons', p. 143.

¹⁵For an example see *Taxatio Pape Nicholai IV* (Record Commission), p. 218.

¹⁶No. 124e.

¹⁷See no. 124b.

¹⁸Styles, *Ministers' Accounts*, p. xv.

¹⁹No. 9.

²⁰No. 125. For supporting material for the probable existence of this prebend, see also: nos. 20-21; *CCR 1307-1313*, p. 468; Styles, *Ministers' Accounts*, p. 67+n; Dugdale, *Antiquities of Warwickshire*, ii, p. 667.

property, rents, pensions and portions in churches.²¹ This would certainly explain the importance of issues relating to tithes in the cartulary.²²

The number of canons seems more likely to have fluctuated between six and ten during this period. In 1203, six Warwick canons were involved in a presentation dispute,²³ in an *actum* of between 1237 and 1266 four canons were named, with the inference that there were others, and six chaplains were permanently established in the church, having been hired by the absentee dean and canons.²⁴ In the papal taxation of 1291 six prebends were listed (including that of the prior of St. Sepulchre's),²⁵ and five canons attested a charter of 1295.²⁶ References to a 'sixth prebend' and 'sixth part' belonging to St. Mary's dean also occur in 1315,²⁷ in October of which year the values of the deanery and five prebends are also listed and the five canons named.²⁸ Similarly, in the early years of the reign of Richard II six prebends were taxed.²⁹ However, in 1268 the college was described as having eight prebends,³⁰ and in 1285 there were as many as ten with plans for a further three,³¹ while papal documents of 1364 record that the church was founded for a dean and seven canons.³² From 1396 the number of prebends remained stable at six, for a dean and five canons, following the expulsion of the prior of St. Sepulchre's from his prebend and place in chapter in that year.³³ Prior to this date, then, we may conclude that there were at least six prebends, most probably seven for much of the fourteenth-century and possibly as many as eight or ten *c.* 1268.

²¹For examples, see nos. 9, 61, 63-66, 78, 80, 124b, 345, 348; *Reg. Geynesborough*, pp. 183-4, 190, 222.

²²Nos. 61, 63-6, 134-5, 353, 355. Also: PRO, E 135/6/21-2, E 328/45; WRO, CR 26/4, p. 45; *CCR 1313-1318*, p. 317.

²³*CRR 1201-1203*, pp. 175-6.

²⁴P.M. Hoskin (ed.), *English Episcopal Acta 13: Worcester 1218-1268* (British Academy, Oxford, 1997), no. 162; Dugdale, *Antiquities of Warwickshire*, i, p. 429; *Reg. Giffard*, p. 6.

²⁵*Taxatio Pape Nicholai IV* (Record Commission), p. 218.

²⁶No. 107.

²⁷*Cal. Inq. p.m., Edward II* (1st ser., vol. 5), no. 615, p. 408; *CCR 1313-1318*, p. 317.

²⁸BL, Additional MS 28024 (Beauchamp Cartulary), fo. 181v.

²⁹PRO, E 179/58/8 (2-3 Richard II).

³⁰*Cal. Inq. p.m., Henry III* (1st ser., vol 1), no. 679.

³¹Leach, *History of Warwick School*, p. 43 with reference to *Reg. Giffard*, p. 266. See next paragraph.

³²See note no. 9.

³³Nos. 297-8 and nos. 301, 339, 359; *Cal. Inq. p.m. 1-6 Henry IV* (1st ser., vol. 18), no. 527, p. 173; *Valor Ecclesiasticus* (Record Commission), iii, p. 83; L. Toulmin Smith (ed.), *The Itinerary of John Leland*, vol. 5, pt. xi (London, 1964), p. 153; Styles, *Ministers' Accounts*, p. xxi.

Evidence exists of the possibility that prebends were added during this period, and some were certainly added to. This was not unusual and reflected similar growth in the chapters of the secular cathedrals.³⁴ In 1285 the bishop of Worcester addressed the earl of Warwick “as to the selection of prebends to the church of Warwick”, suggesting Childs Wickam and Salwarpe (Worcs.) “for two of the three prebends yet to be chosen out of the thirteen.”³⁵ Leach records this letter as stating that the number of prebends was then ten, with the plan being to add a further three advowsons to make thirteen, two of which are mentioned here. The scheme, however, was not realised owing to the fact that the advowsons held by the earl in the diocese were so poor.³⁶ The poverty of St. Mary’s existing prebends is attested by the attempted annexation of Budbrooke church to one of them in 1286-7 and c. 1301, and a failed bid in 1289 to make the church of Woodbrook (Worcs.) prebendal to Warwick; the bishop of Worcester changing tack and trying to augment at least one of the prebends.³⁷ None of these ventures seem to have succeeded on a permanent basis, although two canons received papal licences for the temporary annexation of benefices to their prebends in 1496 and 1508.³⁸

Presentation to the prebends rested with the earls of Warwick; during vacancies in the earldom passing to the king. Earl Waleran granted this right of presentation to Hubert Walter, archbishop of Canterbury, as a personal gift for the archbishop’s lifetime, 1193 x 1205.³⁹ Despite injunctions from the college’s foundation that prebends were to be kept intact and separate,⁴⁰ various disputes arose over prebendal property and prebendaries’ presentation rights.⁴¹ Beside the small, essentially nominal, prebend belonging to the priors of St. Sepulchre’s, Warwick, it is also likely that, at some stage during the twelfth-century at least, the archdeacons of Worcester and Oxford personally held prebends in the college.⁴² However, there seems no evidence to support Styles’ claim that the archdeacon of Worcester held his prebend by virtue of his archdeaconry, which seems to have been based on a misreading,

³⁴Crosby, *Bishop and Chapter*, p. 355; F. Harrison, *Life in a Medieval College: The Story of the Vicars-Choral of York Minster* (London, 1952), p. 25.

³⁵*Reg. Giffard*, p. 266.

³⁶Leach, *History of Warwick School*, p. 43.

³⁷*Reg. Giffard*, pp. 286, 306, 363-4, 454; *Liber Albus*, p. 3; *Reg. Sede Vacante*, p. 21.

³⁸*CPL 1492-1498*, no. 512, pp. 347-8; *CPL 1503-1513*, no. 904, p. 596.

³⁹No. 69.

⁴⁰Nos. 20, 21, 48.

⁴¹See nos. 61, 259-63; *Reg. Geynesborough*, p. 199; *Reg. Sede Vacante*, pp. 32-3; *Reg. Giffard*, p. 169, 199, 218.

⁴²Nos. 29-30; *Reg. Giffard*, pp. 138, 317.

although the arrangement itself was not uncommon,⁴³ the archdeacon presenting to a portion in St. Nicholas's by virtue of his prebend in St. Mary's.⁴⁴

The dean of St. Mary's had the care of souls of the collegiate church and its parish and a prebend annexed to his office. Elected by his fellow canons, the dean was *primus inter pares* and as such was the principal dignitary of the church and the *persona* of its parish, reverence being due to him from the canons and other ministers serving in the church.⁴⁵ His office was important structurally in the chapter's need for a figurehead and in its later definition as a corporate body.⁴⁶ His powers were limited, however, to the extent that he could only govern with the consent of his fellow canons, and so his position at the head of the chapter equates quite neatly to that of a chairman.

It was a symptom of the twelfth-century, and the earl of Warwick's designs for his collegiate church, as well as a vindication of the post-Gregorian reform movement against lay control over churches, that St. Mary's suffered serious interference in the election of its dean from the mid twelfth-century.⁴⁷ Only two decades after its foundation, in May 1144, its dean had cause to complain to the Pope that he had been forcibly removed from his office and another intruded.⁴⁸ It would seem that the earl of Warwick had demised St. Mary's to Richard Peche, archdeacon of Coventry, and then assisted him in forcing in a new dean. Lucius II consequently ordered the bishops of Worcester and Hereford to hear the cause and, in their general confirmations of 1146 and 1157, Popes Eugenius III and Adrian IV stipulated that there was to be no secular interference in the dean's election and that no layman was to threaten or disturb the church, its clerks or possessions (Adrian IV extending this to include ecclesiastical persons as well).⁴⁹ Bishop Roger of Worcester also confirmed the chapter's right

⁴³T.C. Peter, *The History of Glasney Collegiate Church, Cornwall* (Camborne, 1903), p. 76; Crosby, *Bishop and Chapter*, p. 46; Styles, 'The Early History of Penkridge Church', p. 6.

⁴⁴Styles, *Ministers' Accounts*, p. xxi + n. Nos. 29-30; *Reg. Giffard*, p. 317.

⁴⁵*Reg. Geynesborough*, pp. 86, 104, 163. Nos. 21, 124e.

⁴⁶Barrow, 'Cathedrals, Provosts and Prebends', p. 545; W. Ullman, 'The Delictal Responsibility of Medieval Corporations', *Law Quarterly Review*, 64 (1948), pp. 77-96; Hamilton Thompson, 'A Gnosall Lawsuit of 1395', pp. 107-8; 'English Colleges of Chantry Priests', p. 107; Bannister, 'The "Collegiate" Church of Ledbury', pp. 59-61.

⁴⁷For lay interference see: C.R. Cheney, *From Becket to Langton: English Church Government 1170-1213* (Manchester, 1956), pp. 122-3, 154-7, 160; Brett, *English Church under Henry I*, p. 229; Constable, *Reformation of the Twelfth Century*, pp. 57, 209, 240; Knowles, *The Monastic Order*, i, pp. 139-41.

⁴⁸W. Holtzmann (ed.), *Papsturkunden in England* (Berlin, 1930-52), i, no. 29, p. 256 (hereafter, *PUE*).

⁴⁹Nos. 25, 28.

to freely elect its dean between 1164 and 1179, and this itself was confirmed by his successor, Baldwin, as both and bishop and archbishop, in 1182 and between 1185 and 1186, and Baldwin's successor as archbishop of Canterbury, Hubert Walter, between 1193 and 1198.⁵⁰ Neither was St. Mary's passive, but wrote to the dean of Salisbury cathedral c. 1160, as one of its constitutional models, who replied that their dean was elected solely by the canons in chapter.⁵¹ However, if indeed it won this battle, St. Mary's chapter lost the war, and by 1286 the earl can be found presenting to the deanery, and in 1367 his right to present the dean was formally recognised by the bishops of Worcester.⁵² The Newarke college, Leicester, similarly lost its right to elect its own dean, in this case to the King.⁵³

The dean was also termed 'rector of the church of Warwick' in recognition of his parochial responsibilities,⁵⁴ although it is uncertain at this stage to what extent he would have performed any pastoral duties himself, these being more likely to have been delegated to the church's vicars or a parochial chaplain.⁵⁵ Reverence was due to the dean not only by virtue of his dignity, but also by his place in the choir, over which he had immediate jurisdiction. The dean's jurisdiction over the canons in respect of the *regimen chori* and in assembling for services in the church was confirmed by the bishop of Worcester in 1343, when the then dean forswore to exercise any archidiaconal jurisdiction in Warwick.⁵⁶ In accordance with his position, the dean probably occupied the first stall on the south side of the choir.⁵⁷ To support his various duties, which required stricter residence than was perhaps necessary for his fellow canons, he had his own prebendal property.⁵⁸ His position and status, with regard to both the parish and college he served, is also reflected in the various commissions and licences received and requested by St. Mary's deans in this period,⁵⁹ although this aspect of the office was

⁵⁰Nos. 48-51.

⁵¹No. 68. For more on Salisbury's election of its dean, see Crosby, *Bishop and Chapter*, pp. 342, 344-5. St. Paul's chapter did not acquire this privilege until the thirteenth-century (Crosby, *Bishop and Chapter*, p. 328).

⁵²*Reg. Giffard*, p. 297; no. 124e.

⁵³Hamilton Thompson, *Newarke Hospital and College*, pp. 48-9, 139; Bowker, *Secular Clergy*, pp. 159-60.

⁵⁴*Reg. Giffard*, pp. 154, 532.

⁵⁵Hamilton Thompson, 'The Collegiate Churches of the Bishopruck of Durham', p. 36; J.W. Fawcett, 'Lanchester Collegiate Church and its Deans', *Proceedings of the Society of Antiquaries of Newcastle upon Tyne*, 4th ser., vol. 1 (1925 for 1923-4), p. 75; Dugdale, *Monasticon*, vi.3, p. 1450.

⁵⁶*Reg. Bransford*, no. 556.

⁵⁷Styles, *Ministers' Accounts*, p. xlv.

⁵⁸Nos. 75-6, 79, 81, 92-3, 353. PRO, CP 40/273, 275.

⁵⁹*Reg. Cobham*, pp. 32, 272; *Reg. Montacute*, no. 1071; *Reg. Bransford*, nos. 190, 309, 527, 473.

dependent to a significant degree on the personal careers and aspirations of the deans themselves and their relations with the diocesan.⁶⁰ Thus we find a dean occasionally proving a will,⁶¹ receiving criminous clerks from local justices⁶² or being appointed a penitentiary.⁶³ Similarly, as the chapter's principal dignitary, various duties and appointments might be assigned to his office by the chapter. Thus, it was the dean who nominally made and decreed the statutes governing the grammar and song schools attached to St. Mary's 1314 x 1339 and resolved a dispute between their masters, who were henceforth to be appointed by him and seek any dispensation from the statutes from him.⁶⁴

It was easy, however, for deans, by virtue of their position, to overstep the bounds between acceptable acts of individual initiative that did not undermine the corporate structure of the constitution and the adoption of quasi-dictatorial actions.⁶⁵ But great caution must be exercised here. Records, in ascribing a given action to the dean, may well be inferring the implicit consent of the chapter, although this assent is usually acknowledged.⁶⁶ However, the dignity brought to the dean by his office and the inherent propensity for that position to be interpreted as carrying more weight than it did, could be as prejudicial as advantageous for its incumbent. When the dean and various canons of St. Mary's were excommunicated for denying the bishop of Worcester's right to visit their church, the dean seems to have borne the brunt of the bishop's invective, not only being excommunicated with the other canons involved, but also having his right to hold the office undermined, his name constantly being qualified by the phrase 'calling himself dean'.⁶⁷ Thus, the dean's position as figurehead was a double-edged sword, and here the dean seems to have drawn extra censure, simply by virtue of his office, for a decision and action no doubt sanctioned and taken in chapter.

⁶⁰Bishop Bransford deducted mark from St. Mary's procuration paid by the dean 'for special reasons of personal affection to an individual [i.e. the dean] and not to the whole college' (*Reg. Bransford*, no. 115 and p. xxiii).

⁶¹*Reg. Bransford*, no. 1309.

⁶²*Reg. Cobham*, p. 7; *Reg. Bransford*, no. 473

⁶³*Reg. Wakefield*, no. 834.

⁶⁴No. 5.

⁶⁵Bowker, *Secular Clergy*, p. 171; Hamilton Thompson, 'A Gnosall Lawsuit', p. 99; *Newarke Hospital and College*, pp. 140, 176, 188; Lepine, *Brotherhood of Canons*, p. 190; *VCH Hampshire II*, p. 152.

⁶⁶No. 5.

⁶⁷*Reg. Giffard*, pp. 148, 153, 169, 245, 249, 260, 271, 277, 297.

Despite Leach's attempt to apply the 'four-square' model of English secular cathedral constitutions to St. Mary's,⁶⁸ St. Mary's only ever had one other dignitary, the treasurer. While his office does not occur until 1367,⁶⁹ his forerunner was the sacrist who seems to have borne many of the same duties, being to some extent responsible for financial revenue as well as the church's treasures and vestments. The sacrist at St. Mary's may have originated with the college itself. The office occurs in the cartulary 1153 x 1184, 1176 x 1182 and in the late thirteenth-century, when his office was possibly endowed, and one of the chaplains established at St. Mary's by Bishop Cantilupe (1237-1266) was later assigned the function of sacrist.⁷⁰ With Philippa Hoskin, I too would shy from Styles' notion that Cantilupe's ordinance specifies that the sacrist should be a canon, and fear this interpretation may stem from the earlier confusion as to the contents of prebends, associating the rector of St. John's with a prebendary as opposed to the more plausible chaplain.⁷¹

The story of the establishment of the six chaplains at St. Mary's marks an important constitutional event in St. Mary's history. Cantilupe, on visiting the church, found that although bound to personal residence, the dean and canons:

...had withdrawn their attendance, and left Divine service to be performed by six hired chaplains, who were to have for their pains the common oblations and obventions of the people, which not being sufficient to maintain them, they were reduced to a less number.⁷²

Cantilupe consequently ordered the six chaplains to be re-established and supported by varying sums from each canon's prebend, besides the altar dues, and warned the dean and canons as to their residence. The episode tells us much of St. Mary's in the mid thirteenth-century. Following its first century of existence, St. Mary's was already 'suffering' from serious non-residence, deploying its own initiative in solving the problem, without any recourse to the diocesan, whilst simultaneously trying to prevent any expenditure from its prebendal income. We also see here a prime example of deputing certain responsibilities to inferiors. Cantilupe's

⁶⁸Leach, *History of Warwick School*, pp. 56-7. For a rebuttal see Styles, *Ministers' Accounts*, p. xxiv+n.

⁶⁹No. 124.

⁷⁰*EEA 13*, no. 162; Dugdale, *Antiquities of Warwickshire*, i, p. 429. Nos. 66, 78, 85-7. It is unclear whether the payments made to the sacrist in nos. 85-7 are personal to him or to be made to him on the church's behalf.

⁷¹Styles, *Ministers' Accounts*, p. xxiii; *EEA 13*, no. 162. That St. John's rector was unlikely to have been a canon is apparent in no. 124b (fo. 57r).

⁷²Dugdale, *Antiquities of Warwickshire*, i, p. 429.

reaction is significant in that he actively endorses this delegation and is much more concerned with its financial viability, ensuring the chaplains are supported satisfactorily by the prebendaries and, we may possibly surmise, vesting some degree of financial control in one of the chaplains as sacrist (appropriating the functions formerly belonging to a canon to one outside the chapter and more liable to residence)? Accordingly, the canons' need for a degree of non-residence is granted implicit recognition.

The ordinance may also signify a tacit acknowledgment of the increasing liturgical burdens to be supported by St. Mary's and like churches. A grant was made in the early thirteenth-century to St. Mary's 'martyrology', and it was at this time that we have the earliest references to the altar dedicated to St. Katherine and St. Margaret in St. Mary's (pre 1250) and, in 1295, the altar of St. Mary appears, with a Lady Chapel, where the daily mass of the Virgin was celebrated, occurring by *c.* 1330.⁷³ It is unclear to what extent the Use of Sarum was adopted by St. Mary's at this stage, although, as Styles notes, Bishop Giffard had ordered its use at his collegiate church of Westbury in 1270, with which he had planned that St. Mary's might share in some of the prebendal churches he was to appropriate to Westbury.⁷⁴ St. Mary's churchwardens also occur at this time and by the late thirteenth-century the first provisions for an obit at St. Mary's are given, with a poignant distinction between resident and non-resident canons and vicars.⁷⁵ Liturgical developments and the growing importance of the mass were to have serious repercussions for the duties incumbent on an urban parochial church like St. Mary's and, with promotion from the diocesan, would effect the church's very constitution, necessitating a larger clerical community, more gradations in the clerical ranks of St. Mary's, and legitimising an increasing trend of delegation which, in turn, could facilitate canons' non-residence.⁷⁶ Cumulatively, this placed more emphasis on the need for centralised supervision and written legislation to administer an increasingly complex community and situation. It also contributed more links with secular society, blurring further the boundaries between the institution and those it served.

⁷³Nos. 5, 84, 106-7.

⁷⁴Styles, *Ministers' Accounts*, p. xlv, n. 3; *Reg. Giffard*, pp. 43, 266, 363.

⁷⁵Nos. 106, 120.

⁷⁶Hoskin, 'The Bishops of Worcester and their *Acta*', pp. 97, 110-111; Peter, *Glasney*, pp. 25-7, 42-4; Lepine, *Brotherhood of Canons*, pp. 87-7; Bowker, *Secular Clergy*, pp. 155, 176.

Central to all these themes, and a prime example of each, are the vicars. It is highly likely that St. Mary's had a complement of vicars from the outset, possibly a clerical remnant from the minster clergy. Four of its vicars attested a charter of the canons in the mid twelfth-century, only some thirty years after St. Mary's and All Saints were amalgamated.⁷⁷ If they did exist from the college's foundation, then they did not owe their existence to the non-residence of the canons, unless this was anticipated by the college's founder - possibly being intended to free the canons of some of their duties *ab initio*. However, later non-residence would certainly increase their responsibilities and, concomitantly, their status.⁷⁸ This is quite manifest in many of the grants of rents and property to St. Mary's by members of the local community who, more often than not, grant it to the church for the benefit of the vicars, canons by no means being assured of a mention.⁷⁹ It is also interesting that it is only in the later and more formal grants that the term 'dean and chapter' is used, which shows us how the church was seen by local society and with whom it shared most affiliation. It would seem that prior to 1367 St. Mary's vicars equalled the canons in number, each being appointed by his canon, although from this date their appointment would pass to the dean and chapter, giving them greater security of tenure.⁸⁰ It is most probable that they resided with the canons they served, although they may have had a hall or houses of their own by 1336 and in 1339 St. Mary's recovered seisin of a messuage which was to become the site of a hall for St. Mary's vicars-choral, as the document's rubric states.⁸¹ The vicars were supported by the college's common fund (*communa canonicorum et vicariorum*), to which many of the church's grants were made. There are one or two references to a *communa vicariorum* in the early thirteenth-century,⁸² but it would be dangerous to infer to high a degree of independence or corporate identity from this, and in all likelihood they refer to the church's common fund.

A question of interest is the relationship between the vicars and the six chaplains later hired by the canons and established on a more permanent footing by Bishop Cantilupe. Given their number (which probably matches that of the canons in the mid thirteenth-century) and

⁷⁷No. 15.

⁷⁸Styles, *Ministers' Accounts*, p. xxxv.

⁷⁹Nos. 73, 82, 84, 89-90, 95-7, 99, 101, 104-5.

⁸⁰No. 124e.

⁸¹Nos. 47, 125. "Pro loco collegii in quo vicarii *simul* habitant" (my emphasis). See also; Toulmin Smith (ed.), *Itinerary of John Leland*, vol. 2, pt. v, p. 44; J. Rous, *Historia Regum Angliae* (ed. Thomas Hearne, 1745), p. 194.

⁸²Nos. 73, 84, 105.

the circumstances of their hiring, there are strong parallels with the office and duties of vicars, but the occurrence of the latter a century earlier means that either they were an additional contingent of chaplains who complemented the vicars or that they were hired by the dean and canons but over a century before this came to the notice of the diocesan. In the latter scenario we might also discard their origins as being connected with the minster clergy and put their means of payment on a surer footing. It is possible that they worked alongside the vicars, clerical taxation records of *c.* 1379 naming a group of six ‘chaplains’ of Warwick,⁸³ who may have been St. Mary’s vicars, and a group of twelve ‘chaplains serving in St. Mary’s collegiate church, Warwick’.⁸⁴ Unless they were in some way comparable to choristers, they had disappeared by 1535, when there were only ten vicars, a curate and six choristers.⁸⁵

Having considered the principal elements of St. Mary’s constitution and structure from its foundation to the mid fourteenth-century, and some of the major developments, and influences impacting upon them during this period, it remains to step back a little and consider these elements as a whole. The corporation as a legally recognisable entity did not come into being until the fourteenth-century, but, we may nevertheless discern some important ‘corporate’ characteristics in St. Mary’s. While the dean and chapter were to act in concert, the dean being *primus inter pares*, the chapter nevertheless had a presiding dignitary, making the college much more than a church of portioners.⁸⁶ Its corporate identity was reinforced by two crucial assets: a common seal and a common fund. St. Mary’s common seal first occurs between *c.* 1157 and *c.* 1159 and is an important reminder of St. Mary’s control over its own endowments and jurisdictions (over and above the simple fact of their possession),⁸⁷ a distinction that the secular cathedrals took longer to realise.⁸⁸ Its common fund similarly occurs from the twelfth-century.⁸⁹ Incidentally, while the odd gift towards the church’s fabric is made, there is no indication that there was ever a separate fabric fund.⁹⁰ Constitutionally at least St. Mary’s canons had the right to elect their own dean and several instances occur of collective

⁸³PRO, E 179/58/8.

⁸⁴PRO, E/179/5810, m. 2.

⁸⁵*Valor Ecclesiasticus*, iii, p. 83.

⁸⁶See note 46.

⁸⁷No. 15. For a description of the seal see W. de G. Birch (ed.), *Catalogue of Seals in the Department of Manuscripts in the British Museum*, vol. 1 (London, 1887), no. 4265.

⁸⁸Crosby, *Bishop and Chapter*, pp. 7-8, 20, 331-2.

⁸⁹Nos. 5, 82, 89, 95-9, 101, 104-5, 108, 110-11, 114.

⁹⁰Nos. 4, 6, 91.

action on the part of the chapter which was often much more than “the expression . . . of an *ad hoc* response to royal or episcopal oppression.”⁹¹ This is manifest in its hiring of the chaplains and governance of the school, and there may even be a case for its own initiative in its aggressive stance towards episcopal and archidiaconal visitation in the late thirteenth and early fourteenth centuries.⁹² Moreover, it not only had, but actively referred to, its constitutional model, initiating a discourse with the secular chapter at Salisbury on such topics as the election of the dean, the management and jurisdictions belonging to canons’ prebends and responsibility for the pupils of the schools attached to the churches.⁹³ But it is difficult, if not foolhardy, to try and judge the degree to which the college forged or felt its own communal identity, and while it might fall back on ‘strength in numbers’, its prebendal structure and canonical element was increasingly conducive to individual action and initiative. The significance of personality, particularly that of the dean, is especially vivid in episcopal registers, where we have one dean described as a “roaring lion” who was involved in various plots and intrigues and was the subject of numerous warnings by the prior of Worcester to the bishop and local archdeacon,⁹⁴ and another who earned the fond regard of the diocesan.⁹⁵

Prebends and their own houses,⁹⁶ in addition to their secular status,⁹⁷ accorded the canons an important degree of freedom with which to pursue their own careers and interests within or beyond the collegiate church.⁹⁸ The appearance of vicars and chaplains further enabled them to leave the close, although their absence was to proportionately increase the importance and status of their delegates. As these almost marginal elements gained in significance, so they were incorporated within the community’s structure and their position formalised in its constitution. Neither was the increasing propensity for non-residence commensurate with measures intended to alleviate its negative effects, but was also linked with the financial structure on which the collegiate church operated, prebends of varying

⁹¹Crosby, *Bishop and Chapter*, p. 385.

⁹²See Chapter 3.

⁹³No. 68. For a similar scenario see Peter, *Glasney*, pp. 7, 15, 21, 23, 42.

⁹⁴*Liber Albus*, pp. 26, 35, 65.

⁹⁵*Reg. Bransford*, p. xxiii and no. 115.

⁹⁶For evidence of the canons own houses, see nos. 16, 47, 61-2, 78-9, 122, 257; Rous, *Historia Regum Angliae*, p. 194.

⁹⁷Constable, *Reformation of the Twelfth Century*, pp. 227-8.

⁹⁸For examples, see the Biographical Index of *fasti* appended to the edition.

amounts and a possibly small common fund not being conducive to residence.⁹⁹ It is perhaps best to view this period in St. Mary's constitutional history as one where its basic structures were still being implemented and proved, and where the chapter was experimenting with and testing its own jurisdictions, their limitations, and those of its structure as a whole.

The *Antiqua Unio* and Whittlesey's Statutes of 1367

In 1364, Thomas de Beauchamp, earl of Warwick (1329-1369), petitioned Pope Urban V for, among other things, indulgences to those visiting and contributing to St. Mary's, which was currently being rebuilt, to the great cost of the earl, having become ruined, as it is said, by the neglect of its dean and canons.¹⁰⁰ Earlier, in December 1341, at the earl's request, the bishop of Worcester had appropriated the church of Pillerton Hersey (Warwicks.) to St. Mary's so that St. Mary's and its bell-tower could be repaired and services and hospitality in the collegiate church maintained. St. Mary's situation was indeed unfortunate in the first half of the fourteenth-century, the college complaining that it had lost too many secular clerks to the diocesan, that its parishioners, who customarily supported the vicars through their oblations and obventions, were so impoverished that this source of revenue had all but dried up, that their church's fabric was in disrepair, and that they were unable to provide hospitality for their guests and support the financial burdens placed on them.¹⁰¹ While trying to remedy some of these problems, the earl was shrewd enough to try and prevent this neglect reoccurring. According to Bishop Whittlesey, the problems arose

...over the course of quite a few years..., not only from the undue government of its ministers but also from the injurious alienation of [their] temporalities and spiritualities, and not without the connivance of their successors, [wherefore] they have sustained the grave collapse of these possessions and from day to day maintain this collapse, and its founding purpose and the intention of its founder have been, and in many ways are, disparaged...¹⁰²

⁹⁹Edwards, *English Secular Cathedrals*, pp. 39-41, 74.

¹⁰⁰CPP 1342-1419, pp. 493-501; no. 6.

¹⁰¹No. 129.

¹⁰²No. 124e (fo. 55v). There are good grounds for the long and steady erosion described. In July 1284, an attempt was made by the diocesan to have the rule of St. Mary's examined (*Reg. Giffard*, p. 245) and, in December 1305, a papal delegate was ordered to restore all alienated rights and possessions to the college, its canons having granted them away to the church's detriment (no. 52).

The earl of Warwick decided to put his house in order and petitioned the pope for a faculty for the bishop of Worcester, “to make statutes and ordinances touching the portions of the dean and canons, and their prebends ... in the said college.”¹⁰³ These statutes were issued on 24 December 1367 by William Whittlesey, bishop of Worcester, and ostensibly concerned the restoration of St. Mary’s alienated spiritualities, the earl having taken it upon himself to deal with its lost temporal possessions.¹⁰⁴

The first part of the episcopal statutes concerns the alienated spiritualities: nine churches which were part of the college’s original endowment. Having examined the relevant documents and inquired into the current state of each church, the bishop declared that two were irredeemably lost, one having become the priory of St. Sepulchre in Warwick and the other being attached to that priory. He recovered, however, the six parochial Warwick churches¹⁰⁵ and that of Budbrooke, which had been anciently united to the college. Moreover, most of these churches being poor and not all having burial rights, cemeteries or houses for their rectors, and one only having three parishioners, he united the care of souls of five of the Warwick parishes in St. Mary’s, where their parishioners would now hear services, receive the sacraments and be buried. Only Budbrooke and St. Nicholas’s retained their parochial status and functions. Any significant liturgical impact resulting from this ordinance was not felt immediately though, negated by the demographic effects of the Black Death. Moreover, the bishop had taken future population growth into account:

We find that a long time before the previous epidemic, when the population was countless, it was declared by a definitive sentence issued on the authority of the apostolic see, that all parishioners, of whichever of the town’s churches, were obliged to gather together in the sign of submission at the church of Blessed Mary itself to form processions and hear divine services.¹⁰⁶

The five ‘abandoned’ churches were to be commemorated in St. Mary’s by five altars dedicated to their saints, and their names would be given to five of the college’s prebends,¹⁰⁷

¹⁰³ *CPP 1342-1419*, pp. 493-4 (1364).

¹⁰⁴ No. 124. For the earl and the restoration of the college’s temporal possessions see Chapter 4.

¹⁰⁵ St. Michael’s, St. John’s, St. Peter’s, St. Laurence’s, St. James’s and St. Nicholas’s, Warwick.

¹⁰⁶ No. 124c (fo. 58v).

¹⁰⁷ Beverley is the only other institution I have found where prebends were named after altars: A.F. Leach (ed.), *Memorials of Beverley Minster: The Chapter Act Book of the Collegiate Church of St. John of Beverley A.D. 1286-1347*, i (Surtees Society, 98, 1898), pp. xlv-xlvi; R.T.W. McDermid, ‘The Constitution and the Clergy of Beverley Minster in the Middle Ages’ (MA Dissertation, 2 vols, Durham University, 1980), i, pp. 144-5.

whose canons would celebrate their private masses at their altars, besides treating the saints' days as major feast days. Once again the impact of parochial and liturgical developments on the constitution cannot be underestimated, and the celebration of one of these saint's days was to get a future canon into hot water, not to say prison, for ringing St. Mary's bells.¹⁰⁸ St. Nicholas's church was converted from a church of three portioners each presented by a canon of St. Mary's into a parish supporting two priests who, like the perpetual vicar at Budbrooke, were now to be presented by the dean and chapter. Thus, control over appointments was wrested from individual canons to be performed collectively by the chapter.

Like the earl, Bishop Whittlesey did not desire a short-term remedy but to place St. Mary's on a firmer constitutional footing. He therefore implemented some sweeping changes and a greater degree of definition to the church's constitution. Fundamental to these revisions was the establishment of a common exchequer. Whittlesey was not at all happy with the inequalities in St. Mary's prebends and the implications:

...among the canons of the said college, one works in hunger, another in repletion by having a prebend richer than three others put together, while the dean of the place, who by rights is the head of the college and higher in honour than the others, receives for his portion a stipend scarcely equal to that of a simple priest, and yet while he alone is bound to the burdens of continual residence, which are many and heavy, the canons who have fat prebends do not care to reside and those who have lean ones are unable to do so; and thus contrary to the praiseworthy and holy intention of the founder, the said church is being defrauded, divine services being owed and the college's goods appropriated to undue uses...¹⁰⁹

Historians of ecclesiastical constitutions have long recognised the often deleterious effects of prebends whose values varied considerably. It is unlikely that St. Mary's prebends were ever intended to be equal, being granted in stages from different types of property.¹¹⁰ The very circumstances and nature of their endowment, allied to the fact that they were then managed individually, and that the sources from which they derived their income were all susceptible to fluctuations in prosperity, ensured that any crude parity that existed between them would soon be subverted. The consequent disparity was often to undermine the canons' ability and

¹⁰⁸*Letters and Papers of Henry VIII*, vol. 11, p. 173, no. 432.

¹⁰⁹No. 124d.

¹¹⁰Nos. 7-9. For the possibility of an earlier intention for equal prebends see: Edwards, *English Secular Cathedrals*, p. 39; McDermid, 'Constitution and Clergy of Beverley Minster', p. 148; Barrow, 'Cathedrals, Provosts and Prebends', pp. 541-2; Crosby, *Bishop and Chapter*, p. 272.

willingness to reside and, as we also see here, the college's very hierarchy. Where incomes were disproportionate to the demands of the position, as at Auckland,¹¹¹ it further served to weaken the common bond binding the canons and the efficacy of any central authority.¹¹² Likewise, the work and position of canons' deputies, the vicars, was jeopardised - as happened at Auckland as well as Warwick.¹¹³ Generally, for patrons and canons alike, the advantages of prebends outweighed their disadvantages,¹¹⁴ but at Warwick, possibly because of the extent of their disparity and the repercussions for the college's financial and institutional stability, and particularly its significant parochial responsibilities as a mother church, the balance was tipped against the prebend in its 'traditional' form. It may even have been a greater problem here than in the secular cathedrals given that there were so few canons.

At Utrecht Cathedral in 1341, through the maladministration of some prebendaries, "some goods of the church had been alienated or lost, and the [prebendal] portions had become unequal, causing hatred and strife among the canons."¹¹⁵ The solution here, as at Warwick, was the establishment of a central fund through which all the church's property was administered in common, its canons' prebends now constituting equal portions derived from this exchequer. Bishop Whittlesey did not have to look as far as Utrecht for his inspiration, which he took from Exeter cathedral and St. Stephen's chapel, Westminster.¹¹⁶ The establishment of the common fund and fixed prebendal portions derived from it enabled the easier and better management of the college's property, ironing out destabilising factors such as the vagaries of local economic fortune and the resulting incongruous prebendal values. For this centralisation and management to be effective it necessitated the creation of a 'new' dignitary, the treasurer, which in turn instilled an important measure of accountability.¹¹⁷ Furthermore, a central fund from which canons' stipends were now paid enabled the introduction of

¹¹¹Hamilton Thompson, 'Collegiate Churches of Bishopruck of Durham', p. 39. The effects of varying prebendal values are also apparent in other colleges, such as Bridgnorth and Lanchester and Chichester cathedral: Clark-Maxwell and Hamilton Thompson, 'The College of St. Mary Magdalene, Bridgnorth', pp. 24-5; Hamilton Thompson, 'Collegiate Churches of Bishopruck of Durham', p. 35; Crosby, *Bishop and Chapter*, pp. 265-6.

¹¹²Brett, *English Church under Henry I*, pp. 188, 193-4; D. Blake, 'The Development of the Chapter of the Diocese of Exeter, 1050-1161', *Journal of Medieval History*, 8:1 (1982), p. 7.

¹¹³Hamilton Thompson, 'Collegiate Churches of Bishopruck of Durham', pp. 39-40.

¹¹⁴Lepine, *Brotherhood of Canons*, pp. 73, 83, 86.

¹¹⁵Edwards, *English Secular Cathedrals*, p. 40.

¹¹⁶No. 124d. For Exeter's common fund see: Blake, 'The Development of the Chapter', pp. 1-11; Edwards, *English Secular Cathedrals*, pp. 40, 74, 245-6; Crosby, *Bishop and Chapter*, p. 272; Lepine, *Brotherhood of Canons*, pp. 97, 109.

¹¹⁷No. 124f.

necessary distinctions, such as that between residents and non-residents, the various strata of the college's personnel, besides now permitting those offices crucial to the church's functioning to be properly supported and tangible recognition given to their position and role within the collegiate community.

The common exchequer ensured that St. Mary's canons *were more beholden to their patron and fellow canons*, their income and its level no longer a matter of individual initiative. It also enabled conditions to be set for receipt of their portions. Accordingly, Whittlesey fixed a pension of £13 6s. 8d. for resident canons and only £2 for non-residents.¹¹⁸ The dean, as dignitary and for whom residence was obligatory, was to receive an annual stipend of £26 13s. 4d., and each vicar £6 13s. 4d. Thus, the dean received a sum befitting his office and duties, canons' residence was recognised, as was the importance of the vicars, who were to receive over three times the amount of a non-resident canon. The amount to be paid to choristers and the church's other ministers was left to the discretion of the dean and chapter. As a further failsafe against the problems of non-residence and to bolster the common fund, if two or more canons were non-resident then £13 6s. 8d. was to be retained in the treasury. A qualification for residence could now be established, and was fixed at five days a week (260 days a year), although this could be taken cumulatively or dispersed. Thus, the diocesan was able to restore some order to the church and provide pecuniary support and recognition for its ministers and their offices, besides counter-measures against non-residence and its associated problems.

Whittlesey's statutes went a long way to reaffirming and reinforcing St. Mary's essential structure whilst introducing more centralised and accountable means of authority. Integral to this was defining the church's constitution more clearly (hence these statutes) and ensuring its protection by taking away control of the church's finances from individuals and placing it in the corporate edifice of the chapter where a majority consensus was needed to effect most transactions. As the chapter itself became legally more accountable for its actions as a corporation, so it was increasingly in the canons' interests to oversee that which was performed in their name and effected their remunerations. This greater emphasis on the chapter is evident in the statutes. The seven alienated churches were restored to the college, and the dean and chapter were now to present to St. Nicholas's and the vicarage at Budbrooke. The

¹¹⁸Once all the church's expenses had been met, residentiaries were also to be rewarded by equal shares of whatever income remained.

power to determine the pensions of the choristers and church's lesser clergy, to admit and remove vicars-choral, to elect the treasurer and regulate his length of tenure, with the ability to remove him at will, were all vested in the chapter. The treasurer was also made accountable to this body, from which he was elected, and to which he had to render a true account whenever asked, while the dean's status as its head (although he lacked any executive authority) was promoted by an increment in his stipend. Oaths were also employed much more visibly, the dean having his own oath in which he swore to reside continually, serve and cause to be observed the college's statutes and customs and be duly obedient to the bishops of Worcester.¹¹⁹ Canons also had to swear oaths on their admission and the treasurer had a special pledge as well; all serving to reinforce and elucidate the statutes and their duties and making them legally accountable.¹²⁰

As regards various offices, the dean was now to be presented by the earl of Warwick, and so the chapter irrevocably lost the right to elect its own figurehead (in practice this right had been lost as early as 1286). His obligation to reside continuously was reiterated and committed to the statute book (and backed by an oath) as was his care of the souls of St. Mary's parish, which now included the five former parishes of the 'abandoned' Warwick churches. In line with an increased emphasis on the chapter, its voting system was outlined. Each canon (including the dean) was apportioned a vote of equal weight, a given issue being decided by a majority vote. Only in cases of deadlock did the dean's vote carry more weight and he have the casting vote. The treasurer was to administer the common exchequer, collecting all the church's income and disbursing it in accordance with the statutes. A necessary office given the centralised aspect of the common fund, his position did not undermine this trend. He was an elected representative of the chapter, from whom he was chosen, and accountable to them. He was to be resident and his office was not perpetual, but his tenure and removal lay at the total discretion of the chapter, to whom he pledged his oath. He also had some jurisdiction over the care of the college's ornaments and, *ipso facto*, probably the sacrist too, whose office was shortly to become separate from that of the treasurer. As for the vicars, their stipends were set by the bishop and, while their number was dependent on the number of canons (which at this time, including the dean, was six), this was

¹¹⁹No. 124e.

¹²⁰Failure to comply could always then be punished by a charge of perjury, the motivation behind the oath for the schoolmasters in no. 5.

no longer true of their pensions which were now paid from the common fund, giving their position greater security, and their admission and removal lay with the dean and chapter as opposed to individual canons, reaffirming their own group status, which was already reflected in their having a common hall.

Whittlesey's statutes did much to clear the ambiguity surrounding St. Mary's constitution,¹²¹ reinforcing its essential components (the dignity of the dean, the college's founding purpose, the position of its vicars, the centrality of its common fund and the role of the chapter), restoring its alienated spiritualities, and setting it on the road to recovery whilst concurrently trying to prevent future losses accruing from the non-residence and self-interest of its canons. To this end he vested all executive control in the collective body of the chapter, committed its customs and ordinances to paper and backed them with oaths. By creating the right fiscal climate, he put residence to its best advantage and restored financial control to the institution as opposed to the potentially divisive and destructive influence of its individual members, all without compromising the structure's inherent flexibility or strength.

St. Mary's Chapter Enactments, 1367-1440

The spirit of Bishop Whittlesey's reforms and his agreement with the Earl of Warwick was consummated by the appropriation of the churches of Haselor, Wolfhamcote (Warwicks.), Whittlesford (Cambs.), Spelsbury (Oxon) and Chaddesley Corbett (Worcs.) to the college, having been granted by the earl and his brother, William de Beauchamp, lord of Abergavenny, in order to refurbish St. Mary's temporalities and fortunes.¹²² St. Mary's chapter then seems to have taken the initiative in finally appropriating the Warwick churches of St. Peter, St. Nicholas and St. Laurence and that of Budbrooke 1397 x 1410, validating in law that which Whittlesey's statutes stated in principle.¹²³ This spirit of consolidation continued to be fostered by St. Mary's enterprising chapter, who seem to have assumed Whittlesey's mantle in this respect. Their ingenuity and confidence in their reinvigorated endowments and the strength of

¹²¹For the problems arising from ambiguous statutes and customs and the remedies applied, see: Hamilton Thompson, *Newarke Hospital and College*, pp. 120, 135, 140-1; 'College of Irthlingborough', pp. 278-9.

¹²²Nos. 139-40, 147, 149-50, 165, 169-70, 181, 185, 187-8, 214, 216, 269-70. The royal licence to grant the churches to St. Mary's for appropriation was made in 1385 (no. 139), the appropriations taking place between 1392 and 1395.

¹²³Nos. 291-3, 300-306, 314-15, 320.

their ‘corporate’ structure and identity, as well as their relations with diocesan and patron, would seem to have prompted the chapter into formulating three important series of statutes in 1400, 1415 and 1428.¹²⁴ All three sets were promulgated on the dean and chapter’s authority, who appear not to have sought any episcopal sanction or confirmation for their statutes, acting autonomously of the diocesan, confident in their own status.¹²⁵

In January 1400, in a plenary chapter meeting, St. Mary’s dean and canons discussed various measures to encourage and improve the attendance of canons at divine offices in the church. This meeting, held at the canons’ own initiative and without episcopal intervention, with full attendance, demonstrates just how seriously the problem of non-attendance and -residence was taken and, *de facto*, their duties to the church and the *Opus Dei*. The result of the meeting was that all the college’s prebends were made equal in value, despite canons’ status. This, presumably, countermanded Whittlesey’s distinction of the deanery by the size of its prebend and certainly that between resident and non-resident canons, flying in the face of perceived wisdom on the subject. It is thus tempting to categorise St. Mary’s canons as self-serving, giving themselves a rise as soon as the bishop’s back is turned, rewarding non-residence with pensions which later accounts show were worth £10 each.¹²⁶ Whittlesey had ordered £2 for non-residents and £13 6s. 8d. for residents.¹²⁷ A cynical interpretation would also be fuelled by the further enactments that the present canons, and future canons on their admission, should swear to observe these statutes, and that rights of patronage in the Warwick churches were now to be held collectively by the dean and chapter. However, despite being contrary to Whittlesey’s measures, and later being repealed by one of his successors,¹²⁸ I doubt if St. Mary’s equalisation of its prebendal portions was as rash, self-serving or injurious as it appears *prima facie*. There seems to me to be good grounds for arguing that the chapter was fully embracing Whittlesey’s intentions for the church, although obviously deciding upon a different route towards that goal.

¹²⁴Nos. 295, 338-9.

¹²⁵The statutes of 1400 and 1428 were framed as notarial instruments (the first witnessed by two notaries, the second by one alone), whilst that of 1415 was simply transcribed in the cartulary.

¹²⁶Styles, ‘Financial Account’, pp. 145-6 n. 2; *Ministers’ Accounts*, p. 14+n. 2.

¹²⁷No. 124d.

¹²⁸PRO, E 315/492, no. 1, fo. 5r-v.

Whittlesey had set as a model for St. Mary's common exchequer that of Exeter cathedral, where its canons' prebends were also all equal in value.¹²⁹ The distinction between resident and non-resident canons came in the disbursement of the common funds, non-residents not receiving any such share. The share of this fund was larger and more significant at Exeter (as at St. Mary's now) because nearly all its income went to the common fund, not to individual prebends, only prebendal portions and the church's expenses being siphoned off. St. Mary's was not being deliberately contrary and obviously had enough faith in its now enlarged fund to think the scheme viable. Not only was it adhering to the prescribed model of Exeter though, but it also had a possible eye to attracting further patronage and securing links with people and institutions outside its own community. Whereas the canons' portions at Exeter were only worth £4 per annum, those of St. Mary's were set at £10. This would certainly make the church attractive to clerks of higher status seeking sinecures, although this high a sum might only attract non-residents, putting St. Mary's in the league of the secular cathedrals. Nevertheless, attracting royal clerks and attention might favour the college in the long-term, and it is possible that the risk to residence was considered acceptable, especially as it would eliminate envy and discord between canons over the size of their prebends. Certainly, from 1350 there appear to be a greater number of royal clerks and higher status clergy.¹³⁰ Indeed, residence seems to have been high during this period, a significant proportion of prebendaries being present at chapters and involved in the appropriations.¹³¹ Neither do these statutes actually designate a sum, only the principle of equality, so at this stage at least there is no evidence that the chapter was risking a fall in residence.

The other statutes issued in 1400 aimed to consolidate the collective authority of the chapter and minimise that of individual 'rogue agents'. Rights of patronage in the four newly appropriated 'Warwick' churches were now held by the dean and chapter in common, not individually, and its members bound by oaths to the chapter on admission. The oath's importance is attested by the record kept of those swearing it between 1402 and 1419.¹³² Moreover, its protection of the college's endowments and rights from infringement by canons

¹²⁹Edwards, *English Secular Cathedrals*, pp. 40-1; Lepine, *Brotherhood of Canons*, p. 109; Blake, 'Development of the Chapter', p. 5.

¹³⁰See the Biographical Index of *Fasti*.

¹³¹Styles, *Ministers' Accounts*, pp. xxx-xxxii.

¹³²No. 296.

was reinforced by a £100 fine and the possible deprivation of prebends.¹³³ The fact that a share of such a fine was designated to the canons, along with the increasing risk of corporate responsibility, also encouraged canons to oversee actions performed in their name and report any detrimental behaviour, loyalty being increasingly focused on the community rather than its constituent members.

A second chapter enactment of October 1415 mainly concerned the office of treasurer, elucidating his role and defining the terms of his office more clearly than had been done in 1367.¹³⁴ The mode of his election was determined by the order of the canons' stalls and alternated each year between the two sides of the choir. This prevented individuals monopolising the office and ensured that each canon shared in its benefits and burdens. The terms of his residence were also defined at last (at least a month per quarter) and his annual salary was fixed at £6 13s. 4d. To enable his residence, a house near the church was also attached to the office, for which he paid a nominal rent of 6s. 8d. towards repairs.¹³⁵ Refusal to hold the office resulted in a £5 fine (showing the office was probably more burdensome than beneficial) and failure to reside properly meant no stipend for that term. Thus, like Whittlesey's statutes, greater definition enabled better enforcement and occasioned less abuse or dispute, simultaneously strengthening the position of the treasurer. By resolving certain issues omitted by earlier statutes, the chapter statutes of 1415 thus acted as the natural extension of Whittlesey's ordinances, and their importance is confirmed by Bishop Bourchier's active endorsement of most of them in 1441.¹³⁶

The now pivotal position of the dean and chapter is also reflected in the statute decreeing that the common seal be kept under two different locks, the dean holding the key to one and the treasurer the other. This was most probably the custom for quite a while, only now being committed to statutory form, but it reflects the growing significance of communal decisions and the church's common seal as their means of authentication. The growing burdens of the liturgy are also evident in that canons were now obliged to donate a new cope

¹³³No. 295.

¹³⁴No. 338. For the 1367 statute see no. 124f.

¹³⁵No. 58 (fo. 35r); Styles, *Ministers' Accounts*, pp. xxviii, lii+n., liii+n., 32+n., 33-6, 58, 70 n., 71, 117, 150. The provost at Beverley, who held an office congruous to that of St. Mary's treasurer, also had a house belonging to his office (Hamilton Thompson, *Newarke Hospital and College*, p. 70).

¹³⁶PRO, E 315/492, nos. 4, 8 (fos. 6v-7v).

to the church on their admission, a similar measure having also been established at the Newarke college.¹³⁷

Finally, in 1415, we have the first mention of a treasurer's deputy, who would also seem to have been elected from the canons and was bound to the same terms of residence as the treasurer. It is likely that this 'vicegerent' was appointed if the treasurer himself was ill or incapacitated, providing a fall-back in case of absence rather than an inducement for it. It is possible that this office was synonymous with that of the sacrist, although the was latter becoming increasingly distinct from the treasurer, as we see in the 1408 inventory of St. Mary's goods,¹³⁸ being more akin to the offices of provost and sacrist at Newarke college.¹³⁹ The sacrist could well have performed duties in the treasurer's absence as his deputy (as at many cathedrals),¹⁴⁰ but these statutes suggest that the vicegerent was another canon and St. Mary's sacrists were not canons at this time.¹⁴¹ By the reign of Henry VIII, the under-treasurer was quite distinct from the (lay) sexton.¹⁴²

The treasurer was also the focus of the chapter enactments of November 1428 which were decreed by the canons having first heard the canon treasurer's accounts for the past year.¹⁴³ These statutes were made with the unanimous consent of all the canons present and recorded in a notarial instrument. Most significant among them was their reformulation of the treasurer's oath. That the treasurer was to swear an oath regarding the faithful execution of his various duties upon his election to the office was nothing new, the oath first being instituted by Bishop Whittlesey.¹⁴⁴ What was revolutionary was the chapter's voluntary reversal of the order of payment outlined in the oath. From 1367, the treasurer was to distribute the various stipends stipulated by the bishop at two terms of the year in the hierarchical order of dean, canons, vicars and other ministers. In 1428, however, this order was rendered dean, vicars, choristers and other resident ministers and *then* the canons. Moreover, the canons were only

¹³⁷Hamilton Thompson, *Newarke Hospital and College*, pp. 50-1.

¹³⁸No. 321.

¹³⁹Hamilton Thompson, *Newarke Hospital and College*, chapter III, statute nos. 3, 7, 18, 48-57, 63,67, 73, 78.

¹⁴⁰Edwards, *English Secular Cathedrals*, pp. 227-9.

¹⁴¹Nos. 321-2.

¹⁴²*Letters and Papers of Henry VIII*, vol. 10, p. 533, no. 1259.

¹⁴³No. 339.

¹⁴⁴No. 124f.

to be paid at the end of the financial year, after all other expenses had been paid, from the remainder in the common fund. Accordingly, St. Mary's canons were prepared to have their equal prebends at a price and did not put them before their dean or resident clergy. This was an important concession to the problem of residence and to the church's financial and liturgical well-being. Their prebendal portions were now the most vulnerable to any fall in the church's income. It shows that the canons did care about the church and the fulfilment of its founding purpose and were not simply out to line their own pockets (or at least not at the expense of the church and those it served). Not surprisingly, this statute was also retained and endorsed by Bishop Bourgchier.¹⁴⁵ The other statutes reaffirmed the treasurer's sole responsibility for revenue collection, and ensured that his deputy also swore the same oath on his admission.

The statutes of 1415 and 1428 gave greater definition and importance to the office of the treasurer and established a firmer base for St. Mary's financial administration. While there was an obvious centralisation of power, a variety of safeguards were nevertheless built in. His office was not permanent,¹⁴⁶ care of the church's treasures and ornaments was devolved upon the sacrist, whilst the treasurer himself was supported by a deputy. At all times he was answerable to the dean and chapter and this accountability was aided by the clearer definition of his duties. His status and responsibilities were acknowledged in the assignment of a salary and house, as were those of the dean, vicars and other resident ministers. The inherent importance of all these offices was recognised by the canons, who set about trying to limit internal discord by equalising their prebends and rotating the treasurer's office, but who also recognised and put the church's needs before their own.

Central structures and figures of authority, like the treasurer and common fund, became increasingly necessary in an expanding institution which was having to cope with an augmented endowment and administration and the growing liturgical demands placed on it. These demands are particularly evident from the late fourteenth-century. In 1383, some prominent Warwick burgesses founded a religious guild in honour of the Holy Trinity and St. Mary in St. Mary's which was to provide three chaplains to celebrate daily services there.¹⁴⁷ The guild's relationship was to become a close one with the college, St. Mary's benefitting from

¹⁴⁵PRO, E 315/492, no. 1 (fo. 5v).

¹⁴⁶Hamilton Thompson, 'The Chapel of St. Peter at Kirkby-upon-Wreak', pp. 144-5.

¹⁴⁷CPR 1381-1385, pp. 268, 271.

its property deals, housing the gild's records and owing much of its post Dissolution survival to the gild's timely intervention.¹⁴⁸ By 1408 there was 'my lord's altar' dedicated to the earls and countesses of Warwick, used for the observance of their obits and anniversary masses,¹⁴⁹ and by 1458, an altar dedicated to the Holy Trinity appears in St. Mary's where the gild's chaplains served.¹⁵⁰ In 1401, one of the Trinity Gild's founders, Robert Walden, established his own perpetual chantry for one chaplain at St. Anne's altar in St. Mary's.¹⁵¹ The chaplain was to be inducted by the dean and his presentation lapsed to the dean and chapter if the chantry's patron failed to present. Moreover, he was to minister on Sundays and other feast days with the others in St. Mary's choir and was provided with a cope and amice for these occasions by the dean and chapter. He was supported by the grant of various rents, but could also be employed by the college if they wished to engage him to help with the canonical hours.¹⁵² The relationship between St. Mary's, the gild and Walden's chantry was an intricate one, especially as the chantry chaplain later agreed to say masses for the gild who helped provide his chantry with bread, wine and wax and also gave him the gild's livery to wear on the feast of the Holy Trinity.¹⁵³ The liturgical life of all three institutions was very much intertwined and they supported each other accordingly. It is also at this time that we have clearer evidence that St. Mary's was following the Use of Sarum, it being required for Walden's anniversary masses and St. Mary's possessing an ordinal of Sarum Use in 1408 and 1465.¹⁵⁴ The number of obits also expanded over this period,¹⁵⁵ and by the late fourteenth-century St. Mary's may have had its own fraternity, which the canons received two benefactors into in return for alms donated to the church.¹⁵⁶ The canons' control of membership here might argue that it was a separate confraternity from the Holy Trinity gild founded in 1383, but most probably it is another expression of the reciprocity between the gild and its host church, the canons possibly having some influence over membership. Furthermore, the college had to

¹⁴⁸Nos. 311, 342; *Letters and Papers of Henry VIII*, vol. 20, pt. 1, p. 419 no. 846; *VCH Warwickshire II*, p. 304; *VCH Warwickshire VIII*, pp. 479-80.

¹⁴⁹No. 321 (fo. 204r); PRO, E 154/1/46, mm. 3-4.

¹⁵⁰PRO, E 40/4653; no. 311; Styles, *Ministers' Accounts*, pp. xliii+n, xlv n.

¹⁵¹Nos. 340-2.

¹⁵²No. 340.

¹⁵³No. 342.

¹⁵⁴Nos. 321 (fo. 201v), 340; PRO, E 154/1/4, m. 1; Styles, *Ministers' Accounts*, pp. xlv n., xlvii.

¹⁵⁵Nos. 4, 227, 282, 334; Dugdale, *Antiquities of Warwickshire*, i, p. 433

¹⁵⁶No. 91.

oversee the provision of services for those churches and chapels attached to it.¹⁵⁷ The chantry and altars swelled St. Mary's clerical ranks and aided the provision of services, and by the fifteenth-century there was also a body of six choristers who served in the church.¹⁵⁸ The importance of the choristers is seen in later statutes, but in this first half of the fifteenth-century the need for more cohesive control is manifest in the face of not only an expanding fiscal administration but also the church's liturgical responsibilities and its growing relationship with individuals outside its own community who now had vested interests in its performance and well-being. Thus, whilst the vicars were accorded greater security of tenure and status, they never achieved corporate independence, with their own seal and the right to administer their own property.

No evidence has survived to show they acquired any self-governance within their own hall, and the regular inspection of their goods in it under Dean Yonge shows how strict the surveillance of the dean and chapter could be.¹⁵⁹

Their discipline lay with the dean and chapter, and just as the college keenly protected its income, so it ensured that its obligations and clerical echelons were patently defined. Definition did not necessarily mean rigidity though, as we see with the chaplain of Walden's chantry who could serve St. Mary's and the Holy Trinity Gild besides his own chantry. While the college's liturgical responsibilities increased and necessitated a higher degree of organisation, they simultaneously gave greater fluidity to the college's structure, providing the church with a network of patrons and clerics to support its own liturgical burdens.

Whereas the chapter enactments of this period, carrying forward the spirit of Whittlesey's reforms, attempted to tackle canons' non-residence and focused administrative control on the chapter, common fund and the treasurer as their agent, amidst this 'centralisation' they also constituted a prime example of the importance of the individual to the structure. All three sets of statutes date from the administration of Dean Thomas Yonge (1395-1432). The significance of his involvement in St. Mary's fortunes has already been recognised,¹⁶⁰ and is apparent in his discovery of a rental for St. James's church, the fact that

¹⁵⁷Nos. 164, 280, 284-6.

¹⁵⁸Nos. 321, 325, 329; Styles, 'Financial Account', pp. 139, 147.

¹⁵⁹Styles, *Ministers' Accounts*, p. xxxvi. See no. 299.

¹⁶⁰Styles, *Ministers' Accounts*, pp. xxxii-xxxv.

he caused this and much of the cartulary's material to be transcribed into the register,¹⁶¹ his prominent role in the appropriations and these series of capitular statutes besides the creation of inventories of the vicars' hall and St. Mary's ornaments and possessions,¹⁶² and two rentals for the collegiate church in 1410 and 1424.¹⁶³ As the accounts for 1410 show, his rule was very personal, and this included his relationship with the church's patron, whom he entertained on at least one occasion,¹⁶⁴ and which friendship possibly fostered the plan to build the Beauchamp Chapel.¹⁶⁵ The impetus for statutory 'reform' and legislation was not solely governed by external authorities (such as the bishop or patron) or necessarily in direct response to an immediate situation (i.e. a visitation), but could be inspired by the individual and be preventative rather than curative in its aim. The importance of personality and personal relations should not be underestimated,¹⁶⁶ and while much reform concentrated on reducing the scope for abuse of power by individuals in authority,¹⁶⁷ St. Mary's shows that nevertheless there was ample opportunity for individual initiative to shine (with the backing of the chapter) and that such initiative was not always injurious to the institution, nor stifled by legislation.¹⁶⁸

The capitular statutes of 1400, 1415 and 1428 thus portray a chapter confident in its own ability and authority, with a sincere regard for its church's fortunes, and under the clear direction of an earnest dean. The authority of the chapter and its willingness to use it for the good of the church is also apparent in its expulsion of a canon and the priors of St. Sepulchre's from their prebends.¹⁶⁹ The priors had held a prebend and place in chapter from soon after the college's foundation. The prebend was merely nominal, only a small sum being attached to it. However, when the prior tried to claim a share of the income from St. Mary's recently appropriated churches he was successfully combatted by the earl of Warwick and St. Mary's chapter and was expelled from his prebend and the chapter by Bishop Tideman in March 1396. By 1398, Thomas Knight was also expelled from his prebend. The reason for this is not clear;

¹⁶¹No. 60.

¹⁶²Nos. 299, 321.

¹⁶³Styles, 'Financial Account', p. 147; no. 58.

¹⁶⁴Styles, 'Financial Account', pp. 138-9, 148+n, 157.

¹⁶⁵Styles, *Ministers' Accounts*, p. xxxiii.

¹⁶⁶Hoskin, 'The Bishops of Worcester and their *Acta*', pp. 60, 62; Bowker, *Secular Clergy*, p. 168; Constable, *Reformation of the Twelfth Century*, p. 42.

¹⁶⁷Bowker, *Secular Clergy*, p. 171; Hamilton Thompson, *Newarke Hospital and College*, p. 140.

¹⁶⁸Lepine, *Brotherhood of Canons*, p. 108.

¹⁶⁹Nos. 286, 297-8.

it may have been the college distancing itself from him as the earl's Receiver of Accounts upon the earl's forfeiture in 1397 (hence Knight's restoration to a prebend after the earl's restoration), although any such fear was unfounded as Richard II himself then presented Knight to another benefice.¹⁷⁰ It may bear relation to an infringement of the college's rights or possessions, perhaps prompting the chapter act of 1400 whereby those undermining the college's rights were to be fined, a fine then enforced by the deprivation of prebends and canonries.¹⁷¹ The chapter was ready and able to assert its own authority and, as the chapter enactments themselves demonstrate, this could be without the intervention or sanction of any external authority.

Bourgchier's Statutes, 1441.

...the authority of the bishop of Worcester could not long, nor easily, be flouted, and after Dean Yonge's death in 1432 and the accession of a powerful bishop in the person of Thomas Bourchier (*sic*) in 1435, St. Mary's was again brought back to obedience and submission.¹⁷²

St. Mary's relationship with the diocesan will be discussed elsewhere, but after a long period of 'self-government' which resulted not only in capitular enactments without any comital or episcopal confirmation but also significant additions to the fourteenth-century statutes of Bishop Whittlesey, the reassertion of diocesan authority was somewhat inevitable. The statutes of 1441 were based upon the *detecta* of the bishop's commissaries following his earlier visitation of St. Mary's (for which no date survives). They were to be supplementary to those of his predecessor, William Whittlesey, and were enacted with the full consent of the church's patron, the earl of Warwick, and the monastic chapter of Worcester. There is only one extant version of the thirty statutes, a fifteenth-century copy that found its way to the Exchequer's Court of Augmentations.¹⁷³ The statutes themselves are undated, but a mandate from the bishop to the dean and chapter survives which notifies the latter of the statutes' enactment and that they are about to be sent to them for their inspection and observance. The

¹⁷⁰*CPR 1396-1399*, p. 278.

¹⁷¹No. 295.

¹⁷²Styles, *Ministers' Accounts*, p. xxxi. The records for episcopal visitation are sketchy for the period 1367-1440, and while I can find no visitation records for St. Mary's, it is unlikely that Bourgchier's predecessors attempted any reform of the statutes.

¹⁷³PRO, E 315/492, fos. 5r-10v, (hereafter referred to as 'Bourgchier' and followed by statute number).

mandate is dated 23 February 1441.¹⁷⁴ The timing of the statutes was fortuitous in that could now allow a comprehensive assessment of St. Mary's constitution following its recent appropriations and chapter enactments. It afforded the opportunity for an assessment of the effects of previous statutes, and to cater legislatively for St. Mary's growing ranks, and for general statutory assimilation and clarification. Accordingly, they are by far the most comprehensive of the statutes and are neatly ordered, covering almost every aspect of life in the Warwickshire collegiate church.

Foremost among Bourghier's statutes are three concerning the moderation of the dean and canons' pensions and the inextricably related question of residence. Interestingly, it seems to have been the college's accounts rather than their statute of 1400 which drew episcopal attention to the equality of the canons' prebendal portions (which the accounts showed were fixed at £10) and which was contrary to Whittlesey's ordinances. The bishop declared that the canons had not been resident in the college for several years now and that its finances had suffered accordingly and were not able to accommodate such large pensions. He therefore, tacitly, reaffirmed that which the chapter had already decreed in 1428,¹⁷⁵ and ordered that none of the canons were to take anything in the name of their pension until the treasurer had given his annual account, and that the payment of their pensions should come after all other items of expenditure, being paid from the remaining clear profit. Moreover, he restored the value of the pensions to those stipulated by Whittlesey, and the associated pecuniary discrimination between resident and non-resident canons. Henceforth, resident canons were to be paid, equally, for as many days as they resided, their pensions not exceeding 20 marks (£13 6s. 8d.). Non-residents were paid in the same way, the ceiling of their pensions being 40s. (£2). Bourghier further refined the arrangement by linking shortfalls in residents' stipends to the stipends of non-residents, so that any losses or fall in prebendal income suffered by the residents was to be mirrored in that of the non-residents, who were obviously not to benefit by their stipends being smaller!

The residence requirement was confirmed by Bourghier at 260 days (which could be cumulative or dispersed), but again he added a further distinction, namely that for a day to qualify as such the canon had to be wearing the proper canonical habit and be present in the

¹⁷⁴WRO, CR 1618/W4/52/4.

¹⁷⁵No. 339.

choir from Matins to the end of Lauds and at the High Mass or Vespers with Compline.¹⁷⁶ Those not qualifying for full residence were to receive the fruits of residence for those days they resided. Bourgchier also provided dispensation for those too infirm to attend the actual services or absent on college business, who could still be classed as resident.¹⁷⁷ Residence requirements were thus vigorously reasserted. The dean was still bound to continual residence but now, because he had been accustomed to be absent from the choir and for fear of the bad example he might set the church's vicars and ministers,¹⁷⁸ if he was not at Matins without good excuse he was to be formally warned by the resident canons, and if he still failed to mend his ways he was to be denounced, and the matter referred, to the bishop. This statute highlights several key elements of Bourgchier's ordinances. The importance of the dean as the church's figurehead is recognised, as is the crucial position of the vicars and resident clergy. In line with this, the resident canons are accorded greater distinction and authority, vesting executive power in a collective group which is ideally overseen by the diocesan. Discrimination between residents and non-residents is clear in several statutes. Residentiaries, who naturally formed the chapter, were to divide any profits over the £20 surplus retained by the church amongst themselves, and one of their number kept one of the three keys to the treasury.¹⁷⁹ Administratively, a residentiary body gave the church greater stability,¹⁸⁰ but non-residents could also be beneficial and had their place in the structure and were usually accommodated accordingly.¹⁸¹ In making their position so unprofitable at Warwick, one has to wonder if the bishops of Worcester were trying to encourage fuller residence or create a situation where only presentees of the bishop and earl working in local administrations could derive any profit from the position.

Having done all he could to encourage residence, the bishop concerned himself with continuing to vest all power in the chapter and minimise the power and jurisdiction of individual canons acting on their own. Many of these measures were motivated by common

¹⁷⁶Bourgchier, no. 2.

¹⁷⁷Bourgchier, nos. 2, 10.

¹⁷⁸For another instance of a dean setting a bad example to his vicars in this respect, see Peter, *Glasney*, p. 53.

¹⁷⁹Bourgchier, nos. 3, 4, 6.

¹⁸⁰R.B. Dobson, 'The Residentiary Canons of York in the Fifteenth Century' in Dobson, *Church and Society in the Medieval North of England* (London, 1996), p. 196.

¹⁸¹Lepine, *Brotherhood of Canons*, p. 112; Jones, 'Patronage and Administration: the King's Free Chapels', pp. 7, 21-2; Edwards, *English Secular Cathedrals*, pp. 21, 35-7; Barrow, 'Cathedrals, Provosts and Prebends', p. 564; Constable, *Reformation of the Twelfth Century*, p. 57.

sense and a desire to protect the college's financial standing and need only be given cursory attention. No dean or canon could obligate the church, the consent of the chapter and the common seal both being necessary, and the chapter was thus responsible for all presentations, gifts and demises, the conferment of benefices and offices. It elected the treasurer, admitted the vicars and choristers, determined the payment of the latter, received the oaths of its members, officers and the church's clergy, held the various keys to the treasury, and had a disciplinary role.¹⁸² The dean was answerable to the chapter for any misappropriation, gift or loan of the college's goods, besides his attendance in the choir and, with reasonable forewarning, the treasurer had to provide an account at their will.¹⁸³

The chapter was only one means of preventing a monopoly of power. An elaborate system was devised for the contents of St. Mary's treasury. All the college's profits were to be kept in a chest with three different locks and keys.¹⁸⁴ The college's records were to be secured in other 'good' chests, also kept in the treasury. The keys to these other chests, along with the college's common seal, were then to be placed in the chest with three locks. Responsibility for the keys to the all-important chest was then devolved to the dean, treasurer and a resident canon, who each held a key, preventing any one person from accessing any of the above. In a similar vein, the inventory of the church's mobile goods was to be in the form of a bi-partite indenture, one part being kept in the chest with three locks, the other with the treasurer/sacrist.¹⁸⁵ The importance of the common seal has already been recognised, and the care taken of it here echoes the significance attached to the chapter. However, there were limits prescribed to even the authority of this body. A £20 reserve was to be kept from each yearly profit (now irrespective of the number of residents) for the repair and defence of the college.¹⁸⁶ Neither were the dean and chapter to effect any leases whose terms exceeded seventy years nor grant any fee, office, corrody or annuity from the college's property to anyone for the term of their life without the permission of the diocesan and the earl of Warwick. This was

¹⁸²Bourgchier, nos. 2, 4, 6, 8, 12-14, 21, 30.

¹⁸³Bourgchier, nos. 2, 8.

¹⁸⁴Another elaboration of an existing practice (no. 338). This chapter enactment of 1415 put the common seal under the custody of two keys belonging to the dean and treasurer. For the significance of such chests and locks in the administrations of other colleges, see: Peter, *Glasney*, p. 41; Hamilton Thompson, *Newarke Hospital and College*, pp. 15, 71-3; 'The Chapel of St. Peter at Kirkby-upon-Wreak', p. 186.

¹⁸⁵For another instance of an indenture for an inventory, see: Hamilton Thompson, *Newarke Hospital and College*, pp. 67, 69, 71.

¹⁸⁶Bourgchier, no. 3. See also no. 124d in the cartulary for the refinement of Whittlesey's original statute.

undoubtedly in response to several long leases made by the chapter in Dean Yonge's time,¹⁸⁷ as well as their granting themselves higher stipends,¹⁸⁸ and so were measures aimed at the college's long-term financial health (as opposed to the short-term gain accrued from their practice).

The statutes also show a greater appreciation of community life, the culmination of a statutory trend in focusing loyalty on the institution and promoting common bonds among its members. Thus, while the dean was to be revered as its head, he was not above punishment should he set a bad example.¹⁸⁹ Meanwhile, in an almost progressive move, it was beheld on all the members of the church to strive to keep the peace in the community, and disputes and internal divisions were to be settled by the dean, canons *and* vicars least involved (not just the dean and chapter).¹⁹⁰ A vicar could also be appointed as the sub-dean; an important acknowledgement of their role in the choir and the collegiate community.¹⁹¹ This sense of a community was very real and is evident in the use of oaths. Oaths were now to be sworn by the vicars and lesser ministers of the church on their admission to the church, and while the treasurer was to exercise his office so as to "more happily bring honour and benefit to the collegiate church and college" the dean was to swear to "defend and correspondingly protect the college's secrets, and not reveal them to its damage or that of anyone belonging to it".¹⁹² The vicars also swore to promote the honour and good of the church and to keep its secrets.¹⁹³ As Crosby rightly notes,

What could be a more apt symbol of a well-developed sense of communal identity, of cohesive strength, collective protectiveness, and common interests, than the idea that there were secrets which were theirs and from which everyone else was excluded?¹⁹⁴

Within this broader framework and cognizance of the collegiate community the responsibilities and roles of its various dignitaries and echelons continued to be defined or

¹⁸⁷Nos. 324-6.

¹⁸⁸No. 295.

¹⁸⁹Bourgchier, no. 2; Peter, *Glasney*, p. 53.

¹⁹⁰Bourgchier, no. 19.

¹⁹¹Bourgchier, no. 24.

¹⁹²Bourgchier, nos. 8, 30.

¹⁹³WRO, CR 1618/W4/52/5.

¹⁹⁴Crosby, *Bishop and Chapter*, p. 360. For a similar statute concerning secrets see Hamilton Thompson, 'College of Irthingborough', pp. 279-80.

affirmed as necessary. The stronger emphasis placed on the dean's residence and the ability of the resident canons to admonish him on this point has already been acknowledged and was backed by his oath to continually reside, to conserve the church's rights and liberties and restore the things it had neglected or alienated. The new oath was more elaborate than that devised by Whittlesey, and shows that the college's welfare was as much a motive behind the statutes as subjugating the church to the see of Worcester.¹⁹⁵ The alienation of possessions is a pervasive theme throughout the 1441 statutes, and the dean was not to misappropriate goods without licence from the chapter, else having to forfeit double the goods' value to the college from his stipend.¹⁹⁶ This statute again relates to his importance as the college's head. He was to preside over all the clerks ministering in the church and was to exercise punishment over all its vicars, choristers and lesser clergy, particularly in regard to divine service in the church. The latter could only be excused from attendance at a service by the dean and it was he who enforced the various fines imposed by Bourgchier for such non-attendance. The choristers and clerks could be punished at his discretion, and it was also his duty to see that the vicars observed the statutes governing their own behaviour and admonish those found culpable.¹⁹⁷ The reverence due to the dean by the collegiate community became an issue of greater importance, and while his pension of forty marks was restored, his powers of correction given legislative definition, and he himself continued to hold one of the all-important keys to the treasury chest, the right to install canons and a casting vote in the chapter, some greater, more visible expression of his seniority was still felt necessary. No doubt to reinforce his primacy of jurisdiction in the choir, Bourgchier thus commanded that all the church's canons, vicars, priests and clerks, greater and lesser, on entering and leaving the choir were to 'humbly bow to the dean in his stall' and were to exhibit similar marks of 'due reverence and honour' to him within and outside the church "*tamquam suo presidenti*".¹⁹⁸ The importance of such manifest displays of respect and the reinforcement of his 'seniority' were more common now in other colleges and, at St. Mary's, it was a statutory trend that seems to have gained in prominence proportionate to the increase in the collective powers of the chapter and the decline in the scope for the dean to actually act independently of that body.¹⁹⁹

¹⁹⁵Bourgchier, no. 30; no. 124e. For an earlier but comparable oath of pos. 1276 see Peter, *Glasney*, pp. 43-4.

¹⁹⁶Bourgchier, no. 2.

¹⁹⁷Bourgchier, nos. 9, 15, 16, 17.

¹⁹⁸Bourgchier, no. 9.

¹⁹⁹Peter, *Glasney*, pp. 42, 53; Hamilton Thompson, 'College of Irthlingborough', p. 276.

The treasurer was in a similar position. Like the dean, his office was to increase in prominence and receive greater statutory definition. The capitular enactments of 1415 and 1428 concerning his election, residence and rendering of accounts were effectively retained, but his oath was expanded to define better his subjugation to the chapter and to protect the college's administration by ensuring that he would not leave the college nor resign his canonry until he had rendered a full account of his office. The importance of his position and the various strictures regarding it are underlined in Bourghier's statement that;

...in past times the college has sustained great damage by the negligence, blame and hinderance of its various treasurers, as they have often proved, and it will suffer similar loss in the future if a prudent remedy is not applied quickly.²⁰⁰

To safeguard the two key offices of treasurer and dean with their respective administration of the college's finances and divine services, it is not surprising that both were to be supported by deputies, and it is telling of St. Mary's administration and fortunes that the office of the treasurer's deputy was established before that of the dean's. The treasurer's deputy occurs at least from 1415, while that of the dean seems only to have been instituted in 1441.²⁰¹ The dean was to appoint a substitute if he had to be absent from divine offices. His deputy had to be the most discreet member of the resident canons or vicars and was to ensure that the services were celebrated besides revealing any faults of delinquent vicars or clerks to the dean. In the fifteenth statute however, he is also empowered to give permission for absences from the choir and to actually decide the punishments for clerks and choristers. He did not have any voting rights in chapter by virtue of his office though. Again, then, the governance of the community and its management were bolstered by the use of deputation, but within defined limits, allowing a seemingly centralised administration with its increasingly defined and rigid offices an important degree of flexibility. The dean and treasurer were thus enabled to continue travelling outside the town on the church's business without jeopardising the stability or running of the college or impeding its performance of the *Opus Dei*.²⁰²

The liturgical duties required of the church and its members gained greater consideration in this period. Possibly this was the result of increased episcopal and ecclesiastical influence, the rise of lay benefactions and involvement in the life of the church,

²⁰⁰Bourghier, no. 8.

²⁰¹No. 338; Bourghier, no. 24.

²⁰²Styles, 'Financial Account', pp. 147, 157.

a renewed focus on the college's founding purpose (having somewhat lost its way and its possessions) in the light of this 'centralisation', or a combination of these and other factors. Undoubtedly, a more mundane reason was the general trend of committing custom to paper. Accordingly, the Use of Sarum was at last constitutionally established as the model to be employed by St. Mary's. Even here though a degree of flexibility was incorporated by the bishop who ordained that matins be said at such a time in the early morning that all the canonical hours and masses to be said before midday could be celebrated before 11 a.m. on Sundays and feast days and before 10 a.m. on other days, with vespers and compline to be said after 12 p.m.²⁰³ This arrangement would obviously allow the canons to keep most of the day for themselves. Where attendance at matins may have been a problem,²⁰⁴ it is interesting that the start-time of services is not specified. Perhaps this was a small concession to the late risers but it risked a situation where clergy would start late and then hurry through the services, as happened at Newarke college and Southwell Minster.²⁰⁵ Deans, canons and vicars were also reminded to pray especially for the earl and his family and ancestors, saying a special collect (according to Salisbury Use) in every mass with a communion. There was then an explicit restatement of the college's founding purpose, which now received formal incorporation within the college's liturgical agenda.²⁰⁶

Canons as individuals (as opposed to their collective manifestation of the chapter) receive relatively little legislative attention in comparison with St. Mary's other ranks. Bourghier ordered that those canons not yet priests be ordained as such within a year, and that henceforth future canons not reaching the priesthood a year from their induction were to be summarily deprived of their canonries and prebends.²⁰⁷ It is likely that this was an affirmation of a lapsed custom. All the canons and vicars of Newarke college had to be in priests' orders in 1356, and the canons of Irthlingborough in the late fourteenth-century, and, more generally,

²⁰³Bourghier, no. 23. Edwards suggests that the morning offices (matins, lauds, the mass of the Virgin, tierce, the high mass, sext and nones), would normally have been concluded by 11 a.m. anyway (Edwards, *English Secular Cathedrals*, pp. 56-7). Bourghier does not mention evensong, but this may have been understood with vespers and compline.

²⁰⁴Bourghier, no. 15.

²⁰⁵Hamilton Thompson, *Newarke Hospital and College*, pp. 110, 112, 140; A.F. Leach (ed.), *Visitations and Memorials of Southwell Minster* (Camden Society, n.s. 48, 1891), pp. 31, 42, 47, 203.

²⁰⁶Bourghier, no. 29.

²⁰⁷Bourghier, no. 11.

canons in the secular cathedrals were supposed to be in holy orders.²⁰⁸ Canons were not to demise any church property nor take up any such lease or farm,²⁰⁹ and also had their own oath (which does not survive in full but included swearing obedience to the dean).²¹⁰ The lack of detailed statutes about their general behaviour is possibly indirect evidence of their non-residence (or good behaviour), and affirms that their role was principally a liturgical and capitular one when they were resident. Like St. Mary's other clerics, however, the canons were to

...wear habits that are not too short, ridiculous or conspicuous but which at least reach the middle of the shin; their hair should not be worn too short or be of uneven length or too long so as to look effeminate, but they should cut their tonsures to cover only the upper part of the ears...²¹¹

Clerics' clothing and hair had long been an issue of importance, professing their distinctive character,²¹² but for secular clerics living in and serving the urban community it was perhaps of greater import, especially as their liturgical links with that society grew.²¹³ It also shows that improving the college's internal structure was only part of the battle and that the image portrayed by its members to those outside their own circle was equally crucial. This is all too evident in the many statutes governing the vicars and college's lesser clergy.

The college's vicars seem to have been much more pivotal to the church's daily running and liturgical responsibilities and this is duly reflected in the statutes. The dean had the power to correct them and governed them in the choir, although they were admitted by the chapter.²¹⁴ They were to be already ordained priests on their admission, a stricter qualification than for the canons, and their behaviour, dress and attendance were likewise much more closely scrutinised and regulated. To be admitted they also had to be of good repute, have a clear voice which they could modulate and know how to sing the responses and use the voice

²⁰⁸Hamilton Thompson, *Newarke Hospital and College*, p. 42; Edwards, *English Secular Cathedrals*, p. 34; Lepine, *Brotherhood of Canons*, pp. 66, 71; Hamilton Thompson, 'College of Irthlingborough', p. 276.

²⁰⁹Bourgchier, no. 25. For similar rulings see *Monasticon*, vi:3, pp. 1376-7; Hamilton Thompson, *Newarke Hospital and College*, p. 15.

²¹⁰Bourgchier, no. 30.

²¹¹Bourgchier, no. 18.

²¹²Constable, *Reformation in the Twelfth Century*, pp. 188ff, 194ff.

²¹³For a very similar statute for the college of Kirby Bellars see Hamilton Thompson, 'The Chapel of St. Peter at Kirkby-upon-Wreak', p. 176.

²¹⁴Bourgchier, nos. 9, 13.

in reading.²¹⁵ With the choristers, they were governed by various regulations regarding their behaviour, dress, and attendance at services, but of all St. Mary's resident clergy their lives were regulated in the greatest detail. Many of these ordinances can be found in the statutes of other colleges, applied variously to canons and vicars, but at St. Mary's it was the vicars who were not to wander about town after sunset, or go into town alone, frequent taverns, places of hunting, fishing or a suspicious nature, nor loiter outside their houses, but were to retire within them by sunset (and stay there all night) and not admit women, of whatever relationship, to their houses (especially at night). Neither were they to waste common goods nor laugh loudly, jeer or gesture to each other in choir or within the church's limits, nor hurry the canonical hours and other services, nor say them impiously. The dean was to correct them, could subtract sums from their stipends, and even remove the really incorrigible. Keeping the peace between the vicars seems to have been particularly important to the bishop and those quarrelling, speaking in anger or calling each other dirty names were to lose 6*d.* from their stipends, those beating or threatening a fellow vicar with a knife were to lose 13½*d.*, while those who drew blood were fined 3*s.* 4*d.*, which fines went towards the homes and utensils shared by the vicars.²¹⁶ The vicars' dwellings (they possibly had individual rooms within a common hall), were also to be kept in good repair and tidy, as were their habits, and the dean and treasurer could punish vicars for any damage and exact fines for repairs.²¹⁷

Such strict control reveals the vicars' resident status and their importance in the college's functioning and to its perception in the wider community. It is also telling of the need for harmony in a community where various tasks have been devolved and yet there is an increasing need to reconcile such devolution with a central authority. Neither does Bourghier countenance any measures that might give any autonomy to the vicars, who in most other colleges by this stage had acquired some degree of independence from the chapter. Presumably, this was so as not to endanger or confuse the structures of authority already in place and that were now being reinforced. It also simplified the college's administration and minimised the scope for abuses of power and conflict, all of which particularly characterised the aims of the episcopal statutes. In the same vein, the vicars could not say annuals or trentals,

²¹⁵Bourghier, no. 13.

²¹⁶Bourghier, no. 16. For another statute for 'keeping affection' see Bourghier, no. 19; for an inventory of the vicars' utensils in the early fifteenth-century see no. 299.

²¹⁷Bourghier, no. 17.

keeping their duties in the choir distinct from those of the chaplains, and avoiding any clash of loyalties. It also sufficed to sever a possible source of income which would weaken their dependence on the chapter and the sting of any fines incurred.²¹⁸ Their importance to the church and subjection to the chapter is best exemplified in the oath they were to swear. Although formulated by Bourgchier,²¹⁹ its tenor survives in a document of 1446, the recorded oath of three of the college's vicars who swore to revere the dean and chapter, keep the college's secrets and to observe the statutes of Bishops Whittlesey and Bourgchier.²²⁰ A more extreme example are the Lincoln vicars-choral, who were punished by the chapter by being made to stand with the boys (presumably the choristers).²²¹ Here, a deliberate subversion of status and hierarchy was used to reinforce the very structures of authority so jealously guarded by capitular bodies, and the importance of the vicars to these structures is attested yet again.

By this time there were six choristers at St. Mary's, equalling the number of canons, who each had a chorister as well as a vicar. Each chorister was disciplined and instructed by the canon or vicar with whom they lived, having no separate house of their own. Choristers were to be lettered and able to sing well with a clear voice and needed the consent of the dean and chapter to be admitted. The importance of these abilities is underlined by the fact that a chorister could no longer stay if his voice broke, and that in 1410-11 the chapter sent for two choristers all the way from Olney (Bucks.).²²² The generous sum of £2 was allotted to each chorister for his annual pension towards his board and other necessities, although this sum was left to the discretion of the dean and chapter. Like the vicars, they were subject to the rules governing attendance at services and were ultimately responsible to the dean and chapter.²²³ The statutes similarly intruded into their daily lives, Bourgchier decreeing that they eat standing at the table.²²⁴ The bishop thus, with all his statutes, clearly defined not only the duties of St. Mary's various members but ensured that their various ranks, whilst working towards a common goal and, where possible, in harmony, acknowledged and respected these divisions and visibly displayed the reverence due to their superiors. Order not only had to be

²¹⁸Bourgchier, no. 22.

²¹⁹Bourgchier, no. 30.

²²⁰WRO, CR 1618/W4/52/5.

²²¹A.R. Maddison, *A Short Account of the Vicars Choral, Poor Clerks, Organists and Choristers of Lincoln Cathedral from the Twelfth Century to the Accession of Edward VI* (London, 1878), p. 28.

²²²Bourgchier, no. 14; Styles, 'Financial Account', p. 147.

²²³Bourgchier, nos. 9, 15. They possibly had their own oath (Bourgchier, no. 30).

²²⁴Bourgchier, no. 14. Presumably at those meals with canons/vicars as a mark of respect and distinction in status.

achieved but had to be seen to be achieved, and its ritualistic display ensured its self-perpetuation, lending it a degree of permanence shared only by the *persona ficta* of the chapter.

To the Dissolution.

From 1441 there was little significant constitutional development. The death of Earl Richard de Beauchamp in 1439 saw a boost in the college's material fortunes and, by the terms of his will, saw the building of the Beauchamp Chapel, and the rebuilding of the vicars' college and the deanery mansion.²²⁵ His bequests also enabled the further provision of four extra vicars and two clerks for the college and an increase of one mark in the vicars' stipends. During the fifteenth-century the dean's chapel was also built, and by 1481 the altar dedicated to the Holy Trinity had come into existence.²²⁶ An altar of St. Benedict appears by 1506 in the will of Dean Edward Haseley.²²⁷

As far as statutes are concerned, the last to occur is one of August 1499 made internally by the dean, resident canons and the vicars. It was agreed, and consequently decreed in a memorandum in the cartulary, that upon the stall of the parochial chaplain becoming vacant, the vicars would administer the sacraments and other duties incumbent on the office, for which they would receive 14*d.* every fortnight for as long as the stall and position were vacant.²²⁸ The parochial chaplain of St. Mary's occurs from at least 1410, when his stipend was £6 13*s.* 4*d.*²²⁹ He served the parochial altar in the church's nave, which is mentioned in 1465, where there is also a reference to a chapel belonging to his office.²³⁰

Accordingly, when St. Mary's acknowledged the Royal Supremacy in 1534, among the signatories were a dean, treasurer, two canons, a curate and ten vicars choral,²³¹ and in a survey

²²⁵His will was dated 8 August 1435 (PRO, PROB 11/1, fos. 147r-148v); Dugdale, *Antiquities of Warwickshire*, i, p. 411; Styles, *Ministers' Accounts*, pp. xxxvi, li-lii; *CPR 1436-1441*, p. 574; PRO, E 315/492, fo. 11r. For the repair of the deanery see also no. 4 and Chapter 5.

²²⁶PRO E 154/1/46, mm. 3-4; Styles, *Ministers' Accounts*, p. xliii; no. 311.

²²⁷PRO, PROB 11/15, fos. 120v-121r.

²²⁸No. 333.

²²⁹Styles, 'Financial Account', p. 146. For later occurrences, see *Ministers' Accounts*, pp. 6, 22, 38, 42, 47, 54, 62, 65, 83, 124, 130, 157.

²³⁰PRO, E 154/1/46, m. 3 and dorse; Styles, *Ministers' Accounts*, p. xlii+n.

²³¹PRO, E 25 115; *Letters and Papers of Henry VIII*, vol. 7, p. 441, no. 1121.

of 1536 a dean, ‘president’,²³² parish priest, ten vicars, four clerks (the master of children and organ player, sexton and two clerks) and six choristers are listed with the offices of high and under treasurer, high and under steward, and auditor.²³³ The clerical community thus appears to have remained at a consistent number from the mid fifteenth-century. Although, the college itself

seems to have suffered a fall in its fortunes at this time, with an unruly canon who appropriated all three of the treasury’s keys (contrary to Bourgchier’s statute) and to the extent that its vicars sang unwaged and that the bishop forewent his customary procurations.²³⁴ In 1532 it was also described as a *capella regia* and *capella regiale* and in 1536 as the ‘King’s college of Warwick’.²³⁵ It is unlikely that it was ever a royal free chapel, but Henry VII and Henry VIII presented to the college’s deanery and prebends from November 1499 instead of the earls of Warwick because of Edward Plantagenet’s forfeiture, and it is probably in this respect that it is termed as such.²³⁶

A petition, however, from the college to their royal patron, Henry VIII, survives which casts an important light on not only the college’s financial plight at this period, but upon many of the issues discussed here. Dating from his reign, it requests a series of statutory measures to be countenanced and enacted to remedy the financial plight the college now found itself in “beyng in gret de kaye and so over chargid that it can not long contynew ... where as now the charges therof excede the receptis by the some of lvi li. xviii s. i d.”²³⁷ The measures proposed included a repeal of Bourgchier’s statute concerning the payment of canons’ pensions last.²³⁸ This was not, however, to negotiate a better deal for themselves. The dean, ‘president’ and treasurer wanted the authority to command those with other prebends and livings sufficient to support them to leave the college for six, even seven, years without taking any monetary benefit from the college apart from the pension of a non-resident. They could return after this

²³²An office which occurs only in the reign of Henry VIII and which I take to be the dean’s deputy (or possibly a senior residentiary canon) who has doubtless appropriated this rather grandiose title (*Letters and Papers of Henry VIII*, vol. 10, p. 533, no. 1259; vol. 14, pt. 2, p. 47, no. 159; PRO, E 135/3/17).

²³³*Letters and Papers of Henry VIII*, vol. 10, p. 533, no. 1259.

²³⁴*Letters and Papers of Henry VIII*, vol. 13, p. 445, no. 1202.

²³⁵HWRO, BA 2648/8(ii), p. 60; HWRO, BA 2648/9(i), p. 120; *Letters and Papers of Henry VIII*, vol. 10, p. 533, no. 1259.

²³⁶HWRO, BA 2648/8(i), pp. 15, 25, 46, 68.

²³⁷PRO, E 135/3/17. The petition is undated. There is no evidence that its proposals were ever ratified or implemented.

²³⁸Bourgchier, no. 1.

period, but had to keep hospitality and residence in their own houses or else be considered non-resident. This scheme they admit to having practised in the past and is another example of the self-regulation, community-awareness and common-sense that could, and did, prevail in the secular college, which was far from representing a bastion of self-interest. The canons also asked that the vicars be allowed perpetuities, which would provide them with income enough to pay their own clerical tenths, which the college currently had to shoulder. In making the vicars perpetual, however, there was the proviso that where they offended they could still be punished by the dean and chapter according to existing statutes²³⁹ (a necessary check to the security of tenure the vicars were being granted, itself an indication of the degree of the college's financial predicament). A lay high treasurer was proposed who would receive a yearly stipend, and the canons wished to relinquish their equal shares of the remaining yearly profits so that these could be safeguard for fabric repairs and instances of unplanned for expenditure.²⁴⁰ Rather, the canons wished to be able to farm portions of the college's property.²⁴¹ Finally, with canons walking amongst the lay people and attending mass in gowns without their habits, thus tarnishing the college's image, resident canons were to keep to the choir and not walk amongst the lay folk on pain of 12*d.*, which was to be paid into their financial 'reserve'.

These draft measures again show the canons' determination to alleviate the ill effects of non-residence on college and community whilst not compromising the structures they owed their own careers to, and to maintain the necessary and clear distinctions within their own ranks as well as between the college and wider society. They affirm the necessity of coordinated and centralised financial control free from distractions and contradictions, and a desire to elucidate and define statutes whilst compensating for the requisite freedom to adapt to circumstances and accommodate initiative. The canons tried their collective best to work within the system, and to mitigate the harmful effects of the contradictions it threw in their path. Though an uphill battle (as the college's financial fortunes tell), there remained a clear guiding purpose and it might be unwise to totally dismiss the petitioners' final promise to pray daily for Henry's estate and to say a special collect for him in every mass as a cynical ploy to help the petition or *pro forma* rhetoric. At the very least, their petition shows an interest in the

²³⁹Bourgchier, no. 9.

²⁴⁰Bourgchier, no. 3.

²⁴¹See Bourgchier, no. 26.

college's continued welfare and betrays no awareness of the impending dissolution at the hands of him from whom they sought legislative aid.

Constitutional Themes and Development

That St. Mary's lacked any clear or preordained path of development following its foundation has already been recognised. The corporate life of secular canons was developed on a freer system,²⁴² and the constitutions governing them were generally less rigid than their monastic counterparts, and this was intentionally so.²⁴³ Older collegiate churches such as Warwick, Bridgnorth, Glasney, St. Mary's in Shrewsbury and Leicester, and Westbury, were established for a variety of purposes and in response to a variety of needs, including, for example,

parochial provision, expanding secular and ecclesiastical administrations, and growing liturgical and intercessory obligations. Furthermore, their ability to fulfill these needs and reconcile them with those of their canons' careers depended upon the role and designs of their patrons and other limiting factors such as their composition, endowment and the extent of any jurisdictional independence. Any structure had thus, by definition, to be flexible and it is not surprising that St. Mary's was not prescribed a rigid set of statutes from its beginning. It was, however, to follow a fairly linear path of constitutional development.

This is best seen by examining several key themes within the various constitutional measures enacted. The vexed question of residence is all-pervasive and went to the heart of the conflict between St. Mary's role as a mother church serving the local community, observing the canonical hours and praying for intercession on behalf of its founders, and as a college whose canons were to staff the administrations of their patron, the local diocesan and the king and whose prebends were to provide the necessary sinecures. Residence was a problem from the college's beginning and was related not only to the type of presentee but also to the value of the prebends, the onus of hospitality, and the provision of lodgings. It became more urgent as the burdens of the liturgy and the role of the church in urban society grew, and as episcopal authority and visitation were extended. This theme generally, and attempts to

²⁴²Hamilton Thompson, 'English Colleges of Chantry Priests', p. 93.

²⁴³Edwards, *English Secular Cathedrals*, p. 115; Hamilton Thompson, 'The Chapel of St. Peter at Kirkby-upon-Wreak', pp. 130-1.

discriminate and draw distinctions between residents and non-residents more particularly, is apparent in all the legislation described above, as is the resulting theme of deputation.

Soon after its foundation St. Mary's canons had deputed much of their liturgical role to vicars and possibly the college's financial administration to the sacrist, concerning themselves mainly with their own careers and prebends and the larger issues affecting the college. Bishop Cantilupe was consequently to endorse the devolution of their choir duties to six choristers, whom he placed on a securer footing. In 1367, much of the college's financial administration was deputed to the newly created treasurer, and the vicars given greater security of tenure. In the chapter statutes of 1415 and 1428 the treasurer's office was defined still further and the office of his deputy was established, while in 1441 the dean was also provided with a deputy and the position of St. Mary's lesser clergy, the vicars and choristers, given greater definition. Delegation was a natural response to the growing functions of the church, and strengthened its structure by spreading the increasing burdens placed on it. Thus, the immediate evils of non-residence were alleviated, and it sustained the church's flexibility of structure, various offices and duties being supported by the existence of substitutes who could thus free those away on church business or because of other responsibilities, fill gaps in the college's administration caused by death or resignation and help ensure that tasks were performed. This devolution of responsibility might not sit well with another statutory trend of centering authority on the chapter and institution, as opposed to individuals. Such centralisation was absolutely necessary; not only did it minimise the scope for abuse, neglect and mismanagement by individuals, but it was crucial in overseeing and coordinating the activities deputed to others. Accordingly, the chapter's powers and authority had to be clear, and the same applied to its corporate structure and identity, so that it could not be subverted by miscreant individuals. The basis of its corporate structure was in place from the very beginning. It had a dean and chapter, a common fund and seal and jurisdiction over its chaplains and property. However, from 1367, the importance of these became much more prominent with the establishment of a common exchequer, a constitution that was better defined and whose dignitaries were more accountable, and a chapter as the only internal forum for the exercise of executive authority. With rights being vested on the institution and corporate body of the chapter, the importance of harmony and consensus within the college became more important, and we begin to see the college much more as a community as its ranks become better defined and supported and the church's fortunes rely more on the

community working together or at least in concert than on the initiative and activities of individuals. This trend is fully endorsed by the chapter's statutes, which are themselves an expression and endorsement of capitular authority and confidence, and is continued by Bishop Bourghier in 1441 who further limits the ability of individuals to act on their own in college matters. He also brings the sense of community to the fore, emphasising the need to keep the peace and limit discord, and includes all the college's members in promoting and maintaining the institution's well-being (which is most evident in the oaths he formulates).

The growing emphasis placed on the community and chapter of St. Mary's never fully managed to eclipse the role and initiative of the individual, nor was it allowed to. As the chapter's significance grew so did the need for a figurehead, a human face for the institution. Thus, while the statutes tried to ensure that the dean's ability to act independently of the chapter remained curbed, they increasingly reinforce the importance of respect being paid to his office and person. But statutes largely portray individual action as negative and this belies the importance of the individual to the college's structure. It was through the dean and canons as individuals that links were forged and maintained with other churches, institutions and administrations, with their diocesan and patron, and with the local community,²⁴⁴ and just as their initiative could be harmful, so, as in the case of Dean Yonge, it could also be beneficial, and this is perhaps recognised in the status attached to the dean. An emphasis on majority consensus served only to curb misguided or selfish actions from coming to fruition, it did not automatically stifle debate or individual initiative.

In many respects, although legislative measures were enacted by different sources and in different forms (by the bishop and earl in unison with the consent of the chapter in 1367, by the chapter alone between 1400 and 1428, and as the result of episcopal visitation in 1441), the measures established generally complemented each other, taking previous actions into account and invariably adding greater definition to the institution, its offices and members. This gave the college a relatively consistent constitutional development, and the supposedly different, even antagonistic, aims of the statutes' instigators (bishop, earl, and canons) do not appear to have either complicated matters or drawn reforming measures in wildly different directions. Possibly, this is because the impetus for such reforms was remarkably consistent.

²⁴⁴For such links, see the careers of the canons as outlined in the biographical index of St. Mary's *fasti* appended to the edition.

Statutes generally concerned the essential ability of the college to function at a reasonable level and to sufficiently meet the needs of its members, parishioners and patron. Such problems were characteristically manifested as financial but, as this chapter indicates, at their root was an intricate array of relationships and responsibilities which did not always, or naturally, work in unison and whose resolution relied on a flexible institutional structure, whose weaknesses must be regarded as a necessary evil. Thus, a certain degree of non-residence was always accepted, integral as it was to both the college's functioning and occasional maladministration. Similarly, the growing links forged between college and town resulted in an increased liturgy which, while its observance was enabled by a flexible structure, nevertheless at the same time advocated greater rigidity in that structure. The very weaknesses of the structure were at the same time its strength. By their very nature they compromised the institution's stability, but the flexibility from which they sprang simultaneously assured it. It was this that allowed for deputies, for the office of treasurer to be non-permanent and rotational, that encouraged important links with secular society and engendered a network of support within and outside the college.²⁴⁵ Although the various influences on, and designs for, the college of its bishop and patron are still to be examined,²⁴⁶ the three fundamental elements of Church, patron and college, seem to have had the college's well-being at heart and could and did commonly unite to rescue it from its own inherent deficiencies which, while potentially destructive, nevertheless enabled their own various needs and designs to be realised.

²⁴⁵See Chapters 4 and 5.

²⁴⁶Chapters 3 and 5.

Chapter 3

St. Mary's and the Diocese of Worcester

Clericus clericum non decimat¹

Despite the sentiment expressed behind the above quotation, the reality of the medieval Church betrayed a situation where secular clergy in particular did not hesitate to draw upon all the resources within their reach, be they clerical or lay. This chapter will focus primarily on St. Mary's relationship with the bishops of Worcester and its interaction with the diocesan administration of the see. Of the three hundred and fifty-nine documents contained in its cartulary, some forty-four per cent (159) are from ecclesiastical persons or institutions (excluding St. Mary's own, internally produced, documents). Included in this total are episcopal charters, which account for seven per cent (n=26) of the cartulary's contents, followed in volume by papal (4%), archiepiscopal (2%) and archidiaconal (1%) charters.² As regards the college's relations with the diocese, the cartulary's documents (bolstered by the insights offered from episcopal *acta* and registers) essentially concern episcopal confirmations of its rights and property; St. Mary's status as a mother church; the vexed question of archidiaconal jurisdiction; visitation; appropriation; the presentation to benefices; the formulation and implementation of statutes for the college; legal wranglings in a variety of judicial fora; and relations with the diocesan and his clerical staff and colleagues on both a professional and personal level. These subjects provide an immediate focus for discussion and mention will also be made of the college's interaction with prelates from other dioceses with whom it had dealings and, where appropriate, with other ecclesiastical structures and institutions. The latter might constitute Worcester's monastic chapter, its only other collegiate church, Westbury-on-Trym (Gloucestershire), besides the broader context of its relations with the archbishops of Canterbury, the papacy and ecclesiastical courts. Moreover, to extend such discussion a little further than the traditional 'administrative histories' of such institutions,³ to inquire into how factors such as these (and royal intervention, the college's lay patron and

¹"One cleric does not take tithes from another" W. Scott, *Ivanhoe* (Penguin Classics, London, 1986), p. 23.

²For a graphical representation of these figures in a broader context see the Introduction to the cartulary, figures 6-7, p. xvii. For the charters' distribution over time and the cartulary see figures 8-9 in the same, pp. xviii-xix.

³For example, Hamilton Thompson, *Newarke Hospital and College and Peter, Glasney*.

its parishioners) might influence, even complicate, the essential relationship between college and diocese (as exemplified best in the person of the diocesan).⁴ The experiences of similar colleges will again be used to balance and broaden the discussion.

In attempting to divine the attitude of bishops to collegiate institutions it will also be pertinent to question the relative aggression/passivity of the college in these relations, and with whom the initiative or impetus for action most often lay, and who was *more definitive in these relations*: the collegiate chapter or their patron? It is also hoped that such a discussion, albeit centred on St. Mary's, will further inform the debate on the relationship between bishop and chapter (whether, for instance, they differed in their attitudes and approaches to colleges) and wider themes in ecclesiastical history concerning the role and perception of secular clergy, ecclesiastical patronage, parochial provision and the workings of diocesan as well as collegiate administrations.

By way of introducing several of the questions and themes raised above, such as bishops' attitudes to collegiate churches, the relationship between colleges and cathedral chapters, that between St. Mary's and Westbury and their place in the diocesan framework, I would like to suggest that for many bishops colleges were more than a threat to be used as political leverage with their chapters, an extra voice in episcopal elections or an expedient means of providing for their clerical staff. Of course, a secular college in the bishop's patronage could fulfill these roles, and often did so, but because relations between bishops and colleges are so frequently seen in this light our view of both is somewhat jaundiced and the longer-term implications of the foundations obscured. To place these oft-cited insights into a broader context, I would like to contribute a further dimension to the arguments surrounding the development of the *mensa episcopalis* and *mensa capitularis*. Namely, that the foundation and sponsorship of collegiate churches by bishops before the fourteenth-century could often have been part of a strategy involving the management of their episcopal demesnes; a means of channelling their resources and protecting their own *mensae* from further division. A collegiate foundation thus acted as a type of investment, not only providing a haven for some of the bishop's mensal funds, but also constituting a means of generating further resources.

⁴A contentious statement but seemingly borne out by the various studies on medieval prelates and even, implicitly, by Haines' prodigious *The Administration of the Diocese of Worcester in the First Half of the Fourteenth Century* (pp. 75ff., 150ff., 210), and encouraged if not endorsed by the fact and nature of episcopal registration. See also Crosby, *Bishop and Chapter*, p. 46.

The most obvious of these ‘returns’ was patronage (primarily in the form of provision for his personnel) and, consequently, an alternate power base. This effectively comprised a form of currency,⁵ patronage rights being able to be granted away on various bases and favours issued to others in the form of preferments, so engendering a network of protection and obligation.⁶ Patronage was, of course, increasingly important with the exponential growth in the use of ‘professionals’ within the episcopal household and machinery of the diocesan administration, but was this, as often seems the case in historical treatment of the subject, the principal if not sole reason for the foundation of such colleges?⁷ By the very act of endowing his own college, a bishop was effecting a form of ‘*mensa* management’, demising part of his *mensa* (or, if he was really clever, part of his chapter’s)⁸ and putting it out of the reach of his cathedral chapter. In return he received dividends that were, as we have seen, less obviously pecuniary (and thus less vulnerable). One might argue that this would only serve to expose the investment, in the form of the college, to royal interest and intervention with the growing enforcement of regalian right from the mid twelfth-century,⁹ but it is worth noting that in this respect cathedral chapters were just as vulnerable.¹⁰ The benefit of such foundations was equally evident whether the cathedral chapter was secular or monastic. This is apparent from the examples given below and, with the growing independence of secular chapters from the twelfth-century, bishops’ influence over them was anything but absolute.¹¹ A further advantage was that by demising a portion of his episcopal demesne or *mensa* to a collegiate church not only was he protecting that investment (by its assuming the form of an ‘independent’ organisation), and financing further staff to meet the needs of a growing bureaucracy and spirit of professionalism, but he

⁵Canonries have been described as commodities (R.M. Haines, *The Administration of the Diocese of Worcester in the First Half of the Fourteenth Century* (London, 1965), pp. 94-7) and the college of Bampton was a source of income for the bishops of Exeter even before the estates of the bishop and chapter were divided in the first half of the twelfth-century (J. Blair, *The Medieval Clergy* (Bampton Research Paper 4, 1991), p. 8).

⁶Crosby, *Bishop and Chapter*, p. 359; Denton, *English Royal Free Chapels*, p. 133; Brett, *English Church under Henry I*, p. 188; Hoskin, ‘The Bishops of Worcester’, pp. 28, 46-7.

⁷F.M.R. Ramsey (ed.), *English Episcopal Acta X: Bath and Wells 1061-1205* (British Academy, Oxford, 1995), p. xxxvi; Jones, ‘Patronage and Administration: the King’s Royal Free Chapels’, pp. 2, 7-8, 21-2; M.J. Franklin, ‘The Bishops of Coventry and Lichfield, c. 1072-1208’ in G. Demidowicz (ed.), *Coventry’s First Cathedral: the Cathedral and Priory of St. Mary* (Stamford, 1994), p. 130.

⁸Barrow, ‘Cathedrals, Provosts and Prebends’, p. 559.

⁹M. Howell, *Regalian Right in Medieval England* (University of London Historical Studies IX, London, 1962), p. 37-9, 43-4; Crosby, *Bishop and Chapter*, p. 368; M. Buck, *Politics, Finance and the Church in the Reign of Edward II: Walter Stapeldon, Treasurer of England* (Cambridge Studies in Medieval Life and Thought, 3rd series, vol. 19, Cambridge, 1983), pp. 81-2, 96.

¹⁰Howell, *Regalian Right*, pp. 12-16, 69-70, 93-4, 198-9.

¹¹Edwards, *English Secular Cathedrals*, pp. 125, 146; Brett, *English Church under Henry I*, pp. 189-90, 194-7; Denton, *English Royal Free Chapels*, p. 18.

was simultaneously delegating much of the management of the property forming the endowment to the institution, thereby relieving his own administration of some of its workload in this respect. A variation of an earlier Anglo-Saxon initiative whereby a portion of the *mensa episcopalis* was probably divided among canons from bishops' need for their land to be managed by reliable tenants.¹² Another dividend was that a college could generate further finances which, while the college was by no means wholly answerable to the bishop, would nevertheless still benefit him and his household indirectly. This is best illustrated in the form of the ability of colleges to attract lay investment.¹³ There was also often a spiritual return for the founder and, stemming from that, a memorial/prestige factor that would be of lasting advantage to him.¹⁴ Thus, such a college would add to the bishop's prestige and standing (in life and death), would bring a variety of rewards, whilst also securing for at least some of his *mensa* a degree of jurisdictional and financial security and often further gains in the same areas.

The need for a bishop to protect his *mensa* was pressing as the proprietary interests of chapters became increasingly manifest and, with their greater independence, chapters sought to exercise and extend the benefits arising from the free administration of their estates.¹⁵ Although these liberties were in place for most cathedral chapters by 1135, they were not yet universal and they were frequently not exercised until at least a generation later, especially in the area of capitular control over wealth.¹⁶ In many ways the latter process began only after the initial phase of the division of the *mensa*. In the case of Lincoln,

The gradual separation of the bishop's interests from the chapter's came about ... by means of the exemption of the canons from episcopal jurisdiction, by confirmation of capitular immunities, by direct grants of lands and privileges,

¹²Barrow, 'Cathedrals, Provosts and Prebends', p. 563.

¹³Crosby, *Bishop and Chapter*, p. 30; *EEA X*, p. liii; Peter, *Glasney*, pp. 19, 26-39; Clark-Maxwell and Hamilton Thompson, 'The College of St. Mary Magdalene, Bridgnorth', p. 20; J.E. Auden, 'The College of Tong' *Transactions of the Shropshire Archaeological Society*, 3rd series, 6, p. 201.

¹⁴These aspects are most evident in colleges such as Marwell (founded by Bishop Henry of Blois of Winchester (1129 x 1171), the collegiate chapel of St. Mary and the Holy Angles at York (founded by Archbishop Roger de Pont L'Evêque of York 1154 x 1181) and Glasney (founded by Bishop Walter Bronescombe of Exeter in 1265) (*Monasticon Anglicanum* vi:3, pp. 1343-4; Hamilton Thompson, 'English Colleges of Chantry Priests', p. 94; Hamilton Thompson, 'Notes on Colleges of Secular Canons', pp. 162, 188-9; Peter, *Glasney*, pp. 2-5, 19, 39).

¹⁵Despite the title, Crosby's *Bishop and Chapter* is certainly biased towards the *mensa capitularis* and its development, whereas the *mensa episcopalis* is mainly used as a contextual device and rarely examined in its own right (Crosby, *Bishop and Chapter*, pp. 22, 24).

¹⁶Brett, *English Church under Henry I*, pp. 194-5; Crosby, *Bishop and Chapter*, p. 45.

by the successful claims of the canons to certain rights which they believed were theirs, and by the formation of hereditary officers and prebends.¹⁷

Furthermore, bishops might also have found reason to protect their estates given the probable divorce between the cathedral chapter and the bishop's household and bishops' use of professionals.¹⁸ The relationship between bishops and secular colleges thus seems to be grounded in, and marks an important secondary stage of, the gradual division of the *mensae episcopalis et capitularis*.

Collegiate foundations are commonly seen as dwindling from the early twelfth-century, their popularity being surpassed by that of Augustinian houses.¹⁹ Indeed, so entrenched is this view that it has led to several notable authors in this field to adopt an almost dismissive attitude towards them. Julia Barrow talks of "the almost complete absence of secular collegiate churches other than cathedrals" with regard to the intense competition for prebends,²⁰ and Martin Brett, discussing the *secundae sedes* of the diocese of York states that "elsewhere the bishop's collegiate churches were less important."²¹ The example of Archbishop Baldwin's collegiate foundation at Hackington (1187-8) and the scheme's failure due to the strong resistance of the monks of the cathedral priory of Christ Church has been well rehearsed in the literature, as has his renewed attempt (later taken up by Archbishop Hubert Walter) to establish a similar institution at Lambeth.²² Most frequently, like Bishop Hugh de Nonant's expulsion in 1189 of the monks of Coventry Cathedral in favour of secular clerics, these instances are cited as attempts on the part of prelates to undermine the jurisdiction of their cathedral chapters.²³ This is particularly so in the area of electoral rights, but also, we are told, because of secular bishops' preference for secular chapters, the need to provide prebends for their growing households and administrative staff, the pliability of secular clergy and the

¹⁷Crosby, *Bishop and Chapter*, p. 300. For examples of the Lincoln chapter's development in this respect see D.M. Smith (ed.), *English Episcopal Acta I: Lincoln 1067-1185* (British Academy, Oxford, 1980), nos. 41, 157-8, 161-2, 312.

¹⁸*EEA X*, p. xxxvi.

¹⁹Franklin, 'Daventry', p. 97; Brett, *English Church under Henry I*, pp. 138-40; C.R. Cheney, *Hubert Walter* (London, 1967), p. 28; E.J. Kealey, *Roger of Salisbury: Viceroy of England* (University of California Press, Berkeley, 1972), pp. 76-7, 118-19.

²⁰Barrow, 'Cathedrals, Provosts and Prebends', p. 563.

²¹Brett, *English Church under Henry I*, p. 199.

²²Knowles, *Monastic Order*, pp. 318-29; Cheney, *Hubert Walter*, pp. 149-59; G.V. Scammell, *Hugh du Puiset, Bishop of Durham* (Cambridge, 1956), pp. 86, 137.

²³Knowles, *Monastic Order*, pp. 322-7; G.W.S. Barrow, 'The Cathedral Chapter of St. Andrews and the Culdees in the Twelfth and Thirteenth Centuries', *Journal of Ecclesiastical History* 3 (1952), p. 37; and see note 30 below.

intransigence of their monastic/regular counterparts or even in the context of schemes to create rival sees.²⁴ However, the list of colleges established by bishops is much longer than this, although they escape notice by historians because they were generally not connected with lively disputes in these contentious areas. Instead, they are dismissed as mere provender for the bishops' secular staff and on account of their generally unremarkable and, to be fair, often obscure, histories. I would contend, however, that their number and general incidence within the period 1120-1290 (when cathedral chapters really start to flex their jurisdictional muscles) is significant, particularly in the light of what their actual endowment represented in respect of the *mensa episcopalis*. Indeed, Cheney says of the Lambeth project that it had:

raised a number of important legal points about the power of the archbishop to give away the revenues of the archbishopric, and the right of the convent of Canterbury to control the archbishop's activities in his province, but the proceedings at Rome never turned on these issues. ...the convent's case was not only a threat to the archbishop's project of erecting a collegiate church. It concerned rights and possessions alternately granted to them and withheld by the archbishops of the twelfth century. This lay behind their objection to the Lambeth chapel. Their claim to restitution was a menace to the archiepiscopal estate. Hubert's action may be seen as part of a persistent policy to protect the material rights of the archbishopric.²⁵

Tensions between bishops and chapters and the attempts of each to better the other (with varying success) are quite manifest. When Roger de Clinton, bishop of Coventry (1129-1148), tried to establish new prebends at Lichfield he used land belonging to Coventry Cathedral priory as well as property from his own estates, although most of the Coventry land had to be returned later.²⁶ Similarly, the secular chapter at Hereford attempted to get the bishop to endow some of its prebends from his own *mensa*, preferring to reserve their property for the common fund.²⁷ Anxieties could be assuaged, however, and (before the eventful episcopacy of Hugh de Nonant) this can be seen at Coventry in an agreement of 1152 which secured, from the diocesan, the protection of all the monks' lands and their right to all the secular and spiritual profits issuing from them and the provision that their churches and tithes would no longer be

²⁴This aspect of such collegiate foundations is now commonly played down in the literature. Cheney, *Hubert Walter*, p. 156; *EEA X*, pp. xxv, xxxii; R.M. Haines, 'Aspects of the Episcopate of John Carpenter, Bishop of Worcester 1444-1476', *Journal of Ecclesiastical History*, 19:1 (1968), p. 35; Hoskin, 'The Bishops of Worcester and their *Acta*', p. 74.

²⁵Cheney, *Hubert Walter*, pp. 150, 156.

²⁶*VCH Staffordshire III*, pp. 140-1; Barrow, 'Cathedrals, Provosts and Prebends', p. 559.

²⁷Barrow, 'Cathedrals, Provosts and Prebends', p. 558.

used to endow Lichfield prebends or treated as income belonging to the see.²⁸ To return to the broader canvas of the endowment, reconstitution, and often foundation, of collegiate churches by prelates, the table below gives an idea of the scale and timing of this trend and cautions us against associating such colleges purely with monastic chapters.

Collegiate Church	Action	Prelate	Date ²⁹
Bosham	re-founded by	William Warelwast, bp. of Exeter	c. 1121
Marwell	founded by	Henry de Blois, bp. of Winchester	1129 x 1171
Crediton	re-established by	William Warelwast, bp. of Exeter	1133 x 1136 ³⁰
South Malling	re-founded by	Theobald, abp. of Canterbury	c. 1150
Darlington	constituted by	Hugh du Puiset, bp. of Durham	post 1153
St. Mary and the Holy Angels, York	founded by	Roger de Pont L'Evêque, abp. of York	1154 x 1161
St. Patrick's, Dublin	founded by	John Cumin, abp. of Dublin	1182 x 1212 ³¹
Hackington	founded by	Baldwin, abp. of Canterbury	1187-8
Coventry	established by	Hugh de Nonant, bp. of Coventry	1189 ³²
Lambeth	founded by	Baldwin and Hubert Walter, abps. of Canterbury	c. 1191
College of Culdees	established by	Bps. of St. Andrews	post 1198 ³³
Penkridge	granted to	Abps. of Dublin	by 1215 ³⁴
Crantock	re-founded by	William Briwere, bp. of Exeter	1236
St. Buryan	re-constituted by	William Briwere, bp. of Exeter	1238

²⁸H.E. Savage (ed.), *The Great Register of Lichfield Cathedral known as Magnum Registrum Album* (Staffordshire Historical Collections, Publications of the William Salt Archaeological Society, 3rd ser., 14, Kendal, 1926 for 1924), no. 262; Franklin, 'The Bishops of Coventry and Lichfield', pp. 129-30.

²⁹For the general details of these churches see Knowles and Hadcock, *Medieval Religious Houses* and Hamilton Thompson, 'Notes on Colleges of Secular Canons'. Where additional material has been supplied the relevant source has been cited.

³⁰F. Barlow (ed.), *English Episcopal Acta XI: Exeter 1046-1184* (British Academy, Oxford, 1996), pp. xxix, 13 (no. 15).

³¹Scammell, *Hugh du Puiset*, p. 136.

³²See also M.J. Franklin (ed.), *English Episcopal Acta 17: Coventry 1183-1208* (British Academy, Oxford, 1998), pp. xxx-xxxvi, xlvi; 'The Bishops of Coventry and Lichfield', pp. 135-7.

³³Barrow, 'The Cathedral Chapter of St. Andrews and the Culdees', pp. 23-39; Scammell, *Hugh du Puiset*, pp. 136-7.

³⁴See also Styles, 'The Early History of Penkridge Church', pp. 1-52.

Glasney	founded by	Walter Bronescombe, bp. of Exeter	1265
Wingham	projected by	Robert Kilwardby, abp. of Canterbury	1273
Llangadock	founded by	Thomas Bek, bp. of St. Davids	1283 (transferred to Abergwili in 1287)
Lanchester	founded by	Anthony Bek, bp. of Durham	1284
Chester-le-Street	re-founded by	Anthony Bek, bp. of Durham	1286
Llanddewi-Brefi	re-founded by	Thomas Bek, bp. of St. Davids	1287
Wingham	foundation completed by	John Pecham, abp. of Canterbury	1287
Auckland	re-built by	Anthony Bek, bp. of Durham	1292
Ottery St. Mary	founded by	John Grandisson, bp. of Exeter	1337 ³⁵

Table 1: Episcopal Foundation and Possession of Collegiate Churches, 1120-1340.

The coincidence of the foundation and re-establishment of these colleges by bishops with both secular and monastic cathedral chapters within a period marked by the capitular confirmation, exercise and attempted extension of their rights, jurisdictions and properties is apparent, and the above table does not take into account those colleges of older foundation and already in diocesans' possession, such as Norton and Osmotherley, or those granted to prelates by the king (i.e. royal free chapels such as Gnosall, St. Oswald's, Gloucester and St. Martin's, Dover),³⁶ which would have remained a potential source of further endowment. In discussing the tensions between bishop and chapter, we must remember that the various strategies used by both were being executed at a territorial as well as an academic/legalistic level. Accordingly, these endowments, so often seen as symptomatic of tensions between cathedral chapter and bishop, the secular clergy and their monastic brethren, for example, in all probability played a much more fundamental and dynamic role in relations between the two.

³⁵See also J.N. Dalton, *The Collegiate Church of Ottery St. Mary being the ordinatio et statuta ecclesie sancte Marie de Otery Exon. diocesis, A.D. 1338, 1339*, (Cambridge, 1917).

³⁶The college of St. Probus was granted to Exeter *cathedral* by Henry I, although by 1268 the deanery had been surrendered to the bishop (Knowles and Hadcock, *Medieval Religious Houses*, p. 435).

If they are indicative of anything it is a more practical, financial struggle, and not simply a jurisdictional one (be it legal or spiritual).

The implications of bishops' use of their estates are particularly interesting in the context of their future treatment of collegiate institutions. Their endowments suggest that the relationship between the two was less obviously exploitative, the diocesan having a greater duty of care towards the college, beyond that practised in his pastoral capacity. This, in turn, implies a longer-term strategy and whereas, hitherto, bishops' use of colleges has been portrayed as pragmatic (often as a temporary political or financial expedient), their investments denote not only a deeper interest in the colleges' welfare but also a willingness to look beyond their own episcopate.

In the diocese of Worcester, St. Mary's fellow collegiate church was that of Westbury-on-Trym (Gloucestershire) which belonged to the patronage of the bishops of Worcester. Its origins probably lay in the eighth-century as a minster, which was then granted to Worcester Cathedral in 824. Following its likely destruction by the Danes, Bishop Oswald re-founded the church as a Benedictine house c. 963 x 4, but the priory lapsed when Oswald transferred twelve of its brethren to his new foundation at Ramsey. The next prelate to take an interest in the ruined site was Bishop Wulfstan, who re-founded the monastery as a dependency of Worcester Cathedral c. 1093. His work, however, was to be undone by his successor, Bishop Samson (1096-1112), who disbanded the monastery and replaced its monks with secular canons.³⁷ Later bishops, like Walter de Cantilupe (1237-1266), used the college's prebends to reward their clerks,³⁸ but this practice did not always occasion dispute between the diocesan and the monastic chapter, although it probably caused consternation if not alarm.³⁹ Even though Worcester's *mensa* had undergone its essential division by 1062,⁴⁰ the resulting

³⁷A. Binns, *Dedications of Monastic Houses in England and Wales, 1066-1216* (Studies in the History of Medieval Religion 1, Woodbridge, 1989), p. 88; E. Mason, *St. Wulfstan of Worcester c. 1008-1095* (Oxford, 1990), pp. 168-9; *VCH Gloucestershire II*, pp. 106-7; Hoskin, 'The Bishops of Worcester and their *Acta*', p. 73.

³⁸*Reg. Giffard*, p. 4; Hoskin, 'The Bishops of Worcester and their *Acta*', pp. 46, 73-4.

³⁹Hoskin has shown the importance of personality and the individual in relations between bishop and chapter at Worcester and that these factors, manifested especially in the chapter's regard for Walter de Cantilupe and its desire for the support of the powerful Cantilupe family, could lead to its acceptance of potentially dangerous precedents. Hoskin, 'The Bishops of Worcester and their *Acta*', pp. 70-4; 'Prior Engagements: Thwarted Ambition and Diocesan Politics in the See of Worcester 1218-1268' (Paper given at the Oxford University Graduate History Seminar, Trinity Term, 1995, pp. 12-15).

⁴⁰Mason, *St. Wulfstan*, p. 211.

'boundaries' remained a matter of contention, and jurisdictions were still being disputed between bishop and chapter and the threat posed by secular institutions remained just as real.⁴¹ This was borne out by Westbury's history in the thirteenth-century. Worcester priory seems to have been doubly unlucky in this case, for not only were the monks of its dependency removed and replaced by secular canons early in the twelfth-century, but in the colourful and litigious episcopate of Godfrey Giffard (1268-1302) the belligerent bishop attempted to have all the churches in his patronage annexed and made prebendal to the college of Westbury.⁴² Certainly, this was to extend his ability to provide for his clerks and household (which numbered over a hundred at one visitation),⁴³ and may also have been part of a more ambitious and grandiose scheme to rival and counter the influence of Worcester Priory. "Whether this was an attempt to create a secular chapter within the see is unclear; what is certain is that the monks of Worcester believed that it was and protested accordingly."⁴⁴ Consequently, we see that many of the issues and trends discussed above came into play at a local level, and Giffard's plans for Westbury's expansion, made all the more remarkable for his projected use of all the churches belonging to his *mensa*, were to have implications for the various relations between bishop, chapter and college; not least St. Mary's.

At Westbury, the first record we have of the scheme is in 1286, when Giffard petitioned the pope for, among other things, his own prebend in Westbury (to be worth ten pounds or marks - he does not appear to have been particular) and for all the churches in his patronage to be made prebendal to the college.⁴⁵ Before receiving papal consent, he put his plan into action and began annexing various key churches to the college in 1287, leading to confrontation with the prior and convent.⁴⁶ The first sign of trouble between the two in this matter was Giffard's forcible expulsion of the priory's cantor from Westbury, during the diocesan's celebration of orders there in September 1288.⁴⁷ The chapter appealed to the pope

⁴¹Hoskin, 'Prior Engagements', pp. 6, 13.

⁴²*VCH Gloucestershire II*, pp. 106-8; H.J. Wilkins, *Westbury College from a. 1194 to 1544 A.D.: with notes on the lives of John Carpenter, Henry Sampson and William Canynges* (Bristol, 1917), pp. 11-32.

⁴³Wilkins, *Westbury College*, p. 26.

⁴⁴Hoskin, 'The Bishops of Worcester and their *Acta*', p. 74.

⁴⁵*Reg. Giffard*, pp. 301-3. For a narrative account of these events see also Wilkins, *Westbury College*, chapter 1 and *VCH Gloucestershire II*, p. 107.

⁴⁶*Reg. Giffard*, pp. 336, 340.

⁴⁷*Annales Monastici*, iv, ed. H.R. Luard (Rolls Series, 36, 1857, repr. 1965), pp. 495-6; *Reg. Giffard*, pp. 320-3

and, for protection, to the Court of Canterbury.⁴⁸ The dispute then escalated to encompass wider issues such as visitation rights and the administration of the priory's spirituals, but an agreement over these was reached 18 January 1289.⁴⁹ Giffard still continued to appropriate "some of the best livings in his gift to the collegiate church of Westbury", making the church of Kempsey prebendal 11 September 1288, and collating another newly established prebend 23 September, to which collation the convent refused to consent on the grounds of the loss of revenue to them *sede vacante*, and appealed to Rome.⁵⁰ The outcome was that on 17 April 1289 a bull was issued by Nicholas IV appointing delegates to inquire into the priory's claims that during vacancies of the see they instituted and deprived rectors and vicars, and that by making the churches of Kempsey, Bredon, Bishops Cleeve and Weston on Avon (all on important episcopal manors) prebendal to Westbury against their wishes, and instituting his clerks and household to the new prebends, he had made the churches not immediately subject to the church of Worcester as they ought to have been.⁵¹ The bull was not properly authenticated and another had to be sent, and this time it also included in the priory's charges that Giffard had made the church of Woodbrook prebendal to St. Mary's.⁵² With further confusion over the commissions (a general reluctance to fill them) the priory's case eventually came before the king in May 1289, but despite their setting forth the losses they would incur and reminding the king's court of the curse of St. Wulfstan concerning those taking the place of monks, the general increase in papal provisions and nominees (five at Lincoln and the archdeacon of Worcester more locally) seems to have swayed the king and his council to find against the convent.⁵³ Still installing his canons, the bishop may have suffered a set back as at two of these institutions the prebendal status of the church was revoked by the bishop and the church conferred as a parish church.⁵⁴ The bishop tried to secure the chapter's consent for the scheme at his visitation of the priory in November 1290, but their refusal ended with the

⁴⁸*Annales Monastici*, iv, p. 496; *Reg. Giffard*, p. 347.

⁴⁹*Reg. Giffard*, p. 347; Wilkins, *Westbury College*, p. 22.

⁵⁰Wilkins, *Westbury College*, p. 23; *Reg. Giffard*, p. 343.

⁵¹*Reg. Giffard*, p. 362.

⁵²*Reg. Giffard*, p. 363. The second bull was dated 1 June 1289. For the commissions that followed, see *Reg. Giffard*, pp. 363-4.

⁵³*Annales Monastici*, iv, pp. 501-2. Gilbert de Clare, earl of Gloucester, played an important part in the proceedings and later entered into an arrangement with Bishop Giffard in 1291 through the intervention of mutual friends (*Reg. Giffard*, p. 361).

⁵⁴On 10 July 1290 the Worcester annalist records: "...de facto, non de jure, installati fuerunt apud Westbure Nigellus Walensis, Johannes de Redbure, Johannes de Bereford" (*Annales Monastici*, iv, p. 502). See also *Reg. Giffard*, pp. 370, 407.

bishop leaving in a bad mood (*iratus discessit*).⁵⁵ On 10 April 1291, Giffard was cited to appear at the Court of Arches to answer the priory's appeal over his corrections made at visitation. An agreement was reached here, but then the question of the prebends was explicitly left out.⁵⁶ Better relations ensued, but the Westbury/Warwick situation still festered and just as Giffard continued to institute to his prebends,⁵⁷ so the prior and chapter maintained their stance, and in January 1295 cited the bishop to answer their complaints in the Court of Arches over the Westbury/Warwick question.⁵⁸ The bishop appealed, and in consequence the chapter did likewise.⁵⁹ The latter's counter-appeal was not heard until 1297 though, when the Court of Arches found in Giffard's favour. The convent appealed against the dean of Arches' sentence, but it was probably not heard.⁶⁰ Things came to a head again with another visitation dispute, and when the archbishop of Canterbury visited the bishop and his chapter in 1301 the priory lodged thirty-six charges against Giffard, the eighth concerning the prebendal churches.⁶¹ The bishop replied that he had wanted their consent but could make no headway with them. Giffard obviously had the sympathies of the archbishop and the recalcitrant prior seems to have been made to resign. His successor was, naturally, chosen by Giffard. Giffard failed, however, to secure the position of the prebendal churches and after his episcopate no more is heard of them, Westbury's canons remaining at five, with their dean, until Bishop Carpenter's re-foundation of the college in the fifteenth-century.⁶²

Westbury provides a fine example of the close relationship that could exist between a bishop and collegiate church and the value the latter could hold for the bishop, his jurisdiction, estates, administration and patronage. Had Giffard been successful, and all his mensal churches belonged to Westbury, this would have excluded the prior and chapter from the receipt of the churches' revenues *sede vacante* (who benefitted not only from their own *mensa* but that of the bishop during the see's vacancies),⁶³ made the churches themselves more

⁵⁵*Annales Monastici*, iv, p. 504.

⁵⁶*Reg. Giffard*, pp. 391, 393; Wilkins, *Westbury College*, p. 27.

⁵⁷*Reg. Giffard*, pp. 427, 451.

⁵⁸*Reg. Giffard*, p. 454.

⁵⁹*Reg. Giffard*, p. 455.

⁶⁰*Reg. Giffard*, p. 492; Wilkins, *Westbury College*, p. 28.

⁶¹*Reg. Giffard*, pp. 540, 547-552; Wilkins, *Westbury College*, pp. 29-30.

⁶²Wilkins, *Westbury College*, p. 32; Haines, *Administration of the Diocese of Worcester*, p. 28.

⁶³For Worcester's *sede vacante* administration see R.M. Haines, 'The Administration of the Diocese of Worcester "Sede Vacante" 1266-1350', *Journal of Ecclesiastical History*, 13:2 (1962), pp. 156-71.

attractive to clerks by the fact of their being prebendal, raised the profile of the college and acted as (or at least represented) a serious counter-balance to the capitular weight of the monastic cathedral. St. Mary's involvement as a beneficiary reinforces this. Despite troubled relations with the college from 1275, which were still ongoing, in September 1285 the bishop was actively working with the earl of Warwick to endow the college with extra prebends.⁶⁴ In 1269, or thereabouts, Giffard transcribed an ordinance of Walter de Cantilupe into his register which concerned the residence of the canons and was to establish six chaplains at Warwick.⁶⁵ This may have been included, as Dugdale suggests, because the canons' refused to adhere to the statute, but it may also be one of the reasons behind Giffard's wish to increase the college's endowment, even a justification. The act was hardly a selfless one though, and presumably Giffard would have won some presentation rights to any prebends he established at Warwick. At the very least he would open a welcome dialogue between the bishops of Worcester and the earls of Warwick, and possibly earn their gratitude and that of the college (which had recently denied his jurisdiction).

So, we begin to see a variety of diocesan relationships at work. St. Mary's, in private, secular, patronage, generally maintained a distance from Worcester and Westbury. At first sight there seems good ground for supposing that a degree of rivalry existed between the two colleges. Both were dedicated to St. Mary, both represented a source of much needed patronage for secular clerics, and most importantly each institution belonged to two rival camps who dominated the local political situation at this time, the church of Worcester and the Beauchamp family, each of whom vied for dominance in the diocese and counties of Worcester and Warwickshire.

The heirs of Urse d'Abetot, the Beauchamps, still held of the bishopric and admitted service (though less than required). To describe them as 'tenants', however, is a distortion of the facts. Hereditary sheriffs of Worcester, castellans of Worcester Castle, the Beauchamps were the bishop's rivals, not his men.⁶⁶

⁶⁴“Letter from the bishop to his kinsman and friend, the earl of Warwick, as to the selection of prebends to the church of Warwick. For two of the three prebends yet to be chosen out of the thirteen, he suggests Wykewane and Salewarp” (*Reg. Giffard*, p. 266). Childs Wickham and Salwarpe (Worcs.).

⁶⁵*Reg. Giffard*, p. 6; *EEA 13*, no. 162; Dugdale, *Antiquities of Warwickshire*, i, p. 429. See Chapter 2.

⁶⁶Williams, *The English and the Norman Conquest*, p. 194. Friction stemmed from when Urse d'Abetot, sheriff of Worcester, seized land belonging to the church of Worcester “which the monks then granted him for fear of his power”, he and his heirs, the Beauchamps, then took other lands belonging to the cathedral and never fully performed the services considered due by the convent. Williams, *The English and the Norman Conquest*, p. 142; E. Mason (ed.), *The Beauchamp Cartulary Charters, 1100-1268* (Pipe Roll Society, n.s. 43, for years 1971-3,

However, there is an important distinction to be made between the bishop and his cathedral chapter. It was the latter who was really the interested party in this affair, it was the chapter that had the long memory. Thus, if St. Mary's had an adversary it should probably have been the prior and convent, to whom it represented a latent threat (as is evident in the Westbury case) and a strong association (from 1268 at the latest, when William became the first Beauchamp earl of Warwick)⁶⁷ to its long-term antagonists, the Beauchamps.⁶⁸

To assess the extent to which any such rivalry was felt, even expressed, between the two colleges is nigh impossible. Possibly it never existed at all, as both colleges seem to have remained quite distinct from each other throughout their history. Although both were originally minster churches, Westbury's attachment to Worcester was always a close one, and the same applied to St. Mary's and Warwick. Each was founded with canonries to support the respective households of the earl and bishop and, as far as we can tell, there was surprisingly little cross-over between their *fasti*, Westbury's canons generally being of higher status and with much stronger diocesan links than those of St. Mary's, who tended to be from the Beauchamp administration or royal government.⁶⁹ The earl of Warwick's stable tenure of his patronage rights, and the king's use of the *jus regale* to present to its prebends during vacancies in the earldom and minorities, meant that the bishops of Worcester had little opportunity to intervene in the college's secular side (unless at the invitation of the earl), and as we have seen, the king's interests in patronage were a real force to be reckoned with.⁷⁰ St. Mary's parochial functions and obligations (particularly its status as a mother church) were much more obvious than those of Westbury and distinguished it further. These distinctions, however, could lend

London, 1980), pp. xviii-xxv, xlvi-liv; C. Dyer, *Lords and Peasants in a Changing Society: the estates of the bishopric of Worcester, 680-1540* (Cambridge, 1980), pp. 48-9. For the importance of these territories and socio-political and -geographic implications, see C. Carpenter, *Locality and Polity: A Study of Warwickshire Landed Society, 1401-1499* (Cambridge, 1992), pp. 32-2, 308-9.

⁶⁷*Handbook of British Chronology*, p. 486; *Complete Peerage*, XII pt. 2, pp. 368-70.

⁶⁸Earl William's father (another William) occasioned numerous entries in the Worcester annals, mainly concerning his excommunication by the bishop. In 1276 Earl William came to Worcester when he heard a rumour that his father had been exhumed. On opening the tomb with his brothers the rumour was proved false (apparently they recognised their father's body by certain signs). Weeks later peace was reached between William and the prior and convent. *Annales Monastici*, iv, pp. 439-440, 444-7, 471-2.

⁶⁹For details of their *fasti*, see Wilkins, *Westbury College*, chapter 3, and the biographical index of St. Mary's *fasti* appended to the edition.

⁷⁰*Annales Monastici*, iv, pp. 501-2. In 1273 Giffard collated to Budbrooke, saving the canons' right to present another time (*Reg. Giffard*, p. 54), and presentation to benefices in the college's gift lapsed to the diocesan in 1322, between 1339 and 1349, and in 1537 (*Reg. Cobham*, p. 239; *Reg. Bransford*, no. 744, p. xxvi; *Reg. Latimer*, p. 21).

support to arguments for or against the existence of any such rivalry. Nevertheless, it was this distinction that Bishop Giffard tried to bridge. Not only would the act of increasing St. Mary's prebends have opened important channels of communication between Worcester and Warwick, but, as a prelude to this, Giffard was helped by the likes of Peter de Leycester, rector of Budbrooke, who had also been in the bishop's household and steward of his estates and who became a canon of both Westbury and Warwick during Giffard's episcopate and who acted as the bishop's proctor in a dispute between Giffard and some of St. Mary's canons.⁷¹ Ralph de Hengham, a canon of St. Mary's (and noted pluralist) was also a friend of Giffard's and archdeacon of Worcester (1287-8),⁷² confirming that Giffard was in a good position to 'bridge the gap' and reach an arrangement, between both the colleges, and between Warwick and Worcester. Not only did he claim ties of friendship and family with the then earl,⁷³ but as diocesan his 'history' with the earls was not so entrenched as that of the priory, although they largely seem to have settled their differences with the earls in 1276.⁷⁴

The importance of the colleges' patrons and patronage cannot be underestimated and explains in part why Giffard was being so generous to St. Mary's when, as we shall see, they had defied his jurisdiction, fallen out with him on numerous counts and relations between them were less than cordial (he managed to excommunicate most if not all of the chapter at various times during his episcopacy). Does his endowment thus say more about the earl than the college? It is certainly demonstrative of the strength of the bishop's regard for adequate patronage and the need for clerical provision. Was it ultimately the institution that was more important than its members? Juxtaposed with his pastoral responsibilities, this might not sit well, but if it is the case (and the bishop is working on the premise that individuals can be replaced and will change in time) then it betrays a long-term strategy, and the concept of the college as a form of investment resurfaces. There may have been less of a Warwick/Westbury rivalry than the bishop preferring Westbury and Warwick to his cathedral priory. Just as the latter at one stage sought the security and connections offered them by their bishop, Walter de Cantilupe, so Bishop Giffard sought to forge a stronger and more permanent alliance (because it was vested in institutions and, in Warwick's case, also in a family), to secure further

⁷¹*Reg. Giffard*, p. 199; see also the biographical index. It is interesting that he was presented to Budbrooke by St. Mary's canons, at least one of whom withheld their consent (*Reg. Giffard*, p. 169).

⁷²*Reg. Giffard*, pp. lxi, 493, 516; and see biographical index of St. Mary's *fasti*.

⁷³*Reg. Giffard*, p. 266.

⁷⁴*Annales Monastici*, iv, p. 472.

protection for the churches in his gift, and to extend the influence of his position on a temporal level; which might carry with it positive implications for similar designs on a spiritual one.

Diocesan politics constituted a tangled web of alliances and agendas, most of which were transitory, and the collegiate church represented different things to different people and institutions. It operated on various levels and its 'political' associations further complicate one's perception of it. While the bishop endeavoured to protect his *mensa* and, in Giffard's case especially, gain the upper hand in relations with his chapter, he also aimed to consolidate and build upon his spiritual jurisdictions, just as in a period when Canon Law was not yet tightly or clearly defined, incipient institutions and those realising a measure of jurisdictional freedom, aspired to extend and defend their own rights and liberties. Having at first dealt mainly with the diocesan in his confirmatory capacity as stressed in the False Decretals,⁷⁵ St. Mary's seems to have grown in institutional confidence, if not necessarily in institutional stature. As an articulation of this, and seemingly on their own initiative, between 1155 and 1165 St. Mary's canons began a discourse with the canons of the cathedral chapter of Salisbury, whose dean replied to their request for information on the various liberties and customs enjoyed by its canons, their election of the dean, the role of the chapter, the distribution of a canon's revenues on his death,⁷⁶ their freedom from episcopal dues and the archdeacon, and the archidiaconal jurisdiction each canon enjoyed in his prebend.⁷⁷ That St. Mary's was conversing on such points and was participating in this debate is not necessarily surprising. It was modelled on the four great secular cathedrals of Salisbury, London, York and Lincoln, and by 1128 the right to freely elect its dean had been confirmed by Bishop Simon of Worcester (and later by Popes Eugenius III and Adrian IV).⁷⁸ Southwell Minster was modelled on York, the college at Glasney on Exeter, and the influence of Salisbury can be seen

⁷⁵Nos. 21, 48-51; Brett, *English Church under Henry I*, pp. 136-7. St. Mary's also had an archiepiscopal confirmation of its general rights and possessions in addition to several papal bulls (nos. 22, 24, 25, 28, 34-5). For the increase in papal and archiepiscopal confirmations see Brett, *English Church under Henry I*, pp. 57, 61-2, 91; C. Cheney, *From Becket to Langton*, p. 122; M.G. Cheney, *Roger, Bishop of Worcester, 1164-1179* (Oxford, 1980), pp. 155-7.

⁷⁶This was very much a current issue and an important one: Brett, *English Church under Henry I*, p. 195; Barrow, 'Cathedrals, Provosts and Prebends', p. 549; Crosby, *Bishop and Chapter*, pp. 355-6; Dugdale, *Monasticon Anglicanum*, vi.3, p. 1313, no. iii; Blake, 'The Development of the Chapter', p. 7; Hamilton Thompson, *Newarke Hospital and College*, p. 72.

⁷⁷No. 68.

⁷⁸Nos. 19-22, 25, 28. For St. Mary's election of its dean see Chapter 2.

in the constitutions of Lincoln, Lichfield, Chichester and Wells.⁷⁹ Edwards has cited the papal prohibition safeguarding the rights of those members of the Salisbury chapter who were in exile with Archbishop Becket in the election of John of Oxford as their dean as “the first evidence of the chapter’s right to elect its dean,” *c.*, 1165.⁸⁰ Crosby, however, is unsure as to whether the Salisbury canons actually possessed this privilege in the mid twelfth-century, albeit understandable for them to try to push their claims in this quarter.⁸¹ St. Mary’s letter from Dean Henry certainly strengthens the argument for the existence of such a privilege, and may well constitute the earliest example of such given that it was Henry de Beaumont’s appointment to the see of Bayeux that occasioned the promotion of John of Oxford and the dispute that followed his nomination.⁸²

Dean Henry’s letter also constitutes one of the earliest references to the rights of the canons of Salisbury to enjoy archidiaconal jurisdiction within their prebends. The question of the rights and liberties belonging to canons, individually and in chapter, was extremely pertinent from the mid twelfth-century as secular cathedral chapters like Salisbury, building on the independence accorded to them by a mensal division, sought to develop that liberty and be freed from all episcopal and archidiaconal interference.⁸³ The two other instances of the archidiaconal jurisdiction attached to the Salisbury prebends, cited by Greenway, are another letter of Dean Henry, addressed to the dean of Wells cathedral between 1154 and *c.* 1164, and a charter of Robert de Chesney, bishop of Lincoln, issued between *c.* 1164 and 1166.⁸⁴ As Greenway notes, all these documents are important in terms of the positive emphasis they place on the privileges they record, for although the cathedrals of Worcester and St. Paul’s, for

⁷⁹Leach, *Visitations and Memorials of Southwell Minster*, p. xxx; Crosby, *Bishop and Chapter*, p. 352; Peter, *Glasney*, pp. 7, 15, 21, 23, 42; Brett, *English Church under Henry I*, pp. 194-5; *EEA 17*, appendix IV, p. 138; *EEA X*, p. xli; Edwards, *English Secular Cathedrals*, pp. 141-2.

⁸⁰*VCH Wiltshire III*, p. 163, n. 90).

⁸¹Crosby, *Bishop and Chapter*, pp. 342-3.

⁸²*Fasti Ecclesiae Anglicanae 1066-1300: IV Salisbury*, p. 9; Dugdale, *Monasticon Anglicanum*, viii, p. 1293.

⁸³Crosby, *Bishop and Chapter*, pp. 45-6, 337ff.; *VCH Wiltshire III*, pp. 156ff.; D.E. Greenway, ‘The False *Institutio* of St. Osmund’ in Greenway, Holdsworth and Sayers (eds.), *Tradition and Change: Essays in Honour of Marjorie Chibnall*, pp. 77-101.

⁸⁴Greenway, ‘The False *Institutio*’, p. 90; A. Watkin (ed.), *Dean Cosyn and Wells Cathedral Miscellanea* (Somerset Record Society, 56, 1941), pp. 87-8, no. 113; C.W. Foster (ed.), *Registrum Antiquissimum of Lincoln Cathedral*, I (Lincolnshire Record Society, 27, 1931), no. 287; *EEA I*, no. 161. See also Crosby, *Bishop and Chapter*, pp. 300-301.

example, gained exemption from the archdeacon in 1092 and after 1108 respectively,⁸⁵ they were couched in terms of the archdeacon's exclusion - as opposed to the right of a canon to act as an archdeacon.⁸⁶ This new jurisdictional emphasis, adopted by Salisbury's dean and chapter and regarded with keen interest by St. Mary's, appears at York in 1142 or 1143 and at Ely *c.* 1150.⁸⁷ The concerns of St. Mary's canons can thus be set within a contemporary debate where, despite its advanced stage, formal precedent had yet to be established, for, despite Alexander III's opposition to the election of John of Oxford, he rescinded his decision and approved the nomination in 1166 for reasons of state.⁸⁸

Although St. Mary's received a general papal confirmation of its liberties and possessions in November 1157, this was more concerned with its canons' right to elect their dean, this time specifying that there was to be no lay or *ecclesiastical* interference. There thus seems to be good reason behind enquiries into their freedoms, but nothing more is recorded of their quest for freedom from the archdeacon until June 1246. By this time the college appears to have exercised its own archidiaconal jurisdiction, prompting the archdeacon of Worcester to appeal to the pope claiming his jurisdiction over the church and his right to visit. The papal delegates appointed to inquire into the matter, however, were alleged by St. Mary's to have damaged their case by not admitting the college's proctor, occasioning their own papal petition. In two bulls of June 1246 the pope ordered further delegates to investigate the college's claims and that, if proved true, the whole question of their jurisdiction was to be re-examined.⁸⁹ The outcome of the case does not survive, but in the 1280s the dean and chapter extended their claims and sought exemption from the diocesan (Bishop Giffard) and episcopal visitation.⁹⁰

⁸⁵R.R. Darlington (ed.), *The Cartulary of Worcester Cathedral Priory (Register I)* (Pipe Roll Society, n.s. 38, for 1962-3, London, 1968), no. 52; M. Gibbs (ed.), *Early Charters of the Cathedral Church of St. Paul, London* (Camden 3rd series, 58, 1939), no. 63; Crosby, *Bishop and Chapter*, p. 321.

⁸⁶Greenway, 'The False *Institutio*', pp. 90-1.

⁸⁷Greenway, 'The False *Institutio*', pp. 90-1, citing W. Farrer (ed.), *Early Yorkshire Charters*, I (Edinburgh, 1914), no. 152, II (Edinburgh, 1915), no. 1153; E.O. Blake (ed.), *Liber Eliensis* (Camden 3rd series, 92, 1962), p. 125.

⁸⁸Crosby, *Bishop and Chapter*, pp. 342-3.

⁸⁹Nos. 53-4.

⁹⁰*Reg. Giffard*, pp. 147-8, 151.

The college had not relinquished their campaign for archidiaconal freedom and the first stirrings of trouble are recorded in Worcester Priory's *Liber Albus* in 1308 when Prior John de Wyke sent warnings to Walter Reynolds, then bishop-elect, and his clerk, about St. Mary's dean, Robert Tankard, whom he describes as a 'roaring lion' (*leo rugiens in jurisdictionem*).⁹¹ Tankard had apparently held chapters in Warwick, appointed an apparitor and established a new jurisdiction in Warwick, depriving the bishops of Worcester of their two-third share of the profits accruing from the archdeacon of Worcester's visitations.⁹² The following year Bishop Reynolds, commissioned the archdeacon's official to report those rectors in the Warwick deanery not yet in the priesthood, having heard that most were not, contrary to a decree of general council. Interestingly, he was "to make diligent inquiry by trustworthy men in the deanery."⁹³ In 1310, Archdeacon Francis de Neapoli asserted his right to hold chapters in St. Mary's and to exercise his jurisdiction there and in the Warwick churches (which Dean Tankard claimed) and the prior advised him to have Tankard cited to the Curia in person.⁹⁴ "In April 1311, Tankard was condemned by the Court of Canterbury to pay £20 to the archdeacon's official and the case was remitted to the diocesan official."⁹⁵ In July, the same year, the cause between St. Mary's and the archdeacon was still pending. St. Mary's claimed they possessed the jurisdiction over their churches but that the archdeacon and his officials had disturbed their exercise of it for over a year and that despite a decree ordering the archdeacon away, he had continued to harass them and not sought reformation through the law. The delegate's commissary thus adjudged the jurisdiction to belong to St. Mary's as a result of the archdeacon not appearing before him, and he and his staff were to be kept away until such time as the case could be heard properly. St. Mary's jurisdiction was consequently to be proclaimed in Warwick by two of the town's rectors, and those troubling the college or defying the decree were to be excommunicated.⁹⁶ Meanwhile tensions between the college and Francis de Neapoli, the archdeacon, were mounting. St. Mary's again petitioned the pope reiterating their claim, emphasising that they had held the jurisdiction peacefully and approved by custom for a long time, but that despite their freedom the archdeacon, his official and Warwick's rural

⁹¹Worcester Cathedral Library, A5 (Liber Albus), fos. 31v-32r; *Liber Albus*, p. 26.

⁹²WCL, A5, fos. 31v-32r; Haines, *Administration of the Diocese of Worcester*, pp. 27, 45-6, 49-50.

⁹³*Reg. Reynolds*, pp. 4-5.

⁹⁴WCL, A5, fo. 43r; *Liber Albus*, p. 31; Haines, *Administration of the Diocese of Worcester*, p. 27.

⁹⁵WCL, A5, fo. 53r; Haines, *Administration of the Diocese of Worcester*, pp. 27, n. 7.

⁹⁶No. 57.

dean continued to hinder them in their rights, and that he had now called the dean and chapter before him and excommunicated them. The result was that the pope again ordered the parties to be summoned before the delegates who were to decide the case.⁹⁷ The exasperation of both sides began to show, and the prior of Worcester, who was farming the archdeaconry, alleged that Tankard had secured a bull from certain judges who, “*clandestine procedentes*,” had delivered a definitive sentence prejudicial to the church of Worcester and the archdeacon especially. He was probably referring to that of July.⁹⁸ In September, the prior wrote to the archdeacon about the lawsuit and the ‘intrigues of R. Tankard’ and begged him to act promptly. At some point, the prior also warned his proctor in the Curia about a plot of Robert Tankard.⁹⁹ On 2 February 1314 Tankard was succeeded as dean by Master Richard de Alincestr’, who was instituted *sede vacante* “saving the dignity of the bishops and archdeacons for the time being.”¹⁰⁰ With the death of Francis de Neapoli and Tankard no longer dean,¹⁰¹ St. Mary’s did not slacken the pace but continued to press home their advantage, appealing to the pope and Court of Arches to protect them and their jurisdiction from the continued oppression of the archdeacon. The dean of Arches thus delivered a sentence again restraining the archdeacon while the college’s appeal for protection was pending in the Arches and ordering him to allow them to effect their appeal peacefully.¹⁰² Again, the outcome of the suit, if it got that far, escapes us. St. Mary’s tenacious grip on the jurisdiction appears to have slipped though in 1343 when, before the bishop’s commissaries, its dean swore

that he would exercise no archidiaconal jurisdiction in the town of Warwick until the suit or disagreement between the archdeacon of Worcester and himself had been settled by amicable arrangement or judicial award, [and] that should he exercise jurisdiction contrary to his oath, he would pay £20 to the bishop *ad augmentum elemosine sue*.¹⁰³

⁹⁷No. 55.

⁹⁸WCL, A5, fos. 1v, 53r; Haines, *Administration of the Diocese of Worcester*, p. 27 n. 7.

⁹⁹WCL, A5, fo. 88r; *Liber Albus*, p. 65. “Ipse [Tankard] per maliciam et fraudem velit delationem probare in Curia, per aliquod instrumentum confictum, et sic causam habere” (WCL, A5, fo. 88r).

¹⁰⁰*Reg. Sede Vacante*, p. 148.

¹⁰¹*Fasti Ecclesiae Anglicanae 1300-1541: IV Monastic Cathedrals (Southern Provinces)* ed. B. Jones (London, 1963), p. 62. Dean Alincestr’ held the office for only a few months and was himself succeeded by Robert Geryn.

¹⁰²No. 56.

¹⁰³*Reg. Bransford*, no. 556.

Although at last made to relinquish his jurisdiction, exception was made for internal choir matters (*regimen chori*) and thus his control over the canons and clergy of St. Mary's.¹⁰⁴ Technically, a final decision on the possession of archidiaconal jurisdiction over St. Mary's and its churches was still awaited and the dean's oath a temporary concession to the archdeacon, but this is the last heard on the matter, and we can assume that, despite Tankard's plots and intrigues, the clash of personalities and institutions, and the college's determined defence of its jurisdiction, deserved or not, the archdeacon won the day. In 1406, St. Mary's agreed to pay him an indemnity for their appropriation of the Warwick churches at his yearly archidiaconal visitations, in addition to the other procurations payable to him.¹⁰⁵ They were not so easily overcome though, and a dispute later arose over this same procuration, which was finally settled in 1475.¹⁰⁶

The motives behind St. Mary's dogged attempt to free itself from the archdeacon were probably multifarious. Never far away was a financial motive,¹⁰⁷ which proved significant enough not only for the college to send a volley of petitions to the papal Curia and Court of Arches - an expensive business - but also for the bishop to step in to protect his share of the profits. Other motives possibly included the resentment of 'external' intervention in their affairs and administration, itself an indictment of their growing corporate confidence and of the strength of their capitular feeling.¹⁰⁸ Just as the cathedral chapters sought to protect and consolidate their recently acquired rights and possessions, the same holds true for a new foundation like St. Mary's in the twelfth-century. As jurisdictions hardened and were more vigorously defended from the thirteenth-century, St. Mary's redoubled its efforts. Probably this was prompted in part by the fact the burdens of belonging to such jurisdictions began to be felt,¹⁰⁹ and increasingly so as the diocesan hierarchy became more aggressive in its approach.¹¹⁰ St. Mary's quickly fell behind the secular cathedrals and *secundae sedes*.¹¹¹ Brett argues that

¹⁰⁴Similar jurisdictions can be seen at Glasney (Peter, *Glasney*, p. 23), Bosham (Buck, *Politics, Finance and the Church*, pp. 83-4) and Southwell (Leach, *Visitations and Memorials of Southwell Minster*, p. xxxii). See also Edwards, *English Secular Cathedrals*, p. 147.

¹⁰⁵No. 312.

¹⁰⁶Reg. Carpenter II, pp. 138-41.

¹⁰⁷Denton, *English Royal Free Chapels*, p. 92.

¹⁰⁸See Chapter 2.

¹⁰⁹C. Cheney, *From Becket to Langton*, p. 145.

¹¹⁰Denton, *English Royal Free Chapels*, p. 91.

¹¹¹Leach, *Visitations and Memorials of Southwell Minster*, pp. xxx-xxxiii.

this is largely because colleges like St. Mary's became weaker, stemming the devolution of episcopal authority; their status declining as that of the bishop was in the ascendant.¹¹² On this level, one might posit that it was this devolution of power, in the form of deputation, that made institutions like St. Mary's more able and willing to challenge the outcome of that trend - the archdeacon and his rural dean. Indirectly, they were also challenging the bishop and the superstructure of the diocese, but were they accomplishing this by attacking its weakest link? Deputation obviously increased the burdens and interference a church like St. Mary's might expect, but in its very essentials it also undermined the archdeacon's authority, particularly when in comparison with that of the diocesan. Accordingly St. Mary's may have felt more comfortable testing him and his jurisdiction, encouraged by the example of similar institutions. Westbury, with its neighbouring parish of Henbury, formed a deanery exempt from the archdeacon under the college's dean and chapter,¹¹³ and the royal free chapels, with varying success, sought or defended their exemption throughout the thirteenth and fourteenth centuries.¹¹⁴ Personality played an important role too, and the process could be helped or hindered by the likes of the leonine Robert Tankard, but care must be exercised in dealing with this factor, as the college's persistence in its cause from 1150 to 1350 is a testament not only to the momentum of the issue but to that of the institution, which maintained its pressure despite a varied succession of deans, archdeacons and priors. The prior's involvement is interesting. Certainly he had vested interests in the archdeacon's jurisdiction and its profits, but the eagerness of at least two priors to warn the bishop and archdeacon of the plots of St. Mary's dean, while saying something of the personalities involved, also suggests that there may well have been some degree of institutional angst on the priory's side as proposed earlier, being much more wary of a collegiate church like St. Mary's and eager to use the college's bid for independence to gain favour with the new bishop, Giffard's successor, and to establish his relations with the college on the wrong footing. "Episcopal and archidiaconal visitations and synods formed the essential channels of communication between these various levels of the diocesan hierarchy."¹¹⁵ As far as the archdeacon was concerned, St. Mary's exhibited a marked preference for disconnection, but to what extent did it value its relations with the diocesan

¹¹²Brett, *English Church under Henry I*, p. 199.

¹¹³Haines, *Administration of the Diocese of Worcester*, p. 28.

¹¹⁴Denton, *English Royal Free Chapels, passim*; Buck, *Politics, Finance and the Church*, pp. 83, 91.

¹¹⁵Hoskin, 'The Bishops of Worcester and their *Acta*', p. 84.

himself? How far did the “growing importance of capitular initiative”¹¹⁶ carry the college forward in its actions? And were these actions essentially defensive or aggressive?

It is most likely that St. Mary’s underwent episcopal visitation from at least the mid thirteenth-century, the statutes issued by Walter de Cantilupe (1237-1266), a dedicated visitor, for the college probably resulted from such a tour of his diocese.¹¹⁷ Cantilupe may have visited the collegiate church c. 1263, from when a mandate survives in Giffard’s register regarding the excommunication of most, if not all, of St. Mary’s chapter for their contumacy in not appearing, as they were cited to, at Worcester to answer various articles, and were to be withdrawn from the administration of ecclesiastical goods.¹¹⁸ It is unclear whether these articles concerned Cantilupe’s statutes, which respected the provision of chaplains in the church and the canons’ personal residence. Visitation in the diocese seems to have occurred in some form from the twelfth-century,¹¹⁹ and although primary visitations were not really established with any degree of regularity until the fourteenth-century,¹²⁰ the indomitable Bishop Giffard (1268-1302) was also conscientious visitor. St. Mary’s first recorded visit occurred in 1268 when Giffard celebrated mass and preached in the church.¹²¹ The following year he sent notice of his intention to visit, and in 1270, John de Plesset’, a canon, was warned as to his residence by a proctor of Giffard’s, who was probably referring back to Bishop Cantilupe’s ordinance.¹²² Having also been ordered to make satisfaction for his contumacy in 1270, the sentence of excommunication Plesset had earned, or still held, by January 1275 was absolved at the end of the month.¹²³ He had re-acquired the penalty, however, with two other canons by 23 February, although one of them was absolved a few weeks later.¹²⁴ These stormy relations between Warwick and Worcester go some way to explaining why by 1282 the college, under their dean, Robert de Plesset (quite probably a relation of both John the canon

¹¹⁶Crosby, *Bishop and Chapter*, p. 302.

¹¹⁷Hoskin, ‘The Bishops of Worcester and their *Acta*’, pp. 88, 90-94; *EEA 13*, pp. xxix-xxxiii, no. 162.

¹¹⁸*Reg. Giffard*, p. 194.

¹¹⁹M. Cheney, *Roger, Bishop of Worcester*, p. 89; C.R. Cheney, *Episcopal Visitation of Monasteries in the Thirteenth Centuries* (Manchester, 1931), p. 32; *From Becket to Langton*, p. 139.

¹²⁰Haines, *Administration of the Diocese of Worcester*, p. 163.

¹²¹*Reg. Giffard*, p. 281.

¹²²*Reg. Giffard*, pp. 6, 39.

¹²³*Reg. Giffard*, p. 68.

¹²⁴*Reg. Giffard*, pp. 65, 69.

and John du Plessis, the earl of Warwick (1245-1263)),¹²⁵ had appointed a proctor and initiated a suit against Giffard claiming their exemption from visitation.¹²⁶ In return, the bishop produced a petition against “Robert de Plecy, canon of St. Mary’s, Warwick, calling himself dean of the same, and his other accomplices who impugn the right of the bishop of Worcester to visit, correct and reform their house, and appeal to the Court of Canterbury.”¹²⁷ Possibly Robert had not sought Giffard’s recognition of his status as dean, but relations between him and the bishop were certainly less than cordial thereafter. That year the bishop absolved a priest who had been excommunicated by Robert, and Robert was the only member of the chapter to refuse to consent to the presentation of Peter de Leicester to their church of Budbrooke.¹²⁸ This may have been because Peter was a member of the bishop’s household. Peter undoubtedly felt the animosity, immediately applying to the bishop for an indemnity against any suit Robert might lodge against him.¹²⁹ In 1283, Robert quarrelled with the abbot of Alcester and the bishop’s jurisdiction at Warwick remained unresolved.¹³⁰ Peter’s position did not get any easier when in May that year he was appointed as the bishop’s proctor in a case between the diocesan and Dean Robert and another canon.¹³¹ In June, Dean Robert found himself excommunicated again for failing to fulfill his duties as an executor of the late John du Plessis, earl of Warwick.¹³² In 1284 the dean of Arches pronounced against St. Mary’s in their appeal for exemption from episcopal visitation and jurisdiction, and in July he not only confirmed the bishop’s sentence of excommunication placed on the dean and chapter but also ordered them to pay twenty marks in costs for their appeal.¹³³ Days later the bishop instructed the archdeacon to pronounce this sentence on Robert and the canons and to examine the rule of their house. But it is at this point that the earl, William de Beauchamp, intervened as patron, and at his instance the bishop superseded this sentence.¹³⁴ In September, to prove a point no

¹²⁵For the two canons see the biographical index. Robert was one of the executors of Earl John du Plessis (with a Sir Robert de Plesset) and himself earned a sentence of excommunication in 1283 for not making certain payments in his role as executor (*Reg. Giffard*, p. 195).

¹²⁶*Reg. Giffard*, p. 151.

¹²⁷*Reg. Giffard*, p. 148.

¹²⁸*Reg. Giffard*, pp. 153, 169.

¹²⁹*Reg. Giffard*, p. 169. For Peter de Leicester and his own volatile friendship with Bishop Giffard see the biographical index.

¹³⁰*Reg. Giffard*, pp. 188, 199

¹³¹*Reg. Giffard*, p. 199.

¹³²*Reg. Giffard*, p. 195.

¹³³*Reg. Giffard*, pp. 245, 249.

¹³⁴*Reg. Giffard*, p. 245.

doubt, Giffard sent notice of his intention to visit and on 5 October 1284 he visited St. Mary's where he preached on the text "If they be not sent from the most High in thy visitation, set not thy heart upon them."¹³⁵

Giffard, having achieved a happy conclusion to his dispute with the college, continued to push for the removal of Robert de Plesset,¹³⁶ who seems to have earned the enmity of the dean of Arches who was also litigating against him throughout 1285,¹³⁷ while Giffard approached the earl of Warwick about the choice of episcopal churches for Warwick and, in 1286, pressed his case against Plesset at Rome.¹³⁸ The dean of Arches excommunicated Robert in March 1286 and Giffard, building on this advantage and his good relations with the earl, generously wrote to the earl informing him of the dean's excommunication and urging him that he "should not delay to present a fit person" to the deanery.¹³⁹ The bishop eventually committed the custody of the deanery on another in February 1289, in which year his plans for Westbury and Warwick proceeded apace, taking time to visit the college in January 1290 and September 1296.¹⁴⁰

In many ways both of St. Mary's jurisdictional disputes were trials of tenacity and cunning, and fought in a variety of judicial arena as each side vied for an advantage, and to build on that when it was attained. This is also seen in the bishop's use of the college's patron, and the pressure put on the likes of Peter de Leicester, and we are left in no doubt that personality was also a significant contributory factor to the tensions and disputes that prevailed. To return to themes raised in the previous chapter, the bishop's focus on St. Mary's dean either denotes the strength of this argument or is a good indication of the importance of the dean as leader and a figurehead, and probably represents elements of both. In neither dispute was St. Mary's case a strong one. Against the archdeacon they relied on 'custom' and

¹³⁵*Reg. Giffard*, p. 249; Ecclesiasticus 34:6.

¹³⁶*Reg. Giffard*, p. 260.

¹³⁷*Reg. Giffard*, p. 271.

¹³⁸*Reg. Giffard*, pp. 266, 277. The grounds for the bishop's papal petition were for Robert's having invoked the power of the secular arm and appealed to the Court of Arches against the sentence of excommunication pronounced on him by the bishop.

¹³⁹*Reg. Giffard*, pp. 297, 306.

¹⁴⁰*Reg. Giffard*, pp. 339, 367, 482. The church which was planned to be made prebendal to Warwick was assigned to Peter de Leicester, who by now was a canon of St. Mary's (*Reg. Giffard*, pp. 363-4).

did well to avoid a definitive legal sentence against them. In their fight for episcopal exemption, the legal grounding and justification for their case is not at all clear,¹⁴¹ although their reasons for pursuing it are more appreciable. Set in a period when challenges to episcopal exemption were being mounted by monasteries,¹⁴² cathedral chapters,¹⁴³ and the royal free chapels,¹⁴⁴ St. Mary's nevertheless lacked the backing these institutions often enjoyed and its case was much weaker. Its parochial obligations were not an insurmountable obstacle, they neither would they have helped St. Mary's suit; nor did the college have any precedent for exemption. The only collegiate church to gain exemption was St. Mary's de Castro, Leicester, but its situation was rather unique.¹⁴⁵ Personalities did play an important part, but we also see Giffard paying attention to the findings of his predecessor and following up the cases recorded by Cantilupe, an intervention particularly resented by St. Mary's dean. Furthermore, there was a very practical reason for fearing Giffard's visitation. It was alleged that in 1290 he took with him a retinue of some 140 horses. The maximum set by Alexander III was thirty.¹⁴⁶ Not surprisingly, St. Mary's did not raise the issue of episcopal exemption again and, thereafter, Worcester's bishops visited without hindrance, normally taking a day to visit and exacting the maximum procuration fee of four marks.¹⁴⁷ Indeed, future relations were much more cordial and, in November 1339, Bishop Bransford remitted a mark from his fee out of personal regard

¹⁴¹This is quite normal, but even the usual grounds (custom, royal grant, papal privilege) do not seem to apply to the Warwick college (Brett, *English Church under Henry I*, p. 135). The pope was perhaps their best avenue of hope (C. Cheney, *Episcopal Visitation*, pp. 44, 46, 48), but the chapter do not appear to have petitioned the Curia in this instance.

¹⁴²M. Cheney, *Roger, Bishop of Roger*, pp. 84, 88; C. Cheney, *Episcopal Visitation*, pp. 67, 90ff.; Brett, *English Church under Henry I*, pp. 131-7; Hoskin, 'The Bishops of Worcester and their *Acta*', p. 58; Haines, *The Administration of the Diocese of Worcester*, pp. 24-7, 29-30.

¹⁴³Denton, *English Royal Free Chapels*, p. 18; Edwards, *English Secular Cathedrals*, pp. 128-34; Crosby, *Bishop and Chapter*, pp. 310-11.

¹⁴⁴Denton, *English Royal Free Chapels*, pp. 15-22, 97ff.; Jones, 'Patronage and Administration: the King's Free Chapels', pp. 1-23; Styles, 'Early History of the King's Chapels', pp. 56-95.

¹⁴⁵Denton, *English Royal Free Chapels*, p. 128.

¹⁴⁶*Annales Monastici*, iv, pp. 503-4; Haines, *The Administration of the Diocese of Worcester*, p. 149+n; C. Cheney, *Episcopal Visitation*, pp. 59, 66, 105-6.

¹⁴⁷*Reg. Cobham*, p. 24; *Reg. Montacute*, no. 1126; *Reg. Polton*, p. 208; *Reg. Carpenter I*, p. 443; *Reg. Alcock*, p. 105; *Reg. Giovanni de Gigli*, p. 24; *Reg. Silvestro de Gigli*, pp. 132, 238, 339; no. 298; C. Cheney, *Episcopal Visitation*, pp. 106-108. St. Mary's was visited by the prior of Worcester or his commissaries *sede vacante*. See *Reg. Sede Vacante*, pp. 212, 220, 251, 284; no. 349. Occasionally it was also visited by, or made use of, archiepiscopal visitations: I.J. Churchill, *Canterbury Administration: the Administrative Machinery of the Archbishopric of Canterbury illustrated from original records* (2 vols., London, 1933), pp. I 192n., 323n., II 157; nos. 350-1.

(*de gratia speciali*) for the dean, a good friend of his.¹⁴⁸ By the beginning of the sixteenth-century, the episcopal visitor was even staying over night at the college.¹⁴⁹

Exemption was by no means the only issue to concern St. Mary's and perhaps of more relevance to its long-term prosperity was safeguarding its status as a mother church and the rights that pertained to its position as such. The definition and protection of these rights is not confined to a particular period or set of circumstances, although their economic overtones are never far from the fore, and this is plainly evident in St. Mary's case.

...it seems by 1135 that the building of a new church, and so the creation of a new ecclesiastical circumscription, was usually accompanied or followed by an exact definition of the rights of the old church and the new, while occasional efforts were made to define the relations between churches which already existed. These were customarily expressed in terms of a mother church and its daughter, or church and chapel, definitions which expressed a relationship rather than the extent of the rights of either.¹⁵⁰

St. Mary's foundation, and its assumption of much of the *parochia* of the old minster, All Saints, shortly followed by the earl's other new foundation of the priory of St. Sepulchre, constituted such a need for definition. It was specifically designated as a mother church in the confirmation of its foundation by Bishop Simon (1125-1150),¹⁵¹ and when the same bishop consecrated the altar and cemetery of St. Sepulchre's he did so with the consent of St. Mary's canons and took the opportunity to define the condition and parochial rights of each institution.¹⁵² St. Mary's consent was desirable as the priory was founded in its parish and the college's status as a *matrix ecclesia* was re-iterated in the document. St. Mary's parochial dues included tithes, sepulture, oblations, confessions, visiting the sick and any customary benefits. To protect the college from any loss of these, the new priory was to pay the college an annual pension of 30*d.* The canons of the priory had a cemetery, but could only bury their own brethren there. Eugenius III confirmed the agreement between the priory and college, along with the college's rights and possessions, in 1146, but by 1148, he was instructing Archbishop Theobald of Canterbury and Bishop Simon to advise the priory's regular canons to observe this

¹⁴⁸Reg. Bransford, p. xxiii, nos. 102, 115.

¹⁴⁹Reg. Silvestro de Gigli, pp. 339ff.

¹⁵⁰Brett, *English Church under Henry I*, p. 223.

¹⁵¹No. 21.

¹⁵²No. 23.

agreement, which he again confirmed.¹⁵³ St. Mary's also petitioned the bishop through one of their fellow canons, the archdeacon of Oxford.¹⁵⁴ However, by November 1157, the pope (Adrian IV) was writing to Archbishop Theobald and Bishop John of Worcester concerning the priory's unjust claim to St. Mary's parish, ordering them to ensure that the priory relinquished all their claims, and followed his mandate with another confirmation of the agreement.¹⁵⁵ Theobald then took up the reins and having inspected the agreement and heard that Ralph the prior had usurped both the college's parochial rights and its parishioners, violating the agreement, he instructed the archdeacon of Worcester to restore both to St. Mary's. In the case of the parishioners, who had transferred their allegiance and worship to the priory, they were "to return to their senses and St. Mary's" or else be anathematised.¹⁵⁶ This did not happen though, and St. Mary's petitioned the pope again, this time over their parochial rights and the pension due to them, which they claimed St. Sepulchre's had forcibly taken from them and unjustly retained.¹⁵⁷ Gilbert Foliot, bishop of Hereford, and the archdeacon of Worcester were appointed as judges delegate to examine and resolve the case and between 1161 and 1162, despite the prior's delaying tactics, they delivered a sentence in the college's favour.¹⁵⁸ The sentence was given papal confirmation and the pope decided that the priory need not pay anything beyond the sum fixed in the sentence.¹⁵⁹ At the insistence of the judges-delegate, to heal the wounds and keep the peace between the neighbouring institutions (*Unde et pium duximus esse et ad conservandum pacem ecclesiarum de Warewich' valde necessarium*), St. Mary's granted the prior all their parochial rights save those of baptism and burial, to hold personally for as long as he lived or held office as prior. In return, the prior was to pay the college an annual pension of 10s.¹⁶⁰ The intervention of the judges in achieving this grant is evident, as is its failure to keep the peace. In the months leading up to March 1163, when they had to ensure that St. Mary's canons adhered to the arrangement and then that Prior

¹⁵³Nos. 25-6.

¹⁵⁴Nos. 29-30.

¹⁵⁵Nos. 28, 34.

¹⁵⁶"*Et parochianos qui se et beneficia sua contra statutum sepe dicti episcopi subtraxerunt et propria auctoritate contra jus ecclesiasticum et episcopale mandatum ad aliam quam ad matricem ecclesiam suam se transtulerunt, in eandem quam predictus episcopus formavit nisi resipuerint anathematis retrudas sententiam.*" No. 27.

¹⁵⁷No. 35.

¹⁵⁸No. 36.

¹⁵⁹No. 37.

¹⁶⁰Nos. 38-9.

Ralph restored to the secular canons the land for the burial of a Warwick citizen.¹⁶¹ By May 1163 the priory still held most, if not all, of St. Mary's parochial fruits, and its refusal to restore them generated a stream of papal, royal, and episcopal mandates and confirmations in the college's favour throughout 1163 and into 1164.¹⁶² Presumably the priory capitulated shortly afterwards, and in 1465-6 the college still received the pension (now reduced to 1s. 11½d.).¹⁶³

Disputes over parochial dues and the status and jurisdictions of mother churches were common in the twelfth-century, the subject of various synods and legal battles.¹⁶⁴ Not simply as a result of the implications of new foundations, but also because not only were fixed parochial jurisdictions yet to be established, but because "there was great scope for collision between old customs and new methods, and genuine doubt about many points of detail, and therefore fertile ground for litigation."¹⁶⁵ Disputes like that at Warwick tapped into a whole range of issues and constitutional forces in the twelfth-century Church, most of which were not yet resolved or refined. The diplomatic of charters was often clumsy, the map of the diocese was in the midst of being redrawn, while the bishop battled for control over the parish clergy and reformers pushed for the restriction of lay rights over churches, both were hampered by the fact that often records and the diocesan courts, the machinery of diocesan administration, were not yet there to support them.¹⁶⁶ Add to this the growing popularity of regular canons, like those of St. Sepulchre's, and the disparate attitudes to the rectitude of regulars exercising parochial functions and whether this was a job exclusively for the secular clergy,¹⁶⁷ and the inevitable rivalry between two such institutions of the same town, who shared the same patron, and such disputes went beyond the purely economic. While finance lay at the root of most of these disputes though,¹⁶⁸ the wider significance of parochial dues is attested in St. Mary's situation where losing the dues *ipso facto* meant losing their

¹⁶¹Nos. 40-1.

¹⁶²Nos. 42-6.

¹⁶³Styles, *Ministers' Accounts*, p. 78+n.

¹⁶⁴Brett, *English Church under Henry I*, p. 159; Scammell, *Hugh du Puiset*, pp. 84-5, 119-20; A. Morey, *Bartholomew of Exeter, Bishop and Canonist: A Study in the Twelfth Century* (Cambridge, 1937), pp. 97-8.

¹⁶⁵M. Cheney, *Roger, Bishop of Worcester*, p. 153.

¹⁶⁶Brett, *English Church under Henry I*, pp. 128-31, 143-4, 199; M. Cheney, *Roger, Bishop of Worcester*, pp. 82, 84, 95, 152.

¹⁶⁷Constable, *Reformation of the Twelfth Century*, pp. 57, 227-8, 240.

¹⁶⁸Brett, *English Church under Henry I*, pp. 94, 161, 224, 227.

parishioners. The liturgical implications of this would have been just as severe as the concomitant economic repercussions. While many of the wider issues outlined above would be resolved in coming centuries, the fiscal significance of burial rights remained a prime motive for such disputes throughout the Middle Ages. Parochial rights and oblations remained high on the diocesan's *agenda* in the thirteenth-century and into the fourteenth,¹⁶⁹ while the Black Death of the mid-fourteenth-century made burial rights in particular very important in the coming century.¹⁷⁰

The demographic and institutional impact of the Black Death should never be underestimated, and its effects were to influence St. Mary's fortunes and once again highlight issues related to its status as a mother church. In 1367, all of Warwick's parishes, save one, were united in that of St. Mary's, one Warwick church having only three parishioners.¹⁷¹ The dispute over the pension paid by St. Sepulchre's flared up again in the 1390s, and the priory also claimed a share of the fruits from St. Mary's newly appropriated churches. With the bishop's help though, St. Mary's were finally successful in ridding themselves of the prior, who was expelled from his place in their chapter by the bishop in 1396.¹⁷² In 1400, the college entered a dispute with the Dominicans at Warwick over their share of its funeral obventions, which the friars were withholding in at least one case.¹⁷³ Moreover, new gifts and appropriations of churches meant that parochial jurisdictions and provision were again given prominence, and the diocesan and his staff were generally helpful and supportive of the college, its churches and their positions as mother churches.¹⁷⁴

The Black Death marked something of a turning-point in relations between the college and its diocesan. Up until 1343 the college was still disputing the jurisdiction of the archdeacon and had even challenged that of the bishop in the last years of the thirteenth-

¹⁶⁹Hoskin, 'The Bishops of Worcester and their *Acta*', pp. 92-3; Styles, 'Early History of Penkridge', pp. 8-9, 21; Buck, *Politics, Finance and the Church*, p. 83.

¹⁷⁰W.J. Dohar, *The Black Death and Pastoral Leadership: The Diocese of Hereford in the Fourteenth Century* (Pennsylvania, 1995), pp. 65, 80, 82; Hamilton Thompson, 'A Gnosall Lawsuit', pp. 83-111.

¹⁷¹No. 124, especially a-c. Similar amalgamations of parishes occurred at Norwich and Winchester - R.N. Swanson, *Church and Society in Late Medieval England* (Oxford, 1993), p. 45.

¹⁷²No. 298; Styles, *Ministers' Accounts*, p. 148+n.

¹⁷³Nos. 289-90.

¹⁷⁴See nos. 124, 164, 280, 331, 340, 354.

century. As institutions like St. Mary's, the bishop and his cathedral chapter each tried to defend, and often extend, the limits of their jurisdictions, conflicts were almost inevitable. Thus the bishop tried to use St. Mary's to extend his patronage and remove control of the churches in his gift a little further from the cathedral priory, while the priory regarded colleges like those at Warwick and Westbury with understandable suspicion. Warwick was fighting actions on several fronts, aiming to secure its independence from troublesome jurisdictions and protect its revenues from a rival institution. The rivalry, which was largely inherent in the system in which all these groups operated, remained in place right up to 1350. When the Earl of Warwick stepped in to appropriate the church of Pillerton Hersey to allow urgent repairs to be done to St. Mary's fabric, another reason cited by the college in their petition, which was acknowledged by the diocesan in his deed of appropriation in 1341 was that "they lost too many secular clerks to the diocesan by presenting to their churches."¹⁷⁵ With a fall in population levels making itself felt in the first half of the fourteenth-century, it seems that competition for sources of clerical provision had been replaced by competition for the secular clerks themselves.¹⁷⁶ True, this situation would only be magnified in the century following the pestilence, but a greater spirit of co-operation seems to have flourished then between the bishop and St. Mary's chapter.

St. Mary's was in a financially precarious position before 1349, having alienated some of its rights and possessions to several clerks and laymen on various terms as early as 1305,¹⁷⁷ by 1334 having reached the need for the Pillerton appropriation to maintain its services and bell-tower.¹⁷⁸ The plague greatly exacerbated the situation, leaving the Warwick parishes impoverished even further and seriously depopulated.¹⁷⁹ The timely intervention of their patron in 1364, who petitioned the pope for indulgences to help pay for necessary building work, statutes to reform the college and set its administration on the right tracks,¹⁸⁰ and, by 1390,

¹⁷⁵No. 129. "...nimiam clericos seculares loci diocesano a ipsas [ecclesias] presentando totaliter amiserunt."

¹⁷⁶The college's income from oblations had also nearly dried up because its parishioners were hit so hard by the recession and prevailing poverty (no. 129).

¹⁷⁷No. 52.

¹⁷⁸Nos. 126-7, 129-133.

¹⁷⁹No. 124.

¹⁸⁰*CPP 1342-1419*, pp. 493-501, especially pp. 493-4, 498, 501; no. 6.

with Richard II's blessing, to appropriate five churches and a manor in his gift and that of his brother to the college,¹⁸¹ set relations with the bishops of Worcester on a different course.

St. Mary's new problems and the disruption caused by the plague probably accounts for the loss of momentum in their fight for exemption from the archdeacon. Such suits were costly and St. Mary's resources and attention were now focused elsewhere. The importance of the earl of Warwick should not be underestimated. The Beauchamp family was growing in prominence,¹⁸² and Earl Thomas I (1329-1369) showed a particular affinity to the collegiate church, and was eventually buried there. It was probably he that helped gain the co-operation of the bishop and, later the pope, in the appropriations, and eased relations between the college and its bishop. It would be tempting to see the fact that he and his college went down the papal path to secure the appropriation of the five churches as telling of a strain in these relations. Certainly the college had preferred the Curia as a forum for its past disputes with the archdeacon and St. Sepulchre's. In these earlier scenarios, however, appeal to the pope was very common and frequently manifested a desire for prompt action and a securer, more authoritative decision.¹⁸³

Immediate protection, influence on the choice of judges, reasonably prompt action, judges with authority to give orders to the highest prelates and cut across diocesan and provincial boundaries, all these attracted the potential appellant. In addition, the sentence or composition was made under papal authority and - at the cost of another long journey - the further safeguard of papal confirmation could be obtained.¹⁸⁴

His petitions of 1364 for St. Mary's were made with a lot of others, and that for reforming the college's statutes was for a faculty for the bishop of Worcester, who was co-operating with the earl to help the ailing fortunes of the college.¹⁸⁵ The later petition for the appropriations could have arisen because of a vacancy in the see, or because the earl had other business at Rome, but these reasons are highly unlikely and the most probable answer is practicality and because the appropriations were needed urgently. The earlier appropriation of Pillerton, effected by the diocesan, had taken some time and involved various inquiries and the permission of the

¹⁸¹Nos. 139-40.

¹⁸²S. Raban, 'The Land Market and the Aristocracy' in D. Greenway, C. Holdsworth and J. Sayers (eds.), *Tradition and Change: Essays in Honour of Marjorie Chibnall* (Cambridge, 1985), pp. 248-51.

¹⁸³M. Cheney, *Roger, Bishop of Worcester*, pp. 116-21, 155-9.

¹⁸⁴M. Cheney, *Roger, Bishop of Worcester*, p. 158.

¹⁸⁵No. 124a. See also Chapter 2.

bishop, the prior, and the cathedral chapter.¹⁸⁶ The papal route was much quicker, the one delegate being empowered to effect the appropriations, which already had papal sanction, and ordain the vicarages.¹⁸⁷ It was also the most practical solution given that the five churches lay in four different dioceses.¹⁸⁸ The abbot of Evesham, as judge-delegate, was not only local but could cut across diocesan boundaries and simplify the process considerably.¹⁸⁹ When the college came to appropriate the four Warwick churches c. 1400, it again used the diocesan,¹⁹⁰ the churches all belonging to the same diocese and the urgency behind the appropriations being less pronounced.¹⁹¹ The college's resorting to the pope, either before or after 1350, is a fickle indicator of relations with the diocesan, and is more indicative of the relative efficacy of judicial systems, the stage of a dispute, or the needs of the appellant at a given time.

In the post-plague era St. Mary's and the various institutions of the diocese's administration were commonly found working together. If St. Mary's still resented diocesan interference in principle, its help was necessary in restoring the college's fortunes. The appropriations themselves ensured that these channels of communication remained open, and while the repercussions of the Black Death were felt long afterwards in the decline of population levels and arable cultivation, and manifested in decaying, unused buildings, the various bishops worked with the college for the benefit of its churches and their parishioners. Thus they might absolve the college from the expense of repairing buildings which were no longer used or too decayed,¹⁹² allow an agreement to be reached between the college and the parishioners of one of its churches that would help dissolve some of the costs incumbent on

¹⁸⁶Nos. 126-133. The process occurred between 1334 and 1349, although much of the delay was occasioned by a wait for the rector to die before the college could take possession.

¹⁸⁷For appropriation by papal authority see R.M. Haines, *Ecclesia Anglicana: Studies in the English Church of the Later Middle Ages* (Toronto, 1989), pp. 4-5; *The Church and Politics in Fourteenth Century England: The Career of Adam Orleton c. 1275-1345* (Cambridge, 1978), pp. 58-9, 75.

¹⁸⁸Chaddesley Corbett and Haselor (Worcester), Wolfhamcote (Coventry and Lichfield), Spelsbury (Lincoln) and Whittlesford (Ely).

¹⁸⁹For the role of the abbot of Evesham as a papal judge-delegate see nos. 140, 147, 150; for the appropriations see nos. 149-50, 169-70, 173-5, 185, 187-8, 214-6, 269-70. For indemnity agreements: bishop of Lincoln and archdeacon of Oxford (nos. 151, 153), bishop and archdeacon of Ely (nos. 171-2), bishop and priory of Worcester (nos. 189, 193), bishop of Coventry and Lichfield and archdeacon of Coventry (nos. 271-2).

¹⁹⁰Nos. 291-4, 300-306, 309-10, 314-15, 320. For the indemnity agreements with the bishop, prior and convent and archdeacon of Worcester see nos. 293-4.

¹⁹¹At least two of the churches were worth very little and the appropriation was motivated more by the college's need for the security of its tenure over them and their compliance with the statutes of Bishop Whittlesey of 1367 (no. 124).

¹⁹²Nos. 157, 215, 279.

the college for bettering the vicar's position,¹⁹³ reduce the burden of taxation on a church,¹⁹⁴ and help protect the rights of a mother church appropriated to the college.¹⁹⁵ Often the spiritual aspect in these cases carried strong economic overtones, but the relationship worked both ways and, even if the economic motivation is generally easier to espy, the financial health of a college or church always remained a key factor in its spiritual viability. Better relations between the college and diocese, at a basic level, were brought about by a shared, and renewed emphasis on parochial needs and jurisdictions. Not because this parochial element had not existed before, or was more important now, but because there was less to distract both parties from it. The jurisdictions of the various diocesan officials and the framework of diocesan administrations and courts were now largely established and respected. The Church's position on such subjects was more stable and unified, and legal precedents had been set. The need to react to the demographic and economic impact of the plague further harmonised relations between the college and the bishops it dealt with, and doubtless these relationships were eased by the ascendancy of the Beauchamp family in local and national politics from the late thirteenth-century and the effects of royal and comital patronage, which allowed such relationships to operate on slightly less formal level and extended friendships and contacts.

The value, or rather significance, of personal relations and even more formal contacts with bishops has already been touched upon, Bishop Bransford remitting part of his procuration for friendship's sake, for example.¹⁹⁶ While much of this chapter has concentrated upon bishop and college carving out or protecting their respective jurisdictions, such discussions inevitably highlight the contentious and antagonistic aspects of the relationship between the two. To correct this balance an examination of the college's *fasti* can be a salutary exercise.¹⁹⁷ A significant number were involved in some aspect of diocesan administration and, as secular clerics, they probably had more in common with their diocesan than his own

¹⁹³No. 164.

¹⁹⁴No. 347.

¹⁹⁵No. 280.

¹⁹⁶Bishop Latimer (1535-1539) forwent his procuration when the college was in financial difficulty (*Letters and Papers of Henry VIII*, vol. 13, pt. 1, p. 445, no. 1202).

¹⁹⁷For the *fasti* and their biographical details and references, see the biographical index appended to the back of the edition.

cathedral clergy.¹⁹⁸ Ralph de Hengham was a friend of Bishop Giffard's, was archdeacon of Worcester at one stage, and a royal justice. Adam de Herwyntone was a close friend of Bishop Orleton and his vicar-general, while Thomas de Lench was a friend and adviser of Bishop Wolstan de Bransford and William de Vauce was an archdeacon of Worcester and Bishop Carpenter's chancellor. Canons of Salisbury, Lichfield, other secular cathedrals and royal free chapels, archdeacons, royal clerks and chaplains abounded. Two of St. Mary's canons, John de Buckingham and John Arundel, became bishops of Lincoln and Chichester, and while both gave up their prebends on becoming bishop, their links with the college were not automatically severed as a result. In July 1364, Bishop Buckingham presented a canon to a prebend in the college at the gift of the earl of Warwick,¹⁹⁹ and was later involved with the college in their appropriation of Spelsbury church (Oxon).²⁰⁰ The college also had links with Archbishop Hubert Walter, to whom Earl Waleran granted the patronage of St. Mary's prebends for life (perhaps in return for an earlier confirmation) and in whose household one of their canons had worked.²⁰¹ It would be easy to dismiss the significance attached here to the relationship between two different positions held by the same person, and doubtless many canons would have taken the income from their prebend without any further involvement with the college. But this is important in itself. The links forged between the college and other offices and institutions, however transient, intrinsically affected the broader relationship between college and diocese. This might prove directly beneficial, as in the college's use of the archdeacon of Oxford, one of their canons, to push their cause with the bishop.²⁰² Commonly, it precipitated the college's greater involvement diocesan affairs. This is apparent in the grant of commissions by the bishop to the college's ministers. In the case of Dean Thomas Yonge, such commissions were not only an example of the bishop's trust and friendship, but they implicated the college further in the diocese's administration. The majority of commissions were, admittedly, addressed to Warwick's parochial clergy, but Dean Nicholas Southam was appointed as a penitentiary for the deanery of Warwick in 1379, and various deans were

¹⁹⁸Brett, *English Church under Henry I*, pp. 106-11, 187, 192; Haines, 'Aspects of the Episcopate of John Carpenter', pp. 12, 33-40; R.J. Knecht, 'The Episcopate and the War of the Roses', *University of Birmingham Historical Journal* 6:2 (1958), pp. 108-131.

¹⁹⁹Reg. Whittlesey, p. 7.

²⁰⁰Nos. 151-2.

²⁰¹Nos. 51, 69, 97. The link with the canon proved beneficial as he later granted a rent to the college for the benefit of his soul and that of Hubert Walter.

²⁰²Nos. 29-30.

empowered to prove the occasional will, receive criminous clerks, oversee elections at St. John's Hospital, Warwick, and induct to local benefices.²⁰³ However, such grants could also have the opposite effect, those for licences to study or to farm the deanery, necessarily removing the dean or canon from the affairs of both college and diocese.²⁰⁴

A collegiate church represented different things to different people and institutions, and nowhere is this more evident than in the medieval diocese. To the bishop it was often a parish church and a collegiate church. As a parish church he had vested interests in its welfare and administration, its personnel and its rights. As a college, it represented a source of patronage, a means of conferring money, power and influence and, more than that, a potential means of endowment. The diocesan also had to recognise that it was an institution in its own right, with an identity not always eclipsed by its place in the diocesan hierarchy. Moreover, it constituted, on another level, a group of individuals with their own backgrounds, associations and agenda. It could be symbolic of a patron and carry political implications on a local as well as national level. While the bishop, by right or design, could often claim a stake in such an institution, he was rarely, if ever, the sole stakeholder, and other figures such as the patron, pope, king, cathedral chapter, and archdeacon could loom large in any equation involving such a college, not to mention the frequently independent spirit or corporate confidence of the collegiate institution itself. It was also a potential source of embarrassment to the bishop on a jurisdictional level, being one of those institutions most likely to challenge his authority and redefine diocesan boundaries to its advantage. It was at the same time an attraction and a threat; a justification for and a challenge to his jurisdiction; but above all it was an opportunity.

The same was true from the college's perspective. It often needed episcopal protection and confirmation, and if it had pastoral responsibilities this could be particularly so. The diocesan could prove a useful ally and a good friend, but the bishop and his staff could equally be an unwelcome intrusion and even a financial liability, and this resentment could grow as a college became more confident in its own status and as its corporate spirit and identity matured. Discontentment with the archdeacon was particularly likely in this respect.

²⁰³*Reg. Giffard*, p. 532; *Reg. Cobham*, pp. 7, 18, 32, 76, 262, 272, 274; *Reg. Orleton*, no. 270; *Reg. Montacute*, nos. 34, 125, 190; *Reg. Bransford*, nos. 91, 190, 309, 473, 527, 552, 602, 696, 1309; *Reg. Brian*, p. 160; *Reg. Wakefield*, nos. 834, 930; *Reg. Clifford*, no. 13; *Reg. Bell*, p. 72; *Reg. Sede Vacante*, p. 313.

²⁰⁴*Reg. Bransford*, nos. 190, 309.

Furthermore, the archdeacon, like the bishop, wished to protect the integrity of his jurisdiction while the churches embraced by his authority also represented a valuable source of income. To a cathedral chapter, secular or monastic, a college was an inherent threat, but especially so if the cathedral was monastic, raising questions of the relative status and role of secular versus monastic clergy. There were thus no hard or fast lines, or necessarily even policies for that matter, when dealing with a collegiate church, and the divergent designs of the various parties that came into contact with such institutions served only to complicate matters further. The one common theme was that, at a general level, each party was fighting its own jurisdictional battles.

To turn to St. Mary's, Warwick, and the diocese of Worcester, the bishop, college and prior and chapter all sought to consolidate and maintain their independence. St. Mary's itself was fighting this battle on two fronts, to free itself from the jurisdiction of the diocese (but especially the archdeacon) and to protect and secure its parochial revenues (be it from a rival institution or from demographic and economic malaise). Its relations with the diocesan were generally good, and only for a brief period did it seriously challenge that authority, a dispute which probably turned much more on personalities and local politics than precedent and policy. While bishops were attracted to the college as a source of patronage, they also recognised that there was often an inherent dilemma between the college's role as a mother church with very real pastoral and liturgical responsibilities to satisfy, and that as a source of patronage. This theme was very evident in the previous chapter which discussed, in part, the bishops' role in formulating the college's statutes and, in particular, dealing with the vexed question of residence. It was in protecting the college's parochial status that the intervention of the bishops is most apparent, from the early episcopal confirmations, the case against St. Sepulchre's priory, the appropriation of churches, the statutes they formulated, and even the visitations they exercised. This is not to say that the bishops of Worcester did not, and could not, use such things to their advantage. Thus, while Giffard ensured the canons provided chaplains to support the college's services he still hoped to expand the number of canons there and was eager to invest in the college. To the same end, while Bishops Whittlesey and Bourgchier reformed the college, they both took the opportunity to reaffirm the dominance of Worcester in the oaths they promulgated,²⁰⁵ and to temper some of the projects established on

²⁰⁵No. 124e; Bourgchier, no. 30; Reg. Bourgchier, p. 188; Reg. Carpenter I, pp. 64, 292.

capitular initiative. Bourghier's statutes of 1441 might even have been something of an experiment, the bishops' enactments for the college's constitution, wittingly or not, possibly being used later as a template for similar actions at their college at Westbury.²⁰⁶ The history of this college, to which Bishop Carpenter appropriated two important episcopal rectories (Clifton and Kempsey in Worcestershire) and which he may even have sought to establish a rival secular chapter to Worcester, styling himself 'bishop of Worcester and Westbury' reminds us that the issues of patronage raised earlier remained pertinent for a long time.²⁰⁷ Bishops were not beyond manipulating a college like St. Mary's, and in our case we see its use as a pawn to span the divide between Worcester and Warwick, St. Mary's and Westbury, to extend the bishop's patronage and protect his *mensa*, to send a message to the prior and convent, and to forge links with the earls of Warwick. In such instances, the bishops did not necessarily compromise their role as pastor, only used it to their advantage.

The college itself strove to reaffirm its status and possessions and to extend its control over these for much of the twelfth and thirteenth centuries and into the fourteenth, in keeping with similar collegiate institutions and the key players in the administration of the diocese. Its actions in this respect were not always aggressive and could result from the intrusion of another party. There was a price to pay for this litigious era, however, and while the college seems to have lurched from one financial crisis to another for much of this period, the poverty of the first half of the fourteenth-century was compounded by the immediate effects of the Black Death. The consequent demographic and economic turmoil and the greater intervention of its patrons, the earls of Warwick, seem to have secured a more congruous relationship between the college and diocese. The momentum of former disputes was lost, precedents largely set, and the attention of all parties focused on securing the institutional well-being of the college, which was achieved by the earl, bishop and college working in concert and diverting greater control to the chapter and minimising the influence of individuals. Each party also appears to have paid more respect to jurisdictional boundaries, the bishop now commonly acting with the consent of the earl, even in the promotion of his visitation *detecta*.²⁰⁸ This was certainly a courtesy and it may even be an indication of the strength of capitular initiative.

²⁰⁶Wilkins, *Westbury College*, pp. 146-50.

²⁰⁷Haines, 'Aspects of the Episcopate of John Carpenter', pp. 35-40; Wilkins, *Westbury College*, p. 152.

²⁰⁸See the preamble to Bourghier's statutes of 1441, annexed to the edition.

Any discernable attitude or consistent policy of the bishops of Worcester to St. Mary's, and *vice-versa*, is hard to define and may not always even have existed. Such relations were generally grounded in the present and could be demonstrative of a variety of contemporary attitudes to private (and lay) patronage, non-residence, secular clerics, the protection and extension of jurisdictions, and the pastoral responsibilities of bishop and college. Not least among these considerations was the place of the secular college in the diocese and the role of such an institution. For Westbury, in the bishop's patronage, its place and role were much more easily defined and thus respected. For St. Mary's, its private and lay patronage, which excluded the bishop, probably antagonised the monastic chapter and encouraged the independent leanings and corporate identity of the college itself. It also complicated the situation by introducing the *jus regale*, the earls of Warwick, the clerks from their administrations, and thus local politics and a network of connections to other institutions into the scenario. With all these variables the college's place in the diocese was rarely straightforward, but despite its collegiate status it remained a parish church and here, with respect to their attitudes and jurisdictions, the bishops of Worcester remained steadfast and St. Mary's place in the diocese was secured.

Chapter 4

St. Mary's and the Acquisition of Property

Cum os bovis claudi non debeat tritulantis, nec temporalibus inhumaniter defraudari qui animabus egentibus cibum spiritualem, catholicam doctrinam, subministrat...¹

Nescitis quoniam qui in sacrario operantur, quae de sacrario sunt, edunt: et qui altari deserviunt, cum altari participant?²

While the liturgical role of a collegiate church remained its essential *raison d'être*,³ its endowment ensured that the pastoral links thus forged were braced with ties of economic significance. As a landowner, the church was directly involved in the economic life of the times; as landlord, employer and consumer it was inescapably entwined in all manner of secular concerns and commercial transactions, which naturally carried with them important economic, and social, implications. A college like St. Mary's also operated within a 'spiritual economy' of the type outlined by Swanson, where, beyond its landed revenues and at a more immediate, localised level, it received income from tithes, parochial oblations, obits and funeral dues, and a variety of gifts and donations, and diverted various sums to other ecclesiastical administrations, institutions and personnel.⁴ St. Mary's was very much a part of these economic structures and its actions within them, as well as the *de facto* influence they inevitably exerted, suffused all aspects of the institution itself and its relationships with the wider community of which it was a part. It is, accordingly, in this respect that the college's worldly fortunes now deserve some consideration, and in particular the role played by the college in responding to the various vicissitudes of these economies through its acquisition of property.

¹"Whereas the ox ought not to be muzzled..., he who ministers spiritual food, the catholic doctrine, to hungry souls, ought not to be inhumanly defrauded of the temporalities..." (ordination of the vicarage of St. Martin's altar in Beverley Minster by Archbishop Walter Giffard of York, December 1269). Leach (ed.), *Memorials of Beverley Minster*, 1, p. 194.

²"Do ye not know that they which minister about holy things live of the things of the temple: and they which wait at the altar are partakers with the altar?" 1 Corinthians 9:13.

³Blair, *Medieval Clergy*, p. 33; Bowker, *Secular Clergy*, p. 155; Cook, *English Collegiate Churches*, p. 2.

⁴Swanson, *Church and Society*, pp. 209-28.

There is not the space here to implicate ourselves too deeply in the intricacies of the administration of the college's various properties. Instead, the chronology of its acquisitions, the form they took, and the precise role played by the college in these processes will be explored, along with their collective significance in terms of broader economic, institutional and ecclesiastical trends. Moreover, it is hoped that themes and examples explored in previous chapters will be elucidated further and an investigation begun into something of the relationship between the college and its environs, which will form the basis of a later inquiry into patronage and the college's bond with the urban society to which it belonged. In so doing, the artificiality of the boundaries set by these chapters will become more evident, but whilst this is something of an inevitable consequence of such an institutional study, their interconnection should nevertheless serve as a propitious reminder of the subtle interrelation of the themes discussed here and elsewhere, and thus bring us a little closer to the true nature of the institution.

Fundamental to the college's existence, the way in which it functioned and the means with which it interacted with society was its endowment. St. Mary's was initially endowed with some nine churches, at least six and a half hides of land, sixty-five houses, various portions of tithe from demesne land in at least sixteen vills around Warwick, tithe in six mills and of the rent of the borough of Warwick, a school, various smaller portions of land and some customary dues, manorial and ecclesiastical, such as pannage and churchscot.⁵ Much of this property had come to Earl Roger and his father, Earl Henry, from Henry's elder brother, Robert, count of Meulan, the majority of whose extensive English possessions in Warwickshire and Northamptonshire were transferred to Henry on the latter's creation as earl of Warwick by William Rufus and, possibly, at his instigation.⁶ The endowment is telling of St. Mary's Anglo Saxon roots, and conceivably of its minster origins.⁷ Its form also speaks of the new college's relationships with its patron the earl, the town and its hinterland, and trends in ecclesiastical endowment. Moreover, it constituted the economic foundation upon which the college was established and serves, accordingly, to provide the context with which its future actions, fortunes and acquisitions may be partly viewed. For, of course, important

⁵Nos. 7, 9, 11-12, 14, 16-17, 20-21.

⁶D. Crouch, 'Local Influence', pp. 3-4; 'Geoffrey de Clinton and Roger, Earl of Warwick', p. 114; S.N. Vaughn, *Anselm of Bec and Robert of Meulan: the innocence of the dove and the wisdom of the serpent* (London, 1987), pp. 101-103.

⁷See Chapter 1.

elements such as constitutional structure, economic, social and demographic change would also serve to exert profound influences and transform the way in which such an endowment and its given constituents might be perceived.

In the charters of Earl Roger and Bishop Simon describing the bulk of the initial endowment, given between *c.* 1123 and May 1128,⁸ perhaps most noticeable is the amount of tithes granted, their form, and the scattered nature of the endowment. In seven vills two parts of the tithe of 'inland' were given, in another two parts of the tithe of demesne land, and in a further six the tithe of the whole demesne or lordship, in addition to the tithe of at least two hides, five mills, and the rent of the borough of Warwick. At first glance it seems quite natural to interpret this reference to inland as one simply to demesne land,⁹ but there are good grounds for suspecting that the distinction here between the two was not quite so arbitrary. In its stricter sense, inland denotes the directly, and usually intensively, exploited 'core area' of a minster or royal estate; an inner-estate often exempt from geld and other tax payments, whose geld-free status is generally the only indication in the Domesday Book of Anglo Saxon minster inlands.¹⁰ The existence of this inland to the south of Warwick (within a fifteen mile radius), if it can be identified as belonging to an earlier minster estate or even royal estate has important implications in that it strengthens further the argument for All Saints' former minster status and demonstrates again the importance of that heritage in shaping the future collegiate church. If this land was inland in its Anglo Saxon sense, then it may also have carried certain privileges and exemptions. It may have been more valuable, being 'proven' to be well-cultivated and productive. In a period when the land market was increasingly crowded and many new religious orders, such as the Templars, were compelled to establish their estates piecemeal, and the easiest way to acquire demesne land was from newly cleared land,¹¹ inland was obviously of some value, and further explains why, perhaps, the tithes of this land were given to St. Mary's, the earl retaining the manors themselves in his fee. But what grounds are

⁸Nos. 20-21.

⁹R.E. Latham, *Revised Medieval Latin Word-List from British and Irish Sources* (British Academy, Oxford, 1980), p. 251.

¹⁰R. Faith, *The English Peasantry and the Growth of Lordship* (London, 1997), pp. 15-16, 22, 32, 34-5, 48-9. For examples of Domesday references to inland in Warwickshire see *Domesday Book*, fos. 242d, 243b.

¹¹Faith, *English Peasantry*, pp. 189-191. In the wooded Arden region of Warwickshire (St. Mary's endowment was based exclusively in the southern Feldon region, later to be characterised by its older and more closely settled vills and by an economy based essentially on intensive arable production) clearance led to the number of recorded households quadrupling in the Stoneleigh hundred between Domesday and 1279 (*ibid.*).

there for supposing these tithes to be derived from ‘actual’ inland rather than simply representing a generic and derivative term for demesne land? The Domesday survey does not identify any of these manors as being exempt from geld payments, but the fact that the term *dominium* is also used in the charters suggests that a distinction is being made. One might counter that both terms were being used loosely and interchangeably here, and thus such subtle distinction is unwarranted. However, at this date, a distinction would seem justified.

Under the management of their Norman lords the inhabited inland on many estates was evolving into what came to be called land *in dominio*, ‘the demesne’, an untenanted home farm. Inland differed from land *in dominio* in the sense that it included tenements of a particular type . . . But over time inland shed its tenancies and became indistinguishable from land *in dominio*. (Sometimes, and this may have happened where new land was being taken in hand, the two are distinguished. In Oxfordshire the bishop of Lincoln had *in dominio* ‘land for ten plough teams and three hides besides the inland’ at Banbury).¹²

Furthermore, the use of each term remains the same in each foundation document and, indeed, by looking at contemporary grants concerning St. Mary’s endowment, it is evident that this pre-Norman landed terminology and similar distinctions were still in active use. Hence, in the later surrender of Robert de Curli to St. Mary’s of Budbrooke church, the church came with sixty acres of inland and the tithe of the demesne and warland (*et in dominio et in warlanda*),¹³ and in Snitterfield (where the college was granted a hide and two parts of the tithe of inland) a dispute between its rector and St. Mary’s in 1315 over tithes refers to ‘inlonde’ and ‘cotmonlonde’.¹⁴ It is doubtful whether all this inland had earlier belonged to the *parochia* of All Saints (although that of Budbrooke may well have).¹⁵ Some would have belonged to earlier Mercian royal estates,¹⁶ but the minster connection is also strengthened by the fact that at Wellesbourne not only were tithes of the inland granted but also its churchscot payments. The survival of these older dues and terms of reference may well have been aided by the continued preponderance of English families in the county after the Conquest.¹⁷

¹²Faith, *English Peasantry*, pp. 49-50.

¹³No. 14. ‘Warland’ was the counterpart to inland and ‘were still recognised as distinct entities on the estates of Burton Abbey, and *waracres* are found on the lands of Ely and Bury St Edmunds in the twelfth-century, and of Westminster Abbey into the thirteenth.’ (Faith, *English Peasantry*, pp. 90-1).

¹⁴Nos. 20-1; *CCR 1313-1318*, p. 317; PRO, E 326/8920.

¹⁵See Chapter 1.

¹⁶For example, Wellesbourne, Brailes and Coten End (Crouch, ‘Local Influence’, p. 3). See nos. 9, 17, 20-1 for the college’s holdings here.

¹⁷See Chapter 1; Williams, ‘A Vice-Comital Family’, pp. 279-95; Crouch, ‘Local Influence’, pp. 4-5; Faith *English Peasantry*, pp. 179-80.

St. Mary's endowment is also noticeable for its piecemeal nature.¹⁸ Generally, two parts of the tithe of demesne land or inland are given in various vills, and they may or may not be accompanied by landed property ranging from half a hide to a hide. The church is not granted whole manors, and its advowsons are centred on Warwick and its immediate environs (with the exception of Greetham in Rutland). This form of endowment does not seem to be uncommon. At Hastings the college was granted tithes, houses, fish dues, chapels, some meadow and moor land and a grammar school, South Malling with tithes and the profits and oblations from churches, and in other colleges tithes, rents are usually to be found. Bridgnorth, like Warwick, had the tithe of the toll from the town.¹⁹ Quite possibly the earl wanted to retain his direct lordship over these demesnes and more particularly the direct management of their manors, safeguarding the integrity of his own fee and patrimony,²⁰ while giving the college greater variety in their holdings and ensuring it was sensible of a degree of financial dependence. Earls Henry and Roger might also have tailored the endowment to the needs of the canons and the administrative capabilities of the college. The management of rural manors would have proved a greater burden for the college and its canons, especially if they were not resident but in the service of the earl or king. Given the likelihood of non-residence (particularly if the provision of sinecures formed part of the founders' intentions) the gift of whole manors might have proved unnecessarily costly to the college and not least to the manors themselves. An income derived primarily from tithes and rents (urban and rural) was much more suited to the canons, resident or not. By furnishing the college with such 'portions' the earl could also build and strengthen links between these vills and Warwick, thereby potentially increasing the profitability of its market and enhancing the town's relations with its hinterland.²¹ The gift of such 'shares' in the vills naturally meant that more of these 'portions' had to be given in order to form a suitable endowment, concomitantly increasing the number of such links.

¹⁸This is not exceptional, especially given a growing shortage of suitable land for the larger religious houses. E. Mason, 'English Tithe Income of Norman Religious Houses', *Bulletin of the Institute of Historical Research*, 48 (1975), p. 92.

¹⁹*VCH Sussex II*, pp. 112, 118; Clark-Maxwell and Hamilton Thompson, 'The College of St. Mary Magdalene, Bridgnorth', pp. 2, 6.

²⁰For something of this policy see Crouch, 'Local Influence', pp. 4-5.

²¹See no. 14 and its accompanying note for an example of this.

Another explanation for this form of endowment may lie in the other institutions founded and supported by the earls. Here we may ask whether there were certain manors which the earls used for such donations; a policy with the benefit that no single institution was afforded overall control in such a manor (indeed, the earl could retain his overlordship) and the earls could further ensure the integrity of those manors they held and managed directly. At Brailes, the church's advowson was given to the Augustinian canons of Kenilworth, some land went to a prebend in St. Mary's and a yardland to the nuns at Pinley.²² Similarly, lands in Claverdon were granted to St. Michael's Hospital in Warwick, tithes and pannage there to St. Mary's, and two marks were paid by the manor's steward to the nuns of Pinley;²³ while the monks of Préaux received two hides of land at Walton where the Warwick college possessed various tithes of the two manors there and their mills.²⁴ Correspondingly, although St. Mary's held the tithes and churchscot of Wellesbourne, the advowson of that church was granted to Kenilworth priory, and the college was also to share an interest in Sherbourne with the Templars to be founded there.²⁵

The disadvantage of such a strategy was that it promoted the likelihood of disputes between the institutional 'shareholders',²⁶ but perhaps this too was to the earls' advantage, affirming a degree of dependence on the earls and preventing an institution from mounting a serious jurisdictional challenge.²⁷ Another question that might be posed, but for which space and the scope of this chapter do not permit an answer (albeit an extension of, and not necessarily antagonistic to the previous two suppositions), is whether, in general and on an ideological level, there existed a basic differentiation in the form of property used to endow religious houses *versus* secular colleges. For example, if whole manors were more likely to be granted to regular communities where subsistence and residence were more important and the administrative structures were in place to manage them, whereas 'piecemeal' endowments were more suited to the colleges which were predominantly urban, whose canons were likely

²²Nos. 9, 17; *Pipe Roll 31 Hen. I*, p. 106; Dugdale, *Antiquities of Warwickshire*, i, p. 379; *VCH Warwickshire V*, pp. 17-19, 25.

²³*VCH Warwickshire III*, pp. 69-71.

²⁴Dugdale, *Antiquities of Warwickshire*, i, p. 379; *VCH Warwickshire V*, p. 195.

²⁵Dugdale, *Antiquities of Warwickshire*, i, pp. 379-80; ii, p. 667.

²⁶D.E. Greenway (ed.), *Charters of the Honour of Mowbray 1107-1191* (Records of Social and Economic History, n.s. 1, British Academy, London, 1972), p. xliii.

²⁷There was also an inherent tension between lay and ecclesiastical proprietorship and the potential for dispute (S. Wood, *English Monasteries and their Patrons in the Thirteenth Century* (Oxford, 1955), p. 33).

to absent for much of the year and whose community was smaller and administrative structures less 'advanced' and less established, revenues from rents and tithes also being more suited to its secular clerks. The fact that many religious houses were endowed with 'small arable estates within manors' and in a fragmentary fashion similar to St. Mary's need not negate this thesis given the context of a growing shortage of suitable land and demand outstripping new clearances.²⁸

There may also have been less emphasis on demesne land and more on tithes and the grant of churches in the face of Gregorian legislation against seigniorial *dominium* over churches and the lay possession of tithes.²⁹ Lay patrons increasingly found themselves unable to derive much profit from their churches and ceded their proprietary rights for more spiritual rewards. It would seem that the earl was relinquishing all of his quota in the tithes he granted, for the allotment of two parts of the tithe was his share as lord, the other third being customarily reserved for the incumbent of the parish church.³⁰

The endowment also recognises the college's need for institutional stability and provides a necessary focus on Warwick. Unlike the bishops, the canons were not supposed to be peripatetic and the neat grouping of the estates reinforces the importance of their staying at Warwick, while being an obvious aid to the collection and management of their revenues and property. In this respect there are parallels with the *mensa* of Worcester Cathedral Priory, whose lands were situated within a twenty mile radius of Worcester.³¹ There may also be other similarities between the endowment and the procedures surrounding mensal divisions. The disintegration of large land units to assign small portions and create a compact estate,³² a stated recognition of independence but with in-built safeguards to protect the position of the grantor

²⁸Greenway, *Charters of the Honour of Mowbray*, p. xlii; Mason, 'English Tithe Income', p. 92; Faith, *English Peasantry*, pp. 89-91.

²⁹For example, the 1102 Council of Westminster (*Councils and Synods I*, ii, pp. 668-88). For the Gregorian Reform movement and the reaction against the lay ownership of churches and the effects on donations of parish churches see Addleshaw, *Rectors, Vicars and Patrons*, pp. 4-5; *The Development of the Parochial System from Charlemagne (768-814) to Urban II (1088-1099)* (St. Anthony's Hall Publications, 6, York, 1954), pp. 9-10; J.E. Burton, 'Monasteries and Parish Churches in Eleventh- and Twelfth-Century Yorkshire', *Northern History*, 23 (1987), pp. 39-50; B.R. Kemp, 'Monastic Possession of Parish Churches in England in the Twelfth Century', *Journal of Ecclesiastical History*, 31:2 (1980), pp. 133-160; M. Cheney, *Roger, Bishop of Worcester*, pp. 95-6.

³⁰J.A. Green, *The Aristocracy of Norman England* (Cambridge, 1997); Kemp, 'Monastic Possession', p. 142; Addleshaw, *Development of the Parochial System*, p. 14.

³¹Dyer, *Lords and Peasants*, p. 19.

³²Dyer, *Lords and Peasants*, pp. 18-19.

(bishop or earl) and, as far as possible, the integrity of his own fee or *mensa*; and the wish of the donor to retain a stake in the property he demises.³³ There is also due recognition of the college's parochial and liturgical role in the grant of the Warwick churches, its houses and the amount of urban and suburban property. Again we see spiritual links being reinforced with economic and tenurial ones, but there is no doubting the college's grounding in its locale. Naturally, this also implicitly promoted the earls' seigneurial presence and control,³⁴ but it also betokened more than administrative convenience for the earl and his college. The economic implications of urban property and the attendant income from rents, tolls and perquisites were significant throughout the college's history, but through its property it could house its canons and personnel, reward those in its service and expand its buildings and enclave. Similarly, its strong links with the town's suburbs and rural hinterland were to be of lasting consequence. More immediately, it complemented the college's parochial jurisdictions and compass, gave a welcome and more varied aspect to its real estate portfolio, and its stronger propertied presence in the town's hinterland than within its walls speaks also of Warwick's growth, the importance of not divorcing town and countryside in our discussions of Warwick and 'urban' property, and the seigneurial *dominium* of the earl of Warwick.

What were the implications of St. Mary's endowment though, and to what extent did it influence the college's future acquisition of property? How fully did it meet the college's future needs, was it in any way undermined or challenged, and in what light should we view future acquisitions? Did the suggested disputes arise as a result of a 'piecemeal' endowment, and if so, did these serve to confirm or undermine the college's position? These and other questions relating to broader changes in the economy, land market, ecclesiastical benefaction and the management of properties should serve to illumine not only the type and chronology of St. Mary's acquisitions, but the role it played itself in this area and what that tells us of the institution and its place in medieval society.

³³See parallels with my arguments concerning the role of collegiate churches in the division of episcopal and capitular *mensae* in Chapter 3.

³⁴The parish churches being attached to St. Mary's also prevented other institutions from forming their own estates in the town (see S.R. Rees Jones, 'Property, Tenure and Rents: some aspects of the topography and economy of medieval York' (2 vols., unpublished D.Phil. thesis, University of York, 1987), i., pp. 160, 163), although this phenomenon was less problematic and less likely in a town of Warwick's size, and ecclesiastical estates in the town, as in 1086, for example, were generally confined to a few dwellings at most (*Domesday Book*, fo. 238a).

Following a phase of attaining lay and ecclesiastical confirmations for their newly acquired property,³⁵ the period 1150-1350 was characterised by a lack of any significant gains and, to all intents and purposes, the college appears to have been happy resting on its endowment. Such a statement is obviously oversimplified. While an ostensible lack of evidence may not be able to directly contradict its tenor, a closer examination of the evidence and circumstances surrounding the college's property will be a valuable exercise, even though there seems to be a general acceptance of the fact that after endowment it was common for institutions to see a decline in the volume of property they acquired, particularly in the thirteenth-century and an atmosphere of increasing competition for resources.³⁶

St. Mary's gains in this period principally assumed the form of urban rents, granted throughout the thirteenth-century to the church and its canons, the values of which generally ranged between 4 *d.* and 18 *d.*³⁷ These annual rents, from properties within Warwick and its suburbs, were from individuals within the town,³⁸ and although Earl William (1153-84) granted the dean five houses and Earl William Beauchamp (1268-98) granted an annual rent of 6 *d.*,³⁹ it is not until the 1330s that any substantial patronal intervention occurred when Earl Thomas Beauchamp (I) granted the church of Pillerton Hersey for appropriation.⁴⁰ The college and canons were not wholly idle, but their activities seem mainly to be confined to defending their property and transacting small recoveries and exchanges rather than purchases.

Given the fact that St. Mary's endowment consisted of a lot of tithes and its landed resources were comprised of relatively small portions of larger villis and manors, its fortunes were to a certain extent linked to those villis in which it had a stake. During the twelfth-century

³⁵Nos. 10, 14, 21-2, 24-5, 28, 31-3, 48-51. For the growing need of such confirmations see Brett, *English Church under Henry I*, pp. 143-4; M. Cheney, *Roger, Bishop of Worcester*, p. 127; J. Hudson, *Land, Law and Lordship in Anglo-Norman England* (Oxford, 1994), pp. 206-207, 222, 225-6, 247, 251; Kemp, 'Monastic Possession', p. 139.

³⁶For monastic landlords in the city of York see Rees Jones, 'Property, Tenure and Rents', pp. 151, 158, 162. More generally: E. Mason, 'Timeo Barones et Donas Ferentes' in D. Baker (ed.), *Religious Motivation: Biographical and Sociological Problems for the Church Historian* (Studies in Church History, 15, Oxford, 1978), pp. 62, 66, 70-1; S. Raban, 'Mortmain in Medieval England', *Past and Present*, 62 (1974), p. 26; J.E. Newman, 'Greater and Lesser Landowners and Parochial Patronage: Yorkshire in the Thirteenth Century', *English Historical Review*, 92 (1977), pp. 289-90.

³⁷Nos. 72-125.

³⁸See the Introduction to the edition, figures 8-9.

³⁹Nos. 79, 102-103.

⁴⁰Nos. 126-7, 129.

it is most likely that its estates were leased, a common practice at the time and one that probably suited the college's nascent organisation. To what degree, however, would it have been able to capitalise upon the opportunities presented by the inflation of the late twelfth-century and the rising prices and population of the thirteenth? How do we view the college in this period of direct demesne management? For although it is not the purpose of this chapter to focus solely on the college's administration of its property, its actions here help elucidate any analysis of those questions surrounding its acquisition of property. Being unable, or unwilling, to exploit what customary land was in its possession, for example, would have serious repercussions for the profitability and use it then made of its income from tithes and urban property. With no manors as such, the first question must be did it have enough landed/agrarian resources to fully exploit the economic situation?

If we are to believe Coss, then while the knightly class were in the throes of crisis and shedding estate property, the universally acknowledged winners of the situation were the religious houses and royal servants.⁴¹ David Carpenter has tempered the 'original' crisis theory considerably, principally by introducing the fundamental question of the size of the demesnes of these smaller landowners and by asking how typical Coss's manorial lords who lacked the landed resources to shift to demesne farming were.⁴² Thus, by examining the knightly class in Oxfordshire in the thirteenth-century, the feasibility of their estates and the other avenues open to them of increasing their income, he is able to moderate the extent of the crisis as perceived by Coss whilst not denying the material polarisation and social definition that largely characterises the century. Nevertheless, there still appears in Coss's argument too stark a contrast between the fortunes of the knightly and gentry classes and those of ecclesiastical institutions. Furthermore, although small landowners have received greater attention in recent years, the focus remains firmly on the demesne.⁴³ Thus, while Carpenter acknowledges that it was really the great barons and ecclesiastical institutions that were best able to take full advantage of demesne farming in the thirteenth-century, and that although the shift from rents

⁴¹P.R. Coss, *Lordship, Knighthood and Locality: a study in English society c. 1180 - c. 1280* (Cambridge, 1991), p. 302.

⁴²D.A. Carpenter, 'Was there a Crisis of the Knightly Class in the Thirteenth Century? The Oxfordshire Evidence.', *English Historical Review*, 377 (1980), pp. 721-52; P.R. Coss, 'Sir Geoffrey de Langley and the Crisis of the Knightly Class in Thirteenth Century England', *Past and Present*, 68 (1975), pp. 3-37.

⁴³E. King, 'Large and Small Landowners in Thirteenth Century England: the case of Peterborough Abbey', *Past and Present*, 47 (1970), pp. 26-50; C.C. Dyer, 'A Small Landowner in the Fifteenth Century', *Midland History*, 1 (1972), pp. 1-14; R.H. Britnell, 'Minor Landlords in England and Medieval Agrarian Capitalism', *Past and Present*, 89 (1980), pp. 3-22.

to demesne farming in the twelfth to thirteenth centuries is difficult to monitor for the knightly class, he finds that most of those families with two hides of demesne land were able to maintain and even develop their demesne.⁴⁴ Britnell too, in testing Kosminsky's thesis that small landowners were more reliant on their demesne, manorial trade, and production for the market, and thus showed greater commercial acumen and entrepreneurship, adopts Kosminsky's general definition of small manors being less than five hundred acres (approximately four hides).⁴⁵ Neither examines the fortunes of those with less than two hides (Carpenter actually confesses that his arguments are based on families holding *manors* of 'upwards of three hides'),⁴⁶ and the place of renting and its viability, particularly for these estates at the smaller end of the range, is largely ignored. Presumably we are left to fall back on Postan and the small landowner living off rents who is unable to effect the change to demesne agriculture.⁴⁷

This historiographical *lacuna* is perhaps an unavoidable result of a lack of suitable documentary evidence, but its implications are particularly important for an institution like St. Mary's. The Warwick college was endowed with approximately six and a half hides of land. On the surface this would appear more than enough for it to divest itself of its twelfth-century rents and maximise its return from the direct management of its demesnes in the late twelfth and thirteenth centuries. However, this is not taking into account the fact that its lands did not comprise 'whole' manors or vills and that they were probably apportioned between at least six if not more prebends.⁴⁸ In this case a canon might be responsible for only a hide of land and it is to be doubted whether it was viable for him to manage this directly. As in the Britnell/Kosminsky scenarios, the land would have had few or no labour services attached, meaning a costly reliance on wage labour, probably no revenue from a seigneurial jurisdiction, and the need for, and costs of, capital investment would be high. The personal residence of the landowner was also important to the success of such small estates, a criterion that would not always have sat well with the life-style and non-residence of the canons, and at the very least

⁴⁴D.A. Carpenter, 'Was there a Crisis of the Knightly Class?', p. 745.

⁴⁵Britnell, 'Minor Landlords', p. 9; E.A. Kosminsky, *Studies in the Agrarian History of England in the Thirteenth Century*, ed. R.H. Hilton (Studies in Mediaeval History, 8, Oxford, 1956), pp. 260-1.

⁴⁶D.A. Carpenter, 'Was there a Crisis of the Knightly Class?', pp. 723, 749.

⁴⁷M.M. Postan, *The Cambridge Economic History of Europe*, 2nd edn. (Cambridge, 1966), i, pp. 590-5; *The Medieval Economy and Society* (London, 1972), pp. 158-65.

⁴⁸Nos. 61, 78, 80; 63-4, 66; Chapter 2.

there had to be enough arable land to make a marketable surplus possible, which we cannot take for granted.⁴⁹ Neither must we forget that demesne farming could prove “an uncertain and exacting way of producing income”⁵⁰ and that not all rents were surrendered or displaced.⁵¹ While changes in land law discouraged the grant of new farms after 1200, and rents could become uneconomically low,⁵² such set-backs could be off-set by the acquisition of new land and/or the revenue received from other sources.

It appears most probable that, collectively, the college had little or no responsibility for, or involvement in, direct demesne agriculture in the thirteenth to early fourteenth centuries. It may have been practised by one or two canons, if the agrarian resources allotted to their prebends allowed, but by far the most likely situation was for these lands to be rented out by the prebendaries who most probably put greater stock in their revenue from tithes and even urban rents. It would not appear that any deficit was made up by the purchase or even acquisition of new land, and this is telling of the college’s organisation. For now, we may conclude that just as not all the knightly class were in crisis, so not all religious institutions benefited. Moreover, a college like St. Mary’s may have been as much at risk from a similar crisis. It was just as susceptible to many of the same economic trends and legal reforms, and while it was not burdened to the same extent with the costs of social display, inheritance practices and the vagaries of family fortunes, it could be undermined by its own constituent members, the inherent contradictions in its structure, the rising prosperity and popularity of religious houses and a number of conflicting trends. One of these ‘conflicts’ may have been a tension between the active role of royal clerks (and presumably some of their other secular counterparts) in the land market and their place and administrative role in colleges like St. Mary’s. Furthermore, could the college have paid the price for the gains made by the larger religious houses, possibly suffering from a hardening of attitudes towards religious benefaction and being unable to ‘compete’ in the market place in the face of monastic wealth and activity?

⁴⁹Britnell, ‘Minor Landlords’, pp. 7, 10-18.

⁵⁰D.A. Carpenter, ‘Was there a Crisis of the Knightly Class?’, p. 743.

⁵¹For the continuing importance of rents in the high farming era see: Coss, *Lordship, Knighthood and Locality*, pp. 126-8; Dyer, *Lords and Peasants*, pp. 52, 82-3, 118; Raban, ‘The Land Market and the Aristocracy,’ p. 241; Faith, *English Peasantry*, p. 189. Furthermore, estates granted in alms were often held for rent - Greenway, *Charters of the Honour of Mowbray*, p. xlii.

⁵²B. Harvey, *Westminster Abbey and its Estates in the Middle Ages* (Oxford, 1977), p. 83.

Equally important is to recognise the financial condition of the Warwick earls and the possible effects of their patronal and seigneurial influence over college and borough respectively.⁵³

Before looking at St. Mary's own activities in acquiring property, and the sources of income which they put the most store by in this period, some explanation of why the college did not share in the activity and prosperity generally associated with this period, especially with ecclesiastical institutions, is needed.⁵⁴ There was undoubtedly competition from other religious institutions. St. Mary's was not the only ecclesiastical landlord in the town, and although by the fourteenth-century it was probably the largest,⁵⁵ other houses and diocesan administrations held property in the town and probably increased their urban holdings - urban growth and access to market centres enabling their rural tenants to pay higher rents as well as augmenting the profitability of their tenements in the town.⁵⁶ There was also the inherent risk of encroachment by such institutions upon the properties and rights of the college, a risk that was heightened by the piecemeal nature of the endowment and the fact that often the college's right to tithes was not reinforced by its possession of the church's advowson. Thus it faced challenges to its Bidford tithes by the mid-twelfth-century and up to 1221 (from the abbot and convent of Bordesley)⁵⁷ and to those of Snitterfield c. 1315-19 from the church's rector.⁵⁸ Its parochial jurisdiction and dues were almost immediately tested by the Warwick priory of St. Sepulchre in the mid-twelfth-century as we have seen in the previous chapter.⁵⁹

Another potential obstacle to acquisition was the strengthening of attitudes towards the alienation of lands to the Church and the effects of the mortmain legislation of 1279. As early as 1217 the re-issued Magna Carta attempted to limit such alienations, which threatened the

⁵³See Chapter 5.

⁵⁴A distinction must be made between activity and prosperity. At Westminster Abbey, the monks actively purchased much property throughout the thirteenth and early fourteenth centuries, nevertheless their income was not always adequate to meet their needs (Harvey, *Westminster Abbey and its Estates*, pp. 164-7).

⁵⁵R.H. Hilton, 'Some Problems of Urban Real Property in the Middle Ages' in C.H. Feinstein (ed.), *Socialism, Capitalism and Economic Growth: essays presented to Maurice Dobb* (Cambridge, 1967), pp. 332, 335; no. 58.

⁵⁶*Domesday Book*, fo. 238a; Dyer, *Lords and Peasants*, pp. 59-61; R.H. Britnell, *The Commercialisation of English Society, 1000-1500* (Cambridge, 1993), p. 149. The rural link was very important and suburban areas and semi-urbanised settlements were particularly popular (Harvey, *Westminster Abbey and its Estates*, p. 168).

⁵⁷Nos. 63-6 (note the fact that the settlements are transacted by individual canons, who held the tithes as part of a prebend, and not corporately by the dean and chapter).

⁵⁸CCR 1313-1318, p. 317; PRO, E 135/6/21-2; PRO, E 326/11544; PRO, E 326/8920.

⁵⁹Chapter 3; nos. 23, 26-7, 29-46.

services due to lay landlords.⁶⁰ Growing lay resentment,⁶¹ combined with an already active land market stimulated not least by strategies which frequently centred on acquisition as the primary means of increasing one's income rather than maximising profits on existing properties,⁶² probably served to temper lay benefactions of land. With the passing of the Statute of Mortmain in 1279 the Church was theoretically removed from the market, and although loop-holes existed, the costs incurred in obtaining royal exemption were, nevertheless, a form of deterrent, albeit not insurmountable, and it certainly handicapped the Church's manoeuvrability in the market-place.⁶³ A consequence of this statute, and quite possibly the feelings and circumstances surrounding it, may well have been a change in the type of gift granted and bequeathed to religious institutions. With competition for land reaching its peak, minor gifts, in the form of cash and luxury goods, appear to have become the norm.⁶⁴ The store set by, and retention of, advowsons in this period by the gentry and nobility also constricted another potential avenue of acquisition.⁶⁵ In the Honour of Dudley there seems to be confirmation of both trends, where the alienation of advowsons and lands to the Church seems to be far removed from the scale suggested by Coss and "the norm was for only modest levels of endowment."⁶⁶ This may partly account for the various rents granted to St. Mary's and its altars during this period.⁶⁷

An obstruction to acquisition also came in the structural form of the college. The disparity of the prebends, the relative independence of the canons in matters of management, their other occupations and interests, non-residence and an overall lack of clear, centralised supervision all served to undermine the college and its possessions. Alienation was almost an inevitable result.⁶⁸ Something of non-residence and its place in the constitution of collegiate

⁶⁰P.A. Brand, 'The Control of Mortmain Alienation in England, 1200-1300' in J.H. Baker (ed.), *Legal Records and the Historian* (London 1978), pp. 29-40.

⁶¹Coss, *Lordship, Knighthood and Locality*, pp. 198, 201, 289; Hudson, *Land, Law and Lordship*, pp. 223, 247.

⁶²Raban, 'The Land Market and the Aristocracy', p. 241.

⁶³Raban, *Mortmain Legislation and the English Church 1279-1500* (Cambridge Studies in Medieval Life and Thought, 3rd ser., 17, Cambridge, 1982), pp. 131, 141-2, 160-1, 169, 186; 'Mortmain in Medieval England', pp. 3-26.

⁶⁴Raban, *Mortmain Legislation*, pp. 131-2, 162-3, 166; 'Mortmain in Medieval England', p. 26; Mason, 'Timeo Barones', pp. 62, 66, 70-1.

⁶⁵Newman, 'Greater and Lesser Landowners', pp. 280-308.

⁶⁶J. Hunt, 'Families at War: Royalists and Montfortians in the West Midlands', *Midland History*, 22 (1997), pp. 22-3.

⁶⁷Nos. 106-7.

⁶⁸Nos. 52, 124.

churches has already been discussed,⁶⁹ and with it lay the inherent hazard of decayed or inadequately protected estates. More than simple maladministration, although potentially a fundamental cause of it, was the tension that existed between the canons' other roles and responsibilities in life and those as defined by their position in the church. Canons had various property interests of their own, and just as these might coincide with those of the institution they served, so there was also the potential for conflict. Thus, while William Berkeswell was able to recover, in his name, property lost to the college which included a house in which he subsequently lived and was to revert to the college on his death,⁷⁰ there is no doubt that others granted away property permanently in order to meet their own, often private, property interests. Prime examples of the deliberate sale and separation of prebendal property by its holders is recorded in an inquisition into the prebends at Penkridge (Staffs.) in 1261.⁷¹ While the majority of cathedral canons came from property owning families,⁷² the social and economic standing of collegiate clerks is likely to have been less elevated and the need to provide for an uncertain future was possibly greater, particularly as many clerics would have been younger sons making their own way in the world. Further study on these more provincial clergy would be of great interest and might reveal that canonries were as valuable for the contacts and commercial opportunities they presented as for the revenue or stipend they provided. If such a degree of pragmatism was present, then altruistic reparation was often made on the canons' death beds, however.⁷³ Internal disputes over prebendal property show this utilitarian ambition in its worst light,⁷⁴ although the risk of alienating property was not so marked. This was not true for heritable prebends which may well have existed at Warwick in its early years. Roger de Waruic thus granted his prebend to his niece's son "*salvo jure heredum meorum post ipsum*."⁷⁵ Hudson has documented the dangers of hereditary terminology in ecclesiastical charters at this

⁶⁹See below, Chapter 2.

⁷⁰Nos. 122, 231, 235-6.

⁷¹Styles, 'Early History of Penkridge Church', pp. 46-52. For similar examples see: Peter, *Glasney*, p. 52; *VCH Shropshire II*, p. 126 (Bridgnorth); Hamilton Thompson, *Newarke Hospital and College*, p. 176.

⁷²Lepine, *Brotherhood of Canons*, pp. 48-54.

⁷³Peter, *Glasney*, pp. 37, 41; no. 4. For other grants made by St. Mary's canons to the church, primarily of urban rents, see: nos. 82, 90, 97; SBT, PR 118 (also WRO, DR 1146/2).

⁷⁴There were at least two disputes over prebendal property at St. Mary's, *ante* 1183 and in 1198 (no. 61; *CRR 1189-1201*, p. 49).

⁷⁵Nos. 256-7.

period,⁷⁶ but Bishop Roger's campaign against such abuses in the diocese may have quickly diminished this threat.⁷⁷

The concern of the Church, Crown and lay patrons respecting alienation by religious institutions was reflected in a growing body of statutory measures. Canon law became increasingly concerned with the problem and, in England, the Statute of Westminster II (1285, cap. 41) prohibited religious houses from alienating lands donated by their founders, which included leases for lives.⁷⁸ It is difficult to say whether the extent of such alienation was exaggerated or, indeed, whether it was occasioned by reckless maladministration or merely misguided management. In simply leasing property out there was an inherent risk, given the Angevin legal reforms, that one's tenants could lay a strong claim to the property, and where demesne farming was not always viable and urban property income was often devalued for the chief holder by the growing practice of sub-letting,⁷⁹ the options open to the college could have been limited while the risks it faced were extensive. One must be wary, then, of heaping too much censure on the canons in collegiate churches in this period, as their agency was defined as much by the social and institutional structures and economic frameworks they worked in as by their own desires and ambitions. For St. Mary's, it would appear that far from gaining ground in this period, the college was losing it. But the losses accrued seem to have resulted from a policy of leasing their property "*nonnullis clericis et laicis aliquibus eorum ad vitam quibusdam, vero ad non modicum tempus et aliis perpetuo ad firmam vel sub censu annuo concesserunt.*"⁸⁰ Circumstance, the legacy of their endowment and the implications of the college's constitution conspired to ensure that the college's financial fortunes were precarious at the very least, with little hope of acquisition and the patent possibility of loss.

Before exploring the strategy Warwick's secular canons used in the face of this situation, brief mention ought to be made of their patron's role. Earl Roger's successors were remarkably distant from their college and are noticeable for their absence. Largely this resulted

⁷⁶Hudson, *Land, Law and Lordship*, pp. 86-100.

⁷⁷M. Cheney, *Roger, Bishop of Worcester*, pp. 69-78.

⁷⁸Harvey, *Westminster Abbey and its Estates*, pp. 83, 154; *Statutes of the Realm*, i, pp. 91-2 (cap. 41); *Councils and Synods II*, ii, pp. 964-7; Wood, *English Monasteries*, pp. 36, 154-6; Hudson, *Land, Law and Lordship*, pp. 98-100, 230-47.

⁷⁹Hilton, 'Some Problems of Urban Real Property', pp. 327-31.

⁸⁰No. 52 (mandate of Pope Clement V, 1305).

from the financial vagaries of the earldom at this period, which have been charted by others.⁸¹ Essentially, they suffered a decline in power and influence on a national and even local level. Poor marriages throughout the thirteenth-century “brought them little and cost them much” as several countesses survived their husbands, and inroads made by the Crown, a minority and a failure to provide heirs further accentuated their problems and ensured that for most of the century “they commanded far less resources in practice than on paper.”⁸² This decline was only halted by the accession of the Beauchamps to the earldom in 1268, but although Earl William Beauchamp (1268-98) actively purchased property he was mainly recovering estates previously lost, and with a third of his income tied up in dower, protecting his assets was his main priority.⁸³ For St. Mary’s, this financial constraint was not to be broken until the earldom of Thomas Beauchamp (I) (1329-69), who granted the church of Pillerton Hersey (Warwicks.) to the college, which was to be appropriated so that their bell-tower could be rebuilt and work on the church’s nave carried out.⁸⁴ Earl Thomas (I) planned to be buried in the college and this and his interest in the church appears to have sparked that of his successors. This brings us to another impediment to acquisition. The choice of one’s place of burial had a variety of implications for the favoured church, economic ones not least among them.⁸⁵ The Beauchamp family had long favoured Worcester Cathedral Priory and Earl Thomas’s decision to be buried at Warwick is as important for the precedents it set and disrupted as for the renovations, obits, gifts and bequests that were to follow as a result of it.⁸⁶ One must also recognise the disservice, unintentional or inevitable, that could be rendered by the earls in their capacity as patron. These aspects will be discussed in the following chapter, but one may cite grants made of the

⁸¹Crouch, ‘Local Influence’, pp. 1-14; Mason, ‘Resources of the Earldom of Warwick in the Thirteenth Century’, *Midland History*, 3 (1975), pp. 67-74; *Beauchamp Cartulary*, pp. xviii-xli; Raban, ‘The Land Market and the Aristocracy’, pp. 248-51.

⁸²Crouch, ‘Local Influence’, p. 11; Mason, ‘Resources of the Earldom of Warwick’, p. 67.

⁸³Raban, ‘The Land Market and the Aristocracy’, pp. 248-51. For the importance of keeping the integrity of one’s fee see: Harvey, *Westminster Abbey and its Estates*, pp. 30-33; Carpenter, *Locality and Polity*, pp. 119-20, 128; Newman, ‘Greater and Lesser Landowners’, pp. 286, 291; M.A. Hicks, ‘Between Majorities: the ‘Beauchamp Interregnum’, 1439-49’, *Historical Research*, vol. 72, no. 177 (1999), pp. 27-43.

⁸⁴Nos. 126-7, 129.

⁸⁵Harvey, *Westminster Abbey and its Estates*, pp. 26-30, 38.

⁸⁶*Beauchamp Cartulary*, p. xvi; *Annales Monastici*, iv, pp. 382, 428, 471, 528, 544; Dugdale, *Antiquities of Warwickshire*, i, pp. 396, 402-3; *Complete Peerage*, XII, pt. 2, pp. 370, 378; Styles, ‘Financial Account’, p. 156; Styles, *Ministers’ Accounts*, pp. 13, 37-8, 62. See Chapter 5.

college's advowson,⁸⁷ of property belonging to the church which it then had to recover,⁸⁸ and the implications of the seigneurial dominion exercised by the earls over their *caput honoris* and the shadow it cast over other potential benefactors and its role in the economic stagnation of the town.⁸⁹ Furthermore, there was the implicit tension between their role as feudal lord (protecting one's own fee and not wishing to see lands and services alienated to the church) and as patron (with a responsibility to help and protect such a church).

If St. Mary's was not in a position to enjoy a place in the animated land market of the thirteenth-century and lacked the support and wherewithal to compete for precious resources, like its patrons and the landed classes it could nevertheless consolidate and protect that which it possessed. Ensuring its estate's integrity was neither easy nor always successful, as we have seen, but neither were its canons prepared to have their income eroded. What is noticeable was that this rear-guard action was fought on an individual rather than corporate basis. In the thirteenth-century, the main focus of the canons' litigative attentions were tithes and rights of presentation and advowson. As early as 1203 they were embroiled in a case against the earl of Warwick for a plea of St. Laurence's advowson, and from 1206 to 1207 had impeded the earl from presenting to St. James's (although failed to present a very united or convincing front when questioned in the king's court).⁹⁰ St. Laurence's was also the basis of a presentation dispute between canons in 1346/7.⁹¹ Possession of tithes was even more contentious, and we have already noted the two most significant disputes over the tithes of Bidford and Snitterfield.⁹² Both cases were defended by the holder to whose prebend they belonged, and the value of such tithes, relative to other forms of prebendal income and their canonical proprietors, inevitably culminated in exacerbating internal divisions within the college. Hence the dispute between two canons as to the possession of the tithes in Walton and Warwick.⁹³ It would be unwise to unduly exaggerate the divisive elements of such controversies. A lack

⁸⁷*PUE*, i, no. 29, p. 256; Crouch, 'Local Influence', p. 7; 'Geoffrey de Clinton and Roger, Earl of Warwick', p. 121+n.

⁸⁸Nos. 14-15, 20; BL, Harley MS 3650, fo. 13r; *Warwickshire Feet of Fines I*, no. 428; Crouch, 'Geoffrey de Clinton and Roger, Earl of Warwick', p. 117.

⁸⁹Harvey, *Westminster Abbey and its Estates*, pp. 41-2; Hilton, 'Some Problems of Urban Real Property', p. 332; *VCH Warwickshire VIII*, p. 476.

⁹⁰*CRR 1201-1203*, pp. 159, 175-6; *CRR 1205-1206*, pp. 84, 99; *CRR 1207-1209*, p. 63.

⁹¹PRO, C 260/58/7.

⁹²Nos. 63-6; *CCR 1313-1318*, p. 317; PRO, E 135/6/21-2; PRO, E 326/11544; PRO, E 326/8920.

⁹³No. 61.

of patronal support, at a time when legal jurisdictions and the judicial *fora* for such cases were still being negotiated,⁹⁴ may have meant that these contentions over tithes and presentation sometimes constituted almost forms of legal fiction and were intended to confirm the college's rights or to establish legal precedent.

Whether due to the capricious nature of documentary survival or a concerted effort on the part of the college to heed the warning represented by the papal bull of 1305 concerning its previous alienations and leases,⁹⁵ in the first half of the fourteenth-century they restored various pensions, properties and rights and adopted a strategy well known by the Beauchamps and other landowners for consolidating their estate. In 1312, they restored a customary pension from the Knights Templar *in lieu* of tithes.⁹⁶ In 1328, the dean sought action against a trespass on his prebendal land at Coten End (in Warwick's suburbs).⁹⁷ This trespass concealed a more serious issue of whether the suburban property (eighty acres of land, two acres of meadow, and four messuages) belonged to a lay fee (of four parties) or that of the dean in free alms "*ut de feodo et jure sexte partis ecclesie predicte.*"⁹⁸ The root of the problem may have lain in a grant (probably a lease) by the church, as trouble was brewing earlier in 1310 when one of the parties claimed unlawful dispossession by the infamous Robert Tankard, but either lost their case or gave up their claim and quitclaimed their pasturage rights in the disputed meadow to the college (although obviously not to other properties held in some relation to the college).⁹⁹ Here the very real risk of alienation, as a result of leasing, is patent and the gravity of the potential losses from essentially one grant or action are painfully manifest. The year 1333 saw the return of some Warwick property which had been in the king's possession following a capital felony of its tenant, but for which they also had to defend themselves against a rival claim of the bishop of Coventry and Lichfield.¹⁰⁰ St. Sepulchre's quitclaimed their rights in a

⁹⁴Wood, *English Monasteries*, pp. 16, 32-5; M. Cheney, *Roger, Bishop of Worcester*, p. 151.

⁹⁵No. 52.

⁹⁶*CCR 1307-1313*, p. 468.

⁹⁷PRO, CP 40/273, mem. 123 (Placita de Banco, Easter 2 Edw. III).

⁹⁸PRO, CP 40/275, mem. 150d (Placita de Banco, Michaelmas 2 Edw. III).

⁹⁹No. 113.

¹⁰⁰Nos. 118-19; *CCR 1333-1337*, p. 60; *CFR 1327-1337*, pp. 326-7. The toft and quarter messuage were subsequently rented out by the college to three tenants for a total of 1s. 6d. yearly (nos. 115-17).

Warwick lane running from St. Mary's cemetery to the priory in 1336,¹⁰¹ and in 1339 they took seisin of a messuage in Warwick.¹⁰²

In its property transactions of the late thirteenth to mid-fourteenth centuries, St. Mary's focussed on recovering and securing its entitlement to property already belonging to its fee, and where it did grant property tried to achieve a beneficial exchange.¹⁰³ This mirrored the activities of other landlords, who often purchased from their own fee and tried to redeem fee farms and lost property.¹⁰⁴ Moreover, evidence begins to survive of its 'spiritual' revenues, rents offered for an obit,¹⁰⁵ altar lights,¹⁰⁶ a bequest of urban real estate,¹⁰⁷ and although no idea of the scale of this income survives until the detailed accounts of the under-treasurer in the sixteenth-century,¹⁰⁸ one can be fairly confident that this avenue of acquisition was almost assured, albeit, rather poetically, one over which the secular canons could exert perhaps the least influence.

The appropriation of Pillerton to the college in 1341 heralded a new phase in the college's history, and the trend it symbolised was doubtless compelled forward by the ravages of the Black Death of 1348-9. Not only did it mark the renewed interest of patron and diocese in the college's welfare and administration (a telling sign of the toll of previous centuries), but it was to qualitatively place the collegiate church on a new financial footing. In 1364, Earl Thomas (I) petitioned the pope for a faculty to draft new statutes for the college and obtained indulgences for those visiting the college and contributing towards the rebuilding of its tower and nave.¹⁰⁹ By 1367, the earl had pledged to restore the college's temporalities and to ensure that its endowment was sufficient for its spiritual needs and responsibilities. The bishop of Worcester had likewise committed himself to restore where possible the college's alienated spiritualities, and in December, with the earl's consent, produced a set of statutes outlining the

¹⁰¹No. 47.

¹⁰²No. 125.

¹⁰³Nos. 74, 100, 108-109.

¹⁰⁴Harvey, *Westminster Abbey and its Estates*, pp. 165-8; Raban, 'The Land Market and the Aristocracy', pp. 250, 252-3; Dyer, *Lords and Peasants*, pp. 55-6; Carpenter, *Locality and Polity*, pp. 119-20; Rees Jones, 'Property, Tenure and Rents', pp. 132, 175, 182, 185, 200-201.

¹⁰⁵No. 120.

¹⁰⁶Nos. 106-107.

¹⁰⁷SBT, DR 10/1329.

¹⁰⁸PRO, SC 2/207/88; PRO, E 315/400.

¹⁰⁹No. 6; *CPP 1342-1419*, pp. 493-4, 498, 501; *CPL 1362-1404*, p. 39.

college's position and introducing a variety of constitutional reforms to remedy the situation St. Mary's now found itself in.¹¹⁰ None of the college's churches had been formally appropriated, and although bound to the college by a relationship termed the '*antiqua unio*', the ancient association lacked sufficient validation and it appears that several if not all of the nine churches had been alienated to some degree.¹¹¹ Two were lost irrevocably:¹¹² St. Helen's (which became St. Sepulchre's priory, and although granted to St. Mary's c. 1123 was already lost by 1128, when an annual pension was all that survived to represent their former affiliation)¹¹³ and the church of Greetham (Rutland) (which was probably lost to the priory soon afterwards). The two sets of appropriations that were to follow these statutes thus epitomised, in the first place, an augmentation of the college's endowment, and secondly an affirmation of the *antiqua unio* and St. Mary's parochial and tenorial status in Warwick and its environs.

Between 1392 and 1395, Earl Thomas Beauchamp (II) and his brother, William Beauchamp, lord of Abergavenny, granted St. Mary's the advowsons of Haselor, Wolfhamcote (Warwicks.) and Whittlesford (Cambs.),¹¹⁴ and Spelsbury (Oxon) and Chaddesley Corbett (Worcs.) respectively,¹¹⁵ and Earl Thomas (II) also gave the manor of Haselor.¹¹⁶ A mortmain licence had been obtained in 1385 and papal countenance for the appropriations conferred in 1390,¹¹⁷ with Roger Yatton, abbot of Evesham,¹¹⁸ being appointed by the pope to effect the appropriations and ordain the perpetual vicarages in the churches. St. Mary's was actively involved in the process, its canons acting as attorneys to receive seisin of the property, and as proctors to take corporal possession of the churches and their possessions and to negotiate with the parishioners and local diocesan administrations.¹¹⁹ The total taxable value of the churches *per annum* was 145 marks (£96 13s. 4d.) and they were granted to increase the college's

¹¹⁰No. 124. See Chapter 2.

¹¹¹Nos. 124, 292-3.

¹¹²No. 124b.

¹¹³Compare nos. 20-1. See also: no. 23.

¹¹⁴No. 165.

¹¹⁵Nos. 143, 181.

¹¹⁶No. 246.

¹¹⁷Nos. 139-40. For the inquisitions *ad quod damnum* of 1385 for Haselor, Wolfhamcote and Whittlesford, that preceded the grant of the mortmain licence, see PRO, C 143/403/39-40.

¹¹⁸Abbot of Evesham 1379-1418 (R.H. Hilton, 'The Small Town and Urbanisation - Evesham in the Middle Ages', *Midland History*, 7 (1982), p. 6.

¹¹⁹Nos. 145, 148-9, 167-9, 183, 186-7, 213-14, 269, 350.

endowment, as well as for the souls of the king, queen, Earl Thomas, Sir William and their families. The vicarages were ordained from July 1392, as the former rectories became vacant; a process completed by December 1395.¹²⁰ The first of these vicarages to be established, those of Spelsbury, Whittlesford and Chaddesley, were to be supported not by a pension from St. Mary's, but by their churches' lesser and personal tithes, oblations, altar dues and other customary payments. Moreover their vicars were to be supplied with a rectory house and often some land. In return, however, all the vicars were expected to pay archidiaconal procurations, synodal dues and maintain the chancel, and, in various combination, often to pay for a deacon, up to half of any clerical tenth or tax due on the church, and for various liturgical items such as bread, wine, wax, incense, and torches. Meanwhile, the dean and chapter received all other forms of income (principally the greater tithes). In this way they absolved themselves from the payment of most of the major expenses incumbent on them as the churches' corporate rector and saved themselves the costs and trouble of collecting the more difficult forms of revenue. In the case of Haselor and Wolfhamcote, the vicars were paid a pension of ten and twenty marks respectively while the chapter generally received all other dues and bore the cost of most of the financial exactions the churches were subject to.

The second set of appropriations were occasioned in order to secure the college's position towards its Warwick churches, and especially their place in its endowment, only those of St. Nicholas and Budbrooke retaining their parochial status after 1367.¹²¹ Thus, the churches of St. Nicholas, St. Peter, and St. Laurence in Warwick, and Budbrooke, were appropriated, like the others, *non utroque jure*, in 1399, this time by the bishop of Worcester.¹²² A perpetual vicarage was established at St. Nicholas's in June 1401,¹²³ while the college took possession of Budbrooke in 1402,¹²⁴ (a vicarage was already being established there).¹²⁵ The college took

¹²⁰Nos. 150, 170, 188, 216, 270.

¹²¹No. 124.

¹²²No. 293. For licences to appropriate see nos. 291-2, and for archiepiscopal confirmation in 1401 see no. 351.

¹²³No. 306. In 1367 Bishop Whittlesey projected two vicars for the church, but only one vicarage was ever ordained.

¹²⁴Nos. 314-15.

¹²⁵No. 124b; PRO, E 179/58/5, 8. In 1367 the rector's portion was worth £10. In 1379 the church was taxed at £10 13s. 4d. and St. Mary's received a 15s. pension while the vicar was taxed at £5. The vicarage was reapportioned in 1467 - PRO, E 326/11867.

possession of St. Laurence's in 1410,¹²⁶ Rights of patronage for these churches had been vested collectively in the chapter in 1400.¹²⁷

Before examining the implications of these appropriations and the grant of Haselor manor for St. Mary's, particularly with a view to how these acquisitions influenced others and affected the church's endowment more generally, it would perhaps be salutary to chronicle its other principal acquisitions in this period leading up to the college's dissolution. In April 1399, the college's profits were still insufficient and it was granted a licence to receive in mortmain lands and tenements to the value of one hundred marks a year, and was swiftly followed in July by an inquisition into the grant of the manor of Heathcote by Walter Power.¹²⁸ Licence was subsequently given in 1400, and the grant was effected the following year in return for two obits for Power and his wife.¹²⁹ In the same year, 1401, Warwick citizen, Robert Walden, established a chantry in St. Mary's (at the altar to St. Anne) for a single chaplain, which he endowed with rents from messuages, shops and land in Warwick and neighbouring villages to the value of £5 4s. 4d.¹³⁰ Following the death of Earl Richard Beauchamp (1403-39), £40 of property was licenced to be bequeathed to the college in 1439,¹³¹ and from 1441 construction of the Beauchamp Chapel began,¹³² which necessitated the removal of the dean's house and the rearrangement of the churchyard's boundaries,¹³³ for which a canon granted a portion of his prebend and Earl Richard Neville a piece of waste land in 1455.¹³⁴ In 1461, Edward IV granted the meadow of Northbrook in Fulbrook in exchange for rents and tithes owed to St. Mary's (which had ceased because of seigneurial imparkment) and for two obits.¹³⁵ By 1469, the college had also received the manors of Wolverton and Baginton (Warwicks.) and that of Preston Capes (Northants) with land and three tenements in Warwick from Richard

¹²⁶No. 320.

¹²⁷No. 295.

¹²⁸No. 329; PRO, C 143/429/3.

¹²⁹Nos. 330, 334-5.

¹³⁰Nos. 340-2; PRO, C 143/430/3.

¹³¹*CPR 1436-1441*, p. 429. The same licence occurs in 1463 - *CPR 1461-1467*, pp. 295-6. Presumably the first was not acted on. This second licence accompanied the grant of the manors of Baginton, Wolverton and Preston Capes and the three tenements in Warwick. See note 136 below.

¹³²*CPR 1436-1441*, p. 574.

¹³³*VCH Warwickshire VIII*, pp. 421-2; P.B. Chatwin, 'Documents of "Warwick the Kingmaker" in Possession of St. Mary's Church, Warwick', *Transactions of the Birmingham Archaeological Society*, 59 (1938), pp. 2-8.

¹³⁴SBT, PR 118; WRO, DR 1146/2; WRO, CR 26/4, p. 34.

¹³⁵Nos. 227-8; *CPR 1461-1467*, p. 80.

Neville, earl of Warwick and Salisbury, and his wife, the Countess Anne, worth £38, in part satisfaction of the will of Earl Richard Beauchamp.¹³⁶ Finally, in 1501, Henry VII, as the church's patron, granted Cuckow church, and a £2 pension *in lieu* of its glebe land, in return for a weekly mass to be held there and an obit on his death.¹³⁷ Interspersed with these larger donations were smaller gifts, usually bequests, but it is worth noting that some, like that of Dean Thomas Yonge (*d.* 1432), could amount to substantial sums which, like his, might be put to building works as well as more conventionally pious projects.¹³⁸

Many of these acquisitions were inspired by the financial plight of the collegiate church. This was most serious in the mid-fourteenth-century, the result, as we have seen, of the economic circumstances of previous centuries and the administrative capabilities of the college and the priorities of its personnel. Further disruption was doubtless accorded by the impact of the Black Death, and further impetus for additional endowment was provided by Earl Thomas's plans for rebuilding. Even after the spate of appropriations, from 1341 to 1399, and the grant of Haselor manor, St. Mary's canons still pleaded extra funds; their own pensions being particularly prone to any fall in the college's revenue.¹³⁹ In this context we may perhaps view the grant of the manor of Heathcote. Later grants would not appear, as Styles sometimes infers, to have largely arisen from economic distress occasioned by mismanagement.¹⁴⁰ There are instances of such maladministration in the sixteenth-century,¹⁴¹ but a grant such as that of Cuckow church in 1501, was more likely to have resulted from several decades of falling urban rents, mounting arrears, general 'urban decline' (from which Warwick's noted lack of economic prominence is unlikely to have furnished an exemption), the desertion of many of the villages in which the college had real estate, not to mention administrative difficulties, which would not have been aided by the widening geographical extent of the college's possessions. Indeed, it now held property in six counties and four dioceses. The economic repercussions of the college's gifts in this post-plague period will be surveyed presently, but one may note here that religious as much as financial motives were responsible for many of

¹³⁶*CPR 1436-1441*, p. 429; *CPR 1461-1467*, pp. 295-6; PRO, E 326/4461; *CAD 2*, B 2957; PRO, E 326/6461; PRO, C 143/453/6; *CPR 1461-1467*, p. 153. For the 'Beauchamp Trust' and the administration of Earl Richard's will, see Chapter 5 and the work of Michael Hicks cited there.

¹³⁷Nos. 225-6; *CPR 1494-1509*, p. 241; *CCR 1500-1509*, p. 43.

¹³⁸No. 4.

¹³⁹No. 329.

¹⁴⁰Styles, *Ministers' Accounts*, p. li.

¹⁴¹*Letters and Papers of Henry VIII*, vol. 13, pt. 1, p. 445; Styles, *Ministers' Accounts*, p. lv.

the gifts. Obits and/or funereal provisions were attached to practically all these donations, and even to actions such as quitclaims. Although, they may occasionally be seen as an additional demand appended to the gift of a donor, as in the case of the Fulbrook property, which was primarily given in recompense for rents and tithes previously lost to the college through no fault of their own.¹⁴²

An important aspect behind the scale of the increase in the college's endowment after 1350 is best viewed from the perspective of the patron. The ascendancy of the Beauchamp family in economic and political terms has already been alluded to, and from 1403 is admirably charted by Christine Carpenter.¹⁴³ Not only was their main fee increasingly secure, but to the new land brought to them through marriages and inheritance could now be added land from a growing land market, which became more noticeable after the mid-1370s.¹⁴⁴ Freed from many former economic constraints, this, with the 'Indian Summer',¹⁴⁵ may account in part for why Earl Thomas (II) especially was ready, willing and able to boost the college's endowment. Recognising the importance of fee integrity, one might also ask whether those properties received by St. Mary's had been acquired by the earl and his brother only recently.¹⁴⁶ There is some justification for this argument, as, for instance, Sir William received the advowsons of Spelsbury and Chaddesley Corbett after 1372, from his brother, Earl Thomas (II).¹⁴⁷ Earl Thomas (I) had only acquired the advowson of Wolfhamcote by 1365.¹⁴⁸ That is to say that they were not significantly breaking into their own fee or patrimony, but passing on newer acquisitions, which may have been rendered more disposable by their location on the boundaries of his core fee. Moreover, such donations were eased by the growing fluidity of the land market and the fact that he shared the task with his brother. The time was also propitious,

¹⁴²Nos. 58, 227-8.

¹⁴³Carpenter, *Locality and Polity*.

¹⁴⁴Britnell, *Growth and Decline in Colchester, 1300-1525* (Cambridge, 1986), pp. 148-50; J. Hatcher, 'England in the Aftermath of the Black Death', *Past and Present*, 144 (1994), pp. 3-35.

¹⁴⁵A.R. Bridbury, 'The Black Death', *Economic History Review*, 2nd ser., 26:4 (1973), pp. 577-92; Dyer, *Lords and Peasants*, p. 113.

¹⁴⁶A reliance on 'windfall properties' is also seen at Westminster Abbey: Harvey, *Westminster Abbey and its Estates*, pp. 31-3.

¹⁴⁷No. 1. In 1358-9 William Corbett settled the manor and advowson of Chaddesley on himself for life, with reversion to Thomas de Beauchamp (I). *VCH Worcestershire III*, pp. 38, 42.

¹⁴⁸*Warwickshire Feet of Fines III*, no. 2126; Styles, 'Financial Account', p. 150+n.; *VCH Warwickshire VI*, p. 273.

given the need for social display,¹⁴⁹ which would simultaneously reinforce the position of the Beauchamp family, the earldom, town and college in the eyes of Warwickshire society.

The illusory economic impression of a continuation of the *status quo ante* in the three decades following the mortality of 1348-9 may explain why Earl Thomas and Sir William only gave one manor and five churches, but why after 1400 the college received four manors in the space of only seventy years. With high and even rising agricultural prices the demand for land was largely sustained immediately after the plague, and profits from demesne cultivation remained largely buoyant with the incidence of harvest failures and bad weather.¹⁵⁰ Accordingly, large estates, like those of the bishops of Worcester and Coventry and Lichfield, continued to derive profits from direct demesne management until at least the mid-1370s,¹⁵¹ at which point leasing gathered real momentum.¹⁵² Landlords were not making too many concessions to the new economic situation evolving after the pestilence, but their grant of advowsons may not simply have been to retain the more profitable manors for themselves. Certainly a manor like Haselor brought a welcome element of diversity to the college's finances, but the administrative implications were serious, as is attested by the numerous charters the college inherited.¹⁵³ The appropriated churches would provide a more flexible and less cumbersome source of revenue, but their economic repercussions should not be diminished in comparison.

The fact that the college was able to shed some of the more burdensome aspects relating to the vicarages, financially and administratively, has already been demonstrated. But the terms on which these perpetual vicarages were established and the role of parishioners, who were expected to make a fiscal as well as spiritual contribution to their church, ensured that acquisition and expenditure did not end with a vicarage's ordination. Changing economic

¹⁴⁹Carpenter, *Locality and Polity*, pp. 199, 241, 244; 'The Religion of the Gentry of Fifteenth Century England' in D. Williams (ed.), *England in the Fifteenth Century: Proceedings of the 1986 Harlaxton Symposium* (Woodbridge, 1987), pp. 65-9.

¹⁵⁰Hatcher, 'Aftermath of the Black Death', pp. 32-4.

¹⁵¹E.B. Fryde, *Peasants and Landlords in Later Medieval England, c. 1380-c. 1525* (Stroud, 1996), pp. 60-2, 64, 67; 'The Tenants of the Bishops of Coventry and Lichfield and of Worcester after the Plague of 1348-9' in R.F. Hunnisett and J.B. Post (eds.), *Medieval Legal Records edited in memory of C.A.F. Meekings* (London, 1978), pp. 224-40.

¹⁵²Leasing, of course, had begun earlier just as demesne agriculture continued in some Worcester estates until the 1390s. Harvey, *Westminster Abbey and its Estates*, pp. 130-1; Dyer, *Lords and Peasants*, pp. 113, 122-3, 150.

¹⁵³Nos. 200-24, 231-55.

circumstances, and possibly an insufficient endowment to start with, caused the terms of St. Nicholas's vicarage to be revised in 1425 and 1462, in which the vicar's stipend was increased (although he was to provide a deacon) and a sum was given in recompense for his not having a house.¹⁵⁴ Nor was the bishop's intervention always necessary. At Budbrooke the canons had been bolstering the vicar's income from their own until the vicarage was reapportioned in 1467 in an agreement between vicar and college.¹⁵⁵ Similarly, "*ad evadendum et excludendum vexationem et onus maius grave que eisdem decano et capitulo per manum domini episcopi Lincoln' pro augmentatione vicariatus de Spellesbury imposita fuisse,*" the chapter reached an arrangement with the parishioners whereby they paid them an annual sum of £2 to hire a deacon, maintain the church's goods and to help the parish's poor. The money was to be administered by the vicar and twelve parishioners.¹⁵⁶ The agreement hints that it was not necessarily the money the college regretted, but the involvement of diocesan officials and administrations and the extra costs these produced. Hence agreements like this, and the payment to Budbrooke, conducted on the college's terms.

The college also had to defend itself against the failure of vicars to fulfill the duties expected of them. In 1402, the chapter brought the vicar of Whittlesford before the official of the bishop of Ely for such offences and won their case. Vicars could undermine the church as much as its rectors, and there are examples from infirmity and old age to even a vicar on a murder charge.¹⁵⁷ They might also represent a more direct threat, as in the case of Thomas Bisshop, a priest who won presentation to Chaddesley, after the church's appropriation to St. Mary's, having successfully challenged his non-admission by the bishop. St. Mary's won their case and got the sentence overruled and were confirmed in their possession of the church.¹⁵⁸ They had had to protect their rights in a similar manner earlier in 1349 when they pursued the non-payment of tithes from Pillerton Hersey from the farmer of the manor. The case was important not only for the retrieval of the tithes but also in establishing the jurisdictions of the church and the lordships it encompassed.¹⁵⁹ The non-payment of tithes was not always

¹⁵⁴Nos. 306, 309-10.

¹⁵⁵Styles, 'Financial Account', p. 150; *Ministers' Accounts*, pp. 8, 23, 47; PRO, E 326/11867 (paper copy).

¹⁵⁶No. 164; Styles, *Ministers' Accounts*, pp. 24, 39-41, 61.

¹⁵⁷*CPL 1471-1484*, p. 791; *CPR 1361-1364*, p. 102.

¹⁵⁸Nos. 191-2. The cases were heard in the Court of Arches, 1395-6.

¹⁵⁹Nos. 133-5. The farmer was supported in the case by his overlords, the abbot and convent of St. Evroul. The case was examined between 1392 and 1395 in Worcester's consistory court.

injurious, and those that were lost by the Duke of Bedford's imparkment of Fulbrook were eventually recompensed by a grant of land and meadow to the college by Edward IV, in return for the college holding two obits.¹⁶⁰

The college was not only ready to defend its vicarages, be it from economic recession or the actions or encroachment of others. Its tithes remained an important source of income in this post-plague period.¹⁶¹ They were leased, as were their tithe barns,¹⁶² protected from other institutions,¹⁶³ and even used as a form of exchange in the spiritual economy.¹⁶⁴ From when the college's extant accounts begin in 1410 nearly all its churches were farmed. This could lead to problems such as farmers owing moneys to the college,¹⁶⁵ but its options were limited. The leasing of the churches and their tithes is best seen in the context of St. Mary's and its landed property.

Leasing was undoubtedly the college's financial mainstay in this period. Its cluster of holdings in the Warwickshire Feldon was not an auspicious start following the general economic acclimatization after the Black Death and the reversion to a more pastoral economy. The area was noted for its intensive demesne agriculture and its proliferation of deserted villages is almost without comparison.¹⁶⁶ Manors such as Baginton and Haselor were a serious boon with their important woodland resources, which the college relied on heavily.¹⁶⁷ Its suburban holdings, largely pastoral, with its stake in Wedgnoock Park and those of Fulbrook and Beausale were also crucially important, and its apparent lack of pastoral resources is

¹⁶⁰Nos. 58, 227-8. The imparkment of this lordship cost the college over £64 in arrears alone, and Rous claimed that it also made the Warwick to Stratford road unsafe, with highway robbers hiding in the hedges (Rous, *Historia Regum Angliae*, pp. 123-4).

¹⁶¹Nos. 134-5, 199, 353.

¹⁶²WRO, CR 1618/W4/52/7-8, CR 1618/W4/97/12; Styles, *Ministers' Accounts*, p. 19.

¹⁶³WRO, CR 26/4, p. 45; nos. 134-5.

¹⁶⁴WRO, CR 26/4, p. 46; *CCR 1307-1313*, p. 468.

¹⁶⁵PRO, C 88/84/7; *CPR 1408-1413*, p. 6. Thomas Denes, farmer of Compton Mordak church, was outlawed in 1405 on an action of debt by the college for 10 marks.

¹⁶⁶C.J. Bond, 'Deserted Medieval Villages in Warwickshire and Worcestershire' in T.R. Slater and P.J. Jarvis (eds.), *Field and Forest: An Historical Geography of Warwickshire and Worcestershire* (Norwich, 1982), pp. 147-166; Dyer, *Warwickshire Farming, 1349-c.1520: Preparations for Agricultural Revolution* (Dugdale Society Occasional Paper, 27, Oxford, 1981), p. 11; *Lords and Peasants*, chapter 11.

¹⁶⁷Nos. 221, 250-1, 355; W.B. Bickley (ed.), *Abstract of the Bailiff's Accounts of Monastic and other Estates in the County of Warwick under the supervision of the Court of Augmentation for the year ending at Michaelmas 1547* (Dugdale Society, Main Series II, London, 1923), pp. 93-4; Styles, *Ministers' Accounts*, pp. 99, 141, 177; PRO, SC 2/207/88, p. 2; PRO, E 315/400.

deceptive.¹⁶⁸ Certainly it was susceptible to the effects of depopulation and the desertion of whole villages that was so evident in the county. Compton Mordak was to be completely deserted; largely by the actions of its lords, the Verney family. Wolfhamcote was another deserted village.¹⁶⁹ A decision not to repair many of the rectory buildings at these two churches had been taken as early as 1404, because of the barrenness of the fields and the effects of disease on the sheep kept there.¹⁷⁰ At Compton, the rising Verney family, who were to give their name to the place, had expelled the tenants there by 1465, a process probably begun upon their acquisition of the manor c. 1442, the college accounts recording that “*nulli tenentes ibidem modo set per Ricardum Verney nunc militem expulsi fuerunt diversis annis elapsis.*”¹⁷¹ St. Mary’s appears to have had further reason to rue this family, as Earl Richard Beauchamp had helped the Verneys to buy the family’s two principal manors of Compton Mordak/Verney and Kingston from another member of his affinity, on condition that after his death they alienate Kingston to the college to establish a chantry there, but the Verneys reneged on the deal and St. Mary’s never saw the manor.¹⁷² From the mid-fifteenth-century arrears mounted from the pastures farmed by the college,¹⁷³ and the dean had to chase a £10 debt owed by a husbandman from Whittlesford in the courts.¹⁷⁴ But despite these risks inherent in the pastoral economy of the fifteenth-century, there is also more positive evidence of the college’s links with the cattle trade (it leased its pastures to butchers and graziers),¹⁷⁵ and also it fully utilised its fisheries and timber.¹⁷⁶ The dangers of leasing have already been noted,¹⁷⁷ and St. Mary’s did make some leases for eighty and one hundred years,¹⁷⁸ but this practice was forbidden by Bishop Bourghier in 1441.¹⁷⁹ When added to the desertion of whole villages and the impact

¹⁶⁸Nos. 113, 352-3; Styles, ‘Financial Account’, p. 142; *Ministers’ Accounts*, pp. 18, 43, 70, 83, 86, 88, 91; PRO, CP 40/275 mem. 150v; *Cal. Inq. p.m.* (2nd. ser., vol. 2), no. 693, p. 453; WRO, CR 1618/W4/52/8.

¹⁶⁹Rous, *Historia Regum Angliae*, p. 122; M.W. Beresford and J.G. Hurst (eds.), *Deserted Medieval Villages* (Gloucester, 1989), pp. 204-6.

¹⁷⁰No. 279. Buildings at Spelsbury were also licensed for demolition in 1468 (no. 157).

¹⁷¹Styles, *Ministers’ Accounts*, p. 77+n.

¹⁷²SBT, DR 98/477; Carpenter, *Locality and Polity*, pp. 126, 166.

¹⁷³Styles, *Ministers’ Accounts*, pp. 83, 87, 89, 91.

¹⁷⁴*CPR 1467-1477*, p. 386.

¹⁷⁵Styles, *Ministers’ Accounts*, pp. 18+n., 76. See also: Dyer, *Warwickshire Farming*, pp. 17-20; ‘A Small Landowner’, pp. 7-8, 12, 14.

¹⁷⁶Nos. 14, 209, 221, 250-1, 355, 358; *Bailiff’s Accounts*, pp. 93-4; Styles, *Ministers’ Accounts*, p. 177; PRO, E 315/400.

¹⁷⁷See also: Dyer, *Lords and Peasants*, pp. 190-1, 209-11; E. Acheson, *A Gentry Community: Leicestershire in the Fifteenth Century, c. 1422 - c. 1485* (Cambridge, 1992), pp. 58-9.

¹⁷⁸Nos. 58, 324, 326.

¹⁷⁹Bourghier, nos. 25-6.

of pastoralism on the church's economy and buildings, besides a general trend in falling rents and the risks associated with long term rents, the picture indeed looked bleak for the college.

Whilst not denying this economic impact or the existence of these factors, it could be argued that St. Mary's owed its economic survival in this period, and, conversely, many of its economic problems, less to its manner of endowment, or even the form of its property, but to the attitudes of landowners (itself included). The emphasis placed on the integrity of one's fee largely enabled the college to lease its various properties to neighbouring lords or to its canons who were involved in economic activities of their own.¹⁸⁰ A prime example is the church at Compton. St. Mary's actually leased the church and its tithes to the Verney family. A new family, the Verneys had difficulty in building up a compact estate at a time when there was not much land on the market, and St. Mary's was willing and able to provide the leasehold they coveted and which enabled them to further consolidate their estate there.¹⁸¹ It explains, in part, why leasing was perhaps so pervasive throughout the institution, but also why it was so risky. For while there was some demand for land and leasehold in the first half of the century, this demand dropped from 1480.¹⁸² To a degree this fall was due to "a greater willingness to sell on the part of the owners,"¹⁸³ which seriously undermined the previous long-term propensity for steady consolidation on the part of landlords. The new convention somewhat took the bottom from St. Mary's market, and this is reflected in its accounts and the poor position of the college in the sixteenth-century. Any long-term leases (prompted by falling rent values) also ensured that an institution like St. Mary's missed out on the economic recovery that began in the early sixteenth-century.¹⁸⁴ However, this usually reliable market best suited the college's piecemeal endowment and gave its properties a continuing value and place in the economy of the collegiate church and that of the wider society in which it operated. Furthermore, it bestowed on the college, its property and their administration a degree of stability and opportunity that is not so evident in the estates of larger institutions.

¹⁸⁰CCR 1461-1468, p. 67.

¹⁸¹Carpenter, *Locality and Polity*, pp. 129-30, 166, 173-4, 178; Styles, *Ministers' Accounts*, pp. 77, 93-4, 135-6, 166-8.

¹⁸²Carpenter, *Locality and Polity*, pp. 127-38.

¹⁸³Carpenter, *Locality and Polity*, p. 133.

¹⁸⁴Acheson, *A Gentry Community*, pp. 58-9; Dyer, *Lords and Peasants*, pp. 190-1, 209-11.

Another financial mainstay of the college was its urban property. As with the leasing of larger, landed, properties, it appears to have been fraught with as many risks as benefits. Certainly there was some expansion in St. Mary's acquisitions here, although the chronology and true extent of this expansion, even its success, are open to interpretation. Whatever conclusions one draws from the evidence as to the profitability of this form of holding/investment, there can be no doubting its importance to the spiritual life of the college, its relations with urban and suburban society, and the relative redundancy of intra- *versus* extra-mural distinctions.

Domesday Warwick augured well for future growth. The king held some 113 houses, his barons some 112 between them and nineteen burgesses held their own messuages.¹⁸⁵ There is no denying the borough's suburban growth, as is seen by the sixty small dwellings given to the church *c.* 1123 inside and outside the borough and the number of extra-mural churches/institutions, such as St. Michael's and St. Sepulchre's, and even supra-mural buildings (St. James's, St. Peter's).¹⁸⁶ However, despite its presence as an institutional landowner of some weight within the town, the town's relative stagnation, allied to the growing practice in the thirteenth-century of the subdivision and subletting of burgages, would appear to have checked the prosperity of this form of income. Hilton, who has looked at these areas in relation to Warwick and other provincial Midland towns, has shown that it was the burgage tenants who best profited from a rising demand for urban property and cites the example of Thomas Payn who,

held a dozen burgages for low rents from the Earl of Warwick and from a number of ecclesiastical landlords... His rent income from his sub-lettings was nearly four times as great as the rent he had to pay out. The average burgage rent that Payn paid out to the Earl of Warwick and to St. Mary's Collegiate Church averaged just over 8d. ... He was, however, sub-letting some of his burgages for 8s. to 10s., although some other rents for sub-let burgages were kept at a traditionally low level.¹⁸⁷

Hilton fails to temper the negative implications of his example here, merely passing on to highlight a lack of expansion in Warwick's tenanted area by 1280 and the fact that in later

¹⁸⁵*Domesday Book*, fo. 238a.

¹⁸⁶D.J. Keene, 'Suburban Growth' in R. Holt and G. Rosser (eds.), *The Medieval Town: A Reader in English Urban History, 1200-1540* (London, 1990), pp. 97-118.

¹⁸⁷Hilton, 'Some Problems of Urban Real Property', p. 330. For Thomas Payn and the 1280 evidence see T. John (ed.), *The Warwickshire Hundred Rolls of 1279-80: Stoneleigh and Kineton Hundreds* (Records of Social and Economic History, n.s. 19, British Academy, Oxford, 1992), pp. 25-38.

years the town's economic stagnation "slowed down the break-up of the old tenurial system."¹⁸⁸ However, he and others have shown that individual property accumulators such as Payn were in the minority; nor did such speculation constitute their primary means of income.¹⁸⁹ The purchase of urban property may even have been an almost temporary financial expedient in the face of deflationary episodes.¹⁹⁰ Furthermore, as the quotation and example above admit, not all their rented properties were sub-let for much higher rents. One might ask, therefore, whether the distinction between the (apparently) torpid, conservative landlords like St. Mary's (who supposedly sit and stagnate, letting rents and opportunities slip by) and the entrepreneurial speculators like Thomas Payn was, in fact, so great (or even useful). Institutional landlords were increasing the number of their urban properties, and (as Hilton acknowledges) St. Mary's urban property had increased significantly between 1280 and 1424.¹⁹¹ St. Mary's held at least twenty-one burgages, two tofts and a furnace within Warwick in 1280 and had about twenty-three tenants, receiving an annual income in the region of £1 14s. 8d. Three burgages were also held by three tenants of its parish churches.¹⁹² By 1424, it held at least sixty-six tenements, twelve crofts and gardens, over six cottages, a furnace and various pastures, totalling nearly ninety properties with some sixty-seven tenants and a rental income in excess of £10 10s.¹⁹³ This rental shows the importance of the college's suburban holdings, which accounted for over forty-eight per cent of the tenements, fifty-five per cent of their tenants and forty-five per cent of their rental income. If these suburbs were under-represented in the Hundred Rolls, then some explanation is given to its apparent jump in property holdings by 1400 and its economic position in the thirteenth-century town may have been under-valued and the trend for accumulation by individual landlords exaggerated.

Moreover, Hilton sees the dominance of these landlords as deriving mainly from the fourteenth-century, with institutions inspired by the view of urban real estate as a 'safe investment' and to meet the costs of their 'social purposes'.¹⁹⁴ This approach implies that

¹⁸⁸Hilton, 'Some Problems of Urban Real Property', pp. 331-2.

¹⁸⁹Hilton, 'Some Problems of Urban Real Property', p. 336; Britnell, *Commercialisation of English Society*, p. 149.

¹⁹⁰R. Goddard, 'Bullish Markets: the Property Market in Thirteenth-Century Coventry', *Midland History*, 23 (1998), p. 30.

¹⁹¹Hilton, 'Some Problems of Urban Real Property', p. 335.

¹⁹²*Warwickshire Hundred Rolls*, pp. 26-38.

¹⁹³No. 58.

¹⁹⁴Hilton, 'Some Problems of Urban Real Property', pp. 335, 337.

urban property in the hands of institutions like St. Mary's served an almost purely financial need and ascribes the institutions with the initiative for accumulation. St. Mary's evidence presents a slightly different picture. Purchase undoubtedly played a part in acquisition, but equally important was acquisition by gift.¹⁹⁵ Moreover, Hilton omits a whole sector of the urban real estate market - a 'trade' in the rents themselves, rather than merely the property they ensued from.¹⁹⁶ St. Mary's received various rents from properties throughout the thirteenth-century,¹⁹⁷ and something of this may also be seen in the Hundred Rolls of 1279-80. For example, Henry de Kyngton held a burgage from Richard Awnrey paying him 18*d.* yearly and St. Mary's 3*d.* and William Basset held a toft in Warwick from the prior of Thelsford and Cecilia de Porta, paying the prior 2*s.*, Cecilia 18*d.* and St. Mary's 5*d.*¹⁹⁸ Naturally, these payments may simply represent some tenurial claim, but they may equally signify a spiritual income, and thus the college's stake in Warwick and its environs might be underestimated by Hilton and, in the case of Warwick's suburbs, by the surviving Hundred Rolls. Sarah Rees Jones has highlighted the importance of chantry and obit foundations in the growth of the estates of the vicars choral at York, and has shown that institutional demands and changing patterns in patronage could act quite independently of economic trends.¹⁹⁹ This refines Hilton's argument, giving due credit to a church's tenants and benefactors and encourages the Warwick evidence to suggest that the institutional ownership of large blocks of urban real estate did not necessarily have to wait until after the building expansion of the thirteenth-century.²⁰⁰

The college did not simply value its property for its rental income. From 1450 its rents, in general, fell.²⁰¹ In 1455, its bailiff could not recover at least twelve rents (worth over £5 collectively),²⁰² it began to list its assize rents in greater detail,²⁰³ and besides increasing rents and farms, it paid greater attention to minor rents and customary dues, and held its tenants' courts with greater assiduity (an attempt not only to forestall debts and mismanagement but

¹⁹⁵Raban, 'The Land Market and the Aristocracy', pp. 241-2.

¹⁹⁶Goddard, 'Bullish Markets', p. 26.

¹⁹⁷See fig. 9.1 in the cartulary's Introduction.

¹⁹⁸*Warwickshire Hundred Rolls*, p. 27.

¹⁹⁹Rees Jones, 'Property, Tenure and Rents', pp. 175, 181-2, 184, 188-9, 200-201, 214-15.

²⁰⁰Hilton, 'Some Problems of Urban Real Property', p. 337.

²⁰¹Styles, *Ministers' Accounts*, pp. 41ff. This experience was mirrored at Oxford and Canterbury - A.F. Butcher, 'Rent and the Urban Economy: Oxford and Canterbury in the Later Middle Ages', *Southern History*, 1 (1979), pp. 37, 43.

²⁰²Styles, *Ministers' Accounts*, pp. 63-6.

²⁰³Styles, *Ministers' Accounts*, pp. 67-71, 115-17, 148-9.

possibly to increase its revenue from their perquisites).²⁰⁴ By the 1480s, it was leasing farms for between seven and twenty-two years,²⁰⁵ and sold wood for a quick and much needed injection of cash as its arrears mounted.²⁰⁶ Yet through this period it did not appear to compromise its capital investment or the gifts and rewards it made those who had rendered various services. Maintaining its levels of capital investment was a common enough phenomenon, based partly on the hope that the repairs would make the properties more attractive to a population with greater choice and expectations regarding the standard of their accommodation.²⁰⁷ Its property was far more than a form of investment though, and this is borne out by those who held from the college and the terms on which they did so. An example is John Stanley, apparently an odd-job man for the college, whose wife was also occasionally employed by the canons, who had his rent paid for by the college while he was still remunerated for the jobs he performed.²⁰⁸ By the time of the college's dissolution the number of cottages in its possession also appears to have increased.²⁰⁹ It is tempting to ascribe these properties and the noticeable proportion of widows and women who held them to a charitable element in the college's rentier ethos, however, they could equally have been the remnant of earlier periods of expansion and a demand for affordable properties. As in York, they were probably the most vulnerable to the effects of a reduced population and a fall in rental values, as rises in real income and standards of living simultaneously raised buyers' budgets and their expectations of accommodation from 1400.²¹⁰ However, their occurrence and occupants in the mid sixteenth-century may well be as eloquent of St. Mary's retention of them throughout the fifteenth-century (and Warwick's poor economic and industrial standing in relation to a city like York, with the implications thereof for the property market) as of growing population levels at the end of Henry VIII's reign. There was, doubtless, an aspect of charity that pervaded the institution's sensibilities as a landlord though. After all, it leased a tenement to its retired

²⁰⁴St. Mary's had the assize of bread and ale among its tenants and held its own court by 1279. By the fifteenth-century it usually held at least two courts annually for its tenants (held on Hockday and Michaelmas). It held a view of frankpledge and suit was owed by its tenants within the county as well as from within Warwick itself. *VCH Warwickshire VIII*, pp. 477-8; Styles, *Ministers' Accounts*, pp. 24-5, 75, 119-20, 153. See Dyer, *Lords and Peasants*, pp. 52, 61, 75-6, 167, 174.

²⁰⁵Styles, *Ministers' Accounts*, pp. 166, 168-9, 172, 177-8.

²⁰⁶Styles, *Ministers' Accounts*, pp. 101, 142, 173, 175; E 315/400, fos. 67r, 102r.

²⁰⁷Rees Jones, 'Property, Tenure and Rents', pp. 263-70.

²⁰⁸PRO, SC 2/207/88, pp. 20, 24, 56-7 (1536-7, 1537-8); PRO, E 315/400, fo. 90v (1543-4).

²⁰⁹PRO, E 315/420, fos. 132r ff. (1545 rental).

²¹⁰Rees Jones, 'Property, Tenure and Rents', chapter 6.

organist for an economically imprudent sixty years,²¹¹ and its holdings in Milverton on favourable terms to an associate of the college for one hundred years,²¹² and in 1540 it paid for the funeral costs (14s.) of a 'man, the wife and childur', presumably unknown to the college and local townsmen; the equivalent of a year's rent from some its properties.²¹³ Property, moreover, supported the canons and their residence, its rents were a vital part of the spiritual economy,²¹⁴ and very often it expressed relationships whose significance went beyond that of landlord and tenant.

The college's use of leasing, urban rents, and its woodland and pastoral resources is duplicated in the economies of its lay counterparts and it would be easy to judge the church in quite stark economic terms. It was never divorced, or even far removed, from the wider economy and its tenants ensured that it faced problems such as manumission and manorial jurisdictions as much as other landlords,²¹⁵ while economic interests dictated that, for example, it protected its rights in pastures from the late fourteenth-century.²¹⁶ However, it would be quite wrong²¹⁷ to see Bishop Whittlesey's statutes of 1367 and the appropriation of Haselor and the other churches, for example, as simply being an excuse to shed its economically redundant churches, such as St. James's, St. John's, and St. Michael's, which were not re-appropriated. St. James's (whose advowson did not belong to the college) was given by the earl to the Guild of St. George the Martyr at its foundation in 1383, and was where the guild's two chaplains celebrated their masses.²¹⁷ The church of St. John in Warwick's market place had, by 1410, become the site of the college's grammar school,²¹⁸ while that of St. Michael continued to serve as a chapel for the hospital to which it was effectively annexed. Even St. Laurence's, although apparently appropriated for its tithes and tithe barn (its parishioners having been transferred to St. Mary's) was still assiduously kept in good repair,²¹⁹ and various services were

²¹¹No. 326.

²¹²No. 324.

²¹³PRO, E 315/400, fo. 67r.

²¹⁴See nos. 106-7, 120, 311, 340-2.

²¹⁵Nos. 134-5, 224, 255, 316; Styles, *Ministers' Accounts*, pp. 25, 77; PRO, E 315/400.

²¹⁶Nos. 316, 352.

²¹⁷*CPR 1381-1385*, p. 263.

²¹⁸Styles, 'Financial Account', p. 148+n.; *Ministers' Accounts*, pp. xvii-xviii, 72+n.

²¹⁹Nos. 124, 320; Styles, 'Financial Account', p. 143; *Ministers' Accounts*, pp. 3, 18, 43.

still held there and its oblations formed an integral part of the college's finances.²²⁰ The college's property, spiritual and secular, served more purposes than simply that of income generation. Given this, not only should their value to the college not merely be assessed on purely fiscal criteria, but one must also acknowledge, in consequence, the limitations of such a perspective in judging the college's role in, and its reasons for, acquisition.

This is especially true of the post-plague period when it is more evident than ever that as much as the college worked within the financial constraints of the economy and those of estate management practices, it was equally influenced by socio-religious change. The creation of St. George's Guild, and that of Holy Trinity and St. Mary (based in St. Mary's) in Warwick in 1383 might be seen to have provided 'competition' for endowments and obits,²²¹ but their relation was much closer. The chaplain of the college's own chantry exchanged his annual stipend of over £5 with the Holy Trinity Guild for a pension of over £4, cloth for the gild's livery and accommodation.²²² Likewise, when a chaplain granted the gild a tenement for an obit, if the gild failed to honour its obligations the property was to revert to the college.²²³ Changes in almsgiving, the increasing popularity of obits and chantry foundations, and the place of patronage all carried implications for St. Mary's role in, and need for, acquisitions, but also further grounded the college in the community it served, reinforcing its spiritual and liturgical ties with socio-economic ones.

In this light, the college's role as an acquisitive force in the property market does not sit as well as that of a defender of the revenues invested by others in its spiritual economy for their own celestial returns. Like the lay aristocracy and many other landlords, property was acquired to realise fairly specific intentions and acquisition was rarely, if ever, an institutional end in itself.²²⁴ One might even say that any 'aggressive' action in this area was considered the role of the patron, even the local diocesan, but this is not to say that the college and its canons

²²⁰Styles, 'Financial Account', p. 158; *Ministers' Accounts*, pp. 11, 43. It was his celebration of St. Laurence's feast day that got Canon Watwood committed to Warwick gaol in 1536 (*Letters and Papers of Henry VIII*, vol. 11, pp. 172-3, nos. 431-2).

²²¹*CPR 1381-1385*, pp. 263, 268, 271; PRO, C 143/419/7; *CPR 1391-1396*, p. 170; PRO, C 143/420/8; *CPR 1391-1396*, p. 149. Both guilds merged between 1392 and 1415 (*CAD*, iii, A 9044; *VCH Warwickshire VIII*, p. 479).

²²²No. 342.

²²³No. 311. The gild's documents also appear to have been housed in the college's treasury.

²²⁴These might be economic or spiritual; see Chapter 5.

were therefore passive. As with their lay and monastic colleagues, maintaining the integrity of their fee (whatever its form) was a prime objective, and the college could be vigorous in the defence of its jurisdictions and property, and made frequent use of the courts (lay and ecclesiastical) in doing so. Rather, a seeming lack of acquisitiveness stemmed from a perception of land and its role in society; to cite Sandra Raban on the lay aristocracy of the thirteenth-century: "...land purchase was not governed by simple commercial motives. Land underpinned social identity; it was a means, not an end in itself."²²⁵ As with lay landlords, direct purchase was almost a last option. For although land and property were integral to the college's own social and religious identity, it also simultaneously exploited the need for its benefactors (lay and ecclesiastical) to establish and express their own. More than a landed economy, it was a market that traded in social prestige and identity, and thus as much as it tried to secure its own, it was symbiotically nurtured by the needs of others. Its involvement in the land market itself was confined almost to the fringes, with exchanges, reversions, recoveries and leases. It operated largely within existing spheres of influence, whose bounds were set principally by its endowment and patron. It made use of existing contacts and the social and economic frameworks it already operated in: the parish community, the earl and his affinity and diocesan structures.

The college was defensive before acquisitive. Property was inevitably lost and jurisdictions were undermined; not only by the vicissitudes of the medieval economy but by the very constitution of the college, whose increasing centralisation and supervision noticeably tamed its inherently divisive elements but which always gave some scope for individual ambition and abuse to prevail.²²⁶ How, then, should we view the college and its actions with regard to its property and income? On the one hand there are remarkable similarities with the experiences and strategies of lay landlords, yet dynastic and even social considerations distanced this group from their ecclesiastical counterparts (although there may have been some overlap when it came to the activities of individual canons). On the other, there are the distinct circumstances and considerations presented by the 'spiritual' economy. These equipped the college with other forms of support, other avenues of 'acquisition', and imbued its tenurial associations with a significance beyond the purely economic. The college was both a landlord and a provider of religious services; it had a parochial as well as liturgical role, and it was

²²⁵Raban, 'The Land Market and the Aristocracy', p. 259.

²²⁶*Letters and Papers of Henry VIII*, vol. 13, pt. 1, p. 445, no. 1202, vol. 13, pt. 2, p. 203, no. 515.

intrinsically connected with the earls of Warwick and their *caput honoris*. The college operated comfortably, if not always easily, within both these economies, which converged at St. Mary's. This intersection is perhaps most apparent in the actions of individual canons and clergy who participated in both economies and, like John Verney,²²⁷ in the administrations of the earl, college and diocese, at the same time serving their own ends as well as those of the collegiate church and their employer. Each economic sphere guided, even set various limits on, the college's actions in regard to its possessions, but perhaps none more so than the initial endowment, and at the very end it was the provision of services that constituted its founding purpose and its endowment that ensured its fulfilment. The purpose and role of the college and its canons was to ensure that the two remained in alignment and sympathy.

²²⁷John Verney was receiver-general of the earl of Warwick, 1430-1, and was in the earl's service from 1420. He was a canon of St. Mary's from 1431 until his death in 1457. His brother was Richard Verney, lord of Compton Mordak. In December 1432 he became dean of Lichfield, and in 1438 the archdeacon of Worcester. He farmed the manor of Compton Mordak in 1448-9 and was the college's treasurer in 1432-3 (see Biographical Index; Styles, *Ministers' Accounts*, pp. 1+n., 7, 14, 19, 30, 63; C. Ross, *The Estates and Finances of Richard Beauchamp, Earl of Warwick* (Dugdale Society Occasional Paper, 12, Oxford, 1956), pp. 7-8).

Chapter 5

Patronage and the Collegiate Church

Postmodum vero, tanquam canis ad vomitum rediens, eandem ecclesiam . . . dicitur vendidisse.¹

The above excerpt from a papal mandate of Lucius II concerning relations between the Warwick college and its patron, Earl Roger, in the spring of 1144, is eloquent (graphic imagery aside) of both the potential for exploitation of the collegiate church, with all the implications this carries for our interpretation of its role in medieval society, and, correspondingly, of how many historians perceive the lay patron, the secular college and even patronage itself. More than a simple illustration, or even a vindication, of the circumstances behind the Gregorian Reform movement, the example speaks of the very real influence of lay *dominium* over the church. It is the purpose of this chapter to explore whether this influence was a substantive factor in St. Mary's history and daily functioning, its extent and its ramifications. Indeed, whether it is useful as the foundation, an historiographical totem, of discussions surrounding ecclesiastical patronage. In endeavouring to discover how best to characterise relations between the college and its patrons, it will be necessary to take into account not only the patronage of the earls of Warwick, but also that of the urban community and political society in which it operated; to recognise the contribution of royal and papal agency, and the influence exerted by the structures within which the college itself and its constituent clergy functioned. The benefits to patrons are well rehearsed in many studies and generally seem to be even more considerable for those in 'possession' of secular colleges, where the ability to manipulate is supposedly much greater. While surveying, then, what benefits did accrue to the patron, it will also be pertinent to examine how one-sided the patronal relationship actually was - the place of the clerks, the degree and form of any protection they received as a community, and, if the college suffered harm, whether its incidence was intentional. Through such inquiries one may ascertain more of the identity of the church, its interaction with, and significance in, wider society, and if and how these elements changed over time. Collegiate churches have been very

¹"Indeed, afterwards, like a dog returning to his vomit, he is said to have sold the same church..." (Pope Lucius II to the bishop of Worcester concerning the repeated sale of St. Mary's advowson by its patron, Roger, earl of Warwick; 1144), *PUE*, i, no. 29, p. 256. The biblical reference is to Proverbs 26:11, "As a dog returneth to his vomit, so a fool returneth to his folly."

much defined in terms of their founders and what use they were put to by their patron. In the following discussion the validity of this viewpoint will be tested and we should be able to see whether this use is, relatively, constant; whether it differs over time or simply with historians and their own perspectives.

The essential reasons for St. Mary's foundation have been discussed in a previous chapter. These, briefly, were a means of rewarding clerical personnel, to provide spiritual intercession for the patron, his family and the king, and because it presented a solution to the problem of the Saxon church of All Saints which, with its clerical community, now found itself in the midst of an operational fortress. The choice of a secular college was also made in the context of the Norman reorganisation of the Church, family tradition and continental practices. Furthermore, it was a means of both cultural (and political) expression and assimilation, hence it gave the Saxon college and its clergy, their *parochia* and much of their endowment a visible degree of continuity while simultaneously endowing the new institution with a manifestly Norman identity. Thus, the new college preserved existing clergy, even institutions and their jurisdictions, and yet brought them firmly within the jurisdictional embrace of the newly created earls. Similarly, it granted the earl the means to meet administrative and bureaucratic needs, and the ability to use its endowment and jurisdictions to preserve and forge links between his *caput*, a growing urban centre, and the surrounding countryside.² Most of these reasons are equally applicable to many of the other colleges founded within the two or three generations following the Conquest. Fundamental to most of these foundations, however, seem to be two key elements: a spiritual motivation (generally with an intercessory/memorial aspect) and a practical one, the provision of patronage for clerks in the founder's household, secretariat or affinity.³ This view is very generalised though, and the success of the Augustinian and other regular orders from the reign of Henry I, and their popularity with aristocratic and ecclesiastical founders, while commonly acknowledged as the root cause for the declining numbers of secular colleges, means that our ability to test the legitimacy of these reasons and their long-term applicability is diminished appreciably. The colleges' frequent conversion into fashionable Augustinian houses bequeaths the impression

²For further discussion of these points see Chapters 1 and 4.

³Two motivations and interpretations that are most vivid in the history and literature surrounding the Earl of Shrewsbury's college at Quatford (*VCH Shropshire II*, p. 123; Clark-Maxwell and Hamilton Thompson, 'The College of St. Mary Magdalene, Bridgnorth', pp. 1-2, 24-5.

of corrupt, ill-organised and distinctively secular communities whose spiritual duties would be better served by their monastic counterparts.⁴ While one may argue against the relative disorganisation and degeneracy of the secular college versus the popularity of the Augustinian order, the fact that so many colleges were supplanted by regular houses incidentally strengthens the position of secular colleges' spiritual/intercessory and memorial role. For while administrative convenience (in the form of provision for clerical adherents) is routinely cited as a reason for foundation,⁵ if their merit lay here it is surprising that so many were converted. Moreover, those that survived were often those institutions which served important administrations.⁶ Administrations which were, themselves, often experiencing considerable bureaucratic growth as jurisdictions and their attendant administrative machinery developed apace. This scenario also fits with the foundation of many of the colleges by bishops and the action of the king in avidly protecting his colleges which collectively became the royal free chapels.

As we have seen in Chapter 3, for prelates in particular, colleges might represent more than a mode of clerical patronage, and were also a form of investment, with a role to play in the division of the *mensae episcopales et capitulares* and the relations between bishop and chapter. The concept of investing property in a secular college, not only for a spiritual return, but as a means of safeguarding the property whilst not losing all access to it or benefits from it, is quite applicable to colleges of lay foundation. Indeed, there may have been an element of this in St. Mary's foundation. If so, this is important here not so much for the foundation of colleges in general, although there are obvious implications and it strengthens the argument proposed earlier for colleges of episcopal foundation, as it is for the significance it bears for the long-term relationship between college and patron.

Earl Henry de Beaumont died in 1119 and shortly afterwards it would appear that Geoffrey de Clinton was appointed as sheriff of Warwickshire, and certainly held this position by 1121.⁷ Clinton was established in the county and this post by the king as a counter to the

⁴Brett, *English Church under Henry I*, p. 139.

⁵See notes 75, 79-80 below.

⁶See notes 75, 79-81.

⁷This paragraph reprises the work of David Crouch, 'Geoffrey de Clinton and Roger, Earl of Warwick: New Men and Magnates in the Reign of Henry I', pp. 113-24. See also J.A. Green, *English Sheriffs to 1154* (Public Record Office Handbooks 24, London, 1990), p. 83.

powerful earl of Warwick, and his position was funded by the enforced enfeoffment of some of the earl's estates. Earl Roger, who succeeded to the earldom in 1119 was something of a loose cannon. He held a powerful place in the Midlands as one of the king's wealthiest magnates and yet was not tied to the king's *curia* and, at the time of his succession, his brother, Robert, was in open rebellion against Henry I. Therefore, Clinton was established in nearby Kenilworth and by 1124 was in receipt of a large estate from Earl Roger, who had been forced by the king to enfeoff the new *curialis* and to estrange a large part of his honour to do so.

Roger had fulfilled the king's fears, and knocked a hole in the loyal Midland power block. It was a way to redress the balance by inducing Roger to enfeoff the sheriff. This both reduced the earl's power and gave Geoffrey a measure of military force to back him up the county. Such a forced enfeoffment was not unique.⁸

Clinton's rise to power was curbed, however, in 1129 when the Beaumont family returned to royal favour and their position at court. Earl Roger was brought within the curial fold and their position was strengthened still further on the accession of King Stephen, placing Clinton increasingly at the mercy of Earl Roger, and the Clinton threat (posed mainly by his barony) was eradicated by 1138 when the two men settled their differences in a treaty.⁹

Was, then, St. Mary's founded, in part, as a means of Earl Roger protecting something of his patrimony from the king and Geoffrey de Clinton *c.* 1123? At the very least this might explain something of the size of its endowment. For even if such a donation would necessarily limit the earl's use of his land, it would certainly constrain that exercised by Clinton. The timing of the foundation seems to fit with political events – Clinton not having received any of his barony in 1123, but instead towards the end of 1124. His installation as sheriff, however, had been achieved by 1121, and when, in October 1123, Roger's cousins, Count Waleran of Meulan and Earl Robert of Leicester, also openly led a rebellion against the king,¹⁰ it signalled a dramatic blow to Earl Roger and his relations with the Crown, and the creation of Clinton's barony as a check to the earl's dominance of the midland power block. It is thus safe to assume that the threat posed to Earl Roger by Clinton was quite apparent to the earl by 1123, who may well have known of his cousins' complicity with the conspirators, and their secret meetings, in 1122, and who was left in England with a monarch increasingly wary of his power and

⁸Crouch, 'Geoffrey de Clinton and Roger, Earl of Warwick', p. 118.

⁹Mason, *Beauchamp Cartulary*, pp. 162-3.

¹⁰Crouch, *Beaumont Twins*, pp. 13-24; G.H. White, 'The Career of Waleran, Count of Meulan and Earl of Worcester (1104-66)', *Transactions of the Royal Historical Society*, 4th ser. 17 (1934), pp. 23-5.

affiliations. Of course, Roger may have simply been fulfilling “the virtuous purpos of his fader”,¹¹ but the relative alacrity of the foundation begs the question why the hurry? He was possibly still in his minority and had only recently acceded to the earldom.¹² It was more conventional for such projects to be contemplated in later life, when one’s fortunes and position were more secure.¹³ The sense of haste is compounded, moreover, by the fact that he was simultaneously completing the foundation of St. Sepulchre’s Priory and possibly beginning that of St. Michael’s hospital in the town,¹⁴ and all during a vacancy in the see of Worcester which was not to be filled until 1125.¹⁵ This in spite of the provision of the council of 1102 concerning the necessity of episcopal consent for grants of churches or tithe to clerks or monks (re-iterated and enlarged upon in 1125).¹⁶ If these endowments were not to directly protect his core estates from complete enfeoffment, they would nevertheless consolidate his local connections and affiliations, and may also have been inspired by a desire to harness divine support by securing the prayers of these religious communities. At the same time they could have acted as an appeasement, for St. Mary’s canons were to pray for the king and queen,¹⁷ while the foundations would also show that, besides having the support of the Almighty, the earl was investing in churches not war – a gesture both of his piety and peaceable intent. Nevertheless, an underlying threat could possibly be construed from his actions: his benefactions made while he was so young issuing a subtle statement as to his power, position and wealth and his confidence in them despite his tender age and recent succession.

The above theory may appear too convenient, even a little improbable. There are several questions that would have to be reconciled with it, for example how much of the endowment came from All Saints rather than the earl’s honour, that Roger’s youth was not an issue given that he still had his father’s advisers around him (who would wish to see his father’s wishes realised and would probably support the idea of a secular college) and that an episcopal vacancy would be just the time to make such grants, lessening as it would the scope

¹¹*Rous Roll*, c. 32. See also no. 20, fo. 11v. and Chapter 1.

¹²*Complete Peerage*, XII pt. 2, p. 361.

¹³For example, Quatford, founded by the Earl of Shrewsbury (*VCH Shropshire II*, p. 123).

¹⁴Knowles and Hadcock, *Medieval Religious Houses*, pp. 178-9, 401; *Rous Roll*, c. 32; no. 23.

¹⁵*Handbook of British Chronology*, p. 278.

¹⁶1102 - *Councils and Synods I*, ii, pp. 668-88; Westminster 1125, c. 4. - *Councils and Synods I*, ii, p. 739; Brett, *English Church under Henry I*, pp. 143-4; see note 28 in Chapter 4.

¹⁷No. 20.

for objection. These points can equally support the thesis though. The disbandment of the clerical community in the castle could potentially mean the release of important rights and properties centred on Warwick and its hinterland, territory that the earl could not afford to fall into the wrong hands. The best way of protecting these possessions would be to transfer them to another ecclesiastical institution. Just as his advisors and clerical personnel would have been interested in these foundations, they also probably had the political acumen to realise the gravity of the young earl's situation and the threat posed by the new sheriff.¹⁸ Moreover, the episcopal vacancy meant a power vacuum and the removal of a figure who could potentially side with the king and foil any transfer of property to the new college by using the legislation of 1102 against the earl and his college. Perhaps this is why Roger did not seek confirmation of the transfer until the third year of Bishop Simon's episcopate, waiting for tensions to ease and to gauge the new bishop's stance and affinities.¹⁹ Certain elements may well, then, have had a part to play, and may have blended in various combinations with other factors in the college's foundation to influence and determine the motivations behind, and the form of, St. Mary's collegiate church. Certainly, it highlights how politicised patronage and, at this period, the foundation and retention of secular colleges was. This is manifestly reflected in the histories of the bishops and their colleges,²⁰ the royal free chapels,²¹ and other collegiate institutions like that at St. Andrews,²² besides St. Mary's.

The potential for using a collegiate church as almost a haven in which to invest property, beyond the investment of property for essentially spiritual rewards, carries a range of implications for future relations between a college and its patrons. Accordingly, it is pertinent to ask how closely St. Mary's was connected to the earl and his territorial position in Warwick, and of its place in the control, administration and development of the borough. Leading from this, is a question of the extent to which a collegiate church like St. Mary's had its own identity, as separate from that of its patrons, the earls of Warwick. Something has already been said of the concern of ecclesiastical authorities in the twelfth-century over the lay

¹⁸Crouch, 'Geoffrey de Clinton and Roger, Earl of Warwick', pp. 121-2; 'Local Influence', pp. 5-8; nos. 7-8, 11-14, 17.

¹⁹No. 21.

²⁰See Chapter 3.

²¹Denton, *English Royal Free Chapels*, especially chapters 2-3; Styles, 'Early History of the King's Chapels', pp. 56-95.

²²Barrow, 'Cathedral Chapter of St. Andrews and the Culdees', pp. 23-39.

control of churches and tithes and the transition from seigneurial *dominium* to the *ius patronatus*.²³ The resulting right of advowson has received mixed interpretations amongst historians;²⁴ Burton seeing the endowment of monasteries with parish churches as largely the result of the gentry and nobility being left with “possessions from which they could no longer derive much financial profit,”²⁵ while those adopting the gentry’s perspective generally see advowsons as assets, important for the patronage they bestowed as seigneurial, royal and ecclesiastical administrations grew.²⁶ The transformation in the patron’s rights by the Church, although able to limit seigneurial influence, was never able to divorce the feudal element or questions of lordship from patronage.²⁷ As is plainly evident in St. Mary’s case, family and feudal relations combined not only in the establishment of its community of canons, but in its consequent growth. This was true for most religious communities,²⁸ and at St. Mary’s we have seen the influence of this interplay in the church’s foundation, the election of its dean, in its acquisition of property (reliant to a considerable degree on the form of the college’s endowment and the subsequent fortunes of the earldom).²⁹ As we shall see presently, it was also active in such areas as the patron’s appointees to canonries, the relationship between the college and his affinity, and the place of the church in the family’s affections and socio-religious identity.

The importance of these feudal and seigneurial links, leads us to question the degree to which the patron was actually dissociated from the churches and property he had invested. Beyond the spiritual services and hospitality he might receive, and a general interest in the house’s welfare, the patron usually had custody of a house’s possessions during a vacancy. At St. Mary’s this was likely to be the deanery and its profits. A patron also usually had some voice in elections, giving his consent to the nominee with some informal influence. At Warwick the earl had wrested complete control of the election of the dean by 1286, and held

²³See Chapters 1, 3 and 4; Cheney, *From Becket to Langton*, pp. 123-5, 154; Addleshaw, *Rectors, Vicars and Patrons*, pp. 4-11, 17-23; *The Carolingian Era*, pp. 9-10; Kemp, ‘Monastic Possession of Parish Churches’, pp. 133-5; Haines, ‘The Practice and Problems of a Fifteenth Century English Bishop: The Episcopate of William Gray’, *Medieval Studies*, 34 (1972), p. 449.

²⁴See also Lennard, *Rural England*, p. 319.

²⁵Burton, ‘Monasteries and Parish Churches’, p. 39.

²⁶Newman, ‘Greater and Lesser Landowners’, pp. 281, 286; Cross, *Lordship, Knighthood and Locality*, pp. 265-9.

²⁷Wood, *English Monasteries and their Patrons*, pp. 11-12, 16, 21.

²⁸S. Thompson, *Women Religious: The Founding of English Nunneries after the Norman Conquest* (Oxford, 1991), p. 161.

²⁹See Chapters 1-4.

this presentative right (with that of all the canonries) formally by 1367.³⁰ Informally, his relation to the church's property invested by him may have been much closer. Wood, in addition to stressing the fact that patronage was essentially a feudal relationship, ascribes much of the patron's activities to a sense that he still possessed the land he had donated and saw it, with the religious institution, as part of his honour or fee. Thus, he had little compunction in alienating this property, yet reacted strongly against the alienation or subinfeudation of others. His protection of the house and his help in lawsuits stemmed, at least in part, from a proprietary interest, as often did any interference on his part or disputes with the house.³¹ If these ties to 'his' property, and his sense of ownership vis-à-vis both property and religious community, were so evident in regard to religious houses, how much stronger were these sentiments in the context of secular colleges in lay, seigneurial 'ownership'?

For St. Mary's, something of these 'feudal' and proprietary concerns are apparent in the case of Budbrooke church in the first half of the twelfth-century, which had been granted to the college at its foundation,³² but before 1133 had become part of the barony of Geoffrey de Clinton and had been granted by him to his newly founded Augustinian priory at Kenilworth.³³ It thus seems very likely that St. Mary's was drawn into the political tensions surrounding Earl Roger and Clinton and was affected by the forcible enfeoffment of some of Earl Roger's property to Clinton. This further strengthens the argument for the earl's investment in the college as a means of, in part, safeguarding his patrimony, although the Budbrooke grant appears to have been effected with St. Mary's consent, their having agreed with Clinton that he might grant the church to Kenilworth in return for the Augustinians paying the secular canons an annual pension of a mark of silver.³⁴ However, by 1160 the church had passed to Robert de Curli, who then surrendered it to St. Mary's,³⁵ and his family finally quitclaimed all rights to the church in 1227.³⁶ The example shows how easily lay

³⁰See Chapter 2 and no. 124 in the cartulary.

³¹Wood, *English Monasteries and their Patrons*, pp. 11, 16, 36, 38, 143, 159-61.

³²Nos. 20-1.

³³Crouch, 'Geoffrey de Clinton and Roger, Earl of Warwick', p. 117+n.

³⁴BL, Harley MS 3650, fo. 13r; BL, Additional MS 47677, fo. 261r-v; C. Watson, 'Edition of the Kenilworth Cartulary' (unpublished D.Phil. thesis, 2 vols., University of London, 1966), pp. 299, 734-5; *Notices of the Churches of Warwickshire: Deanery of Warwick*, 1 (Warwickshire Natural History and Archaeological Society, Warwick, 1847), p. 101.

³⁵Nos. 14-15.

³⁶*Warwickshire Feet of Fines* I, no. 428; *Churches of Warwickshire*, p. 102.

concerns could intervene in a church's possessions (for it is unlikely that the college willingly and spontaneously granted one of its most prosperous and only recently acquired churches to another house, and one whose patron was in direct conflict with theirs), and provides further evidence of the real likelihood that St. Mary's was drawn into the territorial rivalry between Clinton and Earl Roger.

Nowhere are the seigneurial *dominium* of the college's patron and his family and feudal concerns more in evidence than in his grant of St. Mary's to the archdeacon of Coventry.³⁷ This case has been cited several times already in previous chapters, but it is important to note here that it was Roger's brother, Rotrou, bishop of Evreux, who complained to Pope Lucius II about the grant and the intrusion of another dean. Doubtless some Gregorian sensibilities were touched? Perhaps more relevant were family issues, Crouch hypothesising that Roger had promised his brother patronage of St. Mary's, and upon this being given to Richard Peche the archdeacon, Rotrou fell out with Roger and stirred up trouble for him with the pope.³⁸ Given the brotherly dispute, the charges that Roger held the college badly and had often sold it,³⁹ might have been exaggerated, but there is no doubting that Roger saw the college as his to give away as he pleased, and that Rotrou was not only happy to receive it but also saw it as a family church.

The fact that a church could be so closely linked to its patron enabled it to be used almost as an adjunct of his territorial authority and domain. The importance of securing local power and loyalty is widely acknowledged and, as in the case of Geoffrey de Clinton, frequently carried implications on a national level.⁴⁰ For the earls of Warwick it was important to be able to dominate the county and local administration, and patronage was increasingly

³⁷*PUE*, i, no. 29, p. 256.

³⁸Crouch, 'Local Influence', p. 7; *Beaumont Twins*, pp. 55-6. Crouch goes further and suggests that there was a 'major row' between the two brothers and that having taken the case to Rome in 1144 (as we see here), returned in 1145 with the papal legate, Imar (*Regesta Regum Anglo-Normannorum*, iii, no. 460), "plainly trying to gain the support of the English episcopate against his brother" (Crouch, *Beaumont Twins*, p. 56). Rotrou and Imar only happen to witness the same document, however, and the legate's involvement in the dispute remains a matter of conjecture.

³⁹"...conquestus est, quod Rogerius comes frater suus ecclesiam de Warwic, quam diu male tenuerat et contra Deum et anime sue salutem sepe vendiderat, ... libere dimisit" (*PUE*, i, no. 29, p. 256).

⁴⁰Crouch, *Beaumont Twins*, pp. 205, 213; 'Geoffrey de Clinton and Roger, Earl of Warwick', p. 113; Carpenter, 'The Beauchamp Affinity: a study of bastard feudalism at work', *English Historical Review*, 95 (1980), p. 517; Britnell, *Commercialisation*, pp. 72, 148-9, 225; Franklin, 'Daventry', p. 101; Crosby, *Bishop and Chapter*, p. 359; Hunt, 'Families at War', pp. 18-22.

used to secure local support, cement loyalties, besides churches' role in publicly presenting the status of its patron and his family and their place in local society.⁴¹ St. Mary's was only part of the earls' investment in the town, and their stake here also took the form of significant property holdings,⁴² the revenues from the mediatized borough,⁴³ and the strong jurisdiction they held over it. The royal borough was mediatized to the earls shortly after 1086 and, from 1263 at the latest, until 1604, the manor of Warwick (*alias* the town or borough) was considered an appurtenance of the castle and descended with it.⁴⁴ The town was consequently administered by the earl's steward and bailiffs, as effectively part of the earl's lordship and, in the fifteenth-century at least, the stewardship of the borough and the office of constable of Warwick Castle were generally united in the same person.⁴⁵ Although one manor, two separate courts were held; one for the 'borough' within the walls and another for the town's suburbs and outlying hamlets.⁴⁶ The town's prominence derived from its status as the shire town and the seat of county administration and as the *caput honoris* of its earls. Its commercial significance and municipal autonomy were both restricted; largely the result of the strong presence of the earls. Warwick was essentially an administrative and market centre, its trade and industry substantially reliant upon the castle and its own rural hinterland (being dwarfed by the commercial and industrial might of nearby Coventry and increasingly outstripped by such towns as Droitwich, Stratford, Birmingham and Evesham).⁴⁷ By the beginning of the thirteenth-century it hosted the justices in eyre, the King's Bench and the county sessions of the peace, and its gaol and county hall of pleas existed to support these circuits.⁴⁸ Tolls and

⁴¹Carpenter, 'Beauchamp Affinity', p. 517; 'Religion and the Gentry', pp. 66, 69; Crouch, 'Local Influence', pp. 4-5, 9; Mason, 'Timeo Barones', p. 62; Barrow, 'Cathedrals, Provosts and Prebends', p. 563-4.

⁴²See Chapter 4; Hilton, 'Some Problems of Urban Real Property', pp. 330-2, 335; Hilton (ed.), *Ministers' Accounts of the Warwickshire Estates of the Duke of Clarence, 1479-80* (Dugdale Society, XXI, 1952), pp. 1-28; H.A. Cronne, *The Borough of Warwick in the Middle Ages* (Dugdale Society, X, Oxford, 1951), pp. 3-21; Raban, 'The Land Market and the Aristocracy', p. 249.

⁴³Cronne, *Borough of Warwick*, pp. 13, 18; Tait, *Medieval English Borough*, pp. 154-5; *VCH Warwickshire VIII*, p. 476.

⁴⁴*Cal. Inq. p.m.*, i, p. 169; Cronne, *Borough of Warwick*, p. 13; *VCH Warwickshire VIII*, pp. 464-5, 476.

⁴⁵*VCH Warwickshire VIII*, pp. 465, 474, 476-7; Cronne, *Borough of Warwick*, pp. 3, 19-21.

⁴⁶*VCH Warwickshire VIII*, pp. 476-8; Cronne, *Borough of Warwick*, pp. 20-1. These courts were held in addition to those of 'pie powder' held during Warwick's fairs, and those belonging to the 'franchises' of the Templars and institutions such as St. Mary's and St. Sepulchre's. The distinction between borough and the suburbs was also made in various taxations, and in St. Sepulchre's courts (Hilton, *Medieval Society*, p. 174; *VCH Warwickshire VIII*, pp. 477-8; Cronne, *Borough of Warwick*, p. 17).

⁴⁷Hilton, *Medieval Society*, pp. 169, 174-6, 199, 220; Cronne, *Borough of Warwick*, p. 14; M.A. Hicks, *Warwick the Kingmaker* (Oxford, 1998), pp. 54-5.

⁴⁸*VCH Warwickshire VIII*, p. 447.

fairs were granted to the town by various earls,⁴⁹ but the medieval town was never prosperous and despite one reference to a mayor in 1280 (an “ephemeral title”),⁵⁰ its burgesses lacked any real political independence, the town only achieving incorporation in 1545 when the earldom was in abeyance.⁵¹ Cronne suggests that those benefits granted by the earls to the town’s citizenry were as much to enhance their own dignity as for the advantage of the town,⁵² and Hilton delights in its political backwardness and economic stagnation, the result of seigneurial dominance and the “shadow of the castle.”⁵³

The result is that historians have placed the poor economic and civic performance of the town at the earls’ door,⁵⁴ the strength of their control and presence stifling economic growth, investment, and the development of municipal freedoms. Warwick was not an anomaly though, and Cirencester, Evesham and Pershore were all dominated by various religious houses, and while the strength of the earls’ lordship was undoubtedly a factor in the town’s economic fortunes, the proximity of Coventry and its distance from important roads and trade routes may have been equally significant, and it is interesting that Warwick’s economic rise from the seventeenth-century coincides with not only the town becoming a focus for county social life but also with its challenge to the mercers and tradesmen of Coventry. Increasingly the town was taking retail trade from Coventry as its political and administrative functions drew in the leading gentry and a variety of professionals who were inevitably followed by retailers.⁵⁵ The earls were thus possibly less of a factor than the mechanisms of trade and the *foci* of the county’s political and social élite. In the fifteenth-century, Carpenter notes, Warwick “was not a place where the gentry liked to gather, unless surrounded by the earl, or bound there on business which could be done nowhere else.” Warwickshire’s gentry gravitated more towards the west where most of the earl’s estates lay.⁵⁶

⁴⁹Cronne, *Borough of Warwick*, pp. 5, 14, 16-18; *Rous Roll*, caps. 15-16, 37, 47-8, 50, 54; Hicks, *Kingmaker*, p. 56.

⁵⁰Hilton, ‘Some Problems of Urban Real Property’, p. 330; *Warwickshire Hundred Rolls*, p. 26; Hilton, *Medieval Society*, p. 221n.; Cronne, *Borough of Warwick*, p. 20+n.

⁵¹WRO, CR 1618/WA 1/1; PRO, C 66/772 m. 23 (enrolled); *Letters and Papers of Henry VIII*, vol. 20, pt. 1, p. 419 (calendared); *VCH Warwickshire VIII*, p. 490; Cronne, *Borough of Warwick*, pp. 14, 21.

⁵²Cronne, *Borough of Warwick*, p. 6.

⁵³Hilton, *Medieval Society*, pp. 169, 174, 199, 220; ‘Some Problems of Urban Real Property’, pp. 332, 335.

⁵⁴K.J. Allison, ‘Political and Administrative History to 1545’ in *VCH Warwickshire VIII*, p. 476; Carpenter, *Locality and Polity*, p. 18.

⁵⁵R.M. Berger, *The Most Necessary Luxuries: The Mercers’ Company of Coventry, 1550-1680* (Pennsylvania, 1993), pp. 86-8, 179.

⁵⁶Carpenter, *Locality and Polity*, p. 339.

But what was St. Mary's role in this 'stagnation'? Was it used as an imperious tool of the earls? Moreover, what did the earls' presence mean for the college - for its economic fortunes and identity; and did it lead to an over-reliance on the earls for financial help?

If the college played any such part in the field of seigneurial dominion it was at the beginning of its history. In the time of Earl Roger's cousins, the Beaumont twins, there was "little evidence of any self-government" among their towns, although communal identity had begun to grow.⁵⁷ Lords of urban manors and seigneurial boroughs were generally loathe to relax their control over their towns and burgesses and often

...retained a strong vested interest until late in the Middle Ages, probably to preserve their local status and the various claims over their tenants which would prove useful in time of financial instability, war or civil unrest.⁵⁸

Before 1180 especially, urban self-government was rare.⁵⁹ But seigneurial boroughs such as Warwick may also represent the seat of a noble and his honour, and lordship was as much about attracting loyalty and respect as commanding various services and dues. The collegiate church could play an important role in both. At Crediton, indeed, Bishop William Brewer created a borough around the existing college, bolstering the patronage the latter afforded with a territorial power-base firmly under his jurisdiction and to which he could not only retire but, if the experience of the 'new town' of Stratford-upon-Avon is any guide, would also prove a profitable enterprise as well.⁶⁰ As for Warwick, we have already seen that St. Mary's and its endowment could have been used as a means of stimulating urban growth, providing an important link between urban and rural economies, encouraging investment in the town and in itself.⁶¹ Furthermore, it would have opened up urban investment through the leasehold properties it made available. The link with rural society was particularly important at a time when the town was still growing, and there is no reason why the church, besides meeting new spiritual demands, could not consolidate existing territorial links between Warwick and its hinterland. Moreover, the earl retained an important stake in, and influence over, the church

⁵⁷Crouch, *Beaumont Twins*, p. 180.

⁵⁸Platts, *Land and People in Medieval Lincolnshire*, p. 212.

⁵⁹Britnell, *Commercialisation*, p. 73.

⁶⁰*EEA XI: Exeter 1046-1184*, p. lxxv, nos. 241-2. For Stratford, established by the bishop of Worcester, John de Coutances, c. 1126, see E. Carus-Wilson, 'The First Half-Century of the Borough of Stratford-upon-Avon' in R. Holt and G. Rosser, *The Medieval Town 1200-1540: A Reader in English Urban History* (London, 1990), pp. 49-70; Dyer, *Lords and Peasants*, pp. 60-1. Medieval Westminster is also a prime example of these trends: G. Rosser, *Medieval Westminster 1200-1540*, (Oxford, 1989), especially pp. 45-80.

⁶¹See Chapter 4.

and these links by virtue of his position as patron (and its close connection with lordship) and the piecemeal nature of the college's endowment. St. Mary's also helped his status as a patron and lord, and that of his *caput*. Its extensive parochial jurisdiction was also another unifying factor both within the town and without.

Consequently, we can recognise the importance of an institution like St. Mary's in the life of a town like Warwick, and some of the benefits it held for the earl as patron. Depending upon the extent to which one wishes to push the relationship between patronage and lordship, it may be possible to regard the college and its property as effectively belonging to the earldom and thus necessarily complicit in stifling autonomous municipal government. However, it is more likely that the relationship between church, town and patron/lord was much subtler and less conspiratorial. Sarah Rees Jones has identified the growth of ecclesiastical fees in York as a possible threat, and spur, to civic freedoms and self-government and the use of their courts to control tenurial transactions (principally alienations and the inheritance of property) within their fee.⁶² The situation at Warwick was, of course, different, with no established jurisdictions pertaining to its citizenry, there being no fixed office of mayor, the town's portmoot being part of the earl's domain,⁶³ and its burgesses having no effective forum with which to challenge encroaching jurisdictions. This is not to say that the town's burghal community had no sense of corporate identity or feeling,⁶⁴ rather that the borough's economic dependence on the earl and castle (that could not be alleviated without challenging the mercatorial might of Coventry or there being a shift in the county's social epicentre to Warwick) quashed the desirability and profitability of challenging this dominance. One might ask, given the fact that castle and earl provided the town with a relatively secure and dependable market and jobs, and its burgesses the chance to fill various offices, and access to institutions from guilds to Parliament,⁶⁵ whether they, in turn, felt the need to challenge this authority.

St. Mary's as a key landowner in the town played an incidental role in repressing autonomous civic government because it extended and completed the earl's tenurial pre-

⁶²Rees Jones, 'Property, Tenure and Rents', pp. 169-74.

⁶³For Warwick's portmoot see no. 99 and for the earl's courts *VCH Warwickshire VIII*, pp. 477-8. For seigneurial dominance of the portmoot of Evesham by the abbey and the borough gild being "a sort of shadow government additional to the official borough court" see Hilton, 'The Small Town and Urbanisation', p. 6.

⁶⁴Cronne, *Borough of Warwick*, pp. 15-15.

⁶⁵*VCH Warwickshire VIII*, pp. 478-9.

eminence in the town, and through its tenants' courts had an automatic interest in controlling the subdivision and subletting of burgages as well as their alienation. As property passed to, or was acquired by, the college and its churches, the jurisdictional claims and interests of the town's burgesses in the borough were inevitably weakened, just as the importance of the collegiate church and its courts was enhanced. Similarly, the creation of the gilds of the Holy Trinity and St. Mary, and of St. George the Martyr, both founded in 1383,⁶⁶ and which had amalgamated by 1415,⁶⁷ both owed the earl's intervention to their foundation, the earl and his brother seeking the royal licences to establish the Trinity Gild and providing the advowson of St. James's, Warwick, for that of St. George. Moreover, the Trinity Gild was based in St. Mary's church and, in its amalgamated form, held a considerable amount of its property from either the earl or the collegiate church.⁶⁸

While the earl of Warwick was hardly an Orwellian 'Big Brother', the intricate networks of his patronage could be construed as ultimately contributing to the suppression of the town's burgesses' ability to develop their own organs of municipal government. The complicity of the college was hardly deliberate, and not necessarily overt, nor was this seigniorial dominance-cum-reliance always in its own interests. Quite possibly, as the monks of Westminster experienced, the strength and pervasiveness of such patronage could cast a shadow over an institution that deterred other benefactors, its image being too clearly associated with that of its patron.⁶⁹ With all that has been said of the importance of local power and the need for those in the earls' position to concurrently express and reinforce their status in society, the benefits and possibilities provided to them by a church like St. Mary's were manifold; as various as the ways in which they could mark the institution with their own stamp.

More than by virtue of his title, the patron's identity and possessory mark could be impressed on the college through the use he made of it and his actions in regard to it. As Wood outlines for monastic houses, this identity extended beyond the simple fact of his overlordship and his proprietorship of the site and advowson, and was expressed in his rights in elections

⁶⁶*CPR 1381-1385*, pp. 263, 268, 271.

⁶⁷*CPR 1391-1396*, pp. 149, 170; PRO, C 143/419/7, C 143/420/8; *CAD*, iv, A 9044.

⁶⁸Hilton, 'Some Problems of Urban Real Property', p. 335; PRO, E 315/420, fos. 132r ff.

⁶⁹Harvey, *Westminster Abbey and its Estates*, pp. 41-2.

and during vacancies, and the hospitality, corrodies, gifts, credit, benefices, masses, friendship and confraternity he might secure from the institution.⁷⁰ For Warwick, we have already witnessed the earl usurping the canons' right of electing their dean by 1286, a right formalised by the bishop of Worcester in 1367.⁷¹ Besides presenting the college's dean and canons, the earl also probably had the revenues from the deanery during its vacancies, and in 1410 at least the dean entertained the earl and his household in the deanery house at the college's expense.⁷² Earl Waleran granted his presentative rights in the college to the then archbishop of Canterbury, Hubert Walter, for the latter's lifetime,⁷³ possibly in return for the archbishop's help in securing a confirmation for the college.⁷⁴ In this way, the earls of Warwick enjoyed many of the standard benefits of patronage. The spiritual rewards they received and the investment they made in the college will be examined presently, but their place in the college's prayers and liturgical calendar aside, and likewise their contributions to its fabric and possessions, a key area of 'exploitation' that indelibly marked the college was the earls' use of their presentation rights.

The ability to appoint one's own nominees could, as has been seen on the case of Hubert Walter, be granted away for a given period, but more commonly this valuable resource remained with the earls. Traditionally, this right was used to reward one's clerks,⁷⁵ subsidise one's secretariat or administration,⁷⁶ foster loyalty and dependence,⁷⁷ satisfy supporters,⁷⁸ and even to employ these appointees and their institution as a politicised voice. The phenomenon of using secular colleges to support clerical personnel and adherents is well documented and is most evident in the history of the royal free chapels and those earlier colleges under the

⁷⁰Wood, *English Monasteries and their Patrons*.

⁷¹*PUE*, i, no. 29, p. 256; *Reg. Giffard*, p. 297; no. 124e. See Chapter 2 also.

⁷²Styles, 'Financial Account', p. 148+n.

⁷³No. 69; *Rous Roll*, cap. 34.

⁷⁴No. 51; see Leach, *History of Warwick School*, p. 56. John Rous says the grant was made "for mayntenans", but whether that of the earl or the college he does not specify (*Rous Roll*, cap. 34).

⁷⁵Evans, 'The Collegiate Church at Cirencester', p. 47; Blair, *The Medieval Clergy*, p. 7; H. Mayr-Harting, 'Henry II and the Papacy, 1170-1189', *Journal of Ecclesiastical History*, 16 (1965), p. 46; *VCH Shropshire II*, pp. 123-4.

⁷⁶J.F.A. Mason, 'The Officers and Clerks of the Norman Earls of Shropshire', *Transactions of the Shropshire Archaeological Society*, 56:3 (1960), pp. 252-6; Crouch, *Beaumont Twins*, pp. 148-55; F. Cheyette, 'Kings, Courts, Cure and Sinecures: The Statute of Provisors and the Common Law', *Traditio*, 19 (1963), p. 297.

⁷⁷F. Pegues, 'The *Clericus* in the Legal Administration of Thirteenth Century England', *English Historical Review*, vol. 71, no. 281 (1956), p. 531; Crouch, *Beaumont Twins*, p. 213.

⁷⁸Crosby, *Bishop and Chapter*, p. 359.

patronage of prelates.⁷⁹ This role in regard to those colleges belonging to lay patrons is worthy of further exploration. In the years following the Conquest, families like the Beaumonts continued to see an advantage in collegiate churches,⁸⁰ which were also warranted by the larger households and clerical staff of the likes of the earls of Shropshire and Warwick.⁸¹ Such colleges were further ‘tied’ to the image of their patron by the frequently political functions they performed. In part, this refers back to their role as prestige foundations, emblems of their founders’ influence, and in securing or rewarding loyalties. More overtly, however, they could be a political pawn (as we have seen in Chapter 3) and even as the patron’s eyes, ears and mouthpiece in the local community. Thus, at Glasney in 1330, the bishop used his college to regularly, and publicly, denounce during the celebration of mass, all those trespassing or misusing his park at Penryn. Moreover, the provost was enjoined to act as the bishop’s agent in the local community and “to make diligent inquiry with a view to ascertain who the offenders were.”⁸² That the pulpit provided too tempting a soapbox for some is apparent also at Glasney, when one of its provosts was charged

with uttering many vile enormities against the authority and dignity of Pope Urban VI, King Richard (the second), and the bishops of England, and especially his own bishop, which things “he asserted, talked about, and publicly preached in the college and other places, rejecting the bishop’s jurisdiction and bringing it into open contempt.”⁸³

I can find no examples of a patron using a college to quite this extent, but the potential existed, and in a much milder form can be seen in the funeral sermon or that accompanying a patron’s obit.⁸⁴ If the authority of the patron was not always this manifest elsewhere, his sway over the college could be seen as equally strong in instances of patronage being dispersed within the family. The prevailing practice of primogeniture created a need for many patrons to provide for younger sons, and those with rights of presentation were influenced as much by familial ties and considerations (either their own or those of others) as administrative ones.⁸⁵ St. Paul’s, London, in the twelfth-century is most frequently noted for its high proportion of canons who

⁷⁹See Chapter 3 and Jones, ‘Patronage and Administration’, pp. 1-23; Denton, *English Royal Free Chapels*, p. 133.

⁸⁰Crouch, *Beaumont Twins*, pp. 196-7.

⁸¹See Chapter 1 and Mason, ‘The Officers and Clerks of the Norman Earls of Shropshire’, pp. 252-6.

⁸²Peter, *Glasney*, pp. 48-9.

⁸³Peter, *Glasney*, p. 72; F.C. Hingeston-Randolph (ed.), *The Register of Thomas de Brantyngham, Bishop of Exeter (A.D. 1370-1394), part I* (London and Exeter, 1901), p. 160.

⁸⁴P.J. Horner, ‘A Sermon on the Anniversary of the Death of Thomas Beauchamp, Earl of Warwick’, *Traditio*, 34 (1978), pp. 381-401.

⁸⁵Barrow, ‘Cathedrals, Provosts and Prebends’, pp. 562, 564.

were the sons of clerics and bishops,⁸⁶ and patronage within family groups is also evident at smaller incipient colleges such as Bampton.⁸⁷ At Warwick, we have already seen examples of such family concerns, and even hereditary prebends,⁸⁸ and to these instances can be added the more direct involvement of John du Plessis, earl of Warwick (c. 1247-63).⁸⁹ Although by no means conclusive, it is interesting that a John de Plesset occurs as a canon of the college by 1263 (possibly as early as 1252) and that a Robert de Plesset also appears as a canon by this date.⁹⁰ Robert was quite possibly a younger son of Sir John du Plessis, and had become dean of the college by 1282.⁹¹ A family connection (beyond the evidence of patronymics) is strengthened by the fact that Robert was an executor of John du Plessis, in which capacity he was excommunicated in 1283.⁹² This example of providing for family members may, concomitantly, also promote that for the occasional use of colleges and their members as politically expedient tools. Earl John quite possibly used these presentations to not only provide for younger sons and family members, but to advance and ground his own family's interests in the honour. His parentage is unknown, and he was only earl by virtue of being married to Countess Margaret, through whom he held his claim, and they had no children.⁹³ Likewise, he might have used presentation to stabilise his position and authority as earl, and gain some backing in the town and in ecclesiastical quarters. Similar reasons may lay behind the occurrence of a William Beauchamp as a prebendary before 1286,⁹⁴ most probably presented by William de Beauchamp who was also newly established in the earldom (and as the college's patron) in 1268.⁹⁵ The fact that Earl William was intent on consolidating his position as earl (and thus that this appointment may have been as much politically as familiarly inspired) is borne out by his actions concerning his property and its acquisition, the fact that his patronal loyalties and sympathies still lay in Worcester, from where the Beauchamps

⁸⁶Brooke, 'The Composition of the Chapter of St. Paul's', pp. 121-7; Brett, *English Church under Henry I*, p. 190.

⁸⁷Blair, *The Medieval Clergy*, p. 17.

⁸⁸Nos. 256-8.

⁸⁹*Complete Peerage*, X, pp. 545-8; XII, pt. 2, pp. 366-7.

⁹⁰*Reg. Giffard*, p. 194. For the careers and biographical details of these two canons see the Biographical Index.

⁹¹*Complete Peerage*, X, p. 548 n. b; *Reg. Giffard*, p. 188.

⁹²*Reg. Giffard*, p. 195.

⁹³*Complete Peerage*, XII, pt. 2, pp. 366-7.

⁹⁴No. 346; Dugdale, *Antiquities of Warwickshire*, i, p. 434. See also: Biographical Index; *EEA 13*, no. 84; *CPL 1198-1304*, p. 270.

⁹⁵*Complete Peerage*, XII, pt. 2, pp. 368-70.

hailed, and that despite a grant to the college of a small rent, he was not a great benefactor towards it and did not remember it in his will.⁹⁶

The clerics instituted to the college's prebends, be they relatives or household clerks, inevitably strengthened the associations between the college and the earldom. But as the examples of William de Beauchamp and John du Plessis show, a more intimate relationship between college and patron took time to grow and its development rested to a significant degree on family tradition and sentiment and was not a priority to those whose position was insecure, temporary or, indeed, new. Yet where such a tradition existed, or one was comfortable enough in one's position to consider the investment worthwhile, the relationship could be profitable for both college and patron and was another integral aspect of the college's identity. Just as Earl Thomas (1229-42), his sister Margaret (d. 1253) and her second husband, John du Plessis (d. 1263) did little by way of augmenting their estates, having no male heirs,⁹⁷ so their landed fortunes and policies appear, to a certain extent, to have mirrored their patronal ones as far as gifts to the college were concerned.⁹⁸ Naturally, 'tradition' encompassed more than simply gifts and bequests, and the fact that it was only from the time of Thomas de Beauchamp (I) (1329-69) that a more recognisable 'tradition' and a closer relationship began between the earls and their college, throws into relief the earlier history of the college and tempers any such definition. A close relationship depended on a personal investment, on friendship, and although this may have been formalised and anchored in confraternity, obits and one's final resting place, sentiment lay at its core and it was from there that family tradition developed.⁹⁹ However, important as the role of personal sentiment was, it must be recognised that patronage could also constitute a form of propaganda. The Beauchamps had had no link with Warwick before their accession to the earldom in 1268, yet by continuing to patronise an institution like St. Mary's, such a link could emphasise the continuity of their line and advertise their right to enjoy the property in their possession and the fact of their arrival. Mason has shown that the Beauchamp family were particularly adept at reviving and

⁹⁶Raban, 'The Land Market and the Aristocracy', pp. 249-51; *Testamenta Vetusta*, i, pp. 50-2; nos. 102-3; *Rous Roll*, caps. 44-5; *Annales Monastici*, iv, pp. 471-2, 523, 528, 537; Dugdale, *Antiquities of Warwickshire*, i, pp. 386-91. For further context to Earl William's gift to the college and his policy of acquisition, see Chapter 4.

⁹⁷Raban, 'The Land Market and the Aristocracy', p. 250.

⁹⁸Earl Thomas (d. 1242) was buried in St. Mary's (*Complete Peerage*, XII, pt. 2, p. 365; *Rous Roll*, cap. 36).

⁹⁹Wood, *English Monasteries and their Patrons*, pp. 24-6, 122-3, 142; P.W. Fleming, 'Charity, Faith, and the Gentry of Kent, 1422-1529', in A.J. Pollard (ed.), *Property and Politics: Essays in Later Medieval English History* (Gloucester, 1984), pp. 49-53.

employing images associated with previous comital families at Warwick, such as the legendary Guy of Warwick, to provide a further sense of continuity and to merge their own history and family with Warwick's earlier past.¹⁰⁰ Thus, just as Earl William called his first son Guy, and a tower in the Castle was also named after the romantic hero, so the rebuilding of much of the collegiate church by Guy's son, Thomas, in part contributed to putting the Beauchamp stamp on the town's principal church, whilst their active patronage of it constituted another link with its Beaumont founders, remedying a previous dislocation in patronage whose root cause lay in the essentially economic and genealogical misfortunes of the earldom which both stemmed from "short-lived earls and long-lived dowagers."¹⁰¹

While the death of a patron could be a real misfortune,¹⁰² the patronal relationship was bolstered by a network of kinship and honorial affinity. Hicks has recently shown that the hegemony and administration of the earls of Warwick was far from disintegrating during the minorities of Duke Henry and his daughter Anne following the death of Richard de Beauchamp in 1439 and termed the 'Beauchamp Interregnum' (1439-49) by Christine Carpenter. Through the use of trusts and a continuity of administrative personnel and retainers, he has demonstrated that there was no Beauchamp 'interregnum' and that the family's estates and inheritance remained intact.¹⁰³ The 'affinity' of a patron like the earl of Warwick has not been examined with regard to ecclesiastical patronage, although its existence has serious implications for our interpretation of the relationship between patron and college. Firstly, there is the obvious question of the college's canons belonging to that affinity. It is perhaps significant that one of the college's most generous patrons, Earl Thomas de Beauchamp (II), 'employed' a striking proportion of the college's canons in his retinue and administration.¹⁰⁴

¹⁰⁰E. Mason, 'Legends of the Beauchamps' Ancestors: The Use of Baronial Propaganda in Medieval England', *Journal of Medieval History*, 10 (1984), pp. 25-40.

¹⁰¹Mason, 'Legends of the Beauchamps' Ancestors', p. 30; 'Resources of the Earldom of Warwick', pp. 67-75.

¹⁰²Wood, *English Monasteries and their Patrons*, p. 142.

¹⁰³Hicks, 'Between Majorities: the "Beauchamp Interregnum"', pp. 27-43; Carpenter, *Locality and Polity*, pp. 399-437; 'The Beauchamp Affinity', pp. 514-32.

¹⁰⁴Goodman, *Loyal Conspiracy*, pp. 140-7. John Oudeby was appointed to the Beauchamp Chamberlainship of the Exchequer in 1396; Thomas Aldebury was a bailiff and receiver of the earl at one of his manors and a leading estate official; Richard Piryton had been a feoffee of Earl Thomas (I) and his executor, and was a feoffee and attorney of Thomas (II) and presented to a canonry at Warwick on the earl's behalf; John Blake was an executor of Earl Thomas (I) and treasurer of Thomas (II); Roger Tangeley was a feoffee of Thomas (II) and an executor of his mother, Countess Catherine (d. 1369); Richard Bromley was a feoffee, attorney and trustee, receiver at Castle Barnard, and his close connection to the earl may have lost him his prebend upon Thomas (II)'s forfeiture in 1397; William Morton and Albanus del Fen were both executors of Thomas (I) and William Morton was appointed as an attorney for Thomas (II) in 1384; and Thomas Knyght was the earl's receiver-general (see

If his close relation and gifts to the college were not motivated by these more personal links, their development and execution would have been helped by them. Thomas Knyght, for example, was involved in the appropriation of Whittlesford,¹⁰⁵ and Richard Piryton in that of Wolfhamcote and the earl's grant of Haselor manor to the college.¹⁰⁶ Moreover, the importance of this link between college and affinity (and the fact that the friendship, trust and loyalty inspired by this relationship took the college and its canons beyond the more formalised association between patron and college) is attested in the building of the Beauchamp Chapel. The chapel was formulated during Earl Richard's lifetime,¹⁰⁷ and set out in his will of 1437,¹⁰⁸ which, following his death in 1439, governed a trust which was to finance the project.¹⁰⁹ One of the executors, and an active member of the 'Beauchamp Trust' from 1447, was William Berkeswell, canon of the college from 1438 and dean from 1454.¹¹⁰ As a trustee, he played an important part in the construction of the chapel and the consequent work on the college and deanery which continued until 1463, the chapel having been completed earlier in 1459.¹¹¹ It was in his role as a trustee that he also conveyed the manors of Baginton, Wolverton (Warwicks.) and Preston Capes (Northants) to Earl Richard Neville and Countess Anne for them to remit to St. Mary's.¹¹² His positions as canon/dean and feoffee/executor/trustee were undoubtedly of great use to both the college and Trust, and the Trust and earl's affinity surely smoothed the path of patronage through the minorities and Neville ascendancy that followed.

What cemented the Warwick inheritance together was not merely the accident of common tenure, but long association over time, traditions and loyalties that were inherited and shared, and which magnified the more material benefits several times over.¹¹³

Biographical Index and LPL, Reg. Whittlesey, fo. 110v; *Testamenta Vetusta*, i, pp. 78-80).

¹⁰⁵Nos. 168-9.

¹⁰⁶Nos. 238-40, 243-4, 268.

¹⁰⁷Styles, 'Financial Account', pp. 139, 148; Dugdale, *Antiquities of Warwickshire*, i, p. 409.

¹⁰⁸PRO, PROB 11/1, fos. 147-8v (146-7v); *Testamenta Vetusta*, i, pp. 231-3; T. Hearne (ed.), *Historia Vitae et Regni Ricardi Secundi* (1729), pp. 244-6.

¹⁰⁹Hicks, 'The Beauchamp Trust, 1439-87', *Bulletin of the Institute of Historical Research*, 54, no. 130 (1981), pp. 135-49; 'Descent, Partition and Extinction: the "Warwick Inheritance,"' *Bulletin of the Institute of Historical Research*, 52, no. 126 (1979), pp. 116-28; *Warwick the Kingmaker*, pp. 33, 57, 61-2, 232-3.

¹¹⁰Hicks, 'Beauchamp Trust', p. 140 and see Biographical Index.

¹¹¹Hicks, 'Beauchamp Trust', pp. 140-2; Toulmin Smith (ed.), *Itinerary of John Leland*, 5, pt. xi, p. 151.

¹¹²PRO, E 326/4461, 6461; *CAD*, ii, B 2957; PRO, C 143/453/6; *CPR 1461-1467*, p. 295; *CPR 1467-1477*, p. 153; Hicks, 'Beauchamp Trust', p. 141.

¹¹³Hicks, *Warwick the Kingmaker*, p. 54.

The same affinities proved equally important to the college and its relation with its patrons, providing continuity despite minorities and changes of earl. Something of this has already been seen with Earl Henry's clerks and adherents advising and helping the young Earl Roger, and is most evident in the late fourteenth and fifteenth centuries, when the likes of John Throckmorton, Thomas Huggeford and John Verney (a canon) acted as attorneys and feoffees during earls' lifetimes, for example presenting to St. Mary's in the earl's absence, and exercised the same patronage during minorities and gaps in succession.¹¹⁴ To this end, the interaction between college and patron was probably much more subtle and less 'institutionalised', and had the potential to be founded more on personal loyalties, friendships and contacts than more formalised avenues of communication. These contacts are also reflected in the gentry members of the affinity who appear in many of the colleges documents and who, more importantly, developed their own more personal relationships with the college and its canons. Thus, Robert Walden, whose possessions were seized with those of Earl Thomas (II) in 1397,¹¹⁵ a sure sign of his closeness to the earl, was to found a chantry in the college whose chaplain was to pray for the soul of Earl Thomas (II) and the estate of Countess Margaret and the young Earl Richard as well as for his own family and soul.¹¹⁶ Similarly, Guy Spyne (a Beauchamp retainer) granted the college an annual rent of £10 from the manor of Haselor – the annuity he had received from Earl Thomas (II) for life, and a gift more generous from the fact that Spyne was in financial trouble at the time.¹¹⁷ Other Warwick retainers who developed close links with the college were Walter Power and William Peyto. Power (who received several grants from Earl Thomas and became a joint-guardian of Richard de Beauchamp) granted the college the manor of Heathcote in 1401 in return for obits for himself and his wife,¹¹⁸ and in 1405 donated a silver bowl, communion cup and a gold pix, and later bequeathed a canopy for the church's high altar worth over a hundred shillings.¹¹⁹ William Peyto, an esquire patronised by the earl, quitclaimed his interest in the advowson of Wolfhamcote in 1405 in return for St. Mary's granting him an obit and burial in their church

¹¹⁴See Biographical Index of *Fasti* under Blake, Chirbury, Crecy, Fallan, Martyn, Parmenter, Pye and Verney.

¹¹⁵Goodman, *Loyal Conspiracy*, p. 148. He was also a councillor of the earl and a leading Warwick burgess, and for more biographical details see notes to no. 340.

¹¹⁶No. 340.

¹¹⁷See no. 253.

¹¹⁸Nos. 330, 334-5.

¹¹⁹Nos. 321, 343; PRO, E 154/1/46. At some point he also appears to have donated a whole vestment 'of black cloth of silver' (no. 321, fo. 203r).

(for which he gave directions).¹²⁰ So it seems that following Earl Thomas's death in 1401, and as a generation of his closest retainers approached their own autumn years, the affection of their lord for the college, and doubtless their own, resulted in a spate of gifts and bequests to the church where he, his wife and his parents all rested.

The degree to which such gifts by retainers were motivated out of affection for the earl and a desire to respect his own wishes and feelings towards the college, even to associate themselves more closely with this 'comital' institution, is impossible to gauge. The same may be said for any comital pressure that was applied. Nevertheless, such interpretations can not be wholly discounted. Even if these gifts and bequests were made purely out of personal sentiment, the role of the earl's affinity which brought the college and its canons into more intimate contact with the earldom and its administrative officialdom is clearly important. That such regard and personal contacts existed is confirmed by the church's leasing of their manor of Milverton to the Huggeford family for one hundred years in 1408.¹²¹ Robert Huggeford was an esquire, annuitant and long-standing servant of Earl Thomas (II), and remembered the college on his death,¹²² and his family continued to enjoy a close relationship with the college, leasing properties from them and helping the church to the extent that its chapter felt compelled to reward this good will.¹²³ Similarly, a canon, Adam de Herwynton, an executor of Earl Guy (1298-1315), remembered his patron when he established his chantry at Pershore; his two chaplains commemorating the earl and his son.¹²⁴ The relationship between the Beauchamp affinity and college is most evident, however, during the life time of Earl Thomas (II) and the early years of Earl Richard. In a large part it grew from the renewed fortunes and attention received by the college from the 1340s and the time of Thomas de Beauchamp (I), and this leads us to explore the role of this prestige factor and the gifts and building projects of the earls of Warwick in respect of their college. For the present, however, we may acknowledge the importance of the earls' patronage and the college's increasing association with the comital affinity. Such factors certainly further bound the college (and people's perception of it) to the earl, and we begin to see how a tradition of patronage and involvement

¹²⁰Nos. 281-2; Carpenter, *Locality and Polity*, p. 200.

¹²¹No. 324.

¹²²Styles, 'Financial Account', p. 141+n.

¹²³Styles, *Ministers' Accounts*, pp. liv, 48.

¹²⁴Dugdale, *Antiquities of Warwickshire*, i, p. 393; *Reg. Bransford*, pp. xl-xli, no. 906.

established by Earl Thomas (I) apparently increased the college's prestige factor, and how secular clerks in lay administrations did not necessarily harm the college and its status but rather helped to develop these links. The lack of evidence for smaller gifts and bequests encourages the assumption that this patronage had the negative effect of casting an oppressive shadow over the church which deterred others from giving or seeing it as their own or belonging to their community. This, and the tensions between new and old families, the place of small gifts and chantries shall now be explored alongside the earls' own gifts to the church.

The patron's influence could be as direct as it could be subtle. Earl Richard thus planned to use the Verney family to help establish his chapel; helping them buy two manors as the cornerstones of their fee, from another member of his affinity, on condition that after his death they "would alienate Kingston to the church of St. Mary's Warwick, where a chantry was to be built as Beauchamp's memorial."¹²⁵ However, the Verneys went back on the deal, although they finally reached an agreement with Beauchamp's executors.¹²⁶ The earl could thus use his patronage to meet the needs of his own ambitions, church and affinity members, and the central importance of his patronal influence is underlined by the project being undermined by his death. But the most patent aspect of patronage, with the most ostensible implications for the church and its status, came in the form of changes to its fabric, additions to its possessions, and the ceremonies, services and personalities it hosted.

Following the death of Earl Roger in 1153, the college seems to have shared in the dwindling fortunes of the earldom, with very few signs of patronal investment surviving. Earl William (1153-84) granted the dean five Warwick messuages (possibly for the canons),¹²⁷ and the first earl to be buried in the church was Earl Thomas (d. 1242).¹²⁸ Although the earldom's fortunes were to be gradually revived from the time of William de Beauchamp's succession in 1268,¹²⁹ he was loathe to break his links with Worcester and was buried, like his father, at the Friars Minor there.¹³⁰ In securing the integrity of his fee, however, he had given the college

¹²⁵Carpenter, *Locality and Polity*, p. 126.

¹²⁶SBT, DR 98/477.

¹²⁷No. 79 and see Chapter 2.

¹²⁸*Rous Roll*, cap. 36; *Complete Peerage*, XII pt. 2, p. 365.

¹²⁹Mason, 'Resources of the Earldom', pp. 67, 74; K.B. McFarlane, *The Nobility of Later Medieval England: The Ford Lectures for 1953 and Related Studies* (Oxford, 1973, repr. 1997), pp. 190, 195-6.

¹³⁰*Testamenta Vetusta*, i, pp. 50-2; *Reg. Giffard*, i, pp. 7-9; ii, p. 498; Dugdale, *Antiquities of Warwickshire*, i, pp. 389, 391.

a rent in 1296 and had invested in the town's property market.¹³¹ His son, Guy, was also to respect the family's Worcestershire links and was buried at Bordesley Abbey, which housed the family's muniments,¹³² although after the specific bequests in his will, the remainder of his goods were "to be divided amongst priests, to pray for his soul, in the towns of Warwick, Worcester, Hanslope and elsewhere."¹³³ He had also confirmed the canons' possession of the church of Compton Mordak, which formed the *corpus* of their most valuable prebend, and backed the college in a court case.¹³⁴ The earl who really brought the college within the inner confines of the patronal fold of the earls of Warwick was his son, Thomas de Beauchamp (I). Soon after his succession in 1329, the earl planned to appropriate the church of Pillerton Hersey to the college, which began to be realised from 1334,¹³⁵ and amongst the reasons given for the appropriation in the deed of appropriation of 1341 was the ruinous state of the church's bell tower which he intended to repair.¹³⁶ In 1364, as we have already noticed, he petitioned the pope to reform the college's statutes with the aid of Bishop Whittlesey,¹³⁷ and acquired indulgences for those visiting the church and giving alms for its repair.¹³⁸ By this point he may also have formulated his intention of rebuilding the college's choir, instructions for which he left in his will: "It' qe mes executours perfournent et facent le chauncell de lesglise notre Dame de Warr' la ou nous serrons enterrez."¹³⁹ He also left the college all the vestments and belongings from his own chapel, and made ample provision for masses and alms, assigning £500 simply for the costs of his burial.¹⁴⁰ His wife Catherine, who had died weeks earlier, was buried with him, and their obits continued to be celebrated in the church until its dissolution. Besides his choir and alabaster tomb, his ten daughters were commemorated in a window of the choir.¹⁴¹ It was his son, Thomas (II) who completed the chancel's renovation and his

¹³¹Nos. 102-3; Raban, 'The Land Market and the Aristocracy', pp. 250-1.

¹³²BL, Additional MS 28024, fo. 182r-v; Mason, 'Legends of the Beauchamps' Ancestors', p. 33. The family had been benefactors of the abbey from its foundation: Dugdale, *Antiquities of Warwickshire*, i, pp. 386, 389, 392.

¹³³Dugdale, *Antiquities of Warwickshire*, i, p. 393; Reg. Maidstone, pp. 81-2.

¹³⁴No. 8 (1311); *CCR 1313-1318*, p. 317 (1315).

¹³⁵Nos. 126-7.

¹³⁶No. 129.

¹³⁷*CPP 1342-1419*, pp. 493-4; no. 124; and see Chapter 2.

¹³⁸No. 6; *CPP 1342-1419*, pp. 498, 501; *CPL 1362-1404*, p. 39. For thus use of indulgences to help finance maintenance, see: Peter, *Glasney*, p. 74; Wood, *English Monasteries and their Patrons*, p. 137.

¹³⁹LPL, Register of Archbishop Whittlesey, fo. 110r-v (dated 6 September 1369; proved 5 December 1369); *Testamenta Vetusta*, i, pp. 79-80; *Rous Roll*, cap. 47.

¹⁴⁰LPL, Register of Archbishop Whittlesey, fo. 110r-v.

¹⁴¹*Complete Peerage*, XII pt. 2, p. 374 n. h; Dugdale, *Antiquities of Warwickshire*, i, pp. 398-400.

parents' tomb, which necessitated the extension of the Norman crypt beneath by one bay.¹⁴² Rous describes him as "a grete almysmon,"¹⁴³ and the earl, with his brother William, also appropriated the churches of Haselor, Wolfhamcote, Whittlesford, Spelsbury and Chaddesley Corbett to the college and demised the manor of Haselor to the same.¹⁴⁴ Moreover, he helped the college to formally appropriate its Warwick churches and that of Budbrooke, and to expel the prior of St. Sepulchre's from the collegiate chapter.¹⁴⁵ He was also instrumental in the foundation of the town's two gilds.¹⁴⁶ On his death in 1401, he was buried in St. Mary's like his parents before him, 300lbs of wax and sixty poor men in white all bearing torches accompanied his burial, with a supper and a dinner for his friends the night before and the day after the funeral. St. Mary's was left his best beast and a cross with a silver and gilt pedestal which bore images of the Passion, an elaborate pix, a censer and chalice, and two cruets gilded with silver with a basin; not to mention the execution of thirty trentals and over a thousand masses.¹⁴⁷ On the death of his wife, Margaret, in 1407, she was buried with him between the church's nave and choir, attended by only 5lbs of wax and twenty paupers with torches.¹⁴⁸ Again their obits were celebrated regularly thereafter.

The most famous benefactor of the college was, however, Richard de Beauchamp (d. 1439), builder of the Beauchamp Chapel. As is clear from his arrangement with the Verney family,¹⁴⁹ his meeting with Dean Yonge in 1410-11,¹⁵⁰ and the same dean's bequest to the college of goods to finance the rebuilding of the deanery (which encroached on the site of the proposed chapel and had to be rebuilt),¹⁵¹ the chapel was planned thoroughly in the earl's lifetime and a trust was devised to oversee his will's execution, the Warwick inheritance

¹⁴²Rous Roll, caps. 47-8; W.M. Archer Clark, 'Notes on Midland Crypts', *Transactions of the Birmingham Archaeological Society*, 61 (1937), p. 43. The earl's grave, in the centre of the chancel, formed the vaulting of the crypt. The extension gave the crypt an entrance from the churchyard.

¹⁴³Rous Roll, cap. 48.

¹⁴⁴See Chapters 3-4 for the appropriations.

¹⁴⁵Nos. 291-4, 297-8.

¹⁴⁶CPR 1381-1385, pp. 263, 268, 271; Goodman, *Loyal Conspiracy*, pp. 9, 138.

¹⁴⁷LPL, Register of Archbishop Arundel, i, fos. 179v-80v; *Testamenta Vetusta*, i, pp. 153-5.

¹⁴⁸Toulmin Smith (ed.), *Itinerary of John Leland*, 2, pt. v, p. 42; LPL, Register of Archbishop Arundel, i, fos. 232v-233r (will: fos. 232v-235r); *Testamenta Vetusta*, i, p. 169.

¹⁴⁹SBT, DR 98/477; Carpenter, *Locality and Polity*, pp. 126-7.

¹⁵⁰Styles, 'Financial Account', pp. 139, 148+n.

¹⁵¹No. 4; SBT, PR 118; WRO, DR 1146/2, CR 26/4, p. 34; Chatwin, 'Documents of "Warwick the Kingmaker,"' pp. 2-8; G. Cope, 'The Beauchamp Chapel, Warwick - a liturgical-architectural study', *Warwickshire Hist. n.*, 4:2 (1978/9), p. 61; Toulmin Smith (ed.), *Itinerary of John Leland*, 2, pt. v, p. 44, 5, pt. vi, p. 153

depending upon the successful completion of its terms.¹⁵² Much has been said already of the earl and his chapel, and there is not the space here to recount the full history of its building or to describe its magnificent architecture.¹⁵³ It was, however, to dominate succeeding relations with the college's patrons. Earl Richard had directed his temporary burial in a stone chest in the college's south transept for the duration of the building, and left the college a golden statue of St. Mary by way of heriot and an annuity of £40 for three masses to be sung daily in the chapel and to provide for four chaplains to serve there. The building work began in 1442 and was completed by 1463.¹⁵⁴ Neither of his two wives were buried with the earl, although Isabel had donated two bells to the church during her lifetime.¹⁵⁵ During the two 'minorities' of Henry de Beauchamp (1439-46) and his daughter, Anne (1446-9),¹⁵⁶ the Beauchamp trustees oversaw the building of the chapel and renovations to the college, while the guardians of Beauchamp's lands, appointed by the king for Henry's minority, presented to its canonries.¹⁵⁷ Neither Henry nor Anne was buried in the college.¹⁵⁸ The accession of Richard Neville to the earldom in 1449, by right of his wife, Anne, the paternal aunt of Countess Anne (d. 1449) and sister and co-heir of Henry de Beauchamp (d. 1446),¹⁵⁹ saw the earl helping the trustees to complete the endowment of the chapel as well as providing land to enable the cemetery to be enlarged. Building of the chapel and tomb was complete by 1463, and in essentials probably

¹⁵²Hicks, 'The Beauchamp Trust', pp. 135, 139.

¹⁵³PRO, PROB 11/1, fos. 147r-148v (146r-147v); *Rous Roll*, cap. 50; *Testamenta Vetusta*, i, pp. 231-2; Toulmin Smith (ed.), *Itinerary of John Leland*, 2, pt. 5, pp. 41-44, 5, pt. xi, pp. 151-3; Dugdale, *Antiquities of Warwickshire*, i, pp. 410-14, 445-51; *VCH Warwickshire VIII*, pp. 525-8; Cope, 'Beauchamp Chapel', pp. 56-68; *Churches of Warwickshire*, pp. 54-84; Kemp, 'St. Mary's Church, Warwick, and its Services Immediately after the Dissolution', *Journal of the British Archaeological Association*, 19 (1913), pp. 265-76; C.F. Hardy, 'On the Music in the Painted Glass of the Windows in the Beauchamp Chapel at Warwick', *Archaeologia*, 61 (1906), pp. 583-614; Viscount Dillon, 'The Warwick Effigy', *Archaeological Journal*, 73 (1916), pp. 207-11; W.T. Carter, 'The Library at St. Mary's, Warwick', *Journal of the British Archaeological Association*, 16:2 (1910), pp. 57-8; P.B. Chatwin, 'The Grave of Richard Beauchamp, Earl of Warwick, and other Burials in the Beauchamp Chapel', *Transactions of the Birmingham Archaeological Society*, 61 (1937), pp. 1-10; 'Recent Discoveries in the Beauchamp Chapel, Warwick', *Transactions of the Birmingham Archaeological Society*, 53 (1928), pp. 145-57; Carpenter, *Locality and Polity*, pp. 347-98; Hicks, 'The Beauchamp Trust', pp. 135-49; *Warwick the Kingmaker*, pp. 57, 130, 232-3; *False, Fleeting, Perjur'd Clarence: George, Duke of Clarence, 1449-78* (Gloucester, 1980), p. 196.

¹⁵⁴CPR 1436-1441, p. 574; CPR 1461-1467, pp. 295-6.

¹⁵⁵Kemp, 'St. Mary's and its Services', p. 267; *Churches of Warwickshire*, p. 14. There is no mention of a gift of bells in her will of 1439 (F.J. Furnivall (ed.), *The Fifty Earliest English Wills in the Court of Probate*, London (EETS, o.s. 78, Oxford, 1882), pp. 116-19; *Testamenta Vetusta*, i, pp. 239-40).

¹⁵⁶Henry had a brief majority in 1444-6, and it is these three phases (with the two minorities) that Carpenter terms the 'interregnum' (Hicks, 'Beauchamp Interregnum', p. 27).

¹⁵⁷See Arundel, Parmenter and Pye in Biographical Index. Gerveyse was appointed by Earl Henry in his majority.

¹⁵⁸*Complete Peerage*, XII, pt. 2, pp. 383-5.

¹⁵⁹*Complete Peerage*, XII, pt. 2, pp. 384-93.

by 1459.¹⁶⁰ In 1455, Neville and a canon granted the college several portions of land to enlarge the dean's and vicars' gardens and the college's cemetery which would be encroached upon by the new chapel and deanery.¹⁶¹ In March 1468, the chapel's sexton received its vestments, ornaments and plate, and between September 1468 and April 1469 the manors of Wolverton, Baginton and Preston Capes were transferred to the college *via* the earl for the chapel's endowment.¹⁶²

It is not without justice that Hicks describes Warwick as the “spiritual home of the earldom” and the Kingmaker seems to have had no problems in securing an amiable patronal relationship with the church, and to his support of the chapel we may add improvements to the town and his borrowing a mass book from their sacrist, and his wife her parents' dispensation from the college archives.¹⁶³ In 1456, the king joined the Kingmaker and his wife in making offerings at the college, and they probably inspected the work on the chapel. This place of the college in the life and affections of the earl is affirmed by similar occasions and offerings, made in January 1464 (again with the king and countess present) and in September 1465 (with his brothers-in-law, William Lord Hastings and Henry Lord FitzHugh, and the king's brother, Richard, duke of Gloucester, who was then living in his household).¹⁶⁴ In the accounts of April 1465 to April 1466, the earl, at St. Mary's, gave 12s. 6d. as an oblation on 25 April 1465, giving 1s. 8d. to St. Nicholas's also.¹⁶⁵ Moreover, it is claimed that he wished to be buried at St. Mary's, although this wish was not fulfilled and he was buried at Bisham Priory with his brother.¹⁶⁶ There can be little doubting the affect of the Beauchamp Chapel, and the time and interest the earl had invested in the project, not to mention the added status that it conferred on the church and town, in helping him form this wish, but there is also the fact of the earl's strong links with church and town. The earl had retained and relied upon the servants and affinity he had inherited from his Beauchamp predecessors,¹⁶⁷ which would have had a positive

¹⁶⁰CPR 1461-1467, pp. 295-6; Hicks, 'Beauchamp Trust', p. 140.

¹⁶¹SBT, PR 118; WRO, DR 1146/2, CRO 26/4, p. 24.

¹⁶²PRO, E 326/4461, E 326/6461, C 143/453/6; CAD, ii, B 2957; CPR 1461-1467, pp. 295-6; CPR 1467-1477, p. 153; Hicks, 'Beauchamp Trust', pp. 140-1; *Warwick the Kingmaker*, pp. 232-3; PRO, E 154/1/46; *Churches of Warwickshire*, pp. 54-60.

¹⁶³No. 2; PRO, E 154/1/46; Hicks, *Warwick the Kingmaker*, pp. 56-7.

¹⁶⁴Hicks, *Warwick the Kingmaker*, pp. 245, 253.

¹⁶⁵Styles, *Ministers' Accounts*, pp. 79, 84.

¹⁶⁶*Rous Roll*, cap. 57; Hicks, *Warwick the Kingmaker*, p. 233; *Complete Peerage*, XII, pt. 2, p. 392.

¹⁶⁷Hicks, *Warwick the Kingmaker*, p. 62.

effect on his passage as earl and patron. The importance of the latter is attested by his alleged intention of founding an almshouse at Guy's Cliffe for his retired retainers:

Thys noble lord was purpsid to have endowid his place of Gybclyf with more lyvoledde for mo prestys and poer Gentilmen ... he wold have had a certen of pore gentylnen found ther as were at seynt Cros of Wynchestre by the foundacon of maister herre beauford cardynal and bishop of Wynchestre ...¹⁶⁸

His position as earl and college patron, his 'adoption' of Beauchamp and Despenser affinity members, and close involvement with such men as William Berkeswell,¹⁶⁹ a member of the Beauchamp affinity, a trustee and a canon of the college, all served to bind him more closely to the town and collegiate church and lent his patronage a personal significance beyond his own religious sympathies and the duties expected of him.

George, duke of Clarence (1472-78), had been a part of Neville's household and, like his father-in-law, continued to respect Beauchamp and Despenser traditions of patronage.¹⁷⁰ He too was a good lord to the college, helping to arrange the consecration of the Beauchamp Chapel in 1475 and supporting the college in its disputes with the archdeacon of Worcester and its own steward.¹⁷¹ He also regularly attended services at the church and gave oblations.¹⁷²

The new chapel certainly had an impact on the college. It is difficult, if not foolhardy, to try and assess its influence on the affections of the earls for their college, but it certainly did no harm.

The college was no mere resting place of the comital family, where they were assured of prayers, it was also the religious centre of the town where dependants of all kinds worshipped and adorned. It was also a conspicuous testimony to their rank, wealth and power that nobody present at the services could overlook. And if the college commemorated earls, the Beauchamp Chapel was nothing short of princely.¹⁷³

The above quotation provides us with a timely reminder of several issues: the fact that the college was also a parish church that served the wider urban and suburban community, besides

¹⁶⁸Rous Roll, cap. 57; see Hicks, *Warwick the Kingmaker*, pp. 62, 233.

¹⁶⁹In 1421, it was probably Berkeswell who was sent to fetch a recluse from Winchester to London for the earl (Hicks, *Warwick the Kingmaker*, p. 56).

¹⁷⁰Hicks, *False, Fleeting, Perjur'd Clarence*, pp. 26, 196.

¹⁷¹Rous Roll, cap. 59; Reg. Carpenter II, pp. 138-41, 162 (fos. 60v-62r, 76v); BCA, MS 437204; Styles, *Ministers' Accounts*, p. xx+n; Hicks, *False, Fleeting, Perjur'd Clarence*, p. 196.

¹⁷²Styles, *Ministers' Accounts*, p. 124+n, 125. He gave offerings to the college in 1470, 1475 and 1476-7.

¹⁷³Hicks, *Warwick the Kingmaker*, p. 57.

many members of the earls' affinity (with which it was thus implicated beyond the activities of its individual canons) and that its commemorative and liturgical actions belonged to a tradition. These themes are evident in the subsequent attention received by the college.

Following their deaths at the battle of Edgecote in 1469, Sir Henry Neville and Oliver Dudley were buried in the Beauchamp Chapel,¹⁷⁴ quite possibly before Richard de Beauchamp himself was translated from the college's south transept. A question-mark must hang over when they were actually buried in the tomb beneath the chapel, as the chapel was not consecrated until at least December 1475.¹⁷⁵ They were buried there, however, by September 1480, as appears in the will of Lady Elizabeth Latimer (Henry's mother and Oliver's mother-in-law; daughter of Richard de Beauchamp).¹⁷⁶ She herself was buried between them and near her father, and left the chapel a rich variety of vestments and further endowed it with the yearly sum of £10 for another priest to sing daily and anniversary masses at its altar for her soul and those of her father and kin. Joan Bouchier, wife of Sir Henry Neville, (d. 1470) was also possibly buried there.¹⁷⁷ The new chapel thus seems to have attracted extensive patronage and, in the queue forming to fill its vaults, its founder was not even first in line. Indeed, according to Leland, the ceremony to effect his sepulchral translation did not occur until at least 1499 and may have been as late as 1515, the dean who possibly oversaw the translation later taking the redundant tomb space for himself.¹⁷⁸

There is also evidence that the new chapel put St. Mary's on the pilgrims' map, its accounts of 1484-5 recording the offerings made at St. Mary's and other Warwick churches by pilgrims on various festival days,¹⁷⁹ and archaeological evidence furnishing a fifteenth-century pilgrim's badge representing a *Pietà*, that was possibly produced for pilgrims visiting the collegiate church and its stately chapel (under which it was found).¹⁸⁰ However, we must

¹⁷⁴Chatwin, 'The Grave of Richard Beauchamp', pp. 1-2, 10; *Testamenta Vetusta*, i, p. 358.

¹⁷⁵Reg. Carpenter II, p. 162 (fo. 76v).

¹⁷⁶*Testamenta Vetusta*, i, pp. 357-62; *CCR 1476-1485*, p. 223, no. 754; Dugdale, *Antiquities of Warwickshire*, i, p. 451.

¹⁷⁷Dugdale, *Antiquities of Warwickshire*, i, p. 450; Chatwin, 'The Grave of Richard Beauchamp', p. 10.

¹⁷⁸Toulmin Smith (ed.), *Itinerary of John Leland*, 2, pt. v, p. 42, 5, pt. xi, p. 151; Chatwin, 'The Grave of Richard Beauchamp', p. 1+n.

¹⁷⁹Styles, *Ministers' Accounts*, p. 158+n.

¹⁸⁰Chatwin, 'Recent Discoveries in the Beauchamp Chapel', pp. 145-57; Styles, *Ministers' Accounts*, p. 158n. For pilgrim badges more generally, see B.W. Spencer, 'Medieval Pilgrim Badges: some general observations illustrated mainly from English sources' in J.G.N. Renaud (ed.), *Rotterdam Papers: A Contribution to Medieval*

be cautious of over-inflating the importance of the chapel to the college's fortunes, status and its position with its patrons. St. Mary's had buried its first earl back in 1242,¹⁸¹ and its long-standing ceremonial and spiritual significance to the earls and their families should not be underestimated, even if the evidence for such occasions is sparse. We are afforded rare glimpses, however, of events such as the solemn vow of chastity taken by Lady Philippa, wife of Guy de Beauchamp, the son of the Earl Thomas (I), three months after her husband's death, and his burial at Vendôme, which took place in St. Mary's before Bishop Reginald Brian of Worcester in August 1360.¹⁸² Anne Neville, daughter of the Kingmaker and future wife of Edward, prince of Wales, and Richard III, was likewise christened in the church on 11 June 1456 "wythe gret solempnyte."¹⁸³ St. Mary's thus played an integral part in the religious and social lives of its patrons and their families. The Beauchamp Chapel was part of a tradition and was not solely responsible for the interest shown in the college by the likes of Lady Latimer and her family.

Two key elements in relations between the college and its patrons, as we have seen, were family and tradition. More than questions of prestige and political posturing, these often bore the more influential role in decisions as to one's place of burial. The Beaumont earls of Warwick had their family church of Préaux, while the thirteenth-century earldom was distressed by short-lived earls, minorities and long-lived dowagers, with new families being introduced like the du Plessis, Mauduits and Beauchamps, who already had patronal affections and traditions or were not in place long enough to forge new ones. Not until Thomas de Beauchamp (I) was the earldom and its ruling family secure enough to favour St. Mary's. Richard de Beauchamp was part of this tradition and although his contributions appear the most prestigious, and to have spawned the interest of the Nevilles and Latimers, supposedly eager to associate themselves with such symbols of prestige and power, this is to forget the personal and familial links that bound them to the Beauchamps and a tradition of patronage. Not to mention their shared experiences and socio-political 'affinity'. Elizabeth Latimer was, after all, Earl Richard's daughter and sister-in-law to the Kingmaker. Tradition depended on families large enough and stable enough in their position for its fulfilment. Only with the

Archaeology (Rotterdam, 1968), pp. 137-53.

¹⁸¹*Complete Peerage*, XII, pt. 2, p. 365; *Rous Roll*, cap. 36.

¹⁸²Reg. Brian I, p. 64 (fo. 30v); Dugdale, *Antiquities of Warwickshire*, i, p. 399; *Complete Peerage*, XII, pt. 2, p. 375+n.

¹⁸³*Rous Roll*, cap. 62.

Beauchamps did all these factors align in a conjunction favourable to the Warwick church (not that such a path was preordained, for spiritual tastes and fashions have always added a more unpredictable element to such equations), and interest in the chapel was as much an extension of this phenomenon as a cause of it.

Similarly, while the occurrence of pilgrims at the church is significant for the chapel, it may only have exacerbated an existing trend. Visitors to the church had existed, and been encouraged, from at least the 1360s, when Earl Thomas (I) sought and obtained papal indulgences for those visiting the college and giving alms there (in order to help finance its rebuilding).¹⁸⁴ There is also the question of the college's large collection of holy relics, an inventory of which survives from 1455.¹⁸⁵ These were most probably acquired by the church, its canons and patrons, gradually over the centuries, but their ability to attract pilgrims can not be denied as we see from other discussions on the subject; local relics and saints often having local if not necessarily national importance.¹⁸⁶ Some relics may have been acquired to help attract funds and visitors specifically for this and earlier restoration work,¹⁸⁷ and some may even have been the spoils of war. It is likely that much of the building of Earl Thomas (I) was financed from his success on the fields of Crécy and Poitiers. At the latter he took prisoner the Archbishop of Sens and Bishop of Le Mans, earning £8000 from the ransom of the former.¹⁸⁸ Possibly he also could also count relics amongst such war-gains. Certainly the earls gave some relics away, as we see in the will of Earl Thomas (I) who gave a silver cross, containing a piece of the True Cross and other relics, to John de Buckingham, a former Warwick canon and the then bishop of Lincoln.¹⁸⁹ But whatever the circumstances of their accumulation, there can be little doubting the relics' probable importance to the college in terms of its status, image and possibly even its fortunes. Once again we need to see the college (and especially the Beauchamp Chapel) as part of a patronal tradition and recognise that the ties that bound college and patron were many and varied.

¹⁸⁴No. 6; *CPP 1342-1419*, pp. 498, 501.

¹⁸⁵No. 323 (see also no. 321, fo. 204r).

¹⁸⁶R.C. Finucane, *Miracles and Pilgrims: Popular Beliefs in Medieval England* (Guildford, 1977), pp. 25-38; Harvey, *Westminster Abbey and its Estates*, pp. 43-4; Fleming, 'Charity, Faith and the Gentry of Kent', p. 43; M. Clayton, *The Cult of the Virgin Mary in Anglo-Saxon England* (Cambridge, 1990), pp. 138-9; B. Ward, *Miracles and the Medieval Mind: Theory, Record and Event, 1000-1215* (London, 1982), pp. 127-34; Mason, *St. Wulfstan*, p. 119; Swanson, *Religion and Devotion*, pp. 158-61.

¹⁸⁷Finucane, *Miracles and Pilgrims*, p. 29; Wood, *English Monasteries and their Patrons*, p. 136.

¹⁸⁸McFarlane, *The Nobility of Later Medieval England*, pp. 30, 95, 195-6; *Complete Peerage*, XII, pt. 2, p. 373+n.

¹⁸⁹LPL, Register of Archbishop Whittlesey, fo. 110v; *Testamenta Vetusta*, i, p. 80.

Depending upon one's interpretation, the role of the patron could have been more complex. The role of the institution itself in determining the incidence and form of the patronage it received is generally given less consideration. By acknowledging the role of family, and the comital affinity and household, and the place of the college in each, I hope to have remedied this somewhat. However, there is the question raised by Susan Wood, although not really explored, of the degree to which, in our case, the church and canons affected the measure of patronage.¹⁹⁰ Their ability to help themselves and their church, to keep both in order, the image they thus collectively projected, were all important factors and ones that would encourage or dissuade investment, be it spiritual or temporal. This might possibly be proffered as an additional explanation for the lack of active 'investment' in the college in the late twelfth and thirteenth centuries. The college's poor condition, alienations and residence problems in these periods have already been surveyed in previous chapters, and something of them is attested in the college's archives for the mid-fourteenth-century.¹⁹¹ Public perceptions of the secular college and patrons' other patronal projects may also have combined to usurp patrons' benefactions and interest in the college. Such questions would have gained additional significance, moreover, if one's resources were stretched or one could not rely on a healthy succession of heirs to oversee one's spiritual and pecuniary investments. Of course, neither can one deny the patron's role here, previous investment by him or his predecessors being one way of remedying some of these ills and making future benefactions both more likely and possible. Thus, we begin to reach the crux of the issue. Surely, one can not assume that the patron is always ultimately and wholly responsible by virtue of his position and title as such? Where does his 'duty' end and his own wishes, initiative, and the accountability of the college itself, begin? Such questions are too large to answer here and should possibly remain hypothetical. Nevertheless, they serve to illustrate the difficulty of divorcing college and patron, and the actions and position of either, in any discussion of patronage.

Another historiographical minefield remains the question of spiritual motivation. This has received little attention in our discussion so far, but this is not to diminish its importance or validity as a factor. Rather, I seek here to explore something of how the patronal relationship worked between college and patron, how both interacted, and while I would not

¹⁹⁰“Just as a change of patron might affect the house, so a change in the house's status might affect the value of the patronage as property” (Wood, *English Monasteries and their Patrons*, p. 26).

¹⁹¹Nos. 52, 124, 129, 139, 141, 165, 279.

wish to deny the role played by the earls' religious beliefs and tastes, there is not the space here to give due regard to individuals' motivation and piety.¹⁹² I would like to raise one question, however, that pertains to this theme, and that is whether the level of duty felt towards a church like St. Mary's could depend on the patron's level of 'investment', the scale of which might bear some relation to the type of protection offered. At a crude level, this can be seen with the college's royal patrons. The king could expect the prayers of all his churches,¹⁹³ and had not the same vested spiritual interests in a church like St. Mary's as the earls, *valuing it instead* much more for its prebends. As a result his presence predominantly takes the form of presentations to prebends, and even a gift like Cuckow Church is a double-edged sword, being an exchange for glebe land the king wanted and which solved the problem of a desecrated building and gained him weekly masses and an obit into the bargain.¹⁹⁴ A better example still, is the royal free chapels, the Crown's vehement defence of which stemmed to a large degree from the importance of such institutions to its administrative machinery, personnel and patronage.¹⁹⁵ Moreover, they were a useful stick with which to beat the papacy and rival ecclesiastical jurisdictions, as vindicated somewhat by their treatment as a collectivity.¹⁹⁶

Patrons were implicitly involved in issues of protection, not only because of their *ius patronatus* and involvement in the college,¹⁹⁷ but by virtue of whom and what they

¹⁹²For discussions of patronage and its spiritual rewards see: Thompson, *Women Religious*, pp. 181-7; M. Bull, *Knightly Piety and the Lay Response to the First Crusade: the Limousin and Gascony, c. 970- c. 1130* (Oxford, 1993), pp. 157-163, 182-3, 201-2; Wood, *English Monasteries and their Patrons*, p. 127; Brett, *English Church under Henry I*, pp. 152-4; R. Mortimer, 'Religious and Secular Motives for Some English Monastic Foundations' in D. Baker (ed.), *Religious Motivation: Biographical and Sociological Problems for the Church Historian* (Studies in Church History, 15, Oxford, 1978), p. 77; C. Burgess, 'The Benefactions of Mortality: The Lay Response in the Late Medieval Urban Parish' in D.M. Smith (ed.), *Studies in Clergy and Ministry in Medieval England* (Borthwick Studies in History, 1, York, 1991), pp. 65-86.

¹⁹³Wood, *English Monasteries and their Patrons*, p. 134.

¹⁹⁴Nos. 225-6.

¹⁹⁵*VCH Sussex II*, pp. 112-13; Jones, 'Patronage and Administration', pp. 1-23; Carpenter, *Locality and Polity*, p. 125; Lepine, *Brotherhood of Canons*, pp. 24-7, 83-7; A.K. McHardy, 'Some Patterns of Ecclesiastical Patronage in the Later Middle Ages, in D.M. Smith (ed.), *Studies in Clergy and Ministry*, pp. 28-32; C.W. Smith, 'A Conflict of Interest? Chancery Clerks in Private Service' in J. Rosenthal and C. Richmond (eds.), *People, Politics and Community in the Later Middle Ages* (Gloucester, 1987), pp. 176-88; E.F. Jacob, 'On the Promotion of English university Clerks during the Later Middle Ages', *Journal of Ecclesiastical History*, 1 (1950), pp. 172-86; 'A Note on the English Concordat of 1418' in J.A. Watt, J.B. Morrall, F.X. Martin (eds.), *Medieval Studies Presented to Aubrey Gwynn, S.J.* (Dublin, 1961), pp. 349-58; Pegues, 'The *Clericus* in the Legal Administration', pp. 529-32.

¹⁹⁶Coulstock, *The Collegiate Church of Wimbourne Minster*, p. 107; Styles, 'Early History of the King's Chapels', pp. 83-4; 'Early History of Penkrigde', pp. 26-32; Mayr-Harting, 'Henry II and the Papacy', pp. 45-6; Denton, *English Royal Free Chapels*, pp. 15, 136; Buck, *Politics, Finance and the Church*, pp. 81-4

¹⁹⁷Wood, *English Monasteries and their Patrons*, p. 16.

represented. As with the royal free chapels, this might be an issue or stance that was larger than the institution itself; for St. Mary's, it could be, as we have already witnessed, the earldom and the earl's political, social and financial status, his family and predecessors (and their spiritual and secular interests), those he had presented to canonries, besides the lands and gifts donated in his name. In this respect, a church like St. Mary's bore its patron's public face and private soul, both of which he would be keen to protect; more so as family, friends and a complex network of favours, responsibilities and affinities were implicated.¹⁹⁸ Protection came in variety of forms, and at St. Mary's this is evident in comital confirmations,¹⁹⁹ the earl's involvement in statute-making and the recovery of alienated possessions,²⁰⁰ his protection against the encroachment of rival institutions,²⁰¹ securing indulgences,²⁰² appropriating churches in his own gift,²⁰³ helping in lawsuits and settling disputes,²⁰⁴ in addition to the gifts and financial privileges he bestowed.²⁰⁵ Again, the issue of motivation is more difficult to discern. Such protection could logically proceed from a view that the house was his property, returning us to the relationship between 'investment' and 'preservation'. Of course, such an interpretation robs the relationship of its socio-religious aspects and perhaps a better term than 'investment' would be the earls' stake in the college, being less fiscal in its implications and more inclusive of factors such as patronal and family traditions, personal and political sentiments and associations. One might cite the lack of such instances of protection before the Beauchamp accession in 1268 (in contrast to the period after it), and its correlation with a period of little ostensible investment, as both an example of, and justification for, these arguments. Moreover, the continuity of such protection and interest, after the death of Richard de Beauchamp and the eventual cessation of his line in the earldom, is a testament to its later patrons' own stake in the college, as illustrated by their connections to it through relatives, the comital affinity, tradition, and personal experience; over and above the obligations of defence required of them in their formal role as patron.

¹⁹⁸Carpenter, 'The Beauchamp Affinity', pp. 514-32; I. Rowney, 'Government and Patronage in the Fifteenth Century: Staffordshire 1439-59', *Midland History*, 8 (1983), pp. 49-69.

¹⁹⁹Nos. 8, 10.

²⁰⁰Nos. 52, 124, 129, 139, 141, 165, 291; *CPP 1342-1419*, pp. 493-4.

²⁰¹Nos. 134a, 297-8

²⁰²*CPP 1342-1419*, pp. 498, 501; *CPL 1362-1404*, p. 39; no. 6.

²⁰³Nos. 126-9, 139-41, 249, 291.

²⁰⁴*CCR 1313-1318*, p. 317; Reg. Carpenter II, pp. 138-41 (fos. 60v-62r).

²⁰⁵Nos. 9-10, 16, 20, 76, 79, 165, 249, 291, 321.

Perhaps it was because patron and college were so closely bound together by such ties that the college rarely seems to have experienced any direct confrontation with its patron. The only notable exception is that cited at the beginning of this chapter - the attempted sale of the church, the usurpation of its dean and the eventual loss of its right to elect its own head. Besides the occasional presentation dispute,²⁰⁶ there seems to have been little friction between the two, and although this may be heralded as indicative of the strength of the earls' dominion over the college, and particularly its canons, this in itself did not always carry negative implications; reducing the likelihood of dispute and generally excluding undue intervention from external sources, there being no sign of papal intrusion, for example.²⁰⁷ Where others did present, it was through the gift of the patron.²⁰⁸ Furthermore, the college lent itself a degree of protection, not only through its canons and their connections with the earl and local and national administrations, but through the attractiveness of its prebends, as is seen in the lack of a significant increase in vacancies during the period of the Black Death. Just as Burgess has demonstrated for chantries and anniversary masses that the commemorative provided for the regenerative,²⁰⁹ so St. Mary's might be said to have held the seeds of its own salvation, however much they might appear to have been firmly in the grasp of the earls.

This is seen most clearly in its role in the community, for St. Mary's was more than a college, it was a parish church, and very much a part of an urban community and its hinterland. Of course, the roots of its 'independence' lay in its canons, their extra-choral occupations, and its continuing value to the earls as a source, as well as an expression, of patronage (be it in the form of a vacant prebend or princely chapel), but a large part of that value and of the college's function and daily routine lay in its status as a parochial church serving the county's administrative capital. This wider community might be seen as another of the church's patrons, although their contributions frequently escape the written record. Gifts and legacies do occasionally occur though, and are probably underrepresented in surviving sources.²¹⁰ Accounts of the sixteenth-century show the church to have been deeply involved in the life of the community, whose members were employed, helped and housed by the church, which

²⁰⁶CRR 1201-1203, pp. 159, 175-6; CRR 1205-1206, pp. 84, 99; CRR 1207-1209, p. 63.

²⁰⁷See Biographical Index and Haines, *Administration of the Diocese of Worcester*, pp. 112-13.

²⁰⁸No. 69; see entries for Beverley, Blake, Charde, Fallan, Fysshier, Martyn and Verney in Biographical Index.

²⁰⁹Burgess, 'The Benefactions of Mortality', pp. 65-86.

²¹⁰PRO, E 40/4653; Styles, *Ministers' Accounts*, pp. 16, 42, 82, 128, 151.

baptised their children, churched their mothers, heard their confessions, married their couples and buried their dead,²¹¹ More than the processions it held,²¹² the services it performed, and the part it played in civic ceremonies (such as the eves of Corpus Christi, Midsummer and St. Peter's Day, and Reliquary Sunday),²¹³ its ceremonial importance and place in the town's society was reaffirmed with the Trinity Guild, which was based in the church.²¹⁴ Possibly, given its single chantry (excluding that of Richard de Beauchamp)²¹⁵ and its few burials of local gentry and burgesses,²¹⁶ there is justification for saying that the earls' patronage cast a shadow over the college and thus the parish church, and that like St. Mary's at Beverley,²¹⁷ the citizens of Warwick may have been more predisposed to adopt the neighbouring St. Nicholas's as their own. St. Nicholas's did briefly host the town's first chantry (founded in 1324 by Robert le Purser),²¹⁸ but there are no grounds for thinking its civic benefactions were greater, and if a comital shadow existed it was umbrous enough to shade both churches. Rather we should look again to the town's economic fortunes, to explain any general depreciation in benefactions.

There may, however, have been some tension between old and new families in the county. Something of this is evident in the case of the Verney family who, although part of the earl's affinity, like many such rising families, while needing and respecting their patron, were nevertheless eager to set themselves a part a little and to forge their own identity and place within the county.²¹⁹ Accordingly, the parish church in, or nearest, to the family's principal residence was normally the focus for their pious gifts, through which they put their stamp on, and increased their influence in, the locality: "...the family religious epicentre was also the focal point of its political identity, the two went hand in hand..."²²⁰ Fleming, moreover, has distinguished trends in such bequests among the gentry ranks in the fifteenth-century: chantries and obits being more popular with esquires and gentlemen than knights, being those

²¹¹PRO, E 315, 400, 420; PRO SC 2/207/88.

²¹²No. 124c (fo. 58v).

²¹³PRO, SC2/207/88.

²¹⁴CPR 1381-1385, pp. 268, 271; nos. 311, 340-2.

²¹⁵Nos. 340-2.

²¹⁶Dugdale, *Antiquities of Warwickshire*, i, pp. 432, 436, 439-40; nos. 91, 282; Toulmin Smith (ed.), *Itinerary of John Leland*, 2, pt. v, p. 42, 5, pt. xi, pp. 150-1; HWRO, 008.7, fo. 6.

²¹⁷J. Bilson, 'St. Mary's Church, Beverley', *Yorkshire Archaeological Journal*, 25 (1920), pp. 357-62.

²¹⁸PRO, C 143/163/5; CPR 1321-1324, p. 368; Dugdale, *Antiquities of Warwickshire*, i, p. 466.

²¹⁹See Carpenter, *Locality and Polity*, pp. 126, 129-30, 173-4, 222; 'Religion and the Gentry', pp. 65-9; 'The Beauchamp Affinity', pp. 516-7; Fleming, 'Charity, Faith and the Gentry of Kent', pp. 46, 49-50.

²²⁰Carpenter, 'Religion and the Gentry', p. 69.

who often had a greater need to display their new rank and wealth and seek society's recognition of their status.²²¹ Knights, however, moved away from such commemorative institutions towards private chapels and altars, as a form of status-symbol and a more personal style of worship (which further set them apart from the ranks beneath them).²²² Similarly, it was the higher echelons of society who still supported religious houses and institutions, despite a more general decline in their popularity, it being the families of long-standing that were most likely to develop a tradition of patronage.²²³ Such trends help explain why newer members of the earl's affinity were reluctant to associate themselves too strongly with the college, and although the strength of the earls' religious and political identity here undoubtedly contributed to this, it concerned the gentry's expression as much as the earls' oppression.

Earl and gentleman alike wished to carve their own niches in society and posterity and the distinctions that arose were thus mutually acceptable. It is in this light that we should probably interpret the tirade against chantries contained in the sermon preached (most likely in St. Mary's) on the anniversary of the Thomas de Beauchamp (II)'s death, where there is a distinction made between older institutions like St. Mary's and 'chantries of new foundation' and the preacher hints strongly at this competition between, not only the institutions, but (implicitly) the noble and gentry ranks behind them. "Certe male cantarie sunt cantarie noue fundacionis, et tales [sunt] quia sine exprouisis fundant cotidie. Sed antiquas cantarias, quas sui predecessores fecerunt illas intuntur destruere et capere ab eis que habent."²²⁴

It is possible that these reflected the views of the Beauchamp family, even the college,²²⁵ and might thus explain the college's few chantries (and have caused Robert Walden, the founder of the first, had he not died soon after Earl Thomas (II), to kick himself). The church was cultivating its own image and sagely aligning itself with its patronal family and their wishes. This is not to say, however, that it discouraged the gifts or benefactions of others. That these are not evident on any grand scale is more indicative of the fact that, increasingly,

²²¹Fleming, 'Charity, Faith and the Gentry of Kent', pp. 39-41.

²²²Fleming, 'Charity, Faith and the Gentry of Kent', pp. 42, 48; Carpenter, 'Religion and the Gentry', p. 63; E. Mason, 'The Role of the English Parishioner, 1100-1500,' *Journal of Ecclesiastical History*, 27:1 (1976), p. 22; 'A Truth Universally Acknowledged', p.179; Acheson, *A Gentry Community*, p. 187.

²²³Fleming, 'Charity, Faith and the Gentry of Kent', pp. 48-9.

²²⁴Horner, 'A Sermon on the Anniversary', pp. 381-4, 394, citing Bodleian Library, MS Laud misc. 706 (SC 809), fo. 77v.

²²⁵Horner, 'A Sermon on the Anniversary', p. 383+n.

gifts assumed the form of money, goods, vestments and ornaments as competition for land increased in the fifteenth-century and the supply of available property diminished.²²⁶ Nor does 'distinction' automatically imply 'exclusion', and just as the chaplain of Walden's chantry had his responsibilities clearly defined by his patron, this definition did not prevent him being able to work in (and potentially for) the collegiate church, nor even as the chaplain of the Trinity Guild. Such clarification endowed all three institutions with the ability to work with and within each other, whilst simultaneously safeguarding the interests and integrity of each.²²⁷

The crux of many of these themes concerning patronage is identity, and this is most apparent in the preceding discussion about the patronage of the gentry and town. In the case of the sermon (putting aside any economic implications) church and patron were each concerned to define and preserve the identity of the college; just as those founding chantries were keen to establish and perpetuate their own. No party in any of these examples wanted their message diminished or obscured. It is all too easy to omit the college's canons in these discussions, yet they too had a corporate and institutional identity, besides more personal messages to convey. Their own actions and personalities, as much as the patron's use of the college, could shape this image. It was they who worked, lived and worshipped in the town, in the households of king, earl or bishop, and in the cathedral or college close. They too, after their patrons and parishioners, gave generously to the church, and bequeathed books, vestments, ornaments and plate in recognition of their college and companions, and thus annexed their own identities to that of the institution they served and its patron.²²⁸

Throughout this and previous chapters, the image presented by the collegiate church has always been of great significance, and the college represented different things to different people at different times. This is attested by the great many uses it was put to, the number of ways it served its patron and the fact that it received patronage not only from the earls, but also their wider affinity, the Crown, its parishioners, and its canons. For the historian, the result is that it could transmit a bewildering array of messages with a real potential for

²²⁶Carpenter, 'Religion and the Gentry', pp. 59, 67; Mason, 'Time Barones', p. 62; Harvey, *Westminster Abbey and its Estates*, p. 42.

²²⁷Nos. 340-2.

²²⁸The goods bequeathed by Dean Yonge went towards rebuilding the deanery (no. 4). See also PRO, E 154/1/46; Toulmin Smith (ed.), *Itinerary of John Leland*, 2, pt. v, pp. 41-2, 44, 5, pt. xi, pp. 150-1; Dugdale, *Antiquities of Warwickshire*, i, pp. 440, 443; Biographical Index; no. 321.

misinterpretation. That the identities it projected can be misconceived is apparent from the work of modern historians. McFarlane, for example, described it as one of the “war-churches,”²²⁹ whilst Cook prefers to see it as “an anticipation of the chantry colleges of later centuries.”²³⁰ Neither is without justification, but both statements are ‘snap-shot’ views of the college, taken from different periods in its history, and representing different aspects of its patronage. What I hope to have demonstrated is that identity of the collegiate church can not be examined without reference to its patrons, and that the importance we attach to individual aspects of this patronage can only be judged by looking at the long-term development and nature of the relationship between the college and its patron, which extended beyond earl and canons to include such factors as the earldom, social and political affinity, town, family, and parish community. To this end, the local power of the earls of Warwick, as reflected in their patronage, is difficult to separate from the college, and to seek to distance the college from these influences or apologise for them is ultimately self-defeating. This is not to deny the existence of patronal influence and other sources of patronage, but neither must the extent of the fusion of the earls’ image with that of the college necessarily be seen as negative or oppressive. The image of Earl Roger and his college as portrayed by Bishop Rotrou is an extreme, and thankfully isolated one in St. Mary’s history. Yet for being so unrepresentative of the later relationship between the earls and the Warwick church, many of the same strands that have informed this discussion run through it: patron, church, family sentiment and politics, affinity and prestige. Thus, it is perhaps the expression, rather than the nature, of patronage which is so variable, and the ability of the collegiate church to meet and project its patrons’ wishes that permits this variety. Seigneurial *dominium* may have been a real factor in the college’s history, yet it was rarely oppressive or unilinear, focussed solely on the college; instead its influences were diverse and refracted through the college and other people and institutions. In so doing, it simultaneously gave new dimensions to the collegiate church and the ability to accommodate them. The strength of the patronal associations and relationship between the earls and the college was in itself a form of protection, but none more so than the college’s continuing usefulness and validity.

²²⁹McFarlane, *The Nobility of Later Medieval England*, p. 95.

²³⁰Cook, *English Collegiate Churches*, p. 106.

Conclusion

How the world doth wag with Warwick college¹

St. Mary's collegiate church enjoyed its four hundred year history because it was intricately connected with, and undeniably a part of, the society it served. It was more than a remnant of an Anglo-Saxon minster, had significance above and beyond its patron and his earldom, while its place in borough, parish, county and diocese was only partially representative of its situation in medieval society. Its history admirably demonstrates that the collegiate church was not a transitory institution, a simple tool of its patron, a status symbol, a source of patronage or an unexplained and anomalous relic of a bygone age. Neither was its use redundant. All too often the secular college has been held up next to the monastic house or Augustinian community, and its canons, discipline and corporate life found wanting. But is such comparison fair? Certainly any number of instances of unseemly conduct can be cited against the secular clergy, and undoubtedly their constitutions and 'irregular' mode of life did not always help contrain their behaviour. However, while their 'worldliness' may not sit as well with the proponents and historians of monasticism, this same worldliness typifies the position of such a college and its clergy. This is not meant in a moral or pejorative sense, nor would I wish to depreciate the subtlety or number of connections the religious houses and orders had with society, rather the position of a college like St. Mary's in that society was necessarily overt and readily politicised.

As an institution it openly straddled secular and ecclesiastical spheres and assumed its place in various networks of power, patronage and influence. It was not cast from one mould, but developed over time and adapted according to circumstance and custom. It was receptive to a variety of influences and susceptible to a range of jurisdictions and authorities. Accordingly, its nature and role defy simple categorisation and it can present different faces to the unwary historian. Too often the perceived laxity of its structure encourages us to berate the abuses and weaknesses that ensued therefrom and blinds us to the reasons for this 'laxity'

¹PRO, SP 1/133, fo. 55r; *Letters and Papers of Henry VIII*, vol. 13, pt. 1, p. 445, no. 1202. Letter from Bishop Hugh Latimer of Worcester to Thomas Cromwell, 17 June 1538. 'Wag' - to talk animatedly.

and the more interesting question of how the dangers it posed were reconciled with its necessity and benefits.

These themes have been explored more thoroughly in the preceding chapters which, it is hoped, have elucidated something of the true nature of the institution. The Saxon minster of All Saints formed an important part of the college's inheritance and bequeathed the former parish church much of its *parochia*, status, jurisdictions and possessions. With the new college it played a formative role in the growth and establishment of the borough of Warwick and grounded the new institution in its locale. The Saxon college was only one influence, however, and the Norman college, the English secular cathedral, the parish church and chantry college were all to add their own motif to its constitutional make-up. Its constitution thus developed along relatively free lines, and internal as much as external influences were apparent. The fluidity of its structure makes it hard to readily define the institution, yet despite the strong evidence for the importance of the individual, it is nonetheless deserving of its collegiate status and enjoyed a corporate life and existence beyond its individual canons and divergent applications. This was helped by the increasing centralisation of control within the college and, perversely, by the delegation of various functions. Deputation gave the college and its canons the flexibility necessary to meet the various demands placed on them and yet introduced potential weaknesses to the college's constitutional structure. At the same time, however, these possible flaws were made more accountable to centralised mechanisms of control and authority, and their negative impact diminished. Statutory clarity was a significant aid to the development of the college, and involved canons, patron and diocesan together. This definition still allowed structural flexibility, so that college was not unduly encumbered in meeting the responsibilities placed on it by the various networks and relationships of which it was a part.

The college had to negotiate its position on several fronts, be they diocesan, comital, economic, urban or parochial. In the diocese the college tried to free itself from various jurisdictions whilst attempting to preserve and protect its parochial status and revenues. Its relationship with the diocesan was, moreover, not only coloured by its own actions, but the designs of the local prelate himself. These might vary depending upon how the bishop saw the collegiate church: as a parish church, as a source of patronage, or as symbolic of the town and earldom, for example. Similarly, its relations with the diocese were complicated by factors such as the earls' patronage, local politics, royal intervention and the actions of individual

canons. Such relationships thus evolved along organic lines, although became increasingly consistent as the terms of engagement were settled and customs established.

The hypothesis that collegiate churches often represented an investment, beyond simply the gift of lands or that of one's spiritual care or family motif, is an important one to this thesis. In the instance of many episcopal foundations the property invested possibly played a role in the context of the mensal division between bishop and chapter. It thus carried implications for the future attitudes of both authorities towards those foundations. In St. Mary's case, the significance of the land itself in the context of the political tensions between their founder and the local sheriff, at its foundation, brings this aspect of patronage into the secular realm. Accordingly, the college seems to have acted as a protectorate for more than the spiritual welfare of its patrons and parishioners, and this is further corroborated by the piecemeal nature of its endowment.

The college's endowment bridged the gap between the church's Saxon past and medieval future, and its long-term importance and consolidation represent an important theme in the college's history. Although the college may have been just as vulnerable to any thirteenth-century 'crisis' as other levels of society, and did not necessarily share in the prosperity of larger religious institutions, consolidation of its position and possessions was more typical and it was defensive before aggressive in its acquisition of property. Again, while the endowment could be undermined by individuals and the disparity of its prebends (which hindered acquisition and could cause internal friction), the college worked with bishop and patron to remedy losses and curtail such divisive elements. Its spiritual economy gave the church an added dimension to its revenues, receipt of property and, for example, its rentier ethos. In the same vein, many of the values and strategies employed by lay landowners were equally relevant to the college in the administration of its property, especially those respecting the integrity of one's fee. Thus, while the Church had concerns peculiar to itself, it is dangerous to contrast its actions and success too starkly with those of its lay counterparts when it comes to economic prosperity and survival, especially in the troubled decades of the thirteenth-century.

The college's continuing place in the urban community and its environs is apparent in all the preceding chapters. Its role here is evident from the time of the minster and the origins

of the Saxon *burh*, through the growth of the Norman borough and the establishment of the earls' jurisdictions and the development of their associations with the town. It was the town's spiritual centre and, later, that of the earldom too, and was also a considerable property owner - a role which implicated the college further in relations with its tenants, great and small, individual and institutional, and drew it closer to institutions like the town's gild and the administration of the earl. Its properties and tenancies within and beyond the town's walls may have also contributed to urban growth, reinforcing jurisdictional, tenurial and commercial links, and may even have (inadvertently?) helped to stifle municipal autonomy in the town. Its position in Warwick is revealed best by its post-dissolution history. The importance of the church, spiritual and economic, is highlighted by the actions of Warwick's Gild in purchasing it so that it could be granted to the town's burgesses with much of its property. This and the fact that the earldom of Warwick still remained in abeyance also led the now powerful gild to attain incorporation for the town, with the gild becoming its civic corporation. Thus the history of gild and town after 1544 are as much a testament to the combined jurisdictional might of college and earldom as to the town's affection towards the former and the importance of its place within local society.²

For the college itself, lay *dominium* maintained a presence throughout its history, but while firmly embraced by the earls' patronage (its advowson belonging to their fee), the relationship between the earls and the collegiate church was rarely so austere or one-sided. The college was associated with the earldom and its patrons through the town, its property, canons and clerks, various administrations and institutions, as the parish church of the *caput honoris* and even as the burial place of many of the later earls. The earl's investment was by no means purely pecuniary, and was expressed through family, tradition, religious services, hospitality and a host of other means. The most complex of all was the link with the earls through their affinities, which helped sustain traditions and even possibly affections, and yet which themselves formed a source of patronage along with the church's own canons, clergy and parishioners. Most important of all, however, was the fact that the affinity's relation with the college demonstrates again the importance of personality and that behind college and administration were people, and that it is thus necessary to see secular canons as much as individuals as a corporate community. St. Mary's collegiate church was, indeed, a community

²For this post-dissolution history see below.

and its corporate identity was helped considerably by the trend in centralisation that has already been noted. Yet it best served the various uses and demands placed on it and its members by the ability not only to work together but also to make the best use of the relationships and connections furnished by the canons themselves. Its structural and constitutional pliability enabled a system of patronage and liturgical provision to operate relatively freely, although within bounds to secure the well-being of the college and its clerics. St. Mary's institutional history can thus be equated to a never-ending attempt to find the point of equilibrium between these two counterpoised sides. What is most remarkable, however, is that despite occasional upsets, dean, canons, bishop and patron seem to generally work together to attain this balance, and that success and failures alike, as for much of the college's history, seem to be underscored by personality and the individual.

The collegiate church of St. Mary, Warwick, acknowledged the Royal Supremacy in August 1534,³ and was dissolved in the summer of 1544.⁴ Much of its property, worth £58 14s. 4d., and the advowsons of St. Mary's and St. Nicholas's, Budbrooke and Chaddesley Corbett, were granted by the Crown to the newly-established corporation in May 1545.⁵ The grant of the church to the town had been obtained and made possible by the Gild of Warwick, which had bought the college with the proceeds of the sale of some of its property.⁶ Thus college and gild were to form the financial basis of the new municipal government they had spawned and to play an implicit, albeit indirect, part in the post-dissolution history and development of the town.⁷ Before its dissolution, however, there was the memorable era of John Watwood. This colourful canon appears in 1536 when he was imprisoned in Warwick Castle, supposedly by the bishop's men, for ringing St. Mary's bells on St. Laurence's feast day.⁸ This was in accordance with college statutes,⁹ and the charge seems unjustified and, as Watwood claims, made out of malice because he had given the college's valuable statue of St. Mary to Thomas Cromwell, keeper of the Privy Seal, and not to the bishop of Worcester. At any rate the local

³PRO E 25/115; *Letters and Papers of Henry VIII*, vol. 7, p. 441, no. 1121 (31).

⁴Styles, *Ministers' Accounts*, p. lv+n; *VCH Warwickshire II*, p. 129, VIII, p. 522.

⁵*Letters and Papers of Henry VIII*, vol. 20, pt. 1, p. 419, no. 846 (41); PRO, E 318/22/1187.

⁶PRO, E 301/31, no. 35; *VCH Warwickshire VIII*, pp. 480, 488, 490, 522.

⁷*VCH Warwickshire VIII*, p. 490. The property became known as King Henry VIII's Estate, administered by burgesses on behalf of the corporation. With the Municipal Corporations Act of 1835 its administration passed to trustees and as 'King Henry VIII's Charity' it became part of Warwick's 'Municipal Charities'.

⁸*Letters and Papers of Henry VIII*, vol. 11, pp. 172-3, no. 431.

⁹No. 124e.

justices were afraid to bail him without Cromwell's sanction, being stopped by the bishop's men.¹⁰ Two years later, however, it was the turn of Cromwell's ears to ring with Watwood's antics as Bishop Latimer of Worcester wrote to him of a complaint that the canon "delights to lie at London at the college's cost, ... caring neither for statutes nor injunctions." The college was apparently so poor that Bishop Latimer forwent his procuration at his visitation and asked Cromwell "to be a good lord to the college ... As the king has the chief jewel that they had, his Highness should remember them with some piece of some broken abbey, or they will grow shortly to naught. The vicars and other ministers sing and say unwaged."¹¹ Watwood had also allegedly taken all three keys belonging to the college's treasury,¹² and days earlier the dean and two other canons had agreed to send a deputation to the bishop of Worcester to "show him the injuries and wrongs done by Mr. Wetwood, one of their brethren."¹³ This was in June 1538, and in October Latimer wrote to Cromwell following a visitation of the college, where Watwood was presented as "a lecher, a fighter and a disquieter of his company ... He bears himself very boldly towards Cromwell and disregards Latimer's injunctions.. [and Latimer] writes nothing of him but what he dare avow."¹⁴ By March 1539, however, Watwood had undergone a transformation (with the help of Cromwell and Latimer) and Latimer's chaplain, the Protestant, William Benet, writes to the bishop informing him that: "No doubt he is now an honest man. He daily shows more gentleness than all the rest and faithfully follows and sets forth the king's injunctions and Latimer's."¹⁵ This report prompted Latimer to praise Cromwell's part in the renovation: "You be indeed *scius artifex*, and hath a good hand to renew old bottles, and to polish them and make them apt to receive new wine." Enclosed was a copy of the report "to show what good change and renovation Cromwell has wrought in Mr.

¹⁰*Letters and Papers of Henry VIII*, vol. 11, p. 173, no. 432. The statue was probably that given the college by Richard de Beauchamp, earl of Warwick (d. 1439), which was made of pure gold (PRO, PROB 11/1, fos. 147r-148v (146r-147v); *Testamenta Vetusta*, i, p. 231). It is most likely that this statue was also the college's 'chief jewel' mentioned below.

¹¹PRO, SP 1/33, fos. 55r, 57r; *Letters and Papers of Henry VIII*, vol. 13, pt. 1, p. 445, no. 1202 [1]. For another narrative account of this episode see also, Kreider, *English Chantries*, pp. 35-6. The 'jewel' was probably the statue of St. Mary previously lost to the college by September 1536 (Styles, *Ministers' Accounts*, p. lv; *Letters and Papers of Henry VIII*, vol. 11, p. 173, no. 432).

¹²See Chapter 2 and Bourghier, no. 4.

¹³PRO, SP 1/33, fos. 55r, 57r; *Letters and Papers of Henry VIII*, vol. 13, pt. 1, p. 445, no. 1202 [1 and 2].

¹⁴PRO, SP 1/137, fo. 78r-v; *Letters and Papers of Henry VIII*, vol. 13, pt. 2, p. 203, no. 515.

¹⁵PRO, SP 1/144, fo. 199r; *Letters and Papers of Henry VIII*, vol. 14, pt. 1, pp. 247-8, no. 638.

Wattwood.”¹⁶ Watwood seems to have subsequently been welcomed into the fold at St. Mary’s, and appears with other canons in a petition of September 1539.¹⁷

This case history of John Watwood and the state of St. Mary’s as it neared dissolution does not seem an auspicious one and it is tempting to parade it as an example of all that was wrong with the collegiate constitution and a lack of any manifest development, stability or maturity on the college’s part. Such an interpretation may be cautioned by noting that the college had now fallen into the hands of Henry VIII and had already lost some of its most valuable possessions to the Crown, the statue of the Virgin Mary for example,¹⁸ and the state was also trying to deprive it of its valuable woodland resources at Baginton,¹⁹ which were so crucial to the college’s revenue. What the history does illustrate, however, is many of the themes that run through this thesis and which cumulatively reveal something of the true nature of the institution. Thus, we see the important role of patronage and how the actions of the patron, good or bad, could have serious implications for the college’s fortunes. Moreover, the complex networks of patronage, affinity, friendship and politics (on a local and national level) are manifestly apparent. They can be seen in Watwood’s arrest and the inability of his friends to release him on bail through the normal channels, the ‘gift’ of the statue, the flurry of letters between Cromwell and Latimer, their personal as well as pastoral interest and involvement in the case, and the manoeuvrings of his fellow canons. What is especially noticeable is the combined effort of bishop and ‘patron’ (Latimer and Cromwell) to turn the situation around and go beyond the normal avenues of control such as visitation. Thus, Latimer begged Cromwell to further endow the college after the king had taken their ‘chief jewel’, and Cromwell interviewed Watwood after the bishop’s visitation failed to effect any positive change. The importance of centralised control is reiterated, having been undermined by Watwood’s possession of all three treasury keys, and while we see such evils as non-residence and abusive canons, these are counter-balanced by the evident importance of pastoral care and parochial obligations. From the ringing of St. Laurence’s bells to the pastoral figures of Cromwell and Latimer and the support of the vicars choral, the significance of the college’s liturgical responsibilities and its place within diocese and Church resonate clearly. Tradition,

¹⁶PRO, SP 1/150, fo. 116r; *Letters and Papers of Henry VIII*, vol. 14, pt. 1, p. 359, no. 740.

¹⁷PRO, SP 1/153, fo. 123r; *Letters and Papers of Henry VIII*, vol. 14, pt. 2, p. 47, no. 159.

¹⁸Styles, *Ministers’ Accounts*, p. lv.

¹⁹PRO, SP 1/153, fo. 123r; *Letters and Papers of Henry VIII*, vol. 14, pt. 2, p. 47, no. 159; and see Chapter 4.

the church's economic status and the role of its possessions, its ability to adapt to new social and religious environments are also themes that concern these examples, but none more so than the importance of personality. As Kreider notes:

Two colleges were in especially serious trouble in the 1530s because of perverse personalities among their leading clerics. ... And in Ripon, as in Warwick, it took only one strategically situated cleric to make a shambles of collegiate life.²⁰

Personality remained the fatal flaw and saving grace of the collegiate church, and nowhere was this more true than Warwick. The college's survival can be attributed to a myriad of factors: its varied functions as college and parish church; its place in the town, county, diocese, earldom and country; the patronage, revenues, commemoration, liturgical and parochial offices and rites it provided; and the importance of its Saxon past, endowment, the investment it received, family and tradition, continuity and change. Nevertheless, all these elements were underscored by personal relationships which were formed both collectively, in the corporate form of the chapter, and individually, as canons and secular clerks. These relationships, and the responsibilities they brought with them, the collegiate institution tried to embrace as best it could, and, where possible, to harmoniously assimilate them with its own requirements. Success was never guaranteed, as we have seen, yet despite the vagaries of its personalities and fortunes, the individuals and relationships incorporated by the college helped to ensure its continuing viability and vitality, and to unequivocally secure its place in the panorama of medieval society.

²⁰Kreider, *English Chantries*, pp. 35-6.

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