

A Bishop and his Diocese: politics, government, and  
careers in Hereford and Winchester dioceses, 1282-1317

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## **Abstract**

The present study explores two late thirteenth-century bishops' registers, one from Hereford diocese, the other from Winchester, in order to shed light on the act of registration during this period. In doing so, the thesis aims to further current understanding of registers and develop new methodologies for their use in historical research. Where previous studies only focus on one particular type of record in a register, such as charters, each chapter of this thesis examines a different type of record, meaning a far greater range of each register is explored. The thesis also considers what light the two registers can shed on episcopacy in Hereford and Winchester dioceses in the late thirteenth century. While most studies of this period focus on archbishops or royal government officials, this thesis turns to two workaday bishops in order to consider how those men who played a less prominent role in English political and ecclesiastical life practised episcopacy. Each chapter concerns a particular episcopal activity: the safeguarding of ecclesiastical benefices, the construction of episcopal households, ecclesiastical reform, episcopal visitations and, more broadly, the pursuit of a career, affording a broad investigation into each bishop's activities.

Using the two registers, this study argues that it is essential to consider episcopacy as something distinct to each individual, shaped by a range of motives, agendas, and relationships. It emphasizes the role of human beings and their interactions in diocesan administration and in producing registers, leading to diverse approaches to episcopacy and the record of episcopal acts. It also draws connections between registration and episcopal activity, developing new ways of reading the material based on a greater understanding of the content and production of registers and their contexts.

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## **Author's Declaration**

I declare that this thesis is wholly the product of my own work and has not been submitted for any other degree at this or any other institution. Some aspects have been presented as conference papers but these have not been published. All sources are acknowledged as references.

## **A note on conventions**

Out of consideration for accuracy and consistency, I have modernized place and toponymic names where possible, but I have kept the preposition particle *de* in all relevant names in order to reflect its usage in records of the period. Where the names of French or Italian individuals are given in Latin, I have used the vernacular equivalent, hence *Jacobus de Sinibaldi* becomes Jacopo de Sinibaldi. Where a church, parish, religious house, or place is now classified in a different county or region relative to the period of study (often owing to the Local Government Act 1972), I have noted both the historic and modern county.



## Introduction

This thesis will examine two bishops' registers, one from Hereford diocese and one from Winchester, to see what light they can shed on episcopacy at a crucial (and oddly understudied) moment in English ecclesiastical history, the late thirteenth century. As Alison McHardy stresses, bishops' registers remain a 'neglected resource'.<sup>1</sup> The main aim of this thesis is to develop new methodologies for using registers to study the period in question, namely by taking two registers as the object of study, and, for the first time, critically engaging with a broad range of material within them, thereby unlocking some of their untapped potential. It also gives focus to variations in registration practice in the two dioceses and the implications these variations have for understanding registers. The vehicle for this investigation is a study of episcopacy, or the execution of the episcopal office, in Hereford and Winchester dioceses. As 'composite record[s]' of episcopal business,<sup>2</sup> registers contain a wealth of material that can help to advance current scholarship on episcopacy in the late thirteenth century. This present study examines register material in order to determine what it reveals about bishops' approaches to different aspects of diocesan government and ecclesiastical reform, as well as their political activity in the diocese and beyond it, offering a new perspective of the English realm during the reign of Edward I. This thesis also seizes on the opportunity afforded by register material to explore the relationship between person (the bishop and his staff, in particular) and systems of government, especially registration, and to consider the human, rather than institutional, aspects of diocesan governance.

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<sup>1</sup> A.K. McHardy, 'Bishops' Registers and Political History: a Neglected Resource' in P.M. Hoskin, C.N.L. Brooke, R.B. Dobson (eds), *The Foundations of English Medieval English Ecclesiastical History* (Woodbridge, 2005), 173-93.

<sup>2</sup> D.M. Smith, *Guide to Bishops' Registers of England and Wales: a survey from the Middle Ages to Abolition of Episcopacy in 1646* (London, 1961), ix.

On account of major shifts in the political and legal cultures of England and the Latin church, the late thirteenth century is an ideal setting for a study of this kind. Under Edward I (1272-1307), the English Crown held greater power and authority throughout the British Isles, aided by the centralization, and development, of royal government, even at time when the rise of parliament was altering the relationship between ruler and ruled.<sup>3</sup> The ability to promulgate statutes and demand taxation also gave the Crown greater control over the church in England and its resources, not least because many high-ranking members of royal government were clerics, including bishops.<sup>4</sup> Further afield, the papacy continued to expand its powers over a Christianizing Europe, led during this period, in particular, by Pope Boniface VIII (1294-1303).<sup>5</sup> The papacy sought to consolidate its rule over secular leaders, symbolized by Boniface's promulgation of the decretal, *Clericis laicos*, in 1296, which prevented clerics from paying taxes to secular authorities, leading to a constitutional crisis in England in 1297.<sup>6</sup> The thirteenth century was also a great age of ecclesiastical reform led by Innocent III (1198-1216), Honorius III (1216-27), and Gregory X (1271-76), beginning with the Fourth Council of the Lateran in 1215 and ending with the Second Council of Lyons in 1274.<sup>7</sup> It fell to bishops to enact the papal reform agendas in their dioceses. As magnates of the realm and governors of the church during this period, bishops traversed the divide between the ecclesiastical and lay spheres and obeyed two masters vying for power against each other: king and pope. They occupied a prominent but precarious position in a late thirteenth-century political landscape undergoing change, and their registers can provide a new perspective on episcopal activity.

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<sup>3</sup> C. Burt, *Edward I and the Governance of England, 1272-1307* (Cambridge, 2013); R. R. Davies, *The First English Empire: Power and Identities in the British Isles 1093-1343* (Oxford, 2000); R. Frame, *The Political Development of the British Isles, 1100-1400* (Oxford, 1990), 142-68; G. L. Harriss, *King, Parliament and Public Finance in Medieval England* (1975), 27-127; J.R. Maddicott, 'Edward I and the lessons of Baronial Reform: local government, 1258-80', *TCE I* (1985), 1-30 and his *Origins of the English Parliament, 924-1327* (Oxford, 2010), 277-375; W.M. Ormrod, 'State Building and State Finance under Edward I' in Ormrod (ed.) *England in the Thirteenth Century* (Stamford, 1991), 15-35; M. Prestwich, *Edward I* (London, 1988).

<sup>4</sup> J.H. Denton, *English Royal Free Chapels 1100-1300: a constitutional study* (Manchester, 1970); E.B. Graves, 'Circumspecte Agatis', *EHR* 43 (1928), 1-20; B. Thompson, 'Habendum et Tenendum: Lay and Ecclesiastical Attitudes to the Property of the Church', in C. Harper-Bill (ed.), *Religious Belief and Ecclesiastical Careers in Late Medieval England: studies in the History of Medieval Religion 3* (Woodbridge, 1991), 197-238.

<sup>5</sup> G. Barraclough, *The Medieval Papacy* (London, 1968); T.S.R. Boase, *Boniface VIII* (London, 1933); C. Morris, *The Papal Monarchy: the Western Church from 1050 to 1250* (Oxford, 1989).

<sup>6</sup> Denton, *Robert Winchelsey and the Crown, 1294-1313: a study in the defence of ecclesiastical liberty* (Cambridge, 1980), 80-176.

<sup>7</sup> R. Foreville, *Latran I, II, III et IV* (Histoire des conciles œcuméniques vi) (Paris, 1965); J.M. Powell, 'Pastor bonus: some evidence of Honorius III's use of the sermons of Innocent III', *Speculum* 52 (1977), 522-37; H. Wolter et H. Holstein, *Lyon I et Lyon II* (Histoire des conciles œcuméniques vii) (Paris, 1966).

## I. The study of late-thirteenth century bishops, episcopacy, and registers

The historiography of late-thirteenth century England is characterized more by its focus on Edward I, royal government, and constitutional development than it is by the study of bishops or the church. More studies exist for pre-1272 bishops, when new systems of government and administration were being developed, chief among them registration in just a few dioceses, and for the period after 1307, when those systems were more established. The transitional period between the two is lesser studied. Nevertheless, there are two particular strands in current historiography to which this thesis responds. One focuses on the lives of major archbishops, usually in a biographical format, and the second investigates episcopal government, especially diocesan administration, across the thirteenth and fourteenth centuries, with some focus given to bishops' registers.

There has been sustained scholarly interest in bishops' registers since the production of the first printed editions in the nineteenth century. Philippa Hoskin recently, and convincingly, challenged the long-held notion that registration was the 'apotheosis' of the episcopal chancery, but also acknowledged that registers had come to be the dominant form of episcopal record-keeping by the late thirteenth century.<sup>8</sup> Despite their prominent place, just two major interests preoccupy scholarship on registers. First is a survey of registers, drawing attention to their survival.<sup>9</sup> David Smith's survey, *Guide to Bishops' Registers*, remains essential reading for its detailed introductions and classification of every surviving register from English and Welsh dioceses.<sup>10</sup> The second is the origins and proliferation of registration, such as in Daniel Frankforter's study of the registers in early-thirteenth century Lincoln and York dioceses and their emergence from royal chancery practices.<sup>11</sup> As essential as these

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<sup>8</sup> Hoskin, 'Delineating the development of English episcopal chanceries through the signification of excommunication', *Tabularia* 11 (2011), 35-47.

<sup>9</sup> R.M. Haines, *The Administration of the Diocese of Worcester in the First Half of the Fourteenth Century* (London, 1965), 3-9; A. Hamilton Thompson, 'The Registers of the Archbishops of York', *Yorkshire Archaeological Journal* 32 (1936), 245-63; McHardy, 'Bishops' Register and Political History: a Neglected Resource', 173-93.

<sup>10</sup> Smith, *Guide to Bishops' Registers*.

<sup>11</sup> C.R. Cheney, *English Bishops' Chanceries, 1100-1250* (Manchester, 1950), 106-9; A.D. Frankforter, 'The Origin of Episcopal Registration Procedures in Medieval England', *Manuscripta* 26 (1982), 67-89; Smith, 'The Rolls of Hugh of Wells, bishop of Lincoln 1209-35', *Bulletin of the Institute of Historical Research* 45 (1972), 155-95.

studies are for providing background context for registration, they give more attention to the milieu that prompted their creation, and to the processes that spurred their evolution, than to the material within registers and its uses in historical research. To that end, there is limited critical engagement with registers beyond the production of editions.

Biographies are an unusually prominent feature of late-thirteenth century episcopal historiography, often motivated by a desire to profile the great men who took leading roles in the contest between church and Crown. In so doing, biographers are inspired by narrative sources, especially medieval chronicles and histories, to shape the characters, or identities, of their bishops. As a result, biographers tend to focus on bishops who fulfil certain criteria that ensure they stand out from their episcopal peers, such as those whose political careers courted controversy or brought them close to the king. Jeffrey Denton and Decima Douie produced weighty biographies for John Peckham, archbishop of Canterbury (1279-92), and his successor, Robert Winchelsey (1294-1313), two dominant figures who challenged Crown encroachment on ecclesiastical liberties.<sup>12</sup> From the other side, Robert Huscroft used personal correspondence and royal records to flesh out the governmental role of Robert Burnell, bishop of Bath and Wells (1275-92) and royal chancellor (1274-92), and Constance Fraser turned to chronicles and diocesan records to piece together a biography of the controversial royal favourite, Antony Bek, bishop of Durham (1283-1311).<sup>13</sup> The second type of bishop to draw the attention of biographers is the saint-bishop. There was only one during this period, St Thomas de Cantilupe, bishop of Hereford (1275-82), and Meryl Jancey's 1982 collection of essays performs the same function as earlier biographies by constructing an identity for Cantilupe.<sup>14</sup> Scholars' interest in Cantilupe derives from the surviving record of the extensive papal inquiry into his sanctity. The Vatican dossier contains vivid details about his life obtained by the inquirers from numerous witnesses.<sup>15</sup> These biographies use the material contained in bishops'

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<sup>12</sup> Denton, *Winchelsey*; D.L. Douie, *Archbishop Peckham* (Oxford, 1952).

<sup>13</sup> C.M. Fraser, *A History of Antony Bek: Bishop of Durham 1283-1311* (Oxford, 1957); R. Huscroft, 'The Correspondence of Robert Burnell, bishop of Bath and Wells and chancellor of Edward I', *Archives* 25 (2000), 16-39; 'Robert Burnell and the government of England, 1270-1274', *TCE* VIII (1999), 59-70. For work on Burnell's successor as Edward I's chief minister, see A. Beardwood, *The Trial of Walter Langton, bishop of Lichfield, 1307-12* (Philadelphia, 1964).

<sup>14</sup> M. Jancey (ed.), *St Thomas Cantilupe, Bishop of Hereford: essays in his honour* (Hereford, 1982).

<sup>15</sup> Hereford Cathedral Library and Archives holds a microfilm of the record of the Cantilupe inquiry (Vatican MS Lat. 4015). For more on the inquiry and its contents, see R. Bartlett, *The Hanged Man: a story of miracle, memory, and colonialism in the Middle Ages* (Princeton, 2006); H. Webster, 'Mediating memory: recalling and recording the miracles of St Thomas Cantilupe', *Journal of Medieval History* 41 (2015), 292-308.

registers to test the veracity of narrative sources (although neither Burnell's nor Bek's registers survive), to provide accurate chronologies and itineraries. This present study moves in a different direction by making registers the object of study, not the bishop, and by analysing the relationship between register and bishop.

During the 1990s, there was a shift away from biography towards single case studies of specific aspects of diocesan government. These studies rely upon diocesan records far more than their predecessors and owe a particular debt to the editors of the *English Episcopal Acta* series. The editors have brought new material to light from each of the seventeen dioceses for the period before registration.<sup>16</sup> Henry Summerson's study of Robert de Chaury, bishop of Carlisle (1258-78), draws on *EEA* material and royal records in order to explore the bishop's role in secular government in his diocese, including fulfilling some of the roles usually given to county sheriffs.<sup>17</sup> Hoskin likewise extensively draws from her *EEA* edition for thirteenth-century Durham to trace bishops' patronage of clerks in their service.<sup>18</sup> These studies are narrow in their chronological scope and overall focus, and are often article-length pieces, but they have opened up knowledge of the various lay, ecclesiastical, and organizational functions bishops had in their dioceses during this period.<sup>19</sup>

A growing number of historians are investigating bishops' careers with the particular aim of identifying mentalities or worldviews, and tracing how these shaped their work as bishops. Two focus on the late thirteenth-century but on John Peckham, archbishop of Canterbury and his scholarly output. Michael Sheehan drew connections between Peckham's academic writings and his later attitude towards the papal curia and the Canterbury episcopate.<sup>20</sup> Benjamin Thompson traces the influence that Peckham's

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<sup>16</sup> For a select bibliography of *EEA* editions with material relating to this thesis, see *EEA vii: Hereford, 1079-1234*, J. Barrow (ed.) (British Academy, 1993); *EEA ix: Winchester, 1205-38*, N. Vincent (ed.) (British Academy, 1994); *EEA 35: Hereford, 1234-75*, Barrow (ed.) (British Academy, 2009).

<sup>17</sup> H. Summerson, 'Fearing God, Honouring the King: The Episcopate of Robert de Chaury, Bishop of Carlisle, 1258-1278', *TCE X* (2005), 147-154.

<sup>18</sup> Hoskin, 'Continuing Service: the Episcopal Households of Thirteenth-Century Durham' in Hoskin, Brooke, Dobson (eds), *The Foundations of English Medieval English Ecclesiastical History: studies presented to David Smith* (Woodbridge, 2005), 124- 138.

<sup>19</sup> See also R.B. Dobson, 'The Political Role of the Archbishops of York during the Reign of Edward I', *TCE III* (1991), 47-64; R. Lovatt, 'Hugh of Balsham, bishop of Ely 1256/1257 to 1286', in R. J. Horrox and S. Rees Jones (eds), *Pragmatic utopias: ideals and communities, 1200-1650* (Cambridge, 2001), 60-83.

<sup>20</sup> M.M Sheehan, 'Archbishop John Peckham's Perception of the Papacy', in *The Religious Roles of the Papacy: ideals and realities, 1150-1330*, ed. C. Ryan (Toronto, 1989), 299-320. See also W.C. Jordan, 'John Peckham on the Crusade', *Crusades* 9 (2010), 159-71.

academic training, his thought, had on his approach to archiepiscopacy.<sup>21</sup> More recent scholarship, in the same vein, relates to other contexts. Eudes Rigaud, archbishop of Rouen (1248-75), is the focus of Adam Davis' recent study in which he reconstructs the archbishop's idiosyncratic worldview and the impact this had on Rigaud's approach to the management of his province; Hoskin does the same for two bishops of Worcester in the early thirteenth century.<sup>22</sup> Sophie Ambler and Walter Ysebaert shift their focus away from individual bishops towards episcopal networks, and each demonstrate how shared thoughts, experiences, and ideals brought bishops together in political networks that had implications for the shape of local political arenas.<sup>23</sup> These studies demonstrate a means of using records produced by bishops during the course of their government to understand the motivations that drove episcopal activity, especially by drawing out the various choices, experiences, and relationships that shaped episcopal careers and impacted on a bishop's work. This thesis adopts the same approach but, for the first time, applies it to the study of bishops' registers and, of equal importance, to two bishops who occupied a lower station than the archbishop.<sup>24</sup>

The second major strand in episcopal studies focuses on ecclesiastical government and diocesan administration. The common approach in these studies is to survey the systems in place that aided diocesan administration. Administrative historians of the mid-twentieth century continue to light the way in this field. Christopher Cheney's *English Bishops' Chanceries* and *Episcopal Visitation of Monasteries* illuminate some of the most significant aspects of diocesan administration in the thirteenth century, but especially in the period before 1272, notably the generation of diocesan records and episcopal visitations to religious houses.<sup>25</sup> Roy Martin Haines surveys the administrative systems of fourteenth-century Worcester diocese, tracing the

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<sup>21</sup> Thompson, 'The Academic and Active Vocations in the Medieval Church: Archbishop John Pecham' in C.M. Barron and J. Stratford (eds), *The Church and Learning in Later Medieval Society: essays in honour of R.B. Dobson* (Donington, 2002), 1- 24.

<sup>22</sup> A.J. Davis, *The Holy Bureaucrat: Eudes Rigaud and Religious Reform in Thirteenth-Century Normandy* (Cornell, 2006); Hoskin, 'Diocesan Politics in the See of Worcester 1218-1266', *Journal of Ecclesiastical History* 54 (2003), 422-440. See also, to a lesser extent, B. Kemp, 'God's and the King's Good Servant: Richard Poore, bishop of Salisbury, 1217-28', *Peritia* 12 (1998), 359-78.

<sup>23</sup> S. Ambler, 'The Montfortian bishops and the justification of conciliar government in 1264', *Historical Research* 85 (2012), 193-209; W. Ysebaert, 'The Power of Personal Networks: clerics as political actors in the conflict between Capetian France and the County of Flanders during the last decade of the twelfth century', in B. Bolton and C. Meek (eds), *Aspects of Power and Authority in the Middle Ages* (Turnhout, 2007), 165-83.

<sup>24</sup> There has also been recent work on clerical careers. See Barrow, *The Clergy in the Medieval World: secular clerics, their families, and their careers in north-western Europe, c.800-c.1200* (Cambridge, 2015); H. Thomas, *Secular Clergy in England, 1066-1216* (Oxford, 2016), esp. pp. 55-139.

<sup>25</sup> C.R. Cheney, *Episcopal Visitation of Monasteries in the Thirteenth Century (Manchester, 1931); Bishops' Chanceries*. See also *From Becket to Langton: English church government 1170-1213* (Manchester, 1956).

development and function of the various systems, such as institutions to benefices and ordinations, in intricate detail.<sup>26</sup> More recently, Hoskin has advanced Cheney's work on episcopal chanceries and demonstrated the development of a professional (or professionalizing) corps of bureaucrats who specialized in chancery work.<sup>27</sup> Diocesan records, including bishops' registers, play an important role in this historiographical strand. Scholars mine records for the glimpses they afford into the workings of ecclesiastical government, with a particular focus on institutionalised systems that functioned independently of, or alongside, bishops. This body of research leaves the impression that these systems of government functioned in a similar way in each diocese, and survived, largely unchanged, from episcopate to episcopate. This leaves open a significant opportunity to shed light on the role played by bishops in the government of Hereford and Winchester dioceses, and how modes of government were particular to each bishop, using register material to do so.

Since the 1990s, several historians have adopted sociological and anthropological frameworks for their studies of ecclesiastical government and church life in general. These studies owe a debt to Robert Brentano's innovative social histories of the church that remain, for the most part, underappreciated but vital contributions to the field.<sup>28</sup> Brentano brought attention to the way in which human nature shaped approaches to government, administration, and the exercise of law. In recent years, Michael Burger has developed this model. Using material in the Lincoln rolls and registers, Burger's studies on communication between bishops and archdeacons, and, using a broader range of diocesan records, on the role of relationships between bishops and clerks, give a sense of the complex interactions between people that were at the heart of diocesan administration.<sup>29</sup> Ian Forrest's work on aspects of diocesan administration likewise sheds light on the social conventions (*habitus*) that drove

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<sup>26</sup> Haines, *Administration of Worcester*. For a general survey of diocesan administration in England, see R.E. Rodes Jr, *Ecclesiastical Administration in Medieval England: the Anglo-Saxons to the Reformation* (Notre Dame, 1977).

<sup>27</sup> Hoskin, 'Authors of Bureaucracy: developing and creating administrative systems in English episcopal chanceries in the second half of the thirteenth century' in P. Binski and E.A. New (eds), *Patrons and Professionals in the Middle Ages* (Donington, 2010), 61-78 and her 'Delineating the development of English episcopal chanceries', 35-47.

<sup>28</sup> R. Brentano, *York Metropolitan Jurisdiction and papal judges delegate, 1279-96* (Berkeley; Los Angeles, 1959); *Two Churches: England and Italy in the Thirteenth Century* (Princeton, 1968); *Rome before Avignon: a social history of thirteenth-century Rome* (New York, 1974).

<sup>29</sup> M. Burger, 'Bishops, Archdeacons and Communication between Centre and Locality in the Diocese of Lincoln, c.1214-1299', *TCE V* (1995) 195-206; 'Peter of Leicester, Bishop Godfrey Giffard of Worcester, and the problem of benefices in thirteenth century England', *Catholic Historical Review* 95 (2000), 453-73; *Bishops, Clerks, and Diocesan Governance in Thirteenth-Century England: reward and punishment* (Cambridge, 2012).

ecclesiastical government by 1300, especially the importance of sharing knowledge, the Roman law concept of *fama*, and the importance of the regulation of social interactions in localised administration.<sup>30</sup> These studies, few as they are at the moment, have revolutionized the way in which ecclesiastical government is understood and how diocesan records are used.<sup>31</sup> The studies suggest that people and the social norms that affected their behaviour, as well as personal choices, shaped diocesan government, not just systems. They raise questions of the extent to which local contexts, and the people within them, shaped what a bishop could do in his diocese, and ask us to explore how varied modes of diocesan government were across different dioceses owing to bishops' responses to particular circumstances, as this thesis does.

In light of the studies discussed above, the principal aim of this thesis is to critically engage with the two chosen bishops' registers, to lay bare the production of each register, their functions, and how the material worked (in terms of its content and context), and to open up the implications these various factors have for how scholars use and understand registers. Through unlocking this material, by bringing to the fore its qualities, this present study also looks to find new methodologies for the study of bishops and episcopacy in the late thirteenth century. It considers, in particular, what registers can reveal about the milieu and the various impulses shaping episcopal approaches to diocesan government, ecclesiastical reform, and record-keeping in Hereford and Winchester dioceses, such as bishops' experiences of Crown and curial authority, or their responses to papal agendas in light of ecumenical councils or the promulgation of new decretals, altering the current picture of diocesan administration as reliant upon universal institutions and systems of government. This necessitates analysis that encompasses both the life and career of each bishop in order to understand the various influences that shaped his approaches to episcopacy. By combining these two focuses (register and bishop), a further opportunity to explore the relationship between bishop and register arises, and so to draw out the input that each bishop had on registration in his diocese.

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<sup>30</sup> I. Forrest, 'The archive of the official of Stow and the 'machinery' of church government in the late thirteenth century', *Historical Research* 84 (2011), 1-13; 'The Transformation of Visitation in the Thirteenth Century', *Past and Present* 221 (2013), 3-38.

<sup>31</sup> For similar studies in other contexts, see E. Coleman, 'Bishop and Commune in twelfth-century Cremona: the interface of secular and ecclesiastical power' in F. Andrews and M.A. Pincelli (eds), *Churchmen and Urban Government in Late Medieval Italy, c.1200-c.1450: cases and contexts* (Cambridge, 2013), 25-41; D. Foote, *Lordship, Reform, and the Development of Civil Society in Medieval Italy: the Bishopric of Orvieto, 1100-1250* (Notre Dame, 2004); J. Goering, 'The Thirteenth-Century English Parish', in J. van Engen (ed.), *Educating People of Faith: Exploring the History of Jewish and Christian Communities* (Michigan, 2004), 208-22; S. Menache, *The Vox Dei: communication in the Middle Ages* (Oxford, 1990).



## II. Pontoise, Swinfield, and their registers

This section will introduce the two bishops at the heart of this study and will outline their value to the thesis, before, more importantly, moving on to introduce their registers.

Two distinct, contemporaneous bishops kept the two registers that form the focus of this study. The first is John de Pontoise, bishop of Winchester between June 1282 and December 1304. The second is Richard de Swinfield, bishop of Hereford between March 1283 and March 1317.<sup>32</sup> The two bishops were chosen for several of their qualities. First and foremost, their registers. These are explored more in depth below, but they are approximately the same length and contain records for the entire span of Pontoise's and Swinfield's episcopates, affording a strong basis for comparison. Their two careers also covered the same period from the early 1280s to the first decades of the fourteenth century, meaning both bishops spent over two decades governing their dioceses. Pontoise and Swinfield also had a quality that distinguishes them from other bishops from this period who have been studied. They were not major figures such as Bek, Peckham, or Winchelsey; Pontoise and Swinfield were bishops who were less likely to draw comment from contemporary chronicles, who occupied a position outside the political limelight, and whose careers, until now, have attracted little attention.

Pontoise and Swinfield were also contrasting figures in two contrasting dioceses. Pontoise was a worldly man: he held a degree in civil law and he had practised as a proctor for the English crown at the French *parlement* during the 1260s, and for a range of ecclesiastical clients, including Peckham, at the papal curia during the 1270s and early 1280s. Even after his papal provision to Winchester in 1282, Pontoise continued in his judicial and diplomatic work for Edward I. Pontoise was also well connected at the curia; his provision to Winchester was representative of the ties he had with Pope Martin IV (1281-85). Winchester diocese generated enormous wealth for the bishop, around £6594 per annum from spiritual revenues (tithes, mortuary dues, oblations) and around £4000 per annum from temporal (estate) revenues.<sup>33</sup> The diocese, which

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<sup>32</sup> Hereford cathedral chapter elected Swinfield in October 1282 and Peckham confirmed the election in December of the same year. It was not until March 1283 that the archbishop consecrated Swinfield. *Handbook of British Chronology*, 3<sup>rd</sup> edn, E.B. Pryde and D.E. Greenway (eds) (Cambridge, 1997), 250.

<sup>33</sup> B.M.S. Campbell, 'Corrigendum: benchmarking medieval economic development: England, Wales, Scotland, and Ireland, c.1290', *Economic History Review* 61 (2008), 946-48, see table at p. 947; J. Hare, 'The Bishop and the Prior: demesne agriculture in medieval Hampshire', *Agricultural History* 54 (2006), 187-212, at p. 188.

extended from the southern Hampshire coast (and Isle of Wight) to the southern bank of the Thames at Southwark, contained two major trading ports, Portsmouth and Southampton, providing routes to the Continent; it was also situated close to royal government at Westminster, the (normal) seat of the exchequer and chancery.<sup>34</sup> As bishop of Winchester, Pontoise had ready access to significant resources and to the political worlds of king and pope, fuelling any ambitions he might have had of involvement in the high politics of church and realm.

Swinfield seems the diametric opposite of Pontoise. He was a spiritual, reclusive man who held a doctorate in theology. He had spent eighteen years serving in the household of his mentor and predecessor at Hereford, Saint Thomas de Cantilupe.<sup>35</sup> Swinfield rarely left the confines of his diocese and he has a reputation for diligently fulfilling his duties as a diocesan.<sup>36</sup> If Pontoise's Winchester was at the heart of the English political and ecclesiastical spheres, Swinfield's Hereford sat on the fringes of them. Hereford was situated in a volatile region on the Anglo-Welsh border in which several cultures, languages, and societies, such as the Marcher community and local English and Welsh populations, intersected, meaning the diocese was in something of a political bubble.<sup>37</sup> Hereford also had its own use (the Hereford use), keeping the diocese liturgically distinct from others in Canterbury province that were adopting the Sarum use.<sup>38</sup> In addition, the diocese was the fourth poorest in England in terms of spiritual revenues; Hereford's churches were valued at £3857 per annum, some way off the £6500 claimed in Winchester.<sup>39</sup> Unsurprisingly then, bishops of Hereford were often less prominent figures in high politics and ecclesiastical affairs compared to their Winchester peers. The situations Pontoise and Swinfield were in during their episcopates could not have been further apart.

The contrasts between these two men and their dioceses afford an opportunity to investigate individual approaches to episcopacy and to explore modes of government in

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<sup>34</sup> On occasion, the exchequer and chancery moved with the king around the realm, such as a period in the 1290s and early 1300s when the bodies were situated in York. N. Barratt, 'Finance on a Shoestring: the Exchequer in the Thirteenth Century', in A. Jobson (ed.), *English Government in the Thirteenth Century* (Woodbridge, 2004), 71-86; D. Carpenter, 'The English Royal Chancery in the Thirteenth Century', in Jobson (ed.), *English Government in the Thirteenth Century*, 49-70.

<sup>35</sup> Swinfield himself recounted how long he spent in Cantilupe's service in a 1290 letter of postulation. *Reg. Swinfield*, 234-35; Denton, *Winchelsey*, 39.

<sup>36</sup> W.J. Dohar, *The Black Death and Pastoral Leadership: the diocese of Hereford in the fourteenth century* (Philadelphia, 1995), 16.

<sup>37</sup> Dohar, *Pastoral Leadership*, 12-13.

<sup>38</sup> R.W. Pfaff, *The Liturgy in Medieval England: a history* (Cambridge, 2009); W. Smith, *The Use of Hereford: the sources of a medieval diocesan rite* (Farnham, 2015).

<sup>39</sup> There are no surviving estate records for Hereford diocese that could give an indication of the annual temporal revenues. Campbell, 'Benchmarking medieval economic development', 947.

two distinct dioceses. In a sense, Pontoise and Swinfield embodied the divide between *dives* and *pauper*, rich bishop and poor bishop. The two also offer a strong sense of the secular and ecclesiastical poles between which every bishop must navigate or, depending on his ambitions, his concerns, and his agendas, gravitate towards.

Although the distinctions between Pontoise and Swinfield provide a fitting scope for a comparative study, this thesis is built around their respective registers, two dense collections of records compiled by two distinct bishops. It is first necessary to lay bare their form, content, and some of their most prominent features before any further analysis can begin, thereby bringing to light their value as objects of study.

Pontoise's register is the first surviving example from Winchester diocese and was probably the first of its kind in the diocese.<sup>40</sup> At 31.75 by 22.22 centimetres and two hundred and twenty-six folios, it is a large register. The folios are made of parchment and are numbered with Roman numerals; it has a fifteenth-century oak cover, likely indicating some restoration work at that time.<sup>41</sup> The register is mostly in good condition, although there is damage that renders parts of some folios illegible. It has been housed at the Hampshire Record Office since 1947, when the county took over the record-keeping role previously held by the Winchester Diocesan Registry. There is restricted access to the original manuscript, meaning few scholars have the opportunity to work with it. Cecil Deedes and Charles Johnson edited and transcribed Pontoise's register on behalf of the Canterbury and York Society between 1913 and 1924.<sup>42</sup> The edition contains few defects other than slips in transcription, and is an honest transcription of the original. To say Pontoise's register has been completely ignored is unfair. Scholars have mined the register for material relating to a broad range of specific themes, often extracting a single record at a time, for example Cheney's use of Pontoise's letter of intention to conduct a visitation to demonstrate a wider pattern of forewarning monks of the bishop's arrival, and Michael Franklin's investigation of the

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<sup>40</sup> The editor of Pontoise's register, Cecil Deedes, offered that several records dating to the 1270s were from a register kept by Nicholas de Ely, bishop of Winchester between 1266 and 1280, but Smith has since shown that these were likely from a cartulary kept by Winchester cathedral priory. Deedes, 'Introduction', *Reg. Pontissara* i, i; Smith, *Guide to Bishops' Registers*, 203-4.

<sup>41</sup> Hants RO 21M65/A1/1.

<sup>42</sup> There are two important notes on this matter. The first is that Deedes began the editing project but Johnson finished it, although he maintained the same editorial style. The second is that the Surrey Record Society also printed the Deedes/Johnson edition in a serialized format between 1913 and 1924. See *Registrum Johannis de Pontissara*, 2 vols (Surrey Record Society 1 and 6, 1913-24).

value of benefices in thirteenth-century Buckinghamshire through the 1291 *Taxatio* records in the register.<sup>43</sup> However, there is much potential to study the register further.

Swinfield's register differs from Pontoise's in several ways. It is the second to survive in Hereford and borrows its format from its predecessor.<sup>44</sup> At 27.3 by 18.4 centimetres in size and two hundred and four folios in length, it is smaller than Pontoise's register. The folios are made of parchment, each of which is numbered with Roman numerals (and Arabic numerals added at a later date). There is a single flyleaf separating the parchment folios from the covers. The register was rebound at a later date, probably after the seventeenth century. The binder bound the leaves too tight and this cuts off up to two centimetres of each folio close to the central fold.<sup>45</sup> The register has also suffered from damp and rodent damage, but this is not extensive. It is now kept in Herefordshire Archives and Record Office, but it was previously stored in the diocesan registry. William Capes edited the register and the Canterbury & York Society issued prints in 1909.<sup>46</sup> The edition contains minor defects, such as incorrect dates and false transcription. In one case, the original manuscript gives the date as 'Friday, the vigil of the feast of Epiphany (5 January), the year of the lord 1301'; the editor gives the same date as 5 January 1282.<sup>47</sup> In a major editorial intervention, the editor removed each record of institution and licence to study from its original position on register folios and compiled them in tables in appendices to the edited register in order to save space.<sup>48</sup> The result is that these records are removed from their registered context and rendered abstract, even superfluous, with their original, specialist language lost. In Pontoise's register, the bishop's scribes employed at least four different terms describing institutions to benefices: *admissio*, *collatio*, *custodia*, and *inductio*, and, on occasion, *institutio*. By contrast the table in Swinfield's register has none of these nuances, and the editor did not identify the right by which a cleric held a benefice. As small a detail as this might seem, the difference between *custodia* and *collatio*, as chapter one addresses, can mean the difference between a cleric holding a benefice for six months or for life, impacting the way acts of ecclesiastical patronage are understood. As is the case with Pontoise's register, usage of Swinfield's register tends towards the

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<sup>43</sup> Cheney, *Episcopal Visitation*, 55; M.J. Franklin, 'The Assessment of Benefices for Taxation in 13<sup>th</sup> Century Buckinghamshire', *Nottingham Medieval Studies* 29 (1985), 73-98.

<sup>44</sup> See next paragraph.

<sup>45</sup> Heref RO AL/19/2.

<sup>46</sup> The Cantilupe Society also issued a print in 1909. See *The Register of Richard de Swinfield, bishop of Hereford (A.D. 1283-1317)*, W.W. Capes (ed.) (Cantilupe Society (Hereford), 1909).

<sup>47</sup> *Reg. Swinfield*, 380.

<sup>48</sup> For records of institution, only the name of the cleric, the church, the patron, and the date are given. *Reg. Swinfield*, 524-50.

precise selection of one or two records that speak to a certain topic, such as burial rights in Hereford city, with particular scholarly interest in material relating to his predecessor's sainthood and his immediate successor's career.<sup>49</sup> There is, as yet, no study that extensively investigates the material in Swinfield's register and its insight into his career, paving the way for this thesis.

A significant problem with printed editions is the loss of the sense of the making of the register or the various features of its productions. There are several features that are common to the contents in each register. Multiple scribes worked on compiling each register and we can even identify different scribes on a single folio. This would suggest that registration in Hereford and Winchester dioceses was the responsibility of a small team and not just a single registrar. There are two dominant script types throughout each register: *cursiva* and a late-thirteenth century version of *cursiva anglicana*, although for a brief period between 1299 and 1301, a single scribe working on Pontoise's register used a new, more slender version of *cursiva anglicana*.<sup>50</sup> The majority of folios in each register were faintly ruled to help guide the scribe. Black ink was used for the main body of writing and most marginal notes; red ink was reserved for titles that introduced and gave a brief description of each register item. Records were entered one after another in a continual stream with minimal gaps. On the first folio (*recto* and *verso*) of Pontoise's register alone, there are twenty-three records of institution written in a continuous run.<sup>51</sup> There are several instances in each register when pieces of parchment, cut to the size of the text, have been inserted between two folios in order to provide additional information for a particular matter of business.<sup>52</sup> At times, the scribe was forced to cram entries onto a folio outside the ruled area, or to add words or whole sentences in the margins or above other lines, resulting in a squashed, dishevelled appearance.<sup>53</sup> In both instances, there is usually an attempt to ensure that records relating to the same matter were kept together. There are some blank spaces but these are rare,<sup>54</sup> indicating that little or no space was left to be filled at a later date. Certain design features help with navigating the dense material. Scribes deployed descriptive

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<sup>49</sup> See, for instance, J. Crook, *English Medieval Shrines* (Woodbridge, 2011), 235-37; Forrest, 'The Politics of Burial in Late Medieval England', *EHR* 125 (2010), 1110-38; Haines, *The Church and Politics in Fourteenth-Century England: the career of Adam Orleton, c.1275-1345* (Cambridge, 1978).

<sup>50</sup> For more on Pontoise's change of registrar in 1299, see Chapter Two, 118-19.

<sup>51</sup> Hants RO 21M65/A1/1, fo. 1.

<sup>52</sup> See, for instance, the scrap of parchment inserted between folios 30v and 31r in Swinfield's register. Heref RO AL19/2, fos. 30v-31r.

<sup>53</sup> There is a particularly good example of this practice in Swinfield's register on folios 36v to 37r, where a lengthy rent agreement dating to July 1286 was sandwiched between two items dating to June of the same year. *ibid.*, fos 36v-37r.

<sup>54</sup> See, for instance, the base of Hants RO 21M65/A1/1, fo. 54r.

titles, marginal notes, pilcrow (¶) and *manicula* (little hands) as the primary finding aids in each register; there are no indexes or contents pages but the scribes ensured that the majority of records had distinguishing marks. However, the sheer volume of material crammed on to each page in each register leaves the impression that parchment space was at a premium. The overall result is two sprawling, packed registers that suggest that both Pontoise and Swinfield highly valued the act of collecting and registering information.

The two registers are distinct in the way that the material is structured, or arranged, within them. Swinfield's register is arranged chronologically by the year of his consecration. The start of a new year is clearly marked by a large title that reads (for example):

Here begins the fourth year from the consecration of the lord [bishop], lasting from the Feast of Saints Perpetua and Felicity (7 March) in the year of grace, 1285.<sup>55</sup>

It is a simple means of structuring the records in the register that works as a navigational tool so long as the user knew the approximate date of the record they wanted. There are no obvious systems of entry other than the chronological arrangement. Records of institution were entered alongside memoranda, correspondence, papal bulls, and a range of other record.

At two hundred and four folios, Swinfield's register is twenty-two folios shorter than Pontoise's, even though the bishop of Hereford's episcopate lasted twelve years longer, which reveals differences in registration in the two dioceses. The shorter length is due to a decline in registration during the second half of Swinfield's episcopate. The first half, March 1283 to March 1300, occupies one hundred and thirty folios (1r-130r); the second half, April 1300 to March 1317, occupies just seventy-four folios (130v-204r). It is difficult to account for the decline. There is no indication that folios were lost or removed. Swinfield was still an active diocesan, although perhaps less so than in previous years: from the dating clauses attached to items in the register, it is clear that Swinfield spent more time at his palace at Bosbury after 1310 than anywhere else in the diocese, indicating reduced mobility.<sup>56</sup> The bishop even let his house in London to Hamo de Chigwell because he no longer needed it.<sup>57</sup> It is possible that Swinfield

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<sup>55</sup> Heref RO AL19/2, fo. 33v: 'Hic Incipit Ann[o] q[ua]rt[o] Consecrac[i]onis d[omi]ni Videli[bus] a festo sancti Petue [et] Felicitatis Anno gr[ati]e M[i]llesimo ducesimo octogesimo quinto.'

<sup>56</sup> See *Reg. Swinfield*, 454-523.

<sup>57</sup> *ibid.*, 467-68.

conducted less business during the latter half of his episcopate, perhaps leaving more tasks to his official or his other agents. His chancery may have generated fewer records, reducing the need for registration. If that was the case, then there is some grounds for seeing a connection between bishop and registration: it is possible that only records with which the bishop was concerned, or involved, were registered. This selectivity is something that the thesis addresses in chapters four and five.

Pontoise's register is distinct from others produced during the same period, including Swinfield's, as it would appear that the register was a single-bound, continuous record, even though the norm was to keep them in separate quires and only bind them after the bishop's death.<sup>58</sup> The structure in Pontoise's register is complex but gives some indication of its production. It is divided into three distinct sections:

- Fos 1r-59v Records of institution, licences for study; memoranda.
- Fos 60r-202v Assorted memoranda, with some emphasis on religious houses.
- Fos 203r-26v Contemporaneously titled the *Registrum de temporalia*. Contains estate records, royal writs, papal bulls, assorted memoranda.

Pontoise's first registrar/scribe began each section simultaneously in the year of the bishop's consecration, 1282. This gives the effect that the last record on folio 59v was dated to 1295, but the first record on folio 60r was dated to 1282; the same abrupt chronological break occurs between folios 202v and 203r.<sup>59</sup> The records in each section were entered chronologically. Each section broadly contains records relating to a particular type of episcopal business. Section one mostly concerns institutions to benefices; section two mostly contains memoranda relating to diocesan administration and episcopal correspondence; and section three predominantly contains records of the bishops' temporal work. This would indicate that the sections were purposely designed from the launch.

However, Pontoise's registrar did not use a new quire in order to begin each new section, and this has an effect on the arrangement. There is overlap between all three sections because the scribes did not always adhere to the division of subject matter. Section one contains a large collection (34v-59r) of Pontoise's correspondence and memoranda. These assorted items are often interspersed with records of institution.<sup>60</sup>

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<sup>58</sup> This practice was prevalent in Lincoln diocese during the episcopate of Oliver Sutton (1280-99). Brentano, *Two Churches*, 296-97.

<sup>59</sup> Hants RO 21M65/A1/1, fos 59v, 60r, 202v, 203r.

<sup>60</sup> *Reg. Pontissara* i, 166-71.

There is some evidence to suggest this change in subject matter was purposeful. The last record in section two is dated to 1294 (on fo. 202v), ten years before the end of Pontoise's episcopate, and it is incomplete, ending mid-sentence at the foot of the folio; section three begins on the next folio (203r) in the same quire, accounting for the incomplete record on 202v. The memoranda and correspondence in section one largely dates from 1295 until 1304. It is possible that the registrar chose to use the blank space in section one in order to continue section two when it was not otherwise possible. The presence of records of institution alongside the memoranda and correspondence suggests that defective rebinding did not cause this change in subject matter, and that, rather, Pontoise's chancery took the necessary decision to use the space in section one created by the compact way in which the scribes wrote records of institution. From the appearance of the same scribal hands in each section, there was no discernible division of labour between scribes for writing certain subject matter. These few characteristics leave the impression that Pontoise's register was a single, continuous, possibly already bound working record from the outset of his episcopate.

So who wrote the registers? It has so far only been possible to identify a few registrars who flourished during the thirteenth century. Douie identified John de Beccles as Peckham's registrar, and Brentano described John de Shelby's role in Sutton's household as transporting the quires that comprised the bishop's register.<sup>61</sup> Several factors contribute to this dearth of evidence. As Hoskin observes, the multiple hands at work producing documents in episcopal chanceries indicate large staffs, meaning specific names and roles are often lost. There were also fewer witness lists attached to episcopal documents after 1250 and so scribes' identities often remain hidden.<sup>62</sup> Episcopal scribes and registrars did not tend to leave personal marks or identifiers in registers in the same vein as public notaries did on the documents they produced.<sup>63</sup> What is clear is that the two registrars identified by Brentano and Douie, the two Johns, were entrusted with overseeing or protecting registers. However, as Haines and Burger observe, it remains unclear how far it was the bishop or the registrar who influenced the

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<sup>61</sup> Brentano, *Two Churches*, 296-97; Douie, *Peckham*, 60. See also R.C. Finucane, 'The Registers of Archbishop John Peckham and his notary, John of Beccles: some unnoticed evidence', *Journal of Ecclesiastical History* 38 (1987), 406-36.

<sup>62</sup> Hoskin, 'Authors of Bureaucracy', 63.

<sup>63</sup> For the public notary craft in England in the late thirteenth century based on records contained in a papal codex, see Finucane, 'Two notaries and their records in England, 1282-1307', *Journal of Medieval History* 13 (1987), 1-14.



selection of material for registration.<sup>64</sup> This present study seeks to address this issue in its investigation of Pontoise's and Swinfield's registers.

Bishops' registers are at the heart of this study, but they are only one type of source material used in the course of the thesis. In the English context, royal government was, as Carpenter observes, a 'document-driven' institution.<sup>65</sup> These royal records, in turn, contain a great deal of information concerning Pontoise's and Swinfield's business and affairs.<sup>66</sup> The patent rolls primarily record grants made by the royal chancery to Pontoise and Swinfield over the course of their episcopates. These include royal licences to leave the realm, which pertain to Pontoise's work as a royal diplomat, along with records with particular relevance to diocesan business that required bishops to petition royal government, such as significations of royal assent to elections at religious houses. Letters close provide another source of royal writs addressed to Pontoise and Swinfield, as well as correspondence of a more intimate or sensitive nature. In November 1292, Edward I wrote to his bailiff at Woodstock to give Pontoise three bucks and seventeen does from the royal park.<sup>67</sup> The letter was dispatched from Berwick and copied onto the close rolls. That slender piece of evidence, along with chronicle accounts, allows us to reconstruct Pontoise's involvement in the process of Norham. These royal records can be used to afford a more rounded insight into Pontoise's and Swinfield's activities than would be afforded by the registers alone. The records shed light on the two bishops' interactions with the king and with royal government, both in their capacities as magnates of the realm and on the occasions that royal authorities were involved in diocesan business or affairs.

Records produced in the ecclesiastical sphere afford further insights into Pontoise's and Swinfield's respective episcopacies. Papal registers contain copies of letters patent granting certain rights, powers, properties, and much more to clerics throughout Europe.<sup>68</sup> Papal decrees worked in conjunction with conciliar canons in

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<sup>64</sup> Burger, *Bishops, Clerks, Diocesan Governance*, 151; Haines, *Administration of Worcester*, 6.

<sup>65</sup> D. Carpenter, 'The English Royal Chancery in the Thirteenth Century' in Jobson (ed.), *English Government in the Thirteenth Century*, 49-70, quote at p. 49.

<sup>66</sup> For English royal records, see P. Chaplais, *English Royal Documents: King John-Henry VI, 1199-1461* (Oxford, 1971); M.T. Clanchy, *From Memory to Written Record: England 1066-1307*, 3<sup>rd</sup> edn (Chichester, 2013), esp. pp. 83-110; Prestwich, 'English Government Records, 1250-1330' in R.H. Britnell (ed.), *Pragmatic Literacy, East and West, 1200-1330* (Woodbridge, 1997), 95-106.

<sup>67</sup> CCR 1288-92, 244.

<sup>68</sup> For papal records, see J.E. Sayers, *Papal Government and England during the Pontificate of Honorius III (1216-1227)* (Cambridge, 1984); R. Swanson, 'Universis Christi: the Church and its records' in Britnell, *Pragmatic Literacy*, 147-164, esp. pp. 149-51.

order to legislate ecclesiastical life throughout Latin Christendom.<sup>69</sup> Papal letters served as mechanisms to express authority in matters of ecclesiastical government, and were a direct means of communicating with bishops in their dioceses. Papal documents are essential for highlighting the work that papal authorities expected bishops to conduct, as well as the laws and decrees they were duty-bound to enforce and the reforms they were expected to make. The documents can also be used to shed light on episcopal interactions with the papal curia, an aspect of ecclesiastical government that became more prominent over the course of the thirteenth century.

The records produced by the cathedral chapters at Hereford and Winchester also prove to be important sources for this thesis. The records produced by the chapter of Hereford cathedral pertain mostly to the business of the cathedral canons.<sup>70</sup> But it was often the case that episcopal and capitular business intersected and at these moments, the chapter's records afford an alternative perspective on episcopal activity in the diocese. The same principle applies to the cartularies kept by the monks of St Swithun's cathedral priory at Winchester.<sup>71</sup> The cartularies contain copies of visitation records, episcopal grants, charters, and other records shedding light on Pontoise's interactions with, and management of, the monastic chapter of Winchester cathedral as told by the monks. Given that chapters had interests in the government and welfare of dioceses, capitular records are used to illuminate the impact and reception of episcopal agendas, especially in chapter four.

Economic or financial history only plays a small part in this study, but the thesis does draw on two (distinct) financial records that relate to particular aspects of episcopacy. The first of these is the *Taxatio Ecclesiastica Angliae et Walliae Auctoritate Papa Nicholai IV.*<sup>72</sup> The *Taxatio* was a tax assessment of all ecclesiastical properties in England and Wales made between 1291 and 1292. The assessors' objective was to determine the contribution to be made from the spiritual revenues collected by the owner of each property towards a crusading fund for Edward I. The relevance of the *Taxatio* to this thesis lies in its comprehensive record of ecclesiastical property values. This sheds light on the financial aspect of ecclesiastical patronage, in particular, and

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<sup>69</sup> For an overview of medieval canon law, see J.A. Brundage, *Medieval Canon Law* (London; New York, 1995).

<sup>70</sup> Capes provides an introduction to the chapter's records in *Charters and Records of Hereford Cathedral*, W.W. Capes (ed.) (Hereford, 1908).

<sup>71</sup> There are at least two surviving St Swithun's cartularies each with items dating to Pontoise's episcopate. BL Add MS 29436; *The Cartulary of Winchester Cathedral*, A.W. Goodman (ed.) (Winchester, 1927).

<sup>72</sup> The 1291 *Taxatio* is discussed in-depth in Chapter One, 43-44.

plays a central role in chapters one and two. The second financial record used in this thesis is the expenses roll kept by Swinfield's household for the year 29 September (Michaelmas) 1289 to 29 September 1290.<sup>73</sup> The roll contains an account of all household expenditure for the year, from the food consumed to the clothing purchased and distributed. It serves as an alternative source to the register for identifying members of the household, and, importantly for this thesis and its chapter on the episcopal household, it contains a list of Swinfield's payments made to his clerks, retainers, and servants. These two records, to some extent, illuminate the financial circumstances dictating (or inspiring) episcopal policies in the diocese.

Using this material alongside bishops' registers affords insight into episcopal record-keeping by illuminating what records were kept out of registers, or were otherwise altered during the production of a register. There is much untapped potential in bishops' registers for the study of bishops in the late thirteenth century, and it takes a broad range of material to realize this. Taken together, these records can help to paint a full, vivid picture of episcopacy and ecclesiastical government in England during the reign of Edward I.

### **III. Methodology and outline**

In light of the present study's aim of developing new methodologies for using bishops' registers through an investigation of episcopacy in the late thirteenth century, the material in Pontoise's and Swinfield's registers leads the structure of the thesis. Each of the chapters is built around a specific type of register material. This structure affords the space to critically engage with the material, to lay bare the content, form, context, and various qualities of each type of material, as well as to explore its function as a record of episcopal activity. This approach differs from other studies of registers and episcopacy, which tend to focus only on one type of material and its content. This approach is evident in Lindsay Bryan's investigation of visitation records in registers in order to identify misogyny in bishops' management of women religious.<sup>74</sup> The result is that the material is extracted from the register and divorced from its original context. The approach adopted in this thesis, to break down different types of material, affords two

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<sup>73</sup> *Swinfield's Household Roll*.

<sup>74</sup> L. Bryan, 'Periculum animarum: bishops, gender and scandal', *Florilegium* 19 (2002), 49-73.

opportunities. First, it allows us to open up the material in order to understand what role it had in the register alongside other records. Second, it allows us to develop new methods of using the material, namely by laying the foundation for an investigation into what relevance records had at a particular moment in a bishop's career, and for exploring what this relevance can indicate about episcopal activity and record-keeping. This secondary focus gives the five chapters further shape given that each type of material relates to a particular aspect of episcopacy. The present study also takes a comparative methodology: two late-thirteenth century bishops with two weighty registers in two distinct dioceses. The scope of the thesis was restricted to two registers (and by extension two bishops) owing to the substantial amount of material in each register. This affords greater control over what material is used for each chapter, and as such permits greater focus on the chosen types of records. The comparison also affords an opportunity to explore the different factors shaping episcopal record-keeping.

Chapter one is built around an examination of records of institution in Pontoise's and Swinfield's registers. Despite being the most common (and essential) type of record in every register, there is little or no critical engagement with records of institution, to the point that they are almost dismissed as a useful type of historical record. This chapter develops ways of using these records through its investigation of ecclesiastical patronage in Hereford and Winchester, with a particular focus on the impact of regalian right and papal provisions on benefices in the two dioceses. This sheds light on the function records of institution had in capturing the two bishops' political activities. The chapter rethinks current interpretations of the controls the English Crown and papal curia had on ecclesiastical patronage and property in England by bringing records of institution to the fore for the first time, and showing that bishops could limit the number of provisions to and Crown intrusions on benefices in their dioceses.

The second chapter, like the first, turns to records of institution but adopts a different angle of analysis in order to develop a second methodology for using the material. The chapter explores ecclesiastical patronage from the perspective of each bishop as a patron in his own right, and in particular Pontoise's and Swinfield's management of the careers of the members of their respective households. It also uses records of institution, along with general memoranda in the register, to investigate the impact of episcopal networks on diocesan governance, demonstrating the use of such records for understanding the complex relationships between bishop and staff involved in government. The study is one of the first to apply sociological theories on networks

to a study of late-thirteenth century bishops' households and diocesan governance. The chapter demonstrates the active role bishops had in promoting clerks in their diocese, using ecclesiastical patronage to do so. The chapter also uses records of institution and other register material to gather biographical information for Pontoise's and Swinfield's household clerks gathered together in an appendix to this thesis.

The third chapter is centred on episcopal mandates and memoranda, especially those recording the commissions of episcopal clerks to undertake certain roles. This type of material serves as a more expansive record of Pontoise's and Swinfield's government, containing information about the work the bishops directed their staff to undertake. The chapter examines the material for its insight into episcopal reform programmes in the late thirteenth century, especially in light of the Second Council of Lyons in 1274. This sheds light on the impact of the canon law, especially conciliar canons, on diocesan governance and record-keeping practices. The chapter is the first dedicated consideration of the impact of Lyons II on the life of the church in England, demonstrating that its canons influenced Pontoise's and Swinfield's approaches to diocesan governance. The chapter also demonstrates the active role of registration in the government of Winchester diocese.

Chapter four is constructed around visitations records preserved in the two registers. Because so few visitation records survive in bishops' registers, there is an opportunity to closely examine (almost) the entire body of such material in each register and, in doing so, to develop new ways of using the records in an investigation of episcopacy. The chapter uses the material to investigate the episcopal agendas that influenced visitations to religious houses. It does so in order to determine the reasons behind the registration of a few visitation records when so many others do not survive. The chapter makes two contributions to current scholarship. First, in its findings that Swinfield undertook an aggressive expansion of Hereford's borders between 1283 and 1288. Second, in its argument that some visitation records were preserved in the registers for the distinct purposes of advancing episcopal agendas and consolidating episcopal authority in the diocese, thereby demonstrating the uses of registers by bishops.

The fifth chapter focuses on a broader range of material in each register, including correspondence, memoranda, and *acta*. Giving a wider focus presents the opportunity to reflect on how the material examined in chapters one to four works together with other records, and so to think more widely about the production and uses

of registers and the act of registration. The chapter uses the material to investigate Pontoise's and Swinfield's modes of episcopacy, as shaped by particular events, experiences, and choices over the course of their careers, including those encountered in earlier chapters. In doing so, the chapter develops new methodologies to investigate the careers of bishops who were less prominent political figures, and to understand the influences that shaped the production of each bishop's register.

This present study demonstrates the value of bishops' registers as resources for historical research on a number of levels. By using register material, the thesis adds a new view on the English political realm and on the papacy during the reign of Edward I, from the perspective of two bishops in their dioceses. It changes the current picture of the relationship between king and magnates and the way in which power was negotiated, and between bishops and pope in the context of ecclesiastical reform after Lyons II and episcopal accountability for enacting it. It demonstrates that ordinary bishops, not just prominent archbishops, adopted modes of episcopacy that were shaped by personal agendas and concerns, thereby altering the current understanding of the relationship between bishops and systems of government in the diocese.

## Chapter One. Ecclesiastical patronage, part one: Crown and curia

In 1237, Matthew Paris wrote in his *Chronica Majora* that ‘every day illiterate persons of the lowest class, armed with the letters of the Roman church, were bursting forth into threats... [and were not afraid] to plunder the revenues left by pious men of old times...’<sup>1</sup> Paris paints a picture of an influx of unsuitable, avaricious clerics taking possession of English churches with the backing of the papal curia.

At the heart of the issue that Paris raised was the matter of ecclesiastical patronage. This form of patronage concerned the legal right of an individual, namely the advowson holder, to present a cleric to the local bishop for institution to a benefice (*beneficium*), namely a church that generated revenue that the incumbent cleric could use as a living.<sup>2</sup> The advowson holder’s presentation began a four-part process. First, the bishop or his men examined the presented candidate to test whether they were suitable for holding a benefice, with a particular focus on their suitability to administer the *cura animarum*. The bishop then instituted the candidate, handing over the legal rights to the benefice. The bishop then instructed his clerk to induct the candidate, thereby giving over corporal possession of the benefice.<sup>3</sup> The process ensured that bishops had a measure of control over who received benefices in their dioceses. Paris’s chronicle entry leaves the impression that this process was being eroded in England by invasive curial practices.

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<sup>1</sup> Matthew Paris, *Chronica Majora*, vol. iii, H.R. Luard (ed.), 3 vols (London, 1872-83), 389-90: ‘Cotidie vilissimae personae illiterate, bullis Romanis armatae, in minas statim erumpentes, reditus a piis patribus...diripere non formidarunt’.

<sup>2</sup> P. M. Smith, ‘The Advowson: The History and Development of a Most Peculiar Property’, *Journal of Ecclesiastical Law*, 5 (2000), 320-329, esp. 345-25.

<sup>3</sup> Burger, ‘Bishops, Archdeacons and Communication’, 195. See also Haines, *Administration of Worcester*, 192-212; McHardy, ‘Some Patterns of Ecclesiastical Patronage in the Later Middle Ages’ in D.M. Smith (ed.), *Studies in Clergy and Ministry in Medieval England* (York, 1991), 20-37; R.E. Rodes Jr, *Ecclesiastical administration in medieval England: the Anglo-Saxons to the Reformation* (Notre Dame, 1977), 152-71.

Two particular legal mechanisms afforded external authorities, such as the papal curia and the English Crown, the ability to influence ecclesiastical patronage in the diocese: papal provisions and regalian right, both of which are a prominent feature in this chapter. The first of these, papal provision, developed from the mid twelfth century onwards. The pope and curial officials could use letters of provision to admit clerics to vacant benefices without recourse to the normal process.<sup>4</sup> Regalian right was specific to England and likewise developed from the mid twelfth century onwards.<sup>5</sup> It afforded the English Crown the power to first, exercise advowsons normally held by prelates when bishoprics or abbeys were vacant; and second, to exercise advowsons held by tenants-in-chief during minorities, incapacity, or if an earldom reverted to the Crown.<sup>6</sup> A broad range of historians, most prominently Geoffrey Barraclough and Ann Deeley, argues that these legal mechanisms were highly invasive, highly effective means for Crown and curia to supply their clerks with benefices, largely at the expense of bishops. The overall impression left by this body of work is that bishops were unable to prevent an increasing number of curial and royal clerks from taking benefices in their dioceses, and that Crown and curia had an overbearing influence on ecclesiastical patronage in England during the late thirteenth century.<sup>7</sup>

This chapter will reconsider the impact of papal provisions and regalian right on ecclesiastical patronage in Hereford and Winchester dioceses by bringing to bear new evidence taken from Pontoise's and Swinfield's registers. Historians have so far focussed on the royal and papal exercise of the two mechanisms, but this chapter will shift the focus to Pontoise and Swinfield and their roles as gatekeepers to the benefices in their dioceses. This will fill some of the need for a more localised study of the impact

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<sup>4</sup> T.W. Smith, 'The Development of Papal Provisions in Medieval Europe', *History Compass* 13 (2015), 110-21, esp. 111.

<sup>5</sup> J.W. Gray, 'The *Ius Praesentandi* in England from the Constitutions of Clarendon to Bracton', *EHR* 67 (1952), 481-509.

<sup>6</sup> W. A. Pantin, *The English Church in the Fourteenth Century* (Toronto, 1980), 30-31.

<sup>7</sup> See especially, G. Barraclough, *Papal Provisions: aspects of church history constitutional, legal and administrative in the Later Middle Ages*, 2<sup>nd</sup> edn. (Connecticut, 1971); G.P. Cuttino, 'King's Clerks and the Community of the Realm', *Speculum* 29 (1954), 395-409; A. Deeley, 'Papal Provision and Royal Rights of Patronage in the Early Fourteenth Century', *EHR* 43 (1928), 497-527; Denton, *Winchelsey*, 285; R.A.R. Hartridge, 'Edward I's Exercise of the Right of Presentation as shown by the Patent Rolls', *Cambridge Historical Journal* 2 (1927), 171-77; K. Harvey, *Episcopal Appointments in England, c. 1214-1344: from episcopal election to papal provision* (Farnham, 2014); M. Howell, *Regalian Right in Medieval England* (London, 1962); Morris, *The Papal Monarchy*, 547-49; J. R. Wright, *The Church and the English Crown, 1305-1334: a study based on the register of Archbishop Walter Reynolds* (Toronto, 1980).



of provisions, in particular, called for by Morris.<sup>8</sup> The chapter will investigate what tools Pontoise and Swinfield possessed in order to manage royal and papal pressures on ecclesiastical patronage, primarily through an examination of records of institutions. When put in conversation with episcopal memoranda and correspondence in the registers, as well as the 1291 *Taxatio*, records of institution serve as the basis for the study of the political aspects of patronage. The aim of this chapter is to shed light on the links between the business of ecclesiastical patronage and Pontoise's and Swinfield's political activity in the late thirteenth century. The secondary aim is to afford insight into the two bishops' record-keeping practices during this period. The first section (I) will examine the process and systems of ecclesiastical patronage in the late thirteenth century, providing the legal and political context for the chapter. The second section (II) will explore what material is available for the study of ecclesiastical patronage, as well as how ecclesiastical patronage was recorded in Pontoise's and Swinfield's registers. The third section (III) offers a statistical analysis of papal provisions and regalian right in the two dioceses, establishing the basis for an investigation of invasive Crown patronage in section four (IV), and of papal provisions in section five (V).

## **I. Ecclesiastical Patronage in the Late Thirteenth Century**

This section paints a detailed picture of ecclesiastical patronage in late-thirteenth century England. Ecclesiastical patronage was a technical matter couched in both the canon and common laws, and it is important to gain some clarity on the roles of bishops in the process in each diocese, the importance of benefices, and the legal basis for Crown and curial patronage, before being able to move forward with the investigation of Pontoise's and Swinfield's individual approaches to managing Crown and curial patronage. The section will call on the current body of historical research for this topic and it will lay the groundwork for this chapter, and the next. The aim is to illuminate the political and legal climate in which Pontoise and Swinfield managed ecclesiastical patronage in their respective dioceses.

The idea adopted in this chapter that bishops acted as gatekeepers to the benefices in their dioceses stems from their close involvement in the management of

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<sup>8</sup> Morris, *The Papal Monarchy*, 651. For a study of provisions in late fourteenth-century York diocese, see A.D.M. Barrell, 'The Effect of Papal Provisions on Yorkshire Parishes, 1342-1370', *Northern History* 28 (1992), 92-109.

ecclesiastical patronage. As mentioned above, there was a four-part process involved in institutions to benefices. However, to reduce the process to the systematic form of presentation, inquiry, institution, induction, as Haines and Purvis do, is to underplay the role of the bishop and the work that lay behind its successful operation.<sup>9</sup> The second stage, inquiry, was the most extensive. After the advowson holder made his presentation, the bishop mandated his agents to inquire into three things. First, whether the presentation was made by the true patron. This inquiry determined whether an individual was attempting to undercut the rights of the advowson holder.<sup>10</sup> Second, whether the benefice was vacant and therefore available for institution. This required the bishop's agent to determine whether the previous incumbent of the benefice was deceased, had resigned his benefice, or, in some cases, was still alive but absent from the parish.<sup>11</sup> Third, if the presented candidate was suitable to hold a benefice: did he already hold a benefice? Was he ordained? Did he have the necessary skills to administer *cura animarum*?<sup>12</sup> The episcopal inquiry was an essential component of the process that established whether the institution conformed to both common and ecclesiastical legal requirements for ecclesiastical patronage.<sup>13</sup> After the inquiry, the bishop could institute and induct the presented candidate, thereby handing over all rights to the new incumbent of the benefice. These various acts demonstrate the extent to which episcopal direction was essential to the process; institutions could only occur once the bishop's agents had collected enough evidence and the bishop had given his approval. To that end, the bishop's management of the process was also an expression of episcopal authority in the diocese: he was the gatekeeper to each benefice.

The bishop's role as gatekeeper also extended beyond avoiding patronage litigation and included protecting the spiritual and financial qualities of benefices. A benefice was, in the strictest definition, an income drawn from tithes, rents, mortuary dues, donations, and other sources of revenue, which the legal owner of the benefice could claim.<sup>14</sup> The benefice was often attached to a parish church. As such, possession

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<sup>9</sup> Haines, *Administration of Worcester*, 192. See also J.S. Purvis, *An Introduction to Ecclesiastical Records* (London, 1953), 16-17.

<sup>10</sup> Smith, 'The Advowson', 336-37.

<sup>11</sup> Haines, *Administration of Worcester*, 55-56; Smith, 'The Advowson', 336-37.

<sup>12</sup> Pontoise's register contains the results of such an examination. The dean of Guildford, on the bishop's orders, inquired into a cleric's background, education, and moral standing by questioning the *fidedignos* of Guildford, the cleric's kinsmen, and the cleric's grammar school master. *Reg. Pontissara* ii, 576-77. See also Burger, *Bishops, Clerks, Diocesan Governance*, 3-4.

<sup>13</sup> For the overlap in common and law jurisdictions in the matter of ecclesiastical patronage, see R.H. Helmholz, *The Oxford History of the Law of England: Volume 1, The Canon Law and Ecclesiastical Jurisdiction from 597 to 1640s* (Oxford, 2004), 477-78.

<sup>14</sup> Pantin, *The English Church*, 35-36.

of a benefice meant possession of the church that, in most circumstances, came with *cura animarum*, the cure of souls, attached. The benefice existed in order to support the rector of a parish church in the course of his pastoral ministry. In that respect, the benefice had a sacral or spiritual quality that, Glenn Olsen argues in his investigation of the benefice in the canon law, superseded the financial quality in importance in the eyes of canonists.<sup>15</sup> The benefice was a vital ecclesiastical property that fuelled the provision of pastoral care in the parish. This high-stakes situation rendered bishops' gatekeeper roles as an even more essential aspect of diocesan administration.

However, it was the financial quality of benefices that curial officials sought to harness in order to supply their clerks with incomes, prompting the development of papal provisions from the twelfth century onwards. In 1220, Honorius III informed Walter de Gray, archbishop of York (1215-55), that 'it was right that [papal clerks] should be honoured with suitable benefices; lest otherwise, if they had to serve at their own cost and were defrauded of special revenues, they might be slower to serve'.<sup>16</sup> Honorius recognized the controversial nature of papal provisions in his defence of them, as did curial officials in 1265 when they gave provisions a firmer grounding in the canon law. Clement IV (1265-68) promulgated the decree, *Licet ecclesiarum*, in 1265. It decreed that the pope (or curial/papal officials) could freely appoint clerics to any ecclesiastical office, prebend, or benefice that fell vacant in Rome.<sup>17</sup> Boniface VIII's bull, *Praesenti declaramus*, issued at some time between 1294 and 1303, extended the terms of *Licet ecclesiarum* to include all ecclesiastical offices and properties vacated within two days' ride of Rome.<sup>18</sup> These two decrees, and those that followed them in the fourteenth century, afforded pope and curial officials the grounds to undercut the normal ecclesiastical patronage process. It is on the basis of these decrees that Geoffrey Barraclough, Colin Morris, J.R. Wright, and, most recently, Katherine Harvey, consider the system of papal provisions to have given the curia greater control over ecclesiastical benefices throughout Europe. This control is highlighted as a symbol of the development of a papal monarchy.<sup>19</sup> Barbara Bombi also argues, convincingly, that clerical petitions to curial officials for papal provisions, along with other papal grants,

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<sup>15</sup> G. Olsen, 'The Definition of the Ecclesiastical Benefice in the Twelfth Century: the canonists' discussion of *spiritualia*', *Studia Gratiana* 11 (1967), 431-46; S. Wood, *The Proprietary Church in the Medieval West* (Oxford, 2006), 904.

<sup>16</sup> Quoted in Pantin, *The English Church*, 41.

<sup>17</sup> Barraclough, *Papal Provisions*, 4-5.

<sup>18</sup> Wright, *The Church and the English Crown*, 6.

<sup>19</sup> Barraclough, *Papal Provisions*, 1-10 and his *The Medieval Papacy* (London, 1968), 121-22; Harvey, *Episcopal Appointments*, 133-34; Morris, *Papal Monarchy*, 547-48; Wright, *The Church and the English Crown*, 5-14.

became the leading business of the curia by 1300.<sup>20</sup> This is the prevailing historiographical narrative of provisions in the thirteenth century, that the system was well developed and far reaching, although, as Thomas Smith rightly stresses, further research on the impact and reception of papal provisions is necessary in order to fully understand the reach of the system.<sup>21</sup>

By the late thirteenth century, the king of England likewise possessed substantial patronage capabilities, which could be expressed in three ways. In the first, the king owned a substantial number of advowsons in his own right.<sup>22</sup> P.C. Saunders showed that Edward I increased the number of advowsons he owned over the course of his reign, cementing the place of the king as the leading lay advowson holder in England.<sup>23</sup> Edward could also claim additional advowsons on the basis of regalian right, the second expression of royal patronage power.<sup>24</sup> The king laid claim to all advowsons held by tenants-in-chief during a minority and, during vacancies, to all advowsons normally held by a bishop or the head of religious house. There was also a third way by which the king and royal officials could influence ecclesiastical patronage: political pressure, or indirect patronage. This amounted to the king and his officials pressurising bishops to accept unsuitable candidates for institution, or pressurising other advowson holders to present royal candidates to the bishop.<sup>25</sup> Taken together, the Crown possessed three powerful mechanisms that ensured a steady supply of ecclesiastical benefices were available for royal clerks.

During the reign of Edward I, the English Crown extended its jurisdictional powers over ecclesiastical patronage in England. The Crown proclaimed that laity and clerics had equal interests in ecclesiastical property and so it asserted its complete jurisdiction over litigation concerning such property. This was expressed to its fullest extent during the reign of Edward I. Edward and his officials promulgated a series of statutes and ordinances relating to ecclesiastical properties. The statutes of Mortmain (1279, 1290) and *Quia emptores* (1290) represented Edward's attempts to consolidate

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<sup>20</sup> B. Bombi, 'Andrea Sapiti: his origins and his register as a curial proctor', *EHR* 123 (2008), 132-48, at p. 136.

<sup>21</sup> Smith, 'The Development of Papal Provisions', 111.

<sup>22</sup> The king only presented to benefices valued over twenty marks (£13 6s 8d) per annum. The king authorized the royal chancellor to present to those benefices valued at less than twenty marks. P. Heath, *The English Parish Clergy on the Eve of the Reformation* (London, 1969), 28; Howell, *Regalian Right*, 174.

<sup>23</sup> P.C. Saunders, 'Royal Ecclesiastical Patronage from Winchelsey to Stratford', *Bulletin of the John Rylands University Library of Manchester* 83 (2001), 95-114. See also E. Gemmill, *The Nobility and Ecclesiastical Patronage in Thirteenth-Century England* (Woodbridge, 2013), 101.

<sup>24</sup> Pantin, *The English Church*, 31-32.

<sup>25</sup> *ibid.*, 34-35.

Crown jurisdiction over ecclesiastical property in England. Mortmain prevented benefactors or testators from making gifts of *frankalmoin*, that is granting land or property to ecclesiastical institutions in perpetuity, without the permission of the Crown; *Quia emptores* reserved the right of *frankalmoin* to the king.<sup>26</sup> These statutes represented, arguably, the furthest extension of Crown control over ecclesiastical properties since the constitutions of Clarendon were promulgated in 1164. Royal household officials also promulgated an ordinance in 1279 that sought to lessen the household's financial burden by prohibiting its clerks from taking a salary from the royal coffers if they held an ecclesiastical benefice.<sup>27</sup> A direct result of that ordinance was a greater demand for benefices from those household clerks who already held them.<sup>28</sup> Such royal legislation placed further pressures on the church in England.

Historians of Edward's reign have interpreted the promulgation and enforcement of this legislation as symbolizing a growth in royal power. Howell shows in her study of regalian right that the English Crown claimed additional advowsons on the basis that all tenants-in-chief, including bishops, held their property from the king, and when the tenant-in-chief no longer had use of the properties, they reverted to the king. In that sense, regalian right was an outward expression of dominant kingship.<sup>29</sup> Denton and Michael Prestwich each stress that Edward used ecclesiastical patronage, and his control over it, to aggrandize his 'royal prestige' and to increase his political standing in the kingdom.<sup>30</sup> The more advowsons that Edward possessed, the more he was able to offer ecclesiastical preferment to his clerks, and the more he was able to attract influential and talented individuals into his household. It also meant, in G.P. Cuttino's words, that 'the church bore the greater part of the financial burden of financing [Edward's] civil service'.<sup>31</sup> On the whole, current scholarship paints a sense that, under Edward's direction, the Crown consolidated its controls over patronage in England, causing tension between king and certain subjects, an image presented by Gemmill in her recent study of the patronage policies of thirteenth-century English earls.<sup>32</sup>

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<sup>26</sup> Thompson, '*Habendum et Tenendum*', 210-11.

<sup>27</sup> T.F. Tout, *Chapters in the Administrative History of Medieval England; the wardrobe, the chamber, and the small seals*, (Manchester, 1920), 27-29.

<sup>28</sup> For Archbishop Winchelsey's attempt to curb pluralism among royal clerks, see Denton, *Winchelsey*, 269-96.

<sup>29</sup> Howell, *Regalian Right*, 201-10.

<sup>30</sup> Denton, *Winchelsey*, 285-95; Prestwich, *Edward I*, xiii, 154, 254-55.

<sup>31</sup> Cuttino, 'King's Clerks and the Community of the Realm', 409.

<sup>32</sup> Gemmill, *The Nobility and Ecclesiastical Patronage*, 101-28. See also Thompson, '*Habendum et Tenendum*', 204-38.

This body of scholarship depicts a climate of increasingly invasive Crown and curial ecclesiastical patronage in the late thirteenth century. The king and his officials, the pope and his officials, encroached on bishops' control of an essential aspect of diocesan administration over the course of the thirteenth century. However, there is one important element missing from current scholarship: the impact of this invasive patronage on English dioceses. This chapter is an opportunity to explore Crown and curial patronage from the perspective of Pontoise and Swinfield, and to reshape the current picture of patronage in England during this period. Bishops' registers play an important part in furthering this research, and as such they are the focus of the next section.

## **II. Bishops' registers and the records of ecclesiastical patronage**

To gain insight into Pontoise's and Swinfield's management of ecclesiastical patronage in their dioceses, it is first necessary to consider what material is available to develop the picture of ecclesiastical patronage in England in the late thirteenth century. This section will explore the records in Pontoise's and Swinfield's registers, the most extensive collections of records relating to episcopal business in the two dioceses. Particular attention is given to records of institution. These are, as Smith stresses, the 'mainstay' of bishops' registers, to the extent that Alison McHardy considers the business of ecclesiastical patronage to be the most extensively recorded business of the late medieval church.<sup>33</sup> Despite this, records of institution have, so far, been underused owing to their formulaic designs, which often serve to create negative perceptions of the registers. Nicholas Bennett and McHardy examine records of institution for their prosopographical studies of institutions to benefices in the late medieval church, and Burger uses the same material, on an England-wide scale, for establishing episcopal practices of giving benefices to bishops' clerks as a system of reward.<sup>34</sup> This section takes a different approach. The aim is to consider the connections between Pontoise's and Swinfield's oversight of ecclesiastical patronage in their dioceses and the act of registration, drawing on records of institution and attempting to advance understanding

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<sup>33</sup> McHardy, 'Some Patterns of Ecclesiastical Patronage', 20; Smith, *Guide to Bishops' Registers*, ix.

<sup>34</sup> N. Bennett, 'Pastors and Masters: the Beneficed Clergy of North-East Lincolnshire, 1290-1340' in Hoskin, Brooke, and Dobson (eds), *The Foundations of Medieval English Ecclesiastical History*, 40 – 62; Burger, *Bishops, Clerks, Diocesan Governance*; McHardy, 'Some Patterns of Ecclesiastical Patronage', 20-57.

of their qualities as a historical record. Attention will also turn to records generated by the English Crown and papal curia, which serve to construct a more extensive image of ecclesiastical patronage in Hereford and Winchester dioceses when examined alongside records in the two registers.

Pontoise's and Swinfield's registers are comparable to other examples for the sizeable number of records of institution they contained. Pontoise's register contains three hundred and eighteen such records entered between 1282 and 1304, although there are gaps for the years between 1296 and 1299 caused by the bishop's absence from the diocese on diplomatic business for the king.<sup>35</sup> The records were written into a dedicated section occupying folios one to fifty-nine *verso*.<sup>36</sup> Pontoise's scribes organized the records in chronological order, although there are some discrepancies in this arrangement. These stem from the bishop's scribes recording the act of institution at a later date than the actual event: Pontoise instituted Hugh de Welwick to Hursley in October 1296, but the record was not made until early 1300.<sup>37</sup> Several other late-thirteenth century registers contain a dedicated section for records of institution. Peckham and Winchelsey at Canterbury, John Salmon (1299-1325) at Norwich, and Simon de Ghent (1297-1315) at Salisbury each adopted the same arrangement.<sup>38</sup> This is markedly different from the form adopted for Swinfield's register. The six hundred and four records of institution made over the course of Swinfield's thirty-four year episcopate were written into the chronologically-arranged general register.<sup>39</sup> Swinfield used the same format for registration as Cantilupe, and Orleton (1317-27) continued the practice during his episcopate; this was a common format that was in use at Carlisle, Exeter, London, and Worcester.<sup>40</sup> Records of institution, memoranda, correspondence, and other types of register items are blended together, although in Swinfield's register, at least, marginal notes and introductory titles written in red ink ensured records of institution were distinguishable from other records on the same folio.<sup>41</sup> In both registers, records of institution far outnumber any other type of record.

The two contrasting forms of organization shape historians use and perception of the material. The manuscript of Pontoise's register, with its clearer categories of material, is easier to navigate, while Swinfield's requires closer examination. Capes, the

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<sup>35</sup> For more on this absence, Chapter Five, 242-43.

<sup>36</sup> See Introduction, 23.

<sup>37</sup> *Reg. Pontissara* i, 93.

<sup>38</sup> Smith, *Guide to Bishops' Registers*, 3, 151, 189.

<sup>39</sup> *ibid.*, 96-97.

<sup>40</sup> *ibid.*, 76-78, 136-37, 215-17, 254-55.

<sup>41</sup> See, for example, Heref RO AL/19/2, fo. 140.

editor of Swinfield's register, recognized this when he compiled all records of institution in a single appendix. Capes' method places emphasis on people and places but obscures the record of the process of institution. This requires the modern user to return to the medieval manuscript to fully grasp the extent of the process in Hereford.

Despite their formulaic appearance, each record of institution in the two registers contains a wealth of information. To take one typical record from Pontoise's register:

Admission to the church of Warlingham. *Item*, in the year of our lord 1283, on November 29<sup>th</sup> at Wolvesey, the lord [bishop] admitted John, son of Thomas de Widhill, to the church of Warlingham with the chapel of Chelsham, vacant, and at the rightful presentation of the religious men...the prior and the convent of Bermondsey.<sup>42</sup>

These few lines recorded 1), the new incumbent of the benefice (John de Widhill); 2), the benefice (Warlingham and its chapel at Chelsham); 3), the advowson holder (the prior and community of Bermondsey); 4), the date and place that the institution took place; and 5), who admitted the new rector (the bishop). The same formula was used in Swinfield's register:

*Item*, memorandum that on 3 August in the above said year of our Lord (1303), [the lord bishop] admitted *dom* Philip de Witley, priest, to the church of Stanton Long, vacant, at the rightful presentation of the dean and chapter of Hereford...<sup>43</sup>

The Hereford formula is comparable to that in Winchester, distilling the same information. Each version has the same dense information. It is a common formula found beyond these two registers developed over the course of the thirteenth century.<sup>44</sup> Robert Swanson describes these records as 'just a brief record of the fact of institution', a note of sorts.<sup>45</sup> Yet the five core pieces of information in any record of institution legitimated property ownership and mapped out the bishop's jurisdiction over benefices in his diocese. The information corresponds to the information obtained from jurors at a

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<sup>42</sup> *Reg. Pontissara* i, 10: 'Admissio ad ecclesiam de Wallyngham. Item anno domini m<sup>o</sup>. cc<sup>o</sup>. octogesimo tertio. iij<sup>o</sup>. Kalendas Decembris apud Wolvesey admisit dominus Johannem filium Thome de Wydihull ad ecclesiam de Wallingham cum capella de Chelesham vacantem et ad presentacionem Religiosorum virorum...Prioris et conventus de Bermondeseye spectantem.'

<sup>43</sup> Heref AL/19/2, fo. 140: 'Item memorandum quod III die augusti Anno domini supradicto admisit dominus Phillipum de Wyteleye, presbiterum, ad ecclesie de Longestanton, vacante, ad presentacionem decanu et capitulum Herefordsensis spectantem.'

<sup>44</sup> For an earlier precedent, see *EEA ix: Winchester*, 33; for another late-thirteenth century example, see *The Rolls and Register of Bishop Oliver Sutton, 1280-1299*, volume 1, R.M.T. Hill (ed.) (Lincoln Record Society, 1948), 57.

<sup>45</sup> Swanson, 'The Church and its Records', 155.



common law assize of *darrein presentment* and a canon law *de iure patronatus*, namely who made the last presentation to a benefice and whether it was vacant.<sup>46</sup> Possession of such information ensured Pontoise and Swinfield were not liable for property litigation, and legitimated the bishop's act of institution. There are, as such, at least two layers to these records. Records of institution were a record of particular event, an institution. But they were also detailed legal documents, the written equivalents to inquests into property ownership.

Records of institution also record the process of ecclesiastical patronage, reflected in the specialist language employed in them. The bishop could institute (*institutio*) a cleric to a benefice, meaning that an advowson holder had presented them to the bishop and the full inquiries had been made, such as in the two examples given in the paragraph above. The bishop could also collate (*collatio*) a benefice to a cleric. In that circumstance, the bishop held the advowson (or was entitled to exercise it), and there was no need to present or vet the candidate, such as in Swinfield's 1283 collation of an unnamed cathedral prebend to *Mgr* Roger Bourd.<sup>47</sup> There was also a third option: the bishop could give custody (*custodia*) of a benefice to a cleric, such as Pontoise's transfer of the custody of Nether Wallop to *Mgr* Richard de Bures in April 1286.<sup>48</sup> This was a temporary arrangement that, according to Lyons II canon fourteen, could last no more than six months, but meant that the cleric could still enjoy all the normal revenues from the benefice.<sup>49</sup> These were subtle differences in language that recorded so much about the bishop's role in the process, distinguishing between the bishop in his capacity as diocesan giving consent to an institution and his capacity as a patron. They also recorded the nature of the benefice holder's tenancy. Despite their formulaic appearance, such records contain a wealth of information.

Moving away from records of institution and from the patronage process, other register material, correspondence in particular, forms the foundation for investigating the two bishops' interactions with Crown and curia concerning institutions to benefices. Records of institution recorded the final, closing moments of the patronage process, but Crown and curial activity and machinations were often communicated via letters. A series of letters exchanged between Queen Isabella, consort to Edward II, and Swinfield

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<sup>46</sup> Gray, 'The *Ius Praesentandi* in England', 491-92; J.C. Tate, 'Ownership and Possession in the Early Common Law', *The American Journal of Legal History* 48 (2006), 280-313, esp. pp. 306-7.

<sup>47</sup> Heref RO AL/19/2, fo. 1.

<sup>48</sup> *Reg. Pontissara* i, 22.

<sup>49</sup> *Decrees of the Ecumenical Councils: volume one, Nicaea I to Lateran V* (hereafter *DEC* i) N.P. Tanner (ed.) (London, 1990), 322.

in 1308 and 1309 record something of the pressures exerted by the Crown on bishops. Isabella beseeched Swinfield to institute Hugh de Leominster, comptroller of the queen's wardrobe, to a prebend at Hereford cathedral on two occasions in 1308, Palm Sunday and 30 December, requesting that a pension be assigned until a prebend was vacant.<sup>50</sup> On each occasion Swinfield rebuffed the queen, stressing that 'grants or provisions to benefices not yet vacant are reckoned to be illegal and against the sacred canons under any form of words, as is more fully contained in the *Liber sextus* [of Boniface VIII]'.<sup>51</sup> Swinfield would not break the canon law, even for the queen. All three letters, two from Isabella and one sent by the bishop, were copied into Swinfield's register in consecutive order at some point in January 1309. The three items afford insight into the demands made by the queen for Swinfield to support one of the clerks of her household; the bishop was expected to bear the brunt of Hugh's maintenance by giving up one of his prebends and paying a pension.

Looking beyond the registers, Crown and curia each generated records that shed light on episcopal activity. The patent rolls kept by the royal chancery contain records of presentations made by the king or chancellor to a bishop, and it also contains presentations made on the strength of regalian right. One such entry records the king's presentation of *Mgr* Bonet de St Quintin to the parsonage of Aldington and Smeeth, vacant, in the king's gift by reason of the vacancy in the archdiocese of Canterbury, dated to 5 January 1279. It fell to the custodians of the spiritualities (*custodi spiritualitatis*) to induct Bonet.<sup>52</sup> These particular entries demonstrate the nature of the royal patronage process in the absence of the bishop. Papal registers record some, although by no means all, papal provisions.<sup>53</sup> These take a simple format recording that papal chancellors had issued letters of provision to a cleric, although the exact benefice is not always given and, instead, the instruction to the bishop was to institute the cleric to the next available benefice.<sup>54</sup> Individual letters of provisions also survive. Among the muniments of the Hereford dean and chapter is at least one papal provision dating to

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<sup>50</sup> *Reg. Swinfield*, 443, 444.

<sup>51</sup> *ibid.*, 443, 444, quote at p. 444: '...videlicet quod concessionones seu provisiones beneficiorum non vacancium illicite et contra sacros canones reputantur sub quacumque forma verborum, prout in sexto libro decretalium plenius continetur.'

<sup>52</sup> TNA C66/98, mem. 25: 'Mag[iste]r Bonett[us] de S[anc]to Quintino...Regis de p[re]sentatio[n]e[m] ad p[ar]sonatu[m] de Aldinton' et de Semeth vacant[em] et ad don[at]um Regis spectant[em] rat[i]one Archiep[iscop]us Cantuari' vacantis et in manu Regis existentis.'

<sup>53</sup> Provisions to benefices valued at twenty marks or less with *cura animarum* or fifteen marks or less without it were not recorded in papal registers until the late fourteenth century. Wright, *The Church and the English Crown*, 18-19.

<sup>54</sup> For one example of a papal provision, see *Les Registres de Boniface VIII; recueil des bulles de ce pape*, volume 1, G.A.L. Digard (ed.), 3 vols (Paris, 1884), 510.

Swinfield's episcopate, which forms the basis of a case study below. These records develop the distilled information in bishops' registers by affording further insight into the patronage process, namely the act of presenting candidates to the bishop and by what right that presentation was made. To that end, such records provide an important perspective on the politics of patronage that works alongside register material to provide a fuller picture of Crown and curial activity.

The 1291-92 *Taxatio* opens up a further avenue of research for ecclesiastical patronage in the late thirteenth century. The *Taxatio* is the record of an England- and Wales-wide survey of the spiritual revenues claimed at each benefice in the years 1291 to 1292. Spiritual revenues included tithes, oblations, and mortuary dues.<sup>55</sup> The objective of the assessment was to determine the contributions to be made by beneficed clerics towards a crusading tenth awarded to Edward I by Pope Nicholas IV.<sup>56</sup> The *Taxatio* is now made available through an online database, upon which this and the succeeding chapter heavily draw. The database corrects a series of accounting errors in the original 1802 edition, which was transcribed from late-fourteenth (for York province) and late-fifteenth century (for Canterbury province) manuscripts, rather than the original records from 1291 and 1292.<sup>57</sup> The database project returned to the original assessment records made for each diocese,<sup>58</sup> creating a more accurate representation of spiritual revenues throughout England and Wales. Jeffrey Denton argued, convincingly, that revenues at many benefices were reported lower than the actual amount, ensuring that tax assessments were likewise lower.<sup>59</sup> Despite this undervaluation, the *Taxatio* provides a strong benchmark for the spiritual revenues claimed by a rector at his benefice. To take a few examples relating to this study, the *Taxatio* records that Farnham rectory, Winchester diocese, was valued at £80 per annum; on the lower end of the scale, Bramdean, in the same diocese, was valued at £5 per annum.<sup>60</sup> The revenues generated at each benefice were leading factors in crown and curial interest in claiming

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<sup>55</sup> Benefices that were valued at six marks or less were considered to be exempt. *Taxatio*, [http://www.hrionline.ac.uk/taxatio/forms?context=diocese\\_hereford](http://www.hrionline.ac.uk/taxatio/forms?context=diocese_hereford).

<sup>56</sup> Prestwich, *Edward I*, 411.

<sup>57</sup> Denton, 'Towards a New Edition of the *Taxatio Ecclesiastica Angliae et Walliae Auctoritate P. Nicholai IV circa A.D. 1291*', *Bulletin of the John Rylands University Library of Manchester*, 79 (1997), 67-79, at 68-69.

<sup>58</sup> There are some items from the 1291-92 *Taxatio* recorded in Swinfield's and Pontoise's registers. These largely relate to the episcopal estate, and not the entire diocese, and several totals for incomes are missing. See *Reg. Swinfield*, 304-5; *Reg. Pontissara* ii, 794-98; Denton, 'Towards a New Edition of the *Taxatio*', 69, 70-71.

<sup>59</sup> Denton, 'The Valuation of Ecclesiastical Benefices of England and Wales, 1291-2', *Historical Research* 66 (1993), 231-50, at pp. 240-41.

<sup>60</sup> *Taxatio*: Bramdean; Farnham.

those benefices for their own clerks. Bishops, too, relied upon benefices to support their own clerks. The *Taxatio* opens upon the financial aspect of patronage, and, in doing so, begins to demonstrate the competition for benefices that fuelled the political activity with which this chapter is concerned.

Taken together, these records begin to paint a picture of episcopal, Crown, and curial activity in the field of ecclesiastical patronage. Records of institution are easily dismissed as bureaucratic fodder but it is hoped that this section has demonstrated their value for affording insight into the politics of patronage, and into the act of registration in relation to institutions to benefices in Hereford and Winchester. The remainder of this chapter will examine records of institution alongside other register material, especially episcopal memoranda and correspondence and the records made by Crown and curia, in order to conduct a local study of the impact of regalian right and papal provisions in Hereford and Winchester dioceses. Section three (III) will compare the extent of Crown and curial patronage activity in the two dioceses. Section four (IV) will investigate Pontoise's and Swinfield's management of Crown activity in their respective dioceses, and section five (V) will do the same for curial activity.

### **III. The extent of Crown and curial patronage in Hereford and Winchester dioceses**

This section will provide a sense of the scale of papal provisions and royal presentations to benefices in Hereford and Winchester through an analysis of statistics gleaned from records of institution in Pontoise's and Swinfield's registers. Contemporary sources leave the impression that there were excessive numbers of papal provisions, in particular. In 1307, a parliamentary petition made by the earls, barons, and community of the realm to Edward I at Carlisle stressed that:

Concerning the unbridled multitude of papal provisions, because of which patrons or advowson holders of benefices have had [their right to] collate or present stolen, and now the noble and learned natives have been deprived of ecclesiastical preferment, and there will be a lack of counsel in the realm as regards those things which concern

spirituality, nor will suitable people be found to be elected to ecclesiastical preferments.<sup>61</sup>

Based on papal provisions recorded in papal registers between 1305 and 1334, Wright calculated that curial officials made eight hundred and fifty-one provisions to English benefices.<sup>62</sup> Turning to Crown activity, Reginald Hartridge compiled every presentation recorded on the patent rolls between 1272 and 1307 and estimated that the Crown made nearly one thousand presentations to benefices.<sup>63</sup> Cuttino identified between three hundred and four hundred royal clerks who received benefices from the Crown during the same period, likewise basing his data on patent roll entries.<sup>64</sup> To read these analyses is to see extensive Crown and curial activity. However, there are issues with their methodologies. The presentations recorded on the patent rolls and the provisions recorded in papal registers do not represent institutions to benefices. As demonstrated above, these records only represent one part of the process, the act of Crown/curia advancing their candidate for institution. They do not show how these acts were received in the diocese. This section will adopt a different methodology. It will examine records of institution in Pontoise's and Swinfield's registers in order to determine the number of papal provisions and royal presentations that became institutions (compiled in Table One). The aim of this section is to establish the extent of crown and curial activity in each diocese, before moving on to consider Pontoise's and Swinfield's management of it in the next two sections.

Despite expectations raised by contemporary sources and modern historiography, evidence for papal provisions to benefices in Hereford and Winchester is slim. As Table One (below) demonstrates, only two records of institution (or 0.3 per cent of all such records) in Swinfield's register indicate that the bishop made institutions on the strength of papal letters of provision. There are no such records in Pontoise's register. The statistics compiled from the two registers paint a quite different picture of curial activity compared to Wright's analysis. To that end, these results have several implications. First, that papal provisions were not commonplace in Hereford and

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<sup>61</sup> *The Parliament Rolls of Medieval England (PROME), 1275-1504*, C. Given-Wilson et al. (eds) (Leicester, 2005), Vetus Codex 1307, mem. 150, item 126: 'De effrenata multitudine provisionum apostolicarum, per quas patronis seu advocatis beneficiorum collatio tollitur seu presentacio, ac demum indigene nobiles et litterati a promocione ecclesiastica penitus excludentur, et erit defectus consilii in regno quantum ad ea que ad spiritualitatem pertinent, nec inveniuntur idonei qui ad ecclesiasticas valeant eligi prelaturas.' For more on the context, see Thompson, 'The Statute of Carlisle, 1307, and the Alien Priors', *Journal of Ecclesiastical History* 41 (1990), 543-83.

<sup>62</sup> Wright, *The Church and the English Crown*, 275-76.

<sup>63</sup> Hartridge, 'Edward I's Exercise of the Right of Presentation', 171.

<sup>64</sup> Cuttino, 'King's Clerks and the Community of the Realm', 409.

Winchester. Second, that the two bishops did not record institutions made on the strength of papal provisions in the same way as they recorded other institutions. Third, and most importantly for this chapter, that the two bishops were able to dampen the impact of provisions, or block them altogether. These implications are unpacked in the next section, but it is clear that there is room to re-think current scholarship on provisions.

There is a greater weight of records of institution in each register relating to Crown activity. Swinfield's register records seventeen institutions made on the back of royal presentations, or 2.8 per cent of the total. Pontoise's register records eleven institutions made on the strength of Crown presentations, or 3.5 per cent of the total. One implication of these results becomes clear when the presentations made on the basis that the Crown held the advowson, and those made on the strength of regalian right, are distinguished. The Crown held two permanent advowsons to benefices in Hereford diocese, to Ford and Montgomery, although it only ever presented to Montgomery on two occasions, in 1300 and 1315, and never to Ford.<sup>65</sup> These two acts represent the only recorded occasions when the Crown exercised its normal rights of patronage in Hereford. This suggests that regalian right accounted for fifteen institutions in total. The Crown possessed eight advowsons to benefices in Winchester but only exercised one of those advowsons during Pontoise's episcopate; the king presented twice to Leatherhead, in 1289 and 1303.<sup>66</sup> Again, this would suggest that a higher proportion of Pontoise's institutions of Crown candidates (nine) were made on the strength of regalian right. On the basis of these statistics, it would seem that Crown patronage in each diocese was largely intrusive, even if the overall numbers of institutions were low.

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<sup>65</sup> It is possible that presentations/institutions did take place but were not recorded. *Reg. Swinfield*, 532, 543; *Taxatio*: Ford; Montgomery.

<sup>66</sup> *Reg. Pontissara* i, 32, 160; *Taxatio*: Bisley; Brading; Kingsclere; Leatherhead; Puttenham; Ringwood; Shalford; Wonersh.

<b>Table One.</b> Table showing a general classification of advowson holders or persons who exercised the advowson named in records of institution in Pontoise's and Swinfield's registers.		
<b>Named patron</b>	<b>Pontoise's register</b>	<b>Swinfield's register</b>
	1282-1304	1283-1317
Bishop (diocesan)	119 (37.4% of all institutions)	163 (27.2%)
English crown (royal family and government officials)	11 (3.5%)	17 (2.8%)
Lay magnate or baron	16 (5%)	70 (11.6%)
Local landowner	46 (14.5%)	118 (19.5%)
Papal curia	0 (0)	2 (0.3%)
Religious clerics	79 (24.8%)	165 (27.3%)
Secular cleric(s) from outside the diocese, including other bishops	9 (2.8%)	6 (1%)
Secular cleric(s) from within the diocese	9 (2.8%)	23 (3.8%)
Unspecified or unclear	29 (9.1%)	37 (6.1%)
<b>Total no. of records of institution</b>	<b>318</b>	<b>604</b>

N.B. All calculations are my own based on records of institution in *Reg. Pontissara i* and *Reg. Swirfield*.

However, when the number of Crown presentations to Hereford and Winchester benefices recorded on the patent rolls are compared with records of institution, a wholly different impression is given. There are thirty-two Crown presentations to benefices in Hereford recorded on the patent rolls for the period March 1283 to March 1317.<sup>67</sup> Three of these were repeat presentations of the same candidate to the same benefice; twenty-nine were unique. This marks a significant discrepancy in the record of crown activity by the royal chancery and by Swinfield. At least fourteen presentations were never recorded as institutions in Hereford, or Swinfield never made those institutions. There are similar discrepancies in the records for Winchester diocese. The patent rolls record twenty-five presentations to benefices in Winchester between June 1282 and December 1304, all of which were unique.<sup>68</sup> Again, fourteen Crown presentations were never recorded, or Pontoise never made them. It is difficult to gauge the full extent of Crown activity in either diocese, but with so few recorded institutions of Crown candidates in Hereford and Winchester dioceses, it would appear that the overall impact of Crown activity was minimal, despite previous interpretations of the patent rolls, in particular.

It is hoped that this brief analysis has challenged current perceptions of Crown and curial patronage activity by highlighting the limited record of such activity in Hereford and Winchester dioceses. Pontoise and Swinfield instituted very few papal provisions and Crown presentations. This draws focus to what the two bishops were doing in their dioceses, and how they managed to limit the impact of the two invasive systems of patronage.

#### **IV. Bishops, the English Crown, and ecclesiastical patronage**

This section will investigate Pontoise's and Swinfield's management of Crown presentations made on the strength of regalian right and royal clerks advanced as candidates for institution through indirect patronage. Denton and Saunders each demonstrate that successive archbishops of Canterbury formulated policies, not always successful ones, to counter the expansion of Crown rights of patronage, both in terms of the numbers of advowsons it held and in terms of regalian right, during the early

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<sup>67</sup> *CPR 1281-92*, 57, 447, 493; *1292-1301*, 70, 96, 185, 446, 509, 601, 602; *1301-7*, 7, 25, 63, 422, 431, 514; *1307-15*, 12, 22, 57, 117, 178, 186, 269, 341, 399, 407; *1313-17*, 3, 200, 201, 269, 338, 344, 397.

<sup>68</sup> *CPR 1281-92*, 30, 32, 213, 321, 327, 368, 475, 500; *1292-1301*, 23, 33, 37, 133, 142, 222, 288, 326, 330, 496; *1301-7*, 37, 105, 157, 162, 164, 214.



fourteenth century.<sup>69</sup> This section will break new historiographical ground by shifting focus to a study of how Pontoise and Swinfield, two lesser-studied bishops, dealt with regalian right and Crown pressures to institute its candidates. It will examine material in Pontoise's and Swinfield's registers, such as records of institution, memoranda concerning Crown activity, and correspondence between bishops and Crown officials, alongside similar records generated by the royal chancery, in order to explore how the two bishops developed means of controlling invasive patronage, and the nature of their interactions with the Crown over this matter.

### **Swinfield and invasive Crown patronage in Hereford diocese**

At first glance, Hereford diocese might not appear ideal for royal clerks needing benefices from Crown patronage. Hereford was situated at some distance from the seats of royal power, especially Westminster, and it contained few benefices with lucrative revenues fit for royal clerks. The two benefices to which the Crown held the advowson, Ford and Montgomery, were worth £10 and £25.<sup>70</sup> The most lucrative Hereford benefice at Westbury-in-Severn was valued at £53 6s 8d per annum.<sup>71</sup> Its advowson was in the hands of a local knight, Nicholas de Bath, and neither of his presentations recorded in Swinfield's register suggests Crown pressure.<sup>72</sup> In financial terms, Hereford had little for royal clerks.

However, beyond the generic appeal of incomes for royal clerks, two local factors drew the Crown to benefices in Hereford. The first was the proximity of the royal court to Hereford between 1282 and 1284, during Edward's campaign in Wales, and the vacancy in the diocese between June and October 1282 when the bishop's advowsons lapsed to the crown.<sup>73</sup> The second was the secular cathedral chapter, which presented opportunities for a royal clerk. Moreton Magna prebend was the only one

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<sup>69</sup> Denton, *Winchesley*, 269-96; Saunders, 'Royal Ecclesiastical Patronage from Winchelsey to Stratford', 95-114.

<sup>70</sup> *Taxatio*: Ford; Montgomery.

<sup>71</sup> This does not include benefices that were appropriated to religious houses. The most lucrative benefice was Lydney, valued at £66 13s 4d in 1291, but £53 6s 8d was claimed by the dean and chapter of Hereford cathedral. *Taxatio*: Lydney; Westbury.

<sup>72</sup> Nicholas de Bath's first presentation in 1289 was of William de Kingscote, chancellor of the University of Oxford. His second presentation was of John Talbot in 1311, whose surname suggests he was part of the Talbot Marcher family. *Reg. Swinfield*, 528, 540.

<sup>73</sup> D. Lepine, *Brotherhood of Canons Serving God: English secular cathedrals in the Later Middle Ages* (Woodbridge, 1995), 24-28.

attached to Hereford cathedral that was valued at £20 or more in 1291.<sup>74</sup> But a place in the chapter also afforded royal clerks the opportunity to gain higher ecclesiastical status by holding a canonry, to remain non-resident, and to hold a second benefice with *cura animarum*, all within the bounds of the canon law.<sup>75</sup> It is patronage affairs during Edward's Welsh campaign, and the Crown focus on cathedral prebends at Hereford, which frame this sub-section.

Swinfield's first major incident involving Crown patronage came in the month of his consecration as bishop, March 1283. The incident revolved around a dispute between bishop and king over the right of *Mgr* Philip the Welshman, a royal clerk, to hold the rectory of Church Stretton in Hereford diocese. Philip was in royal service throughout the 1270s and 1280s and served as Edward's envoy to the duchy of Brabant alongside the abbot of Westminster in 1279.<sup>76</sup> Edward presented Philip to Bishop Cantilupe for institution to Church Stretton in 1277; the presentation was made on the basis that the king, at that time, held the properties of the true advowson holder, the earl of Arundel.<sup>77</sup> Swinfield first challenged Philip's right to hold Church Stretton on 14 March 1283. In a letter copied into his register, Swinfield informed Edward that Archbishop Peckham had deprived Philip of his benefice; the archbishop made the deprivation during his visitation of Hereford diocese in December 1282 to January 1283.<sup>78</sup> The king's reply to Swinfield, made on 17 March in a second letter recorded in the bishop's register, requested more information on the matter, stressing that Swinfield had 'omitted to declare the right and cause of the vacancy'.<sup>79</sup> On 23 March, the bishop wrote to the king to inform him that Philip's deprivation was due to the clerk's own inaction:

in the five years since obtaining possession of [Church Stretton], [Philip] has evaded ordination to the priesthood through so great a number of various fictions, [and] against

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<sup>74</sup> Some prebends were attached to the cathedral dignities (dean, precantor, chancellor, treasurer) and the two archdeaconries (Hereford and Salop (Shropshire)). *Taxatio*: Moreton Magna.

<sup>75</sup> Pantin, *The English Church*, 37.

<sup>76</sup> The abbot at this time was Richard de Ware (1258-83). *CPR 1272-81*, 302.

<sup>77</sup> *Reg. Cantilupe*, 121; *CPR 1272-81*, 193.

<sup>78</sup> *Reg. Swinfield*, 3.

<sup>79</sup> *ibid.*, 4: 'Cum significaveritis nobis quod venerabilis pater, Cantuariensis archiepiscopus, pronunciavit ecclesiam de Strattono in Strattonedale, vestri diocesis, et ad nostram donacionem spectantem, de jure vacantem, omitta declaracione juris et causa vacacionis ejusdem super quibus decret nos cerciorari priusquam ad eandem presentaremus...'

the form of his institution that holds [him] to advancement to the priesthood within one year according to the statute of the council of Lyons.<sup>80</sup>

The statute in question was the thirteenth canon promulgated at the second council of Lyons in 1274. This mandated that all newly instituted rectors were to be ordained as priests within a year of institution, if they were not already ordained.<sup>81</sup> Swinfield made it clear to Edward that the deprivation was grounded in the canon law and that the bishop had a legitimate right to act against Philip.

Edward's reply to Swinfield reveals the king's position on the canon law and its applicability to royal clerks instituted on the strength of Crown patronage. On 30 March, Edward informed Swinfield that:

We do not suppose that this (Lyons II, canon thirteen) extends to the royal dignity, nor do we consider ourselves, nor our patronage, wherever it exists, to be obliged to observe any such statutes. However, if there is evidence of a cause for which the said church be vacant, in as much as it happens to be vacant by the resignation or death of the rector, and then having taken counsel on this [matter] at length, we will present so long as there is a suitable and healthy [candidate].<sup>82</sup>

Edward stressed that he would not, in principle, submit to canon thirteen, and argued that a church could only be declared vacant on two grounds: resignation or death. The king added that he would, in those circumstances, present another candidate. In making these two particular statements to Swinfield, Edward challenged the authority of the canon law in matters of Crown patronage. This challenge was a success. Philip retained Church Stretton and he was named as rector in minor litigation in 1286 while *mainpernor* for *Mgr* Henry de Staunton.<sup>83</sup> The bishop's scribes copied the entire exchange into Swinfield's register when each letter was made or received. From the attention to detail and the record of the letters, the sense emerges that Philip's case, and the standoff between bishop and king, occupied the early days of the new Hereford regime. Its affirmation of royal rights is telling of the Crown's refusal to permit

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<sup>80</sup> *ibid.*, 5: '...et jam fere per quinque annos postquam adeptus est possessionem dicte ecclesie talem qualem per varia fingmenta ordinem sacerdotii subterfugit, contra sue institutionis formam que continet quod sacerdos fuerit infra annum secundum statuta concilii Lugdunensis.'

<sup>81</sup> *DEC* i, 321-22

<sup>82</sup> *Reg. Swinfield*, 6: 'non supponimus se extendere ad regiam dignitatem, nec nos nec nostrum patronatum quocumque existat ad observacionem statutorum huiuscemodi attendimus aliquatenus obligari. Verumptamen si evidencior subsit causa per quam vacet ecclesia supradicta, utpote quod rectore cedente vel decedente ipsam vacare contingat, tunc demum deliberato consilio super hoc disponemus prout oportunum fuerit et salubre.'

<sup>83</sup> *CCR 1279-88*, 396.

episcopal interference in its clerks' rights to hold churches. It is also telling of the limits of the canon law and the bishop's need to navigate the demands of the Crown even in the most essential diocesan task of supervising priests in their parishes.

Despite dismissing the authority of the canon law in 1283, Edward took advantage of it in 1287. On 6 May 1287, Swinfield instituted *Mgr* Bonet de St Quentin, royal clerk, to Church Withington prebend attached to Hereford cathedral. The institution was made on the strength of papal letters of provision for which the Crown had petitioned the curia.<sup>84</sup> The case is important for the way in which the Crown used papal authority for the gain of royal clerks. Bonet was not short on royal patronage before this provision. By 1287, he held a rectory in Lincoln diocese valued at £21 6s 8d, another in Canterbury worth £30, and a prebend at Southwell in York diocese.<sup>85</sup> Bonet also held the deanery of the royal free chapel at Bridgnorth, worth a lucrative £54 13s 4d.<sup>86</sup> This makes the crown's procurement of a papal provision all the more extraordinary, especially as Church Withington was worth just £7 1s 4d.<sup>87</sup> Bonet was serving as a government minister in Gascony, and the provision stood as a statement of Edward's support for his Gascon agents during a period when the king sought to strengthen his rule in the duchy.<sup>88</sup> Edward received two papal grants, in 1286 and 1290, which afforded him the ability to support those agents. The first grant permitted Edward to present six royal agents to canonries in Gascony; the second grant dispensed twenty royal clerks, chosen by the king, to hold benefices without residency for ten years.<sup>89</sup> Bonet benefitted from the second grant: the king provided his clerk with a ten-year non-residence licence in May 1290.<sup>90</sup> On two occasions in 1287 and 1290, the king manipulated the canon law for Bonet's benefit. First, Edward used the system of papal provisions to secure a further benefice for Bonet and, in doing so, undermined Swinfield's rights as a patron. The bishop of Hereford held the advowson to Church

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<sup>84</sup> Bonet de St Quentin was a prominent Gascon clerk in Edward I's service, who is employed both in England and in Gascony during his reign. Prestwich identifies Bonet as a clerk in the royal wardrobe who also had 'diplomatic duties' in France, *Reg. Swinfield*, 138-39, 141, 141-42; Prestwich, *Edward I*, 143, 305; J.-P. Trabut-Cussac, *L'Administration Anglaise en Gascogne sous Henry III et Edouard I de 1254 à 1307* (Paris, 1972), 229-33.

<sup>85</sup> *CPR 1272-81*, 297, 299, 435; *CPR 1281-92*, 225; See also, *Taxatio*: Aldington; Scrivelsby.

<sup>86</sup> Bonet is referred to as the dean of Bridgnorth on several occasions. *CPR 1272-81*, 256, 445; *Taxatio*: Bridgnorth.

<sup>87</sup> *Taxatio*: Church Withington (as opposed to Withington parva).

<sup>88</sup> Edward was in Gascony between 1286 and 1289. *CPR 1281-92*, 279, 312.

<sup>89</sup> Denton, *Winchelsey*, 220; Trabut-Cussac, *L'Administration Anglaise en Gascogne*, 245, 246-47.

<sup>90</sup> *CPR 1281-92*, 354, 357. E.C. Lodge, *Gascony Under English Rule* (London, 1926), 57; M.W. Labarge, *Gascony, England's First Colony, 1204-1453* (London, 1980), esp. 47-62.

Withington and to all dignities, canonries, and prebends at Hereford cathedral.<sup>91</sup> Second, Edward secured a papal dispensation in order to ensure his clerk could circumvent canon law restrictions on residency.

The evidence presented above suggests that the Crown was easily able to secure benefices in Hereford for its clerks, but the two institutions were made in very particular circumstances. The king's support for Philip's claim to Church Stretton in 1283 came at a moment when Edward was in the midst of his campaign to subjugate the Welsh; the letters sent to Swinfield concerning Church Stretton were addressed from Aberconwy.<sup>92</sup> The Welsh campaign proved a significant financial burden for Edward. Total household expenditure between 22 March 1282 and 20 November 1284 reached £101, 621.<sup>93</sup> The 1279 Household Ordinance also meant that if Philip lost his benefice, he would be forced to take his salary from royal coffers, adding to the financial burden. In 1287, Bonet's provision was the product of Edward's support for his Gascon agents at a moment when he sought to consolidate his government in the duchy. On that occasion, Edward attempted to cultivate loyal supporters who would govern Gascony in his absence. In 1283 and again in 1287, there was a pressing demand for benefices for royal clerks and Edward's pressure on Swinfield intensified as a result. Swinfield had no further recourse to the canon law to challenge Philip's position at Church Stretton or to defend his rights as the patron to Church Withington, leaving the two royal clerks secure in their benefices. Certain canons were designed to aid bishops in the administration of their dioceses, but these two cases demonstrate the tenuous position Swinfield occupied when the Crown manipulated the canon law to suit its needs.

Philip's and Bonet's institutions demonstrate the immovability of royal clerks presented through regalian right and when supported by both Crown and curia, but they are not the only examples of Crown attempts to have clerks instituted to benefices in Hereford diocese. Edward made three presentations to Swinfield between 1287 and 1290 with regards to prebends at Hereford cathedral. It is these presentations, and Swinfield's reaction to them, that are the focus in the remaining part of this sub-section.

On the occasion of the first presentation, Swinfield was on stronger legal ground to challenge Edward compared to the situation in May 1287. Edward wrote to Swinfield on 18 February 1287 to ask the bishop to collate Church Withington prebend to Peter de

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<sup>91</sup> R. Swanson and D. Lepine, 'The Later Middle Ages, 1268-1535' in *Hereford Cathedral: a history*, J. Tiller and G. Aylmer (eds) (Hereford, 2000) 48-86, at p. 59.

<sup>92</sup> *Reg. Swinfield*, 4, 6; Prestwich, *Edward I*, 108.

<sup>93</sup> Prestwich estimates that campaign costs were in the region of £60, 000. R. Kaeuper, *Bankers to the Crown: the Riccardi of Lucca and Edward I* (Princeton, 1973), 182-83; Prestwich, *Edward I*, 200.

Savoy, the king's kinsman.<sup>94</sup> The request was made in expectation that the prebend would fall vacant owing to the election of the incumbent, William de Conflans, archdeacon of Hereford (1258-87), as bishop of Geneva.<sup>95</sup> On 16 March 1287, Swinfield informed Edward that he was unable to carry out the collation 'because, truly, according to canonical sanctions and the constitutions of the universal church that are hitherto approved', a benefice fell vacant at the moment of consecration, not election.<sup>96</sup> From Bonet's provision to Church Withington in May 1287, it is clear that Swinfield successfully rejected Peter de Savoy's presentation in February of the same year. The success was due to the bishop's argument that Church Withington was not yet vacant owing to a technicality in the canon law.

When Edward made a second presentation to Church Withington, Swinfield was again in a position to challenge it, pointing to his continued stance against royal encroachments. The presentation concerned Giles, a clerk in the king's wardrobe.<sup>97</sup> No record survives of the initial Crown presentation, but Swinfield wrote to Giles on 7 July 1287 to inform the royal clerk that:

[The king] dispatched his letters patent to us by solemn messengers that we should assign the prebend, if it should then be vacant, or the next vacancy in the church of Hereford, to *Mgr.* Bonet, his clerk. Furthermore, the executors of the papal letter, concerning the said collation thus to be made, were urging us vehemently through their threatening letters that we neither could, nor must, then grant to any other the said prebend, which then was vacant as they claimed.<sup>98</sup>

In July 1287, Bonet was still alive and continued to hold Church Withington on the strength of his provision. Swinfield used Bonet's provision of the prebend to reject Giles' presentation to the same. When Edward wrote to Swinfield again in August 1287,

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<sup>94</sup> Peter received a number of ecclesiastical dignities, offices, prebends, and benefices in England at the request of Edward, his uncle. Clement V would later provide Peter to the archbishopric of Lyons by Clement V in 1308. *Reg. Swinfield*, 135; *Fasti Ecclesiae 1066-1300*: viii: Hereford, 33.

<sup>95</sup> *Reg. Swinfield*, 135-36; *Fasti Ecclesiae 1066-1300*: viii, Hereford, 25.

<sup>96</sup> *Reg. Swinfield*, 135-36: 'Verum quia, secundum canonicas sancciones et consuetudines universalis ecclesie hactenus approbatas, tunc primum vacant dignitates ecclesie vel prebende taliter electorum, cum fuerint in episcopos consecrati, vobis ad votum respondere non possumus donec super consecracione electi predicti michi, vestro devoto, fuerit intimatum.'

<sup>97</sup> Giles de Oudenarde was keeper of the king's great wardrobe. See Tout, *Chapters in Administrative History*, ii, 3-4 (fn.5), 24-25.

<sup>98</sup> *Reg. Swinfield*, 150-51: 'Suas patentes litteras nobis per solempnes nuncios destinavit quod prebendam, si que tunc vacabat, vel proximam vacaturam in ecclesia Herefordensis, magistri Bonecto, cleric suo, assignaremus. Executores eciam littere papalis super dicta collacione taliter facienda per suas comminatorias litteras nos tam vehementer urgebat quod prebendam predictam, que tunc ut asserebant vacabat, nulli alteri potuimus nec debuimus tunc conferre.'

this time to admonish the bishop for his failure to collate Church Withington to Peter de Savoy, Swinfield issued the same response in September concerning Bonet's provision to the prebend.<sup>99</sup> With two royal clerks and a royal kinsman having claims to the same prebend, there appears to have been confusion in royal government concerning the availability of Church Withington. It is possible that this was due to the king's presence in Gascony in the summer of 1287 and information being slow to reach him. Swinfield exploited the situation. In neither letter to Edward, in July and September, did the bishop offer alternative benefices for Giles or Peter. Swinfield instead rejected both royal candidates outright.

Even when Edward shifted focus to another prebend at the cathedral, Bartonsham, Swinfield contested the presentation, bringing into focus his policies as a gatekeeper to prebends at Hereford cathedral. On 16 August 1287, Edward wrote to Swinfield to ask the bishop to collate Bartonsham to Peter de Savoy.<sup>100</sup> On 15 September, Swinfield replied to the king that:

because I conferred [Bartonsham] from a certain urgent necessity of right to the chancellor of Hereford cathedral, to whom no adequate prebends had been provided, and there is a similar necessity [to collate] the next vacant [prebend] to the archdeacon of Shropshire, who has not yet any share of the prebends in the said church, it will inevitably be necessary that I collate...just as according to the laws and customs of the same church.<sup>101</sup>

Swinfield cited his responsibility to provide maintenance for the cathedral's chancellor and the archdeacon of Shropshire, stating that each had pressing need by right of their dignities to claim a prebend. Swinfield collated Bartonsham to Gilbert Swinfield, chancellor (and the bishop's nephew) in June 1287, several months before Edward

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<sup>99</sup> *ibid.*, 153: 'Verum vestra excellencia, antequam esset consecratus, clausas litteras et patentes michi per solempnes nuncios destinavit quod prebendam, si que tunc vacabat vel proximo in ecclesia Herefordensi, magistro Bonetto, vestro clerico, assignarem; executores eciam mandati apostolici super dicta collacione taliter facienda per suas litteras executorias me tam vehementer districcione canonica cohercebant quod prebendam predictam que tunc, ut asserebant, vacabat, nulli alteri nisi ei potui nec debui tunc conferre.'

<sup>100</sup> Bartonsham is referred to in Edward's letter to Swinfield as the prebend formerly held by *Mgr* Adam de Fileby. Adam was also a royal clerk who had a 'long and faithful service'. Bishop Cantilupe Bartonsham to Adam in 1277, and the archdeaconry of Shropshire in 1280. *CPR 1266-72*, 244; *Reg. Swinfield*, 526; *Fasti Ecclesiae 1066-1300*: viii, Hereford, 23, 28; Brentano, *Two Churches*, 46-47.

<sup>101</sup> *ibid.*: '...si de prebenda quam tenuit magister Adam de Fileby in Herefordensi ecclesia memorata mencio fuerit vobis facta, prout vestre littere michi directe ultimo continebant...cum eam ex quadam juris urgente necessitate contulerim cancellario Herefordensis ecclesie, cui in prebenda provisum non fuerat antea competenter, ac eciam modo proximam vacaturam necessitate consimili archidiacono Salopsire, qui nondum in ecclesia sepedicta est prebendam aliquam assecutus, me conferre inevitabiliter oportebit...quasi secundum jus et consuetudinem ejusdem ecclesie...'

presented Peter de Savoy for collation.<sup>102</sup> But there are no records in Swinfield's register, or elsewhere, that indicate that the bishop ever collated anything to John de Bestan, the archdeacon of Shropshire (6 September 1287-1 August 1289).<sup>103</sup> By arguing that a diocesan's responsibility to his dignitaries was paramount, and enforced by law and custom (*jus et consuetudinem*), Swinfield was able to reject Edward's presentation of Peter despite never fulfilling that responsibility. The evidence suggests that Swinfield used a tactical argument to reject Peter rather than issuing a statement of fact, and that this argument was developed over the course of the summer of 1287, first based on Bonet's provision, and later based on the bishop's responsibilities to his dignitaries. Despite setbacks in 1283 and May 1287, Swinfield pushed back against Edward and developed a series of tactics to dampen Crown pressure for institutions for its candidates. Swinfield eventually collated a prebend to Peter de Savoy, but only in 1290 after Bonet de St Quintin's death.<sup>104</sup> Peter was made to wait his turn. Swinfield did not collate prebends to any other royal clerks for the remainder of his episcopate. To that end, Swinfield's tactical fight worked.

There is a contrast between the situations in 1283 and 1287/90. Edward issued his statement that royal rights of patronage were not subject to papal rulings on benefice occupancy (Lyon II c.13) while in Wales, close to Hereford diocese: it was direct, authoritative, and successful, and forged by a need to secure benefices for his clerks when the royal coffers were under strain. Bonet's provision in May 1287 had the strength of papal authority with Crown backing, a move to support the king's Gascon clerks at a moment when Edward was consolidating his rule in the region. In 1283 and again in May 1287, Edward's support for his clerks was shaped by his agenda. The Crown presentations made to Church Withington and Bartonsham in February, July, and August 1287 were made under quite different circumstances. Edward was in Gascony and his authority in England was more limited. The regency government was weak and the magnates began to expand their power at the expense of the Crown.<sup>105</sup> Swinfield likewise took advantage of the distance between himself and the king, and of

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<sup>102</sup> Bartonsham prebend is referred to in Swinfield's letter to Savoy as the prebend formerly held by *Mgr Adam de Fileby* from 1277 until 1287. In 1268, we find Adam referred to as a king's clerk who had had a 'long and faithful service'. Brentano describes Adam 'as the most notorious of late-thirteenth century curial proctors' for the work he performed in the 1270s and 1280s, before his eventual death in 1287. Adam had worked as a proctor for Cantilupe. *CPR 1266-72*, 244; *Reg. Swinfield*, 526; *Fasti Ecclesiae 1066-1300*: viii, Hereford, 23, 28; Brentano, *Two Churches*, 46-47.

<sup>103</sup> John resigned the archdeaconry of Shropshire in August 1289 and entered the service of Archbishop Peckham. *Reg. Swinfield*, 227; *Fasti Ecclesiae 1066-1300*: viii, Hereford, 28.

<sup>104</sup> *Reg. Swinfield*, 528; *Charters and Records of Hereford*, 168-69.

<sup>105</sup> Burt, *Edward I and the Governance of England*, 150-51.



a situation in which Edward could not manipulate the canon law for his own gain, in order to reject the claims of royal clerks to prebends in his diocese, securing his own rights of patronage to those prebends in the process. Swinfield's tactical arguments represented resistance against Crown intrusion into Hereford diocese. Swinfield was emboldened by his experience. When in 1308 Isabella made her demands for the bishop to provide for Hugh de Leominster, Swinfield rejected the demands outright. Swinfield's local powers, his local knowledge of the situation in Hereford, and his policy of resistance, ensured he was able to limit the extent of Crown pressure on institutions in his diocese.

### **Pontoise and royal clerks in Winchester diocese**

Compared to Hereford, Winchester was a more likely destination for royal clerks looking for ecclesiastical benefices. The king possessed advowsons to several lucrative benefices in the diocese and, during the long *sede vacante* period between 1280 and 1282, the Crown had held a significant degree of power over the benefices in Winchester diocese. The king possessed advowsons to eight benefices in Winchester diocese, including three that were valued at over £50: Kingsclere (£101 13s 4d), Ringwood (£66 13s 4d), and Brading (£59). Two other benefices commanded revenues over £30: Leatherhead (£34 13s 4d) and Shalford (£36 13s 4d). Two more were valued at over £10: Puttenham (£12) and Wonersh (£17 11s 8d).<sup>106</sup> But the diocese was also situated close to Westminster and close to the institutions of royal government; any benefice in Winchester was an attractive prospect for royal clerks, even those not held by the Crown. It is the Crown's attempts to secure those benefices for its clerks that are the focus here.

Pontoise's first months as bishop of Winchester were shaped by a dispute with the Crown over its patronage rights in the diocese. The dispute revolved around the Crown's presentation of Diego de Hispania, a bastard kinsman to the queen, to Crondall rectory on 6 August 1282.<sup>107</sup> The bishop of Winchester normally held the advowson to Crondall, but the king presented Diego on the basis that Winchester diocese was vacant

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<sup>106</sup> The crown also held the advowson to Bisley, which was exempt from the crusading tenth, and as such no value is given. *Taxatio*: Bisley; Brading; Kingsclere; Leatherhead; Puttenham; Ringwood; Shalford; Wonersh.

<sup>107</sup> *CPR 1281-92*, 32. For more on James de Hispania, see *Fasti Ecclesiae 1066-1300*: i, London, 80; M. Bent, *Magister Jacobus de Ispania, author of the Speculum musicae* (Abingdon, 2015), esp. 108-37.

in August 1282, as it had been since February 1280.<sup>108</sup> In that respect, Diego's collation was completely within the bounds of regalian right.<sup>109</sup>

However, Edward's 1282 presentation, and Diego's collation, caused several problems that brought Pontoise and king into dispute. First, Diego was underage and illegitimate. Diego resigned Crondall in February 1283,<sup>110</sup> but a letter sent by Peckham to Edward several months later indicates this was not voluntary. On 13 May 1283, Peckham wrote to Edward to inform him that because Diego was 'an infant, born out of wedlock, as is said, and can have no right in the holy church.' The resignation was thus a necessary act.<sup>111</sup> The king, however, presented a second candidate to Crondall on the basis that after the first collation was void, the advowson remained in his hands. These are the same rights of presentation that Edward had asserted when challenged by Swinfield in March 1283 over Philip the Welshman's possession of Church Stretton. The king's candidate was Nicholas de Montimer, the queen's physician, to whom Pontoise collated Crondall on 11 June 1283.<sup>112</sup> This second presentation provided the basis for the second problem. Edward made the presentation at a time when Pontoise had assumed control over all properties held by the bishop of Winchester, including advowsons. Pontoise worked on this premise when he collated Crondall to Peter de Guilford on 28 February 1283, exercising his right as the true advowson holder.<sup>113</sup> Pontoise and Peter were associates. In June 1282, Pontoise wrote to Peter, his 'most special friend', to intimate that upon his provision to the diocese of Winchester, the new bishop wished to demonstrate 'that we retain you in our heart' by presenting Peter with a gift.<sup>114</sup> Valued at £80,<sup>115</sup> Crondall was a substantial gesture of friendship and had long-been promised to Peter. However, in the period between February and June 1283,

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<sup>108</sup> *Fasti Ecclesiae 1066-1300*: ii, Winchester, 87.

<sup>109</sup> There is no record of Diego's collation but there is a record of his resignation of the benefice on 28 February 1283, which Diego did in order to receive the rectory of Rothbury, Durham diocese. *CPR 1281-92*, 58; *Reg. Pontissara* i, 5; *Taxatio*: Rothbury.

<sup>110</sup> *Reg. Pontissara* i, 5.

<sup>111</sup> *Reg. Peckham* ii (RS), 547-48: 'Ovekes co, sire, pur co ke James de Espaigne est enfaunt, nient mulierez, si come len dist, nene puet avoir nul droit en seinte eglise, e pur co ke resignement de eglise fete par condicium turne en symonie, nus vous priums pur la honeur de Dieu e de vous endreit de la eglise de Crundale ne suffrez pas ke len face chose en nun de vous ke seyt cunte les leys de seint eglise...'

<sup>112</sup> *Reg. Pontissara* i, 5-6.

<sup>113</sup> *ibid.*, 5.

<sup>114</sup> *Reg. Pontissara* ii, 379-80: 'Scire igitur vos volumus quod nuper ad Episcopatum Wyntoniensem divine gracia favente proveci, ex hujusmodi promocione in fervore dilectionis intime quam semper ad vos gesimus jam promote concrevimus, et illam in nostre pectore retinemus per effectum, imposterum dante Domino presencialibus affatibus ostensuri'. For more on Peter de Guildford, see Douie, *Peckham*, esp. 60, 61, 150-51.

<sup>115</sup> *Taxatio*: Crondall.

bishop and king were at odds over their rights to the advowson to Crondall, and Peter's claim to the benefice was not secure.

There is strong evidence in Pontoise's register of his use of records of institution to secure Peter's, and his own, claim to Crondall. Folio one *recto* contains the first records of institution for Pontoise's episcopate entered in chronological order.<sup>116</sup> For the most part, the records are written routinely and precisely, with one following after the other on the folio. The record for Peter's collation on 28 February, and Nicholas' collation on 11 June, follow this style and are typical of other records, detailing the cleric who held the church, the church, the advowson holder, and the date and place of institution.<sup>117</sup> However, after the record of Nicholas' collation, there is an anomaly. A second record was made for Peter's Crondall collation, and reads (from start to finish):

de Guldeford capellano in presencia multorum. CRONDALE. Item anno consecracionis domini primo die Martis post festum sancti Petri in Cathedra apud Sanctum Albanum contulit dominus ecclesiam de Crondale domino Petro.<sup>118</sup>

The entry is odd for a number of reasons. Firstly, the language differs from other records in the register. The clause 'in the presence of many people' (*in presencia multorum*) is not used elsewhere. Secondly, the word order is disjointed. The section reading '...de Guldeford capellano in presencia multorum' precedes the remainder of the record. The item has a hastily written appearance on an otherwise neat folio. Thirdly, the record is the only one on the folio out of chronological order. The date given is 24 February, yet the immediately preceding record for Nicholas de Montimer's collation is dated to 11 June. This anomalous record also predates the first record for Peter's collation written onto the folio, given as 28 February. It is the only evidence that Pontoise was in St Albans on 24 February 1283, although there is no suggestion that the event was fabricated. It is the record of that event that is questionable, especially because it appears altered. The anomalous record claimed that many people witnessed Peter's collation in St Albans four days before his actual collation. The record was also added, hastily, below the record of Nicholas' collation, offsetting Peter's long-standing,

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<sup>116</sup> Hants RO 21M65/A1/1, fo. 1r.

<sup>117</sup> Both records are found on the same page in the edited register, *Reg. Pontissara* i, 5.

<sup>118</sup> The record is given here as it is found on folio 1r. The editor of Pontoise's register altered the word order in order to make the record make sense. See *Reg. Pontissara* i, 6: 'de Guildford, chaplain, in the presence of many people. CRONDALL. *Item*, in the first year of the lord's consecration, on the Tuesday after the feast of St Peter in Cathedra, at St Alban's, the lord bishop collated the church of Crondall to Peter...'

legally-binding claim with Nicholas' own claim. The evidence suggests that Pontoise aimed to undermine Nicholas' collation through the manipulation of written record. It is possible that this episode demonstrates Pontoise's input into the production of his register. Peter's collation was Pontoise's personal enterprise and it suited the bishop to tactically alter how that collation was recorded in order to strengthen Peter's and the bishop's own claims to Crondall.

Pontoise's efforts to secure Crondall extended beyond the manipulation of register records and involved negotiating with the Crown via Archbishop John Peckham. Pontoise had served as Peckham's proctor at Rome from 1279 to 1282, and the two bishops held mutual interests in Peter's collation: Peter was Pontoise's friend and Peckham's chaplain.<sup>119</sup> There is no record that Pontoise pleaded to Peckham for support but the two bishops' registers contain evidence of Peckham's involvement. Peckham's register contains several letters written to the royal family and government officials on behalf of Pontoise in May 1283. On 23 May 1283, Peckham sent a second round of letters to king, queen, and chancellor. The archbishop begged Queen Eleanor that she 'might turn favourably the heart of our lord king towards our dear brother the bishop of Winchester'.<sup>120</sup> The archbishop employed similar language to address Edward and requested that the king draw on 'all of [your] goodness, all of [your] humility, all of [your] mercy' in favour of Pontoise.<sup>121</sup> Edward's and Eleanor's responses do not survive but it is clear that Peckham sought to change their opinion with regards to the presentations to Crondall.

Using the same letters sent to the king and queen, Margaret Bent offered that Pontoise and Peckham connived against Diego de Hispania in order to advance their own candidate, Peter.<sup>122</sup> Peckham's letters to Burnell, the royal chancellor, suggest a different interpretation. On 13 May, Peckham sent a letter to the chancellor, Burnell. The archbishop stressed first, that Diego de Hispania was an unsuitable candidate for Crondall, and second, that Nicholas de Montimer ('a certain physician') was likewise unsuitable due to 'not having knowledge of letters or our vernacular'. Peckham then asked that Burnell beg the king to reconsider his presentation, and to 'not do anything in

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<sup>119</sup> For Pontoise's commissions, see *Reg. Peckham* i (CYS), 37; ii (CYD), 39. For more on Peter de Guildford, see Douie, *Peckham*, esp. 60, 61, 150-51.

<sup>120</sup> *Reg. Peckham* ii (RS), 555: 'le quoer nostre seignur le roy voillez en bonir vers nostre chier frere le eveske de Wyncestre'.

<sup>121</sup> *ibid.*, 553-54: 'taunt de buntis, taunt de humilitez, taunt de clemences'.

<sup>122</sup> Bent, *Jacobus de Ispania*, 111.

this case that might rebound to his dishonour or injure ecclesiastical liberty'.<sup>123</sup> The letter was intended to implore Burnell, as a bishop himself, to intervene where scandal could arise. When Peckham wrote to Burnell again on 23 May, his concerns had shifted. Peckham complained to the chancellor that 'cruel and horrible rumours against the bishop of Winchester and the church had recently circulated', and that Diego had seized Crondall 'through royal force and arms'.<sup>124</sup> This was not a request for aid but an accusation of wrongdoing on the part of the royal government. Peckham communicated as much to Pontoise in a letter to the bishop sent on the same day (23 May). The archbishop promised Pontoise: 'And should Egyptian severity take from you the straw, our reeds will not find you wanting for as long as we live'.<sup>125</sup> The quote, from Exodus 7, offers support, implying that Pontoise may have to bow to Crown pressure (*severitas Egiptiaca*, a reference to the pharaohs during the Israelite enslavement), but he would still receive Peckham's backing. From the perspective of the 23 May letters to Burnell and Pontoise, it would appear that there was royal intrigue in this case. Using defamatory statements and the threat of force, the king and his agents conspired against Pontoise in order to ensure that a royal candidate was instituted to Crondall. Peckham's and Pontoise's efforts to secure Crondall for Peter were successful, and Nicholas retained the benefice until October 1288.<sup>126</sup>

At first glance, the dispute between bishop and king over Crondall appears to be a localised matter concerning patronage rights, but the circumstances surrounding Pontoise's papal provision to Winchester diocese in June 1282 suggests more was at stake. Pope Martin IV provided Pontoise to Winchester on 9 June 1282 at the expense of Edward's own candidate, Robert Burnell, who was still appealing his quashed 1280 election at the curia. On 14 June 1282, Pontoise was consecrated, putting an end to Burnell's claims.<sup>127</sup> Pontoise's provision was well supported by curial officials and English bishops. Thomas de Cantilupe, bishop of Hereford, Ordonio Alvarez, cardinal-

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<sup>123</sup> *Reg. Peckham* ii (RS), 548-49: 'Ipsam enim eccliam Jacobus de Ispania, puer ut dicitur inhabilis, prius tenuit occupatam, quam dominus rex voluit conferri cuidam medico, literalem scientiam et linguam patriae non habenti. Cum igitur dictus Jacobus non sit capax beneficii, tum quia minor annis et illegitimus ut dicitur...dominum regem velitis inducere propter Deum, ut in hac parte quicquam faciat aut fieri praecipiat, quod possit in dedecus suum aut laesionem libertatis ecclesiasticae aliquatenus redundare.'

<sup>124</sup> *ibid.*, 555-56: 'Ecce enim dura et horrenda dicta contra Wyntoniensem episcopum et ecclesiam dicuntur nuperrime profluxisse...Instrusus est in eandem ecclesiam puer ut dicitur illegitimus vi et armis regalibus...'

<sup>125</sup> *Reg. Peckham* ii (RS), 557-58; *Reg. Pontissara* i, 264-65: 'Et si subtraxerit vobis paleas severitas Egiptiaca, calami nostri medietas vobis no deerit dum vivemus.'

<sup>126</sup> *Reg. Pontissara* i, 30, 30-31.

<sup>127</sup> *Reg. Pontissara* ii, 385; *Fasti Ecclesiae 1066-1300*: ii, Monastic Cathedrals, 87; Denton, *Winchelsey*, 41.

bishop of Tusculum (1278-85), and Benedetto Gaetani (the future Boniface VIII), cardinal-deacon of San Nicola-in-Carcere-Tulliano (1281-91) each wrote to Edward in June 1282 to support Pontoise's provision as bishop of Winchester.<sup>128</sup> However, Edward expressed displeasure at Pontoise's provision. First, Edward forced Pontoise to buy back the yields of the bishopric's farms during the vacancy for the full market price.<sup>129</sup> Second, Edward's keepers of the temporalities during the vacancy at Winchester refused to hand over the goods, which caused a grain shortage on the bishop's estates.<sup>130</sup> Third, the keepers did not hand over to the bishop several properties, including a mill, until November 1282.<sup>131</sup> Fourth, Edward made six presentations to benefices in Winchester diocese between 5 August and 5 November 1282, at a time when Pontoise had assumed control over the temporalities.<sup>132</sup> These few acts amounted to royal agents disseising Pontoise of his lands and goods. The Crondall dispute raged at the same time as these acts, and, in that light, the seizure of the advowson and the presentation of unsuitable royal candidates to the benefice, despite Pontoise's rightful claim, should be seen as part of a wider campaign to undermine Pontoise's early episcopacy. To that end, Edward's use of regalian right, and his assertion of royal rights of patronage, was a political tool designed to destabilise Pontoise's hold on Winchester diocese. In that climate, Pontoise was in a weak position to challenge the king, and the royal collation stood.

Despite the Crondall dispute, Pontoise's relationship with the Crown, and with Edward, changed after 1285, and the bishop's attitude towards royal clerks receiving benefices in Winchester shifted. Records of institution in his register indicate that, over the course of his episcopate, Pontoise collated benefices to three prominent royal clerks to benefices at Winchester, and also gave a further two benefices in custody to royal clerks.<sup>133</sup> As Table Two shows (below), all five benefices were valued at £20 or higher in 1291.<sup>134</sup> Pontoise held the advowson to every benefice except Leatherhead, which fell into the king's hands in 1287.<sup>135</sup> There is no evidence to suggest that Pontoise made these institutions under duress, as he had done in June 1283 when Edward presented

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<sup>128</sup> TNA SC 1/15/157, 174, 184.

<sup>129</sup> *CPR 1281-92*, 33; *Reg. Pontissara* ii, 384.

<sup>130</sup> *Reg. Pontissara* ii, 392, 394-95.

<sup>131</sup> *ibid.*, 395-96.

<sup>132</sup> *CPR 1281-91*, 32, 33, 38, 40.

<sup>133</sup> *Reg. Pontissara* i, 21, 23-24, 31, 39, 62.

<sup>134</sup> *Taxatio*: Bishop's Waltham; Brighstone; Cheriton; Freshwater; Leatherhead.

<sup>135</sup> *A History of the County of Surrey: volume 3*, H.E. Malden (ed.) for *Victoria County History* (London, 1911), 301.

Nicholas de Montimer to Crondall. Instead, Pontoise readily provided royal clerks with high-value benefices in Winchester diocese.

<b>Table Two.</b> Table showing the benefices in Winchester diocese in which Pontoise instituted royal clerks after 1285, and their values according to the 1291 <i>Taxatio</i> .				
<b>Benefice</b>	<b>Royal Clerk</b>	<b>Form of institution</b>	<b>Date</b>	<b>Benefice value</b>
Bishop's Waltham	Geoffrey de Hotham	Collation	March 1289	£20
Brighstone	John de Kirkby	Collation	May 1299	£20
Cheriton	John de Magnach	Collation	June 1290	£40
Freshwater	William de March	Custody	May 1286	£40
Leatherhead	Hugh de Kendal	Custody	February 1286	£34 13s 4d

The timing of these six institutions reveals a great deal about Pontoise's changing relationship with Edward. Pontoise re-entered Edward's service from May 1285 onwards, when a letter patent was produced that recorded Pontoise's permission to travel overseas on the king's business.<sup>136</sup> From this date, Pontoise began to cement his place as a prominent royal agent and diplomat. In October 1289, Pontoise was part of an inquiry into offences committed by English justices during Edward's time in Gascony from 1286 to 1289.<sup>137</sup> In 1292, Pontoise travelled to Scotland at the king's request to take part in the deliberations to settle the dispute over the Scottish crown.<sup>138</sup> In December 1295, Edward dispatched Pontoise as part of a diplomatic mission to the papal curia to treat for peace with representatives of the king of France; Pontoise remained in Rome and its vicinity on king's business for three years.<sup>139</sup> This rise follows the increase in the number of institutions and custodies that Pontoise made to the benefit of royal clerks. In 1286, William de March and Hugh de Kendal were awarded their custodies; in 1289 to 90, John de Magnach and Geoffrey de Hotham received their benefices through collation; finally, Pontoise collated Brighstone to John de Kirkby in 1299. This correlation has two implications. First, that Pontoise was more receptive to instituting royal clerks while he was a member of Edward's circle. Second, that the bishop's support for royal clerks functioned as a means of negotiating with the king. Pontoise used the institution of royal clerks as a political tool of sorts, as a form of

<sup>136</sup> *CPR 1281-92*, 164.

<sup>137</sup> Prestwich, *Edward I*, 339-42.

<sup>138</sup> *CCR 1288-96*, 244; *CPR 1281-92*, 507.

<sup>139</sup> *CPR 1292-1301*, 182.

leverage to smooth his relationship with the king, and, in stages, to advance his station in the royal court.

The evidence concerning Crown patronage, especially regalian right, recorded on the patent rolls is deceptive, and records in Pontoise's and Swinfield's registers suggest a different picture from those offered by previous historians. The impact of Crown presentations made on the strength of regalian right or indirect patronage was shaped by circumstances in the diocese. In 1283, Swinfield was new to his diocese and was in a weak position to challenge royal authority; to that end, the new bishop was unable to execute the deprivation of Philip the Welshman. In May 1287, Edward obtained a papal provision for his clerk, Bonet de St Quintin, and Swinfield was unable to challenge the combined legal power of Crown and curia. In August 1282 to June 1283, Pontoise suffered at the hands of the king and royal agents, who sought to undermine his position as bishop of Winchester. In those circumstances, Pontoise was in no position to challenge royal patronage, even with support from the archbishop of Canterbury. As the two bishops established themselves over the course of the 1280s, institutions became a device by which Pontoise and Swinfield negotiated their place as magnates in the English political realm. Swinfield defended his diocesan rights by rejecting Crown pressure to collate prebends at Hereford cathedral to its candidates, and, in doing so, stood firm against royal encroachments. Pontoise offered quid pro quo exchanges for which the king patronised his career. The two bishops' careers suggest that ecclesiastical patronage could morph into an entirely different political tool, one wielded by the bishops to enact their own agendas and to forge their place in the English political arena. This is a far cry from the image of an overbearing Crown able to manipulate patronage at will.

## **V. Papal provisions in Hereford and Winchester dioceses**

This section will investigate Pontoise's and Swinfield's management of papal provisions to benefices in their respective dioceses. Few studies have, so far, examined the impact of papal provisions in a local context. Andrew Barrell showed that provisions had a minimal effect on local spiritual life in Yorkshire's fourteenth-century



parishes.<sup>140</sup> Blake Beattie demonstrated, convincingly, that during the thirteenth century, the papacy used provisions to install curial officials in benefices throughout Italy to strengthen papal authority in certain regions, although, for the most part, it was individuals with papal sympathies from those regions who profited from provisions.<sup>141</sup> This section shifts focus to bishops and their reactions to papal provisions, turning to material in Pontoise's and Swinfield's registers, especially memoranda and correspondence, and documents produced by curial officials, such as letters of provision, in order to examine the effect that provisions had in Hereford and Winchester dioceses, and what picture this material paints of the bishops' interactions with curial officials.

### **Swinfield and papal provisions in Hereford**

Records of institution capture only two papal provisions to benefices in Hereford diocese between 1283 and 1317, but other register evidence reveals a wider picture. Two memoranda and a letter sent by Swinfield show that one of the bishop's proctors at the papal curia, Richard de Pudleston, obtained a papal provision for a benefice in Hereford. Research into curial proctors and their work is still nascent. Proctors were (often) legal experts who conducted business at the curia on behalf of their clients, as Patrick Zutshi describes, from paying taxes, to petitioning curial officials for various papal grants, such as provisions.<sup>142</sup> They were often resident in Rome (later, Avignon) in order to facilitate access to the papal departments. In two studies, Bombi shows that proctors were essential conduits for English clients, including laypersons, for interacting with curial officials.<sup>143</sup> The focus of this research remains on proctors' work at the curia. This sub-section focuses on Richard de Pudleston's provision and considers the implications of Swinfield's reaction to it. It also hopes to shine new light on the relationship between proctors and the people they served.

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<sup>140</sup> Barrell, 'The Effect of Papal Provisions on Yorkshire Parishes', 92-109.

<sup>141</sup> B. Beattie, 'Local Reality and Papal Policy: papal provision and the church of Arezzo', *Mediaeval Studies* 57 (1995), 131-53.

<sup>142</sup> P.N.R. Zutshi, 'Proctors acting for English Petitioners in the Chancery of the Avignon Popes (1305-1378)', *Journal of Ecclesiastical History* 35 (1984), 15-29, esp. pp. 15-16.

<sup>143</sup> Bombi, 'Andrea Sapiti', 132-48 and 'Petitioning between England and Avignon in the First Half of the Fourteenth Century' in Ormrod, G. Dodd, A. Musson (eds), *Medieval Petitions: grace and grievance* (York, 2009), 64-81; Brentano, *Two Churches*, 27.

A papal provision obtained by Richard de Pudleston in May 1291 challenged Swinfield's rights as a patron and muddied the relationship between bishop and proctor. Swinfield first commissioned Richard as a proctor on 3 April 1285 when the bishop directed Robert de Gloucester, his official, to replace Adam de Fileby and Ricardo de Spina with Richard and Cursius de San Gimignano, and entrust these new proctors with all current litigation.<sup>144</sup> Following that commission, Richard became one of Swinfield's leading agents in Rome. In 1285, Richard was engaged in advancing Swinfield's case against the bishop of St Asaph, sensitive litigation concerning the extent of the western boundaries of Hereford diocese.<sup>145</sup> But Brentano describes Richard as 'particularly untrustworthy' on the basis that, in May 1291, the proctor obtained a papal provision for a canonry and prebend at Hereford cathedral.<sup>146</sup> Geoffrey de Vazzano, papal nuncio to England, sent a notification to Swinfield dated 3 July 1291 confirming that he, Geoffrey, was the 'ascribed executor (*executor datus*) of *Mgr* Richard de Pudleston, canon of Hereford', and that the bishop was to induct Richard.<sup>147</sup> Swinfield possessed the advowson to all of Hereford's canonries. By securing a provision, Richard advanced his own career interests by undermining the patronage rights of the bishop who had commissioned him as a proctor.

Swinfield's response to the situation reveals some of the powers bishops possessed to lessen the impact of papal provisions in their dioceses. Swinfield summoned Richard to appear at a tribunal at the bishop's court at Bosbury, set for 23 July 1291, two months after the initial provision was received and around two weeks after Geoffrey de Vazzano sent his notification. The tribunal found Richard guilty of subterfuge and the proctor was forced to submit to Swinfield's authority. The submission reads:

I, Richard de Pudleston, clerk of the diocese of Hereford, before you, venerable father, the lord Richard etc., I imposed myself on your part because, having hidden the fact, I was provided to the next vacant canonry and prebend in Hereford cathedral, assigned to me by the apostolic see, to your prejudice and to the injury of my very own oath, I submit myself purely, voluntarily, and absolutely to your judgement, grace, and will over the same canonry and prebend and to all provisions for the aforesaid made to me by the said apostolic see, being produced in whatever way, and to all other injuries to

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<sup>144</sup> *Reg. Swinfield*, 99. Adam de Fileby was a particularly infamous proctor. For more on his career, see Brentano, *Two Churches*, 46-48.

<sup>145</sup> *Reg. Swinfield*, 101. For more on the St Asaph litigation, see Chapter Four, pp. 197-203.

<sup>146</sup> Brentano, *Two Churches*, 43.

<sup>147</sup> HCA 1057 (910).

you by me no matter how I brought them to bear, and I renounce all my rights to the provision.<sup>148</sup>

The item contains several indicators of Richard's status and his relationship with Swinfield in light of the provision. In the submission, Richard is referred to as a clerk of Hereford diocese (*clericus Herefordensis diocesis*). It was an affirmation of his station, a reminder that he was subject to Swinfield's authority as diocesan. The phrase *tacita veritate* is also significant. It implied that Richard obtained his provision through misrepresentation or falsehood. Based on Huguccio's late-twelfth century *summa* of Gratian's *Decretum*, Kenneth Pennington shows that first, canonists considered that if a vassal broke their oath to their lord, or even broke specific promises, it was injurious to the lord, and second, that the breaking of the oath was grounds to deprive the vassal of their property.<sup>149</sup> Swinfield's commission of Richard as a proctor represented the oath, in this circumstance. By procuring his provision, Richard prejudiced the bishop and so broke his oath. These were the grounds upon which Swinfield forced Richard to surrender his provision. Swinfield used the notion of a binding oath between case bishop and proctor to counteract the papal letters of provision and the executive power of the papal nuncio in England.

Richard's submission records his provision as a criminal act, but his need to obtain a provision in the first place reveals something of Swinfield's policy for rewarding his proctors. Accounts copied in Swinfield's register record the payments Richard received from the bishop. In 1288, Richard was paid a *salarium* of sixteen marks (£10 10s 4d) for the year.<sup>150</sup> In 1289, he had expenses paid to the total of forty-five and a half marks (£30 6s 8d) for one account, and a further thirty marks (£20) for another.<sup>151</sup> Swinfield's household rolls for 1289 to 1290 record a reimbursement to Richard of fifty-two *Gros Tournois* for every mark (13s 4d) the proctor used when representing the bishop's interests.<sup>152</sup> These were monetary transactions, usually via an

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<sup>148</sup> *Reg. Swinfield*, 256: 'Ego Ricardus de Pudlesdone, clericus Herefordensis diocesis, coram vobis venerabili patre, dominus Ricardo, etc. ...imposito michi ex parte vestra quod tacita veritate canonicatum et prebendam in ecclesia Herefordensi proxime vacaturam michi procuraverim per sedem apostolicam assignare, in prejudicium vestrum et lesionem mei proprii juramenti, submitto me pure, sponte, et absolute ordinacioni, gracie, et voluntati vestre super eidem canonicatu et prebenda, et omnibus provisionem de predictis per dictam sedem apostolicam michi factam contingentibus quoquo modo, ac omnibus aliis injuriis vobis per me qualitercumque illatis, renunciando omni juri michi...provisionis...'

<sup>149</sup> K. Pennington, 'Feudal Oath of Fidelity and Homage' in Pennington and M. Harris Eichbauer (eds), *Law as Profession and Practice in Medieval Europe: essays in honour of James A. Brundage* (Farnham, 2011), 93-115, esp. pp. 103-4.

<sup>150</sup> *Reg. Swinfield*, 69-70.

<sup>151</sup> *ibid.*, 246-47.

<sup>152</sup> *Swinfield's Household Roll*, 127.

Italian merchant banking company, which covered the costs of living in Rome and of conducting business at the curia. This was Swinfield's approach for all proctors at Rome.<sup>153</sup> Swinfield's rewards did not extend beyond monetary payments. The bishop did not collate a benefice to Richard, despite, by the time of his provision in 1291, having served Swinfield for six years. The pattern applies to Swinfield's other curial proctors: not one received a benefice from the bishop. The lack of ecclesiastical preferment suggests Swinfield had a policy for his proctors, namely withholding ecclesiastical patronage in favour of monetary payments.

Swinfield's policy further illuminates the factors shaping the bishop's decision to deprive Richard of his provision, and, in doing so, to challenge papal authority. The matter concerned the curia's right to make provisions. The decretals *Licet ecclesiarum* and *Praesenti declaramus* secured curial jurisdiction over all ecclesiastical properties that fell vacant within the proximity of Rome.<sup>154</sup> By nature of their work, proctors were resident in Rome. If the proctor died or resigned his benefice while in Rome, the curia could rightfully claim the advowson. This situation endangered Swinfield's rights as a patron. If Richard received a prebend at Hereford cathedral on the strength of his provision, such as Bartonsham, worth £19 9s, and Richard vacated Bartonsham while in Rome, Swinfield would lose his right to present his own candidate to a lucrative prebend.<sup>155</sup> If the curial official who replaced Richard also vacated the benefice in Rome, it became available for provision once again, creating a cyclical problem. By paying proctors *salarium* rather than instituting them to churches in his hands, Swinfield was able to protect his advowsons from papal intrusion. In securing a papal provision to a canonry and prebend at Hereford cathedral in 1291, Richard disrupted Swinfield's right to present in that instance and potentially over the long term. In this context, Swinfield's decision to deprive Richard of his provision, and his policy to withhold ecclesiastical patronage from his proctors, were likely acts of self-preservation.

The record of Richard's second commission in 1292 demonstrates the changing dynamic between bishop and proctor in light of the July 1291 tribunal. Despite Richard's transgression, Swinfield re-commissioned the proctor on 24 February 1292, and Richard swore a second oath to the bishop. Written into Swinfield's register is a summary of the oath:

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<sup>153</sup> Cursius de San Gimignano was paid in the same way. *Reg. Swinfield*, 69-70.

<sup>154</sup> Wright, *The Church and the English Crown*, 8.

<sup>155</sup> *Taxatio*: Bartonsham.

The said Richard swore and promised under faith and oath, the very day of his leaving [for Rome], that he would faithfully and profitably labour at promoting the lord [bishop]'s business in the curia with all his strength, and that he will never seek anything against the lord [bishop] or the diocese of Hereford in the curia without the express consent of the lord [bishop].<sup>156</sup>

The oath bound Richard to Swinfield's service and to a code of behaviour prescribed by the bishop. It reinforced Swinfield's expectation that a proctor should be a loyal agent, 'faithfully and profitably' labouring for the bishop. Richard's oath is the first and only one in the register for any episcopal agent between 1283 and 1317. This unique status serves to emphasize Swinfield's concern over the proctor's behaviour and the implications this had for the bishop. This offers a contrast to Bombi's characterisation of petitioners (such as the bishop of Hereford) as clients to their proctors.<sup>157</sup> Richard, in this case, is bound by oath to his lord bishop, and acknowledged in his earlier submission that he was a clerk of Hereford diocese. Richard was an episcopal agent; Swinfield was an employer, not a client. This dynamic was both constructed and then deployed by Swinfield to defend his prebends from papal intrusion. Richard's oath is a rare example of the sworn bond between bishops and their agents. Its survival in the register is derived from Swinfield's lack of trust in Richard, and the bishop's suspicion that Richard would become embroiled in further subterfuge. These few register items, Richard's commissions, submission, and oath, held the proctor accountable for his future actions. They are distributed throughout the register in chronological order, creating an extensive record of the interactions between bishop and proctor. To that end, the register served as a record of the changing relationship between Swinfield and Richard, and of the proctor's responsibilities.

It is possible to draw several conclusions from the Richard de Pudleston case study that shed new light on papal provisions in Hereford and on curial proctors. Swinfield was able to successfully challenge Richard's provision to a canonry in Hereford and deprived the proctor of it at an episcopal tribunal. There is little sense in those circumstances that letters of papal provision were incontestable, or that papal authority always superseded episcopal authority over the matter of institutions to benefices in the diocesan context. Swinfield developed two administrative policies that

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<sup>156</sup> *Reg. Swinfield*, 278: 'Juravit eciam dictus Ricardus et promisit sub fide prestiti sacramenti, ipsa die sui recessus, quod fideliter et utiliter totis viribus laboraret circa negocia domini in curia promovenda, et quod nichil unquam impetrabit contra dominum vel in curia seu diocese Herefordensi sine expresso consensu domini.'

<sup>157</sup> Bombi, 'Andrea Sapiti', 133.

counter-acted the invasiveness of provisions. In the first, the bishop only rewarded his curial proctors with *salarii*, not ecclesiastical preferment. In the second, Swinfield bound proctors to his service through the taking of oaths, which was a key factor in depriving Richard of his provision. Those two policies demonstrate that Swinfield considered proctors to be episcopal agents, and therefore subject to his lordship. They also demonstrate that Swinfield considered the protection of his rights as a patron to be paramount enough to construct barriers against papal provisions.

### **Pontoise and papal provisions in Winchester**

This section will investigate Pontoise's management of one particular papal provision in Winchester diocese between 1282 and 1304. Winchester was a promising prospect for papal clerks. Pontoise himself was frequently present at the curia and had strong connections to curial agents, including Benedetto Gaetani, or Boniface VIII as he became in 1294.<sup>158</sup> Winchester was also rich in lucrative benefices held by ecclesiastical patrons, including the bishop. Rectories with especially high revenues include Dorking rectory, to which the monks of Lewes held the advowson and was worth £66 13s 4d per annum to its rector; and Overton, held by the bishop, which was valued at £46 13s 4d.<sup>159</sup> Yet provisions were few in the diocese.

The case study that forms the focus of this section relates to Bartolomeo de Sant'Angelo's provision to Middleton rectory in December 1295. Bartolomeo's provision has rarely been the subject of study. In her doctoral thesis exploring and editing the cartulary of Wherwell abbey, Rhoda Bucknill used Bartolomeo's provision to demonstrate the Wherwell nuns' disinclination for alien clerks holding its benefices, such as Middleton.<sup>160</sup> Burger considers Bartolomeo's provision as symbolic of the difficulty an English bishop faced in resisting papal authority.<sup>161</sup> This section shifts focus to Pontoise, his management of the provision, and the implications that Bartolomeo's provision had for his episcopate, shedding new light on the bishop's

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<sup>158</sup> See Gaetani's letter of support for Pontoise's provision, TNA SC 1/15/174.

<sup>159</sup> *Taxatio*: Dorking; Overton.

<sup>160</sup> R. Bucknill, 'Wherwell Abbey and its Cartulary', unpublished PhD thesis (King's College London, 2003), 257-60.

<sup>161</sup> Burger, *Bishops, Clerks, Diocesan Governance*, 67.

efforts to counteract the provision. It also considers the impact of curial politics on diocesan administration caused by provisions.

The circumstances surrounding Bartolomeo's provision suggest that a contest, or dispute, over Middleton rectory was unavoidable. Bartolomeo was likely a native of Rome and the bull announcing Bartolomeo's provision was kept by the English royal chancery; in it he is described as the archdeacon and canon of Bayonne.<sup>162</sup> Two prominent cardinals belonging to the Colonna family, Giacomo and Pietro, supported Bartolomeo's claim to Middleton (Bartolomeo served as Pietro de Colonna's chaplain).<sup>163</sup> The Colonnas were one of the leading patrician families in Rome and held lands around Naples, where Bartolomeo also held his archdeaconry.<sup>164</sup> The Colonna family also held strong connections with the Sant'Angelo in Pescheria district in Rome, perhaps Bartolomeo's home district.<sup>165</sup> The weight of the influence behind Bartolomeo reflects the value of Middleton, worth £26 13s 4d.<sup>166</sup> But Bartolomeo's provision was contested. Pontoise also claimed Middleton on behalf of his official, Philip de Barton.<sup>167</sup> The nuns of Wherwell, who held the advowson to Middleton, presented Philip as part of a customary favour to the new bishop of Winchester.<sup>168</sup> Pontoise and Bartolomeo's backers, the Colonna family, each had vested interests in the outcome. In 1295, the small parish of Middleton, near Andover, became something of a battleground.

The 1295 record for Bartolomeo's provision differs from other records of institution in Pontoise's register, and affords further insight into Pontoise's attempts to counteract Bartolomeo's provision. It is not one of the formulaic notations that make up the bulk of this material, instead it is part of a long-series of correspondence sent and received by Pontoise between December 1295 and early 1297. These items were gathered together and copied into the back of the *register temporalis* over six folios. This includes letters exchanged between Pontoise and curial officials and between Pontoise and his official, Philip de Barton.<sup>169</sup> This correspondence reveals the nature of the protracted conflict over Middleton. Philip and Bartolomeo had rival claims to Middleton, but the right of the Wherwell nuns to present, and the Colonna cardinals to

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<sup>162</sup> TNA SC 7/8/1.

<sup>163</sup> *Original Papal Documents in England and Wales from the Accession of Innocent III to the Death of Pope Benedict XI (1198-1304)*, J.E. Sayers (ed.) (Oxford, 1999), 988.

<sup>164</sup> Brentano, *Rome before Avignon*, 93-138.

<sup>165</sup> B.R. Beattie, *Angelus Pacis: the legation of Cardinal Giovanni Gaetano Orsini, 1326-1334* (Leiden, 2007), 104.

<sup>166</sup> *Taxatio*: Middleton.

<sup>167</sup> *Reg. Pontissara* ii, 814-17.

<sup>168</sup> Bucknill, 'Wherwell Abbey and its Cartulary', 257-58; Burger, *Bishops, Clerks, Diocesan Governance*, 170-73.

<sup>169</sup> See *Reg. Pontissara* ii, 804-33.

provide, to the rectory hinged on establishing how/where the rectory fell vacant. The argument presented by Pontoise to Anthony Bek, bishop of Durham but acting as papal executor of Bartolomeo's letters of provision, on 17 March 1295 maintained that:

*Mgr Philip de Barton was instituted to the said church of Middleton, vacant by the resignation of Mgr Berard de Napoli, formerly rector of the same through the presentation of the women religious, the abbess and convent of Wherwell, and we canonically admitted him to the same church during Berard's lifetime.*<sup>170</sup>

Pontoise's argument reveals two things regarding Philip's claim. First, Pontoise informed Bek that he had canonically instituted Philip, implying that the appropriate inquiries had been made to ensure the institution was legal. Second, Pontoise noted that Berard had resigned his benefice and that the institution was made during Berard's lifetime, implying that this resignation took place in England and within Pontoise's jurisdiction. In a letter dated to 10 April 1295 responding to Pontoise's argument, unnamed curial officials, likely the Colonna cardinals, asserted that Berard de Napoli, papal notary and former rector of Middleton, had died in Rome, and as such they were able to invoke: '[the] constitution of Pope Clement IV, of happy memory, our predecessor, over churches and ecclesiastical benefices vacated in the see itself'.<sup>171</sup> According to the Colonna, Bartolomeo's claim to Middleton was grounded in the terms of *Licet ecclesiarum*. Each party presented sophisticated legal arguments couched in the canon law but, ultimately, reached an impasse until either side could prove how Middleton fell vacant.

The conflict over the right to institute to Middleton rectory demonstrates how papal provision could be manipulated for political gain, not least because it testifies to Pontoise's involvement with factions within the papal curia during his stay in Rome between 1296 and 1299. During this period, there were two main factions in the curia: the French-backed Colonna and the papal faction centred on Boniface VIII. Giacomo de Colonna, cardinal-deacon of Santa-Maria-in-Via-Lata (1278-97, restored 1306-18), the scion of the ecclesiastical branch of the family, was in such a position of power as to be

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<sup>170</sup> *ibid.*, 814-15: '...magistrum Philippum de Bartone ad predictam ecclesiam de Middeltone vacantem per resignationem magistri Berardi de Neapoli dudum rectoris ejusdem per religiosas dominas...Abbatissam et Conventum de Werewelle nobis jam diu est presentatum et per nos ad dictam ecclesiam vivente dicto Berardo canonice admissum.'

<sup>171</sup> *ibid.*, 804-12, at 804: '...Constitutionem felicis recordacionis Clementis Pape quarti predecessoris nostri super ecclesiis et beneficiis ecclesiasticis apud Sedem ipsam vacantibus.'



‘one of the great enemies of Boniface VIII’.<sup>172</sup> Colonna family interests in Bartolomeo’s provision were acute. The initial mandate, composed in Rome, to institute Bartolomeo, included as witnesses Ottone de Colonna, canon of Lincoln, and Giovanni de Colonna, treasurer of York.<sup>173</sup> In his final letter sent from Rome in December 1296, Pontoise mentioned to his official, Philip, that ‘Pietro and Giacomo de Colonna have had a personal conversation with us on the matter of Middleton rectory’.<sup>174</sup> No less than four separate members of the Colonna family were involved in executing the provision. After meeting with Pietro and Giacomo, Pontoise begged Philip to surrender his claim, stressing:

... the great danger associated with you which you are able to avoid, and, in addition, the perils upon your other churches and benefices which we have been able to grant to you, because this business is beyond measure at the heart of the said cardinals.<sup>175</sup>

The statement suggests that Pietro and Giacomo attempted to intimidate Pontoise, and by extension Philip, by threatening to deprive Philip of his benefices. The need to intimidate rather than reach fair judgement in court implies that the Colonnas did not have legal right to provide Bartolomeo to Middleton, and that they instead manipulated the terms of *Licet ecclesiarum* and came out in force to support the provision for their agent’s gain.

The Colonna provision to Middleton came when the faction was at the height of its power, but shifting circumstances in the curia reveal that some papal provisions were subject to change, or cancellation, with the emergence of a new power. Over the course of late 1296 and early 1297, the papal faction gained ground over the Colonnas. Relations between Boniface and Pietro de Colonna soured in July 1296 after accusations that the cardinal had become involved with the French crown. In early 1297, Matteo, Ottone, and Landolfo de Colonna appealed to Boniface for support against Giacomo de Colonna, on the grounds that the cardinal had dispossessed them of

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<sup>172</sup> Brentano, *Rome before Avignon*, 100-1, 174.

<sup>173</sup> The Colonna family held numerous ecclesiastical offices, canonries, prebends, and benefices in England. *Reg. Pontissara* ii, 809; for John and Odo, see *Fasti Ecclesiae 1066-1300*: iii, Lincoln, 64; and *Fasti Ecclesiae 1066-1300*: vi, York, 26.

<sup>174</sup> *Reg. Pontissara* ii, 832: ‘...Petrus et Jacobus Columpna super facto ecclesie de Middelton’ nobiscum personale colloquium habuerunt’.

<sup>175</sup> *ibid*: ‘...magna dampna vestra et pericula etiam super aliis ecclesiis vestris et beneficiis que possent vobis contingere poteritis evitare, quia hoc negocium est cordi predictis Cardinalibus ultra modum...’

their lands. In May 1297, Boniface took the measure of excommunicating Pietro and Giacomo and their supporters and destroyed the Colonna stronghold at Palestrina.<sup>176</sup>

Between 1297 and 1303, greater power was located in the hands of Boniface and his agents, affording him more control over the curia. Records in Boniface's register demonstrate how Pontoise made several significant gains from the papal machinery after February 1297. On 13 February, Pontoise was granted: dispensation for three of his clerks to hold canonries and prebends at London, Wells and Chichester (since Winchester, a Benedictine cathedral priory, had no prebends); a licence for six underage episcopal clerks to hold one benefice without residency restraint; and a dispensation for his clerk, Robert de Maidstone, to hold the rectory of Adderbury in Lincoln diocese with Michelmersh rectory in Winchester, both with *cura animarum* attached.<sup>177</sup> On 26 February, the bishop was granted dispensation for six of his clerks to concurrently hold two benefices with *cura animarum*.<sup>178</sup> Pontoise was even allowed to collate Burghclere rectory, Winchester diocese, in September 1297 despite it being in the pope's gift at that time.<sup>179</sup> Perhaps the most significant of all the papal grants to Pontoise was one issued on 5 July 1298. This rendered Winchester diocese exempt from archiepiscopal jurisdiction for the duration of Pontoise's episcopate, giving the bishop greater freedom in the administration of his diocese.<sup>180</sup> It would also appear Pontoise's candidate, Philip, took possession of Middleton after 1297. In an institution record dated August 1304, Philip is named as rector of Middleton and presented Philip Peynre, priest, to the vicarage there.<sup>181</sup> In 1300, Pontoise secured Leighton Manor prebend at Lincoln cathedral, for Philip via papal provision. The nephew of Giacomo de Colonna had previously held the prebend.<sup>182</sup> The church was valued at a lucrative £46 13s 4d.<sup>183</sup> By August 1304, Philip claimed a combined income from spiritualities of £157 6s 8d from Leighton Manor prebend, Middleton rectory, and Farnham rectory (annexed to the archdeaconry of Surrey).<sup>184</sup> Pontoise and his clerks, especially Philip de Barton, benefitted from the emergence of a new regime at the curia. After failing to contest

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<sup>176</sup> Boase, *Boniface VIII*, 168-71; Brentano, *Rome before Avignon*, 180-82.

<sup>177</sup> *Reg. Boniface VIII* i, 669-70, 677, 677-78.

<sup>178</sup> *ibid.*, 644-45.

<sup>179</sup> *Calendar of Papal Registers Relating to Great Britain and Ireland* (hereafter *Cal. Pap. Reg.*), volumes 1 and 2, W.H. Bliss (ed.) (1893-95), i, 573.

<sup>180</sup> *Reg. Boniface VIII* i, 148-49.

<sup>181</sup> *Reg. Pontissara* i, 172.

<sup>182</sup> *Reg. Pontissara* i, 96-97; *Fasti Ecclesiae 1066-1300*: iii, Lincoln, 62.

<sup>183</sup> *Taxatio*: Leighton Manor.

<sup>184</sup> The *Taxatio* entry for Farnham in 1291 specifies that the income from the rectory was annexed to the archdeaconry of Surrey. *Taxatio*: Farnham; Haines, *Ecclesia anglicana: studies in the English Church of the Later Middle Ages* (Toronto; 1989), 109-10.

Bartolomeo's provision in light of Colonna intimidation, a shift in power in the curia afforded Pontoise the opportunity to forge close ties with Boniface VIII and to profit from those ties.

There are some irregularities with how the correspondence regarding Bartolomeo's provision was copied into Pontoise's register, which points towards evidence of the bishop's selection of material for registration. Two hands are at work in recording the letters, writing approximately four years apart. The first quarter of the letter to Pontoise informing him of Bartholomew's provision was written in the register in the script that was used for all entries between 1282 and 1296. After 1296, there is a three-year hiatus in which no records were entered into the register, and in 1299 to 1300 a new type of script was used.<sup>185</sup> The hiatus in record-keeping corresponds with Pontoise's absence from the diocese from January 1296 to January 1299, during his time in Rome on the king's business.<sup>186</sup> The final three quarters of the initial letter to Pontoise, and all subsequent correspondence regarding the provision, is entered into the register in this later script.<sup>187</sup> This change in scripts suggests that the remainder of the correspondence was copied on the bishop's return to Winchester in 1299. There was, it would seem, some demand to create a full account of the circumstances surrounding Bartolomeo's provision and of the Colonna's intimidation tactics at the curia. This evidence points to Pontoise's intention to use space in his register to provide a complete record of his contestation of the provision, and suggests that the register, in this case, was used as a place to gather evidence of Philip de Barton's rightful claim to Middleton.

The Bartolomeo case study shows the effect of curial politics on the use, abuse, and nullification of the system of papal provisions during the late thirteenth century. More importantly, it demonstrates the effect of changeable curial politics on ecclesiastical patronage in Winchester diocese, especially the disruption of the Wherwell nuns' exercise of the advowson to Middleton and the bishop's right to institute. Seemingly disconnected as the contest between Boniface VIII and the Colonnas and Philip de Barton's institution to Middleton were, a papal provision connected two sets of local circumstances and reveals the difficulty Pontoise met in asserting his authority as diocesan, and in challenging a papal provision, when faced with members of the Colonna faction, even if he eventually achieved his aims.

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<sup>185</sup> See Introduction, 21.

<sup>186</sup> Pontoise departed overseas 'on the king's business' in December 1295. *CPR 1292-1301*, 179-80.

<sup>187</sup> Hants RO 21M65/A1/1, fos. 217a-223a, 225b-226b.

This section shows that local circumstances in Hereford and Winchester dioceses determined how Pontoise and Swinfield reacted to provisions, or managed their impact. This includes nullifying provisions by depriving clerks/clerics of letters of provision, as Swinfield succeeded in doing in 1291 by challenging Richard de Pudleston's right to obtain a benefice while in the bishop's service. Swinfield also had several safeguards against provisions, especially having his proctors at Rome swear oaths of loyalty to him and by only paying those proctors in money, not benefices. It was also possible to contest provisions at the curia, as Pontoise did in 1296 to 1297, even if he faced difficulty in pursuing his case. Pontoise's and Swinfield's ability to challenge provisions renders statistical analyses based on provisions recorded in papal registers questionable. There is a clear divergence between the issuing and recording of papal provisions by the chancery, and the execution of those provisions in the diocese. This paints a new picture of papal provisions in the late thirteenth century, one that challenges the perception of an invasive system of patronage and instead shows that provisions were contestable, and were not always successful.

## **Conclusion**

The picture of papal provisions and regalian right in Hereford and Winchester dioceses painted by this chapter is one of limited powers in the face of Pontoise's and Swinfield's abilities to challenge, and undo, these forms of invasive patronage. By making use of several overlooked types of register record, especially records of institution, this chapter demonstrates that Pontoise in Winchester, and Swinfield in Hereford, exercised a high level of control over the benefices in their dioceses, especially over those benefices for which they held the advowson. This control was dependent on how each bishop used the resources available to him in his diocese, creating two unique approaches to the management of a shared problem. The two bishops' reactions to provisions and regalian right also shed light on their distinct political activities during the late 1280s and 1290s, in particular. Pontoise used his ability to present royal clerks to benefices in Winchester as a means of winning the king's favour, cementing his place in the royal court. The bishop's ties to Boniface VIII also elevated his standing at the papal curia after 1297 and afforded Pontoise the opportunity to contest a papal provision to Middleton rectory. Swinfield, on the other

hand, resisted the encroachments of both Crown and curia, constructing barriers against intrusion by either authority and protecting his rights. This high level of control over benefices, and the exertion to protect them from intrusions, raises the question of how Pontoise and Swinfield used ecclesiastical patronage as a political tool of their own, something addressed in the next chapter.

## Chapter Two. Ecclesiastical patronage, part two: the bishop's household

Whil God wes on erthe  
And wondrede wyde,  
Whet wes the resoun  
Why he nolde ryde?  
For he nolde no grom  
To go by ys side,  
Ne grucching of no gedelyng  
To chaule ne to cyde.

Spedeth ou to spewen,  
Ase me doth to spelle;  
The fend ou afretie  
With fleis and with felle!  
Herkneth hideward, horsemen,  
A tidyng ich ou telle,  
That ze shulen honge,  
Ant herbarewen in helle!<sup>1</sup>

This song, composed by an anonymous lyricist in the early fourteenth century, lamented widespread social injustices in England. Magnates grew richer and rode throughout the land with impunity; the peasant laboured in the field for nothing more than cat's dirt (*cattes-dryt*) for sustenance. The song also draws attention to magnate households and so to the men who enforced the subjugation of peasants. Claiming rents and crops, the men of the household were talismans of lordly power and avarice.

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<sup>1</sup> *Thomas Wright's Political Songs of England: from the reign of King John to that of Edward II*, P. Coss (ed.) (Cambridge, 1996), 231-40, at p. 240: 'While God was on earth/ and wandered wide,/ what was the reason/ why he would not ride?/ Because he would not have a groom/ to go by his side,/ nor the grudging of any gadling/ to jaw or to chide. Haste you to spew,/ as men do to spell (talk);/ may the fiend devour you/ with flesh and with skin!/ Harken this way, horsemen,/ a tiding I tell you,/ that ye shall hang,/ and be lodged in Hell.'

Historical research into noble households has blossomed over the last thirty years, fuelled by an interest in cultures of English nobility and lordship.<sup>2</sup> Particular attention is given to the composition of households and the political and everyday roles of household members.<sup>3</sup> Studies of bishops' households fit into this prosopographical model. Most recently, and significantly, the editors of the *English Episcopal Acta* series illuminate the composition of bishops' households in all seventeen English dioceses up until the period when registration began. Using *EEA* material, Hoskin sheds light on recruitment patterns in thirteenth-century Durham diocese.<sup>4</sup> Using *EEA* material and material in thirteenth-century bishops' registers, Burger shows the uses of reward and punishment in shaping episcopal households.<sup>5</sup> Julia Barrow surveys the developing roles played by secular clerks in episcopal households throughout Europe between 1050 and 1200.<sup>6</sup> For the most part, however, historians have given greater attention to lay households than to their ecclesiastical counterparts.

Noble and gentry households have also been the subject of studies into social organization in the medieval period.<sup>7</sup> This research, led by scholars such as Gerd Althoff and Peter Coss, investigates the role of (and creation of) bonds between lords and their men. Lords made use of shared interests or objectives, mutual economic benefits, and, on occasion, kinship in order to recruit, maintain, and create an affinity with their men. Household members were more willing to serve where these bonds existed.<sup>8</sup>

This chapter builds on this use of sociological theory in the study of lay households and for the first time applies it to the ecclesiastical sphere of the late thirteenth century. It uses records of institution and episcopal memoranda alongside the

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<sup>2</sup> J.M.W. Bean, *From Lord to Patron: lordship in late medieval England* (Manchester, 1989); C. Given-Wilson, *The English Nobility in the Late Middle Ages: the fourteenth-century political community* (London, 1987); K.B. McFarlane, *The Nobility of Later Medieval England* (Oxford, 1973).

<sup>3</sup> K. Mertens, *The English Noble Household 1250-1600: good governance and political rule* (Oxford, 1988); C.M. Woolgar, *The Great Household in the Late Medieval Period* (London, 1999).

<sup>4</sup> For a select sample of *EEA* editions relevant to this study, see *EEA vii: Hereford*, 1-1x; *EEA ix: Winchester*, xxxviii-xliiii; *EEA xxxv: Hereford*, lxxiii-lxxx. See also Cheney, *Bishops' Chanceries* 1-21; Hoskin, 'Continuing Service', 124-38; K. Major, 'The "Familia" of Archbishop Stephen Langton', *EHR* 48 (1933), 529-53; Thomas, *Secular Clergy in England*, 99-109, 114-17.

<sup>5</sup> Burger, *Bishops, Clerks, Diocesan Governance*.

<sup>6</sup> Barrow, *The Clergy in the Medieval World*, 248-67.

<sup>7</sup> See especially Coss, 'Bastard feudalism revised', *Past and Present* 125 (1989), 27-64; D. Crouch, and D. A. Carpenter, 'Debate: bastard feudalism revised', *Past and Present* 131 (1991), 165-89 and Coss 'Bastard Feudalism Revised: Reply' (same edition), 190-203.

<sup>8</sup> G. Althoff, *Family, Friends, and Followers: political and social bonds in early medieval Europe*, trans. C. Carroll (Cambridge, 2004) and 'Establishing Bonds: fiefs, homage, and other means to create trust' in S. Bagge, M.H. Gelting, T. Lundkvist (eds), *Feudalism: new landscapes of debate* (Turnhout, 2011), 101-14; Coss, 'An age of deference' in R. Horrox and Ormrod (eds), *A Social History of England 1200-1500*, (Cambridge, 2006), 31-73. See also the collection of essays in A. Curry and E. Mathew (eds), *Concepts and Patterns of Service in the Later Middle Ages* (2000).

1291 *Taxatio* and other financial accounts in order to examine the composition of Pontoise's and Swinfield's households and considers the role of bond-making, especially through ecclesiastical patronage, in the construction of administrative and political networks. In doing so, it hopes to illuminate the two bishops' policies to manage the careers of their clerks and shed new light on the dynamics of the bonds shared between bishop and cleric.

Recent studies of the exercise of power and authority throughout the medieval period give increasing attention to the role of network building in the political activities of broad cross-sections of European societies.<sup>9</sup> Drawing on the letters of Stephen, bishop of Tournai (1192-1203), Walter Ysebaert illuminated how networks of Capetian-partisan bishops manipulated episcopal elections in order to embed allies in episcopal offices and, in doing so, consolidate Capetian power in Flanders during the 1190s.<sup>10</sup> Ysebaert's study focuses on the roles of networks in high politics, and offers a useful foundation for the present chapter, which turns to a lower level of politics to examine relationships between bishops and their men and the ways in which these shaped the diocese.

The chapter draws on two theories on networks found in sociological and anthropological studies. The first is a patron-client theory propagated by Ernest Gellner and Alan Zuckerman. Gellner posits that patron-client relationships are constructed through personal and emotional bonds between two people; they were long-term and dependent upon a continuing and mutually-beneficial arrangement between patron and client.<sup>11</sup> Zuckerman examines clientelism at work in twentieth-century Italian politics. The *Democrazia Cristiana* party, the patrons, were able to hold on to its political power base in Rome by introducing welfare reforms over the long term that benefitted its clients, the rural and working populations, who in turn mobilised in support of the party.<sup>12</sup> It is a simple but powerful system in which the ruler maintained authority by

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<sup>9</sup> For a small sample of recent studies, see J. Haseldine, 'Friendship Networks in Medieval Europe: New Models of a Political Relationship', *AMITY: The Journal of Friendship Studies*, 1 (2013), 69-88; E. Jamroziak, 'Networks of markets and networks of patronage in thirteenth-century England', *TCE X* (2005), 41-49; A. Polden, 'The social network of the Buckinghamshire gentry in the thirteenth century', *Journal of Medieval History* 32 (2006), 371-94; B.H. Rosenwein, *Emotional Communities in the Early Middle Ages* (Ithaca, NY, 2006).

<sup>10</sup> W. Ysebaert, 'The Power of Personal Networks: clerics as political actors in the conflict between Capetian France and the County of Flanders during the last decade of the twelfth century', in B. Bolton and C. Meek (eds), *Aspects of Power and Authority in the Middle Ages* (Turnhout, 2007), 165-83.

<sup>11</sup> E. Gellner, 'Patrons and Clients' in E. Gellner and J. Waterbury (eds), *Patrons and Clients in Mediterranean Societies* (London, 1977), 1-6.

<sup>12</sup> A. Zuckerman, 'Clientelist politics in Italy' in Gellner and Waterbury (eds), *Patrons and Clients*, 63-79.



courting a network. The second theory, advanced by Mark Granovetter, posits that the strength of a network was dependent upon the strength of the bonds between members. Members who had greater investment in the network formed closer bonds.<sup>13</sup> These network models inform the investigation throughout this chapter and its focus on household membership, as well as the place of the household in diocesan administration.

The aim of this chapter is to use register material, especially records of institution, to shed light on the role that personal relationships and networks played in consolidating, and augmenting, Pontoise's and Swinfield's authority in their respective dioceses, paving the way for effective government. The secondary aim is to use register material to flesh out the careers of the men who were involved in the administration of Hereford and Winchester dioceses. To that end, the biographical information contained in Appendix One plays an important role. The chapter contains four sections, each of which investigates a different aspect of the two bishops' construction and deployment of their households. The first section (I) considers the material available for the study of households and networks, and sheds light on the men whose work and careers were captured in the bishops' registers. The second section (II) explores the bishops' powers of patronage, before the third section (III) examines the types of bonds shared between the two bishops and their clerks. The final section (IV) investigates the role of networks in diocesan government.

## **I. Bishops' registers for the study of household careers**

Up until now, there have been few studies that consider the value of register material to investigations of bishops' households, owing to the particular use of *English Episcopal Acta* material, which only extends to the point when registration began in each diocese.<sup>14</sup> This leaves a significant gap in current historiography of the late thirteenth century, in particular,<sup>15</sup> although Burger has laid important groundwork. His study of Peter de Leicester's conflict with Godfrey Giffard, bishop of Worcester (1268-1302), draws on items in Giffard's register, along with other material, to explore the difficulties

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<sup>13</sup> M. Granovetter, 'The Strength of Weak Ties', *American Journal of Sociology* 78 (1973), 1360-80.

<sup>14</sup> On occasion, register items do make an appearance in *EEA* editions. These items are always copies or an *inspeximus* of *acta* relating to an earlier episcopate. See, for example, *EEA ix: Winchester*, 51-52.

<sup>15</sup> Capes, the editor of Cantilupe's register, compiled a list of all household clerks named as such in register items, but his contribution ended there. Capes, 'Introduction', *Reg. Cantilupe*, lxix-lxx.

of depriving insubordinate household clerks of their benefices.<sup>16</sup> This section goes further and investigates what part registration played in recording the labours of the men involved in diocesan administration and their relationships with bishops. The section also considers the range and types of material available in registers for the study of bishops' households, gauging the value of registers, and their limitations (insofar as they offer a particular perspective), to this field of research.

A range of register material can be used to advance such a study. There are no lists of household staff in either Pontoise's or Swinfield's registers but records of institution can be used to identify bishops' clerks and enable an investigation of the role of ecclesiastical patronage in network building in the diocese. It is necessary to return to the five basic pieces of information contained in these records but to examine them from an alternative perspective, that of the bishop patronising his clerks. First and foremost is the name of the candidate and their titles. Bishops' clerks are often identified as such in records of institution. When Pontoise collated Woodhay rectory to Geoffrey de Fareham in July 1283, the record referred to Geoffrey as 'his (the lord bishop's) clerk at Wolvesey'.<sup>17</sup> There is a similar pattern in the record of Swinfield's collation of Colwall rectory to John de Kempsey's on 10 October 1283. The record reads that Swinfield collated the benefice to 'his chaplain'.<sup>18</sup> These simple descriptors distinguish episcopal clerks from other clerics instituted to benefices in a diocese. Even where such a description is absent from a record, the name of the cleric provides the basis for further investigation if a collation took place. Collations only occurred at benefices to which the bishop held the advowson. The collation process did not require a formal presentation to the bishop or vetting of the candidate because it was the bishop who acted as patron and who often already knew the candidate. A collation might thus denote a member of the bishop's household. As such, collations are a strong starting point to consider the links between bishop and candidate, which might then be illuminated in other material.

Registers also contain memoranda that record episcopal commissions and mandates, which might be used to create a fuller picture of the composition of bishops' households, as well as for insight into the work of episcopal agents. Memoranda

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<sup>16</sup> Burger, 'Peter of Leicester, Bishop Giffard of Worcester, and the Problem of Benefices', 453-73.

<sup>17</sup> *Reg. Pontissara* i, 6-7: '...Contulit dominus Episcopus Ecclesiam de Wilhay vacantem et ad suam collacionem spectantem Galfrido de Farham Clerico suo de Wolvesey'.

<sup>18</sup> Heref RO AL1/19/2, fo. 5: 'VI Id[es] Octobr[is] Anno d[omi]n[ini] m<sup>o</sup> cc<sup>o</sup> octogesimo t[er]cio contulit d[omi]n[us] d[omi]no Johannes de Kemesey cap[e]ll[an]o suo eccl[es]iam de Colewell vacantem p[er] resignationem domini J de Clare'.

containing notices of episcopal commissions are not common but there are several examples in Pontoise's register, largely relating to his time spent overseas in royal service. The register contains a copy of Pontoise's commission on 17 December 1295 of several of his staff, including his official and treasurer, to act as vicars-general in his absence. The agents were empowered to issue licences to elect and to give assent to elections at religious houses, and to admit suitable persons to benefices in the city and diocese of Winchester, as well as other similar powers.<sup>19</sup> The commission marked a transfer of power and circumscribed new responsibilities for his staff. Episcopal mandates, in contrast to commissions, issued an order to complete one particular action within a given timeframe. On 22 January 1317, Swinfield mandated his official to inquire into whether there were any obstructions to an institution to the rectory of Kinnorsley, and the official replied with his findings.<sup>20</sup> Like commissions, mandates record the work of episcopal agents but this could be occasional duties rather than normal practice. These items touch on the nature of work that bishops entrusted to their agents. Commissions, mandates, and even various forms of correspondence are invaluable resources that contain vivid details of diocesan administration, and supply much-needed information about the episcopal household, whether that concerns its composition or the nature of the work relationship between bishop and clerks.

Other episcopal *acta* recorded in the two registers have uses in this chapter for identifying clerks and affording insight into their work. First, some *acta* recorded the grants and concessions made by bishops to their clerks, along with, on occasion, the oaths that enjoined bishop and clerk in a working contract. Second, some *acta* contained witness lists, especially those that recorded episcopal business, whether that related to estate management or matters relating to diocesan government. Household studies rely heavily on the survival of witness lists in order to identify the men in a lord's service.<sup>21</sup> There are, however, some issues with this form of diplomatic for the late thirteenth

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<sup>19</sup> *Reg. Pontissara* ii, 779-80: 'Committentes vobis vices nostras ad prebendam licenciam eligendi et assensum electis, ubicunque hujusmodi licencia et assensus de jure vel de consuetudine a nobis fuerint requirendi, et ad confirmandos electos in quibuscunque collegiis nobis subjectis, ac etiam ad admittendum personas quascunque ydoneas ad beneficia ecclesiastica in Civitate vel Diocesi nostra existential cononice presentatas, et admissos instituendi...'

<sup>20</sup> *Reg. Swinfield*, 521-23: 'Mandatum vestrum nuper recepimus continens hunc tenorem. Ricardus, etc., officiali suo salutem, etc. Presentavit nobis domina Kynardesleye magistrum Johannem de Kynardesleye, clericum, ad ecclesiam de Kynardesleye, etc., vacantem et ad suam presentationem spectantem, ut dicit. Quo circa vobis tenore presencium committimus et mandamus quatinus ab dicta ecclesia vacet, et si sit qualiter vacet et a quo tempore ceperit vacare, quis sit suus verus patronus, quis ultimo presentavit ad ipsam, an sit litigiosa vel pensionaria, et si sit cui et in quanto cujus estimacionis existat, de mentis et ordinibus presentati, et an sit alibi beneficiatus, et de ceteris articulis consuetis et debitis in hac parte inquisitionem fieri faciatis in pleno loci consistorio diligentem.'

<sup>21</sup> See for example Hoskin, 'Continuing Service', 124-38.

century. Hoskin identifies a shift in legal practice in the mid thirteenth century that influenced the diplomatic of episcopal documents. Bishops became more concerned that there was a group of witnesses *present* rather than with *recording* specific names of individuals, leading to truncated or omitted witness lists. This also led to inaccurate lists where a document reads ‘as above’, even if the actual witnesses were different.<sup>22</sup>

Norman Shead adds to these reservations, questioning whether a clerk who appears only once in a witness list should be identified as a member of the bishop’s household. He adds that witness lists are to be approached with caution.<sup>23</sup>

Documents from Hereford diocese add further perspective to this debate. Two forms of the same document survive, each recording Pons de Cors’ appearance at a tribunal at the bishop’s court in 1290. The first document, likely a copy of the original made by a public notary, was kept by the chapter. The witness list reads:

Present: *dom* Walter de Rudmarley, canon of Hereford; *Mag[is]ris* William de Kingescote, then official of Hereford, and Richard de Marlow; brother John Rous, canon of Wormley; *doms* John de Kempsey, William de Morton, chaplains of the said father (Swinfield); and several other members of the household of the said father.<sup>24</sup>

The only apparent pattern to the named witnesses is a cross-section of cathedral and episcopal representatives, with the addition of independent witnesses, Richard de Marlow and John Rous. A second version of the same document as copied into Swinfield’s register offers the following witness list:

*Mgr* Richard de Hertford, archdeacon of Hereford; *Mgr* Roger de Sevenoaks, and *dom* Walter de Rudmarley, canons of Hereford; *Mgr* William de Kingescote, professor of canon law, then official of Hereford; brother Walter de Knill, master in theology; brother Andrew de Langfort; *Mgr* David de Merthyr, *dom* William de Morton, Nicholas de Oxford, John de Kempsey, chaplains; William de Bridgnorth, clerk; *item*, Stephen de Swinfield, William de Cantilupe, Reginald de Buckland, R. *Deynte*, Ralph de *Marynes*, Adam Marshall, Adam Harpin, laymen; *item*, the members of the said Pons’ retinue present were Henry de Llanthony and John de Stretton, clerks; *item*, John de Stretton, Peter de Wormley, Adam de Dinedor, and John Alkyn, laymen, and many others.<sup>25</sup>

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<sup>22</sup> Hoskin, ‘Authors of Bureaucracy’, 74-75.

<sup>23</sup> N.F. Shead, ‘Compassed about with so Great a Cloud: the witnesses of Scottish episcopal *acta* before ca 1250’, *The Scottish Historical Review* 86 (2007), 159-75, at p.160.

<sup>24</sup> HCA 769: ‘et aliis quam pluribus de familia dicti patris’.

<sup>25</sup> *Reg. Swinfield*, 248-49.

The length and content varies in the two versions. The version in Swinfield's register gives the sense that the tribunal was well attended, that both parties, bishop and Pons, were well represented. The version kept by the chapter leaves the impression that the event was a more intimate affair. On the strength of this evidence, it would seem that there was a different system of editing or drafting in the capitular and episcopal chanceries, in which the latter placed greater emphasis on recording the individual names of those who witnessed specific events, or, possibly, staged the number of witnesses to serve the bishop's agenda (in this case to advance his cause against Pons de Cors). This has implications for household studies. If this is the case, then it is difficult to determine when episcopal agents were in proximity to the bishop.

The administrative work of bishops and episcopal clerks necessitated interactions with communities and institutions throughout the diocese, some of which kept their own records, offering an alternative perspective of diocesan administration other than the one given in the two bishops' registers. These can supplement the material in registers to afford insight into bishops' households. The records of Hereford and Winchester cathedral stand out above all others. Cartularies kept by St Swithun's priory and the archives of the dean and chapter of Hereford contain records of episcopal business where this overlapped with capitular interests, such as in the Pons de Cors case above. Cartularies were primarily collections of title-deeds and privileges bestowed on communities of clerics by various authorities.<sup>26</sup> Their value to this study derives from the charters, chirographs, and records of litigation they contain, all of which potentially preserve information concerning the activities of episcopal staff. One such example is Philip de Hoyville, who served as the bishop's steward for much of the 1290s and early 1300s. Philip is largely absent from the bishop's register owing to the nature of his work (but is frequently recorded in the Winchester pipe rolls).<sup>27</sup> The St Swithun's cartulary does contain some records relating to the bishop's temporal estate owing to the monks' stake in it. In c.1294, Pontoise granted properties, including three messuages, to Henry and Alice le Waite, and Philip, along with his assistant, Simon de Fareham, ensured that the property rights were correctly transferred.<sup>28</sup> Evidence such as cartulary material can lend insight into the steward's work. Some of the most valuable resources at Hereford cathedral are financial receipts kept by the Hereford dean and chapter. There is a series of mass pence rolls beginning from Michaelmas 1285 that recorded the number of

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<sup>26</sup> Clanchy, *From Memory to Written Record*, 3<sup>rd</sup> edn., 103-5.

<sup>27</sup> *The Pipe Roll of the Bishopric of Winchester 1301-2*, M. Page (ed.) (Winchester, 1996), 347-48.

<sup>28</sup> *Cartulary Winchester Cathedral*, 186.

masses each canon attended each year and the amount of cash they claimed from that attendance.<sup>29</sup> These rolls are useful for considering the dual roles of episcopal clerks who also held canonries at the cathedral, especially in terms of their time spent in Hereford while the bishop's household travelled about the diocese. These types of records construct a fuller picture of the episcopal household and its work in the diocese. The same principle applies to cartularies kept by religious communities in a diocese, which record deeds that capture aspects of diocesan administration. Winchester diocese is richer in surviving cartularies compared to Hereford.<sup>30</sup> But there remains a strong body of evidence for this chapter that serves to expand the scope of the study beyond register records.

One aspect of clerical careers that registers shed less light on is clerks' movement and work beyond the diocese. Royal and papal records can go some way to fill that gap. Bishops were itinerant and registers do reflect some sense of their movement within and beyond the diocese, with changes in their location given in dating clauses.<sup>31</sup> These items do not always make it clear who accompanied the bishop. Royal writs of judicial protection issued at the moment of departure and recorded on the patent rolls, in contrast, do give some indication of the travelling retinue.<sup>32</sup> A writ issued to Pontoise and his retinue in April 1300 indicates that the bishop took at least fourteen men with him on his journey to Rome, naming each one.<sup>33</sup> Bishops also required representation at the chancery, exchequer, and parliament in order to pursue their business with royal government and these transactions are preserved in royal records. A similar principle applies with the papal curia where the work of proctors is sometimes recorded in papal registers. This broad range of records serves to demonstrate the global reach of episcopal networks and the almost continual contact between episcopal and external authorities, much more than registers alone can.

Two other records, one unique to Swinfield, the other unique to Winchester, advance our understanding of these bishops' households. Swinfield's household roll as garnered much attention owing to its glimpse into household life in the years 1289 to

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<sup>29</sup> The names of the canons are omitted if they did not attend any masses, hence some canons are omitted from several rolls. The relevant rolls for this present study are HCA R378-407 (1285-1317).

<sup>30</sup> The 2010 edition of Davis' *Medieval Cartularies* provides a comprehensive survey of all cartularies identified up to 2010. See G.R.C. Davis, *Medieval Cartularies of Great Britain and Ireland* (London, 2010).

<sup>31</sup> Most modern editions of bishops' registers include itineraries that are largely constructed from these dating clauses. For Pontoise's itinerary, see *Reg. Pontissara* ii, 839-44.

<sup>32</sup> For more on the royal protections, see J.S. Critchley, 'The Early History of the Writ of Judicial Protection', *Bulletin of the Institute of Historical Research* 45 (1972), 196-213.

<sup>33</sup> *CPR 1292-1301*, 511.

1290.<sup>34</sup> The roll is a list of all household expenses compiled by John de Kempsey, Swinfield's accountant. Burger discusses the content of the roll in some detail, especially the different types of payment to household members. He identifies *stipendia* paid to unnamed secular household members such as squires, grooms, and pages, and Burger uses the rolls as a central source in his investigation of pension payments to household clerks, arguing that those who received these payments occupied a different class in the household to beneficed clerks.<sup>35</sup> The rolls will be used in this chapter to create a fuller picture of Swinfield's relationships with those clerks, especially his management of their careers. In this respect, Swinfield's roll has a parallel in the Winchester pipe rolls. The pipe rolls were comprehensive accounts of agricultural yields, revenues, expenditures, and the work completed on the bishop's estate, including those situated outside of Hampshire and Surrey.<sup>36</sup> The rolls do not contain payments made to the bishop of Winchester's agents but they do afford insight into the work performed by his estate staff. The two bishops kept these unique resources alongside their registers; in the items in the household rolls and the pipe rolls is the potential to investigate the selection of documents for registration and those that were kept separate. Like capitular, monastic, royal, and papal records, these rolls afford an opportunity to consider patterns of registration by turning to other material to see what was left out of the registers.

Registers, with their focus on diocesan management, were important records of people and place in the localities of the church in England. Register records reveal aspects of the work of bishops' staffs, as well as providing basic information for constructing some semblance of episcopal households, their functions, and the bishops' patronage of their clerks. This is aided by material preserved in cartularies and archives throughout the diocese, England, and at the papal curia. The chapter also uses the 1291 *Taxatio*, placing it alongside records of institution in order to determine the financial value of episcopal patronage to their clerks. It does so in a bid to understand the role of property transactions in forging bonds and constructing episcopal networks, something explored in depth throughout this chapter. This material is a rich resource for advancing current understanding patterns of episcopal patronage and networking building in the

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<sup>34</sup> Mertes, *The English Noble Household*, 36; Woolgar, *The Great Household*, 32, 46, 129, 131, 192.

<sup>35</sup> Burger, *Bishops, Clerks, and Diocesan Governance*, 87-89.

<sup>36</sup> See especially Hare, 'The Bishop and the Prior', 187-212; R. Britnell (ed.), *The Winchester Pipe Rolls and Medieval English Society* (Woodbridge, 2003).

context of diocesan administration, albeit with some caveats in relation to the use of witness lists.

## **II. The household and the bishop's powers of patronage**

The place of the bishop's household in late thirteenth-century diocesan administration remains less studied. Cheney and Hoskin, among others, shed light on institutionalization and bureaucratization in diocesan administration between 1200 and 1275, the period before widespread registration, and Haines, William Dohar, and Swanson have done the same for the fourteenth and fifteenth centuries.<sup>37</sup> The chronological emphasis of Burger's study of clerks and diocesan governance likewise tends towards the period 1200 to 1272, although its range does extend beyond that point for Hereford and Lincoln dioceses in particular.<sup>38</sup> This section lends greater focus to the later thirteenth and early fourteenth centuries and examines what the bishop's household was and what it did during this period, before moving on to explore Pontoise's and Swinfield's capabilities as patrons to their clerks. This establishes the groundwork for the study later in the chapter of Pontoise's and Swinfield's policies on network building and shaping their dioceses.

### **The bishop's household**

The episcopal household, or *familia* as it is sometimes known, comprised the administrative staff responsible for diocesan administration under the leadership of the bishop. Diocesan administration was dependent upon episcopal agents and, as Smith adds, the bishop's 'choice [of his clerks] was crucial for effective government'.<sup>39</sup> Like any lord during this period, bishops required a range of specialists able to meet the demands of business and the ecclesiastical sphere, and a growing cohort of experts, such as the proctors met in chapter one, joined episcopal households. Staff roles ranged from

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<sup>37</sup> Cheney, *Bishops' Chanceries*; Dohar, *Pastoral Leadership*; Haines, *Administration of Worcester, Ecclesia Anglicana*; Hoskin, 'Continuing Service', 124-38; 'Authors of Bureaucracy', 61-78; Swanson, 'The Church and its Records', esp. pp. 151-64.

<sup>38</sup> Burger, *Bishops, Clerks, and Diocesan Governance*.

<sup>39</sup> Smith, 'Thomas Cantilupe's Register: the administration of the diocese of Hereford, 1275-1282', in Jancey (ed.), *St Thomas Cantilupe*, 83-101, at p. 87.



servants, scribes, and stewards, to the treasurer (diocesan finances, including the estate), comptroller of the wardrobe (household finances), chancellor, and the bishop's leading agent, his official. Identifying the exact roles each agent performed is a difficult task. This is partly due to quirks of terminology employed in historical records across England. Clerk (*clericus*) and chaplain (*capellanus*) were interchangeable terms used to indicate a member of the household.<sup>40</sup> Clerk and chaplain do not appear to indicate specialist roles. William de Morton served on Swinfield's accountancy staff during the 1280s and 1290s but on several occasions he is referred to as the bishop's chaplain as well as his clerk despite his clear specialism.<sup>41</sup> The term 'our member of the household' (*familiaris nostri*) was used on a less frequent basis. Burger argues that its usage denotes closeness between bishop and clerk.<sup>42</sup> This is difficult to qualify in some cases. In the record of Pontoise's confirmation of a collation made by his predecessor, John le Fleming (the candidate for collation), is described as 'our [Pontoise's] clerk and *familiaris*'.<sup>43</sup> John had served Nicholas de Ely and on this occasion, *familiaris* is used to indicate John's membership of the new bishop's household despite the patronage of the previous bishop.

The size and composition of a household could vary according to the needs and demands of a bishop as he travelled about and beyond his diocese. In his discussion of noble households in the late medieval period, Christopher Woolgar divides each household into three categories: the great household, which includes every individual bound to the noble or family; the 'riding or foreign' household, or those members who travelled with the noble or family; and finally the 'secret household', or an inner circle of close counsellors, servants, and family members.<sup>44</sup> Woolgar's categorisation is a useful tool for understanding the different components of such an important apparatus of lordship owing to its distinction between the resident and the itinerant households. However, the categorisation largely applies to lay noble households and there are a few caveats to add to it in relation to bishops' households.

Certain aspects of bishops' households set them apart from their lay counterparts and demonstrate the central place of the household in diocesan administration. The great episcopal household merged temporal and spiritual aspects of episcopal lordship,

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<sup>40</sup> Clerk and chaplain were usually paired with the genitive *episcopi* or the possessives *nostro* or *suo* in order to distinguish them from another cleric (also *clericus*), or from a clerk belonging to another household, or from a chaplain in the sense of one with charge over a chapel.

<sup>41</sup> See for example *Reg. Swinfield*, 112, 175.

<sup>42</sup> Burger, *Bishops, Clerks, and Diocesan Governance*, 7.

<sup>43</sup> *Reg. Pontissara* i, 8.

<sup>44</sup> Woolgar, *The Great Household*, 15.

namely the staff responsible for the management of the episcopal estate and those responsible for the management of the diocese. As Hoskin acknowledges, the survival of ecclesiastical records, including registers, lends itself to greater focus on the spiritual side of most bishops' households.<sup>45</sup> This leaves the impression that the temporal side was less important than in lay households.

Swinfield's household roll and the Winchester pipe rolls challenge this impression, and shed light on the shape and extent of the two bishops' households. The household roll includes annual payments to several individuals who rarely feature in the bishop's register, including Swinfield's squire, William de Cantilupe, who received 10s between Michaelmas 1289 and Lady Day 1290; Adam the marshal also received 10s; John de Kingswood, the carter, claimed 3s 4d, as did William the porter.<sup>46</sup> These few examples reveal the men at work administering the episcopal estate, although it is often difficult to flesh out their careers beyond that. There is one exception. Adam Harpin served as the bishop's falconer; from Michaelmas 1290 to Lady Day 1291, he received 4s 4d. This seems like a trivial amount but Adam was a prominent figure in the diocese. Cantilupe granted him a messuage in 1276, held by Adam and his successors in perpetuity; the messuage was situated near to the bishop's manor at Ross.<sup>47</sup> Adam's service continued under Swinfield and he is named in at least one witness list in a record relating to spiritual business.<sup>48</sup> Men like Adam bridged the purported spiritual-temporal divide. The Winchester pipe rolls also shed light on the role of clerics in temporal administration. Simon de Fareham was an ordained priest; Pontoise collated the rectory of St Mary, Southampton to him in September 1304.<sup>49</sup> In 1301 to 1302, the Winchester pipe rolls record Simon working under the steward, Philip de Hoyville, tending to Pontoise's estate.<sup>50</sup> In 1303, Pontoise commissioned Simon as one of his vicars spiritual alongside the bishop's official and two other clerics for the duration of the bishop's absence.<sup>51</sup> In that instance, Simon was responsible for both temporal and spiritual administration. The lines between the two sides of the household were blurred and personnel could take on multiple roles or serve in multiple capacities according to the needs of the bishop.

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<sup>45</sup> Hoskin, 'Continuing Service', 124-25.

<sup>46</sup> *Swinfield's Household Roll*, 166-72.

<sup>47</sup> *Reg. Cantilupe*, 77; *Swinfield's Household Roll*, 168.

<sup>48</sup> *Reg. Swinfield*, 248-49.

<sup>49</sup> *Reg. Pontissara* i, 176.

<sup>50</sup> Page identifies Simon as an accountant for the bishops' estate. *The Pipe Roll of Winchester 1301-2*, Page (ed.), 164, 213, 215.

<sup>51</sup> *Reg. Pontissara* i, 152-53.

Certain restrictions were in place to limit the size of the bishop's travelling household.<sup>52</sup> In an effort to prevent archbishops and bishops placing large burdens on their monastic hosts during visitations, canon four promulgated at the Third Lateran Council in 1179 capped the size of travelling retinues: archbishops were limited to either forty or fifty horses (depending upon the size of their province), bishops to twenty or thirty (depending upon the size of their diocese).<sup>53</sup> Not all bishops adhered to this limit. In January 1296, Pontoise travelled overseas with a thirty-two strong retinue.<sup>54</sup> But the legislation does at least gesture towards a distinction between episcopal staff that remained in one place, such as at Wolvesey castle, Winchester, the site of the bishop's treasury, and those that accompanied him when travelling.

Identifying a bishop's inner circle or secret household is difficult. An absence of personal letters exchanged between Pontoise or Swinfield and their respective staffs creates silence on the matter of friendships, as does the employment of generic language in modes of address in correspondence or episcopal mandates.<sup>55</sup> The most frequent term by which Pontoise referred to his individual clerks in records of institution and other memoranda was 'distinguished man' (*discretum virum*).<sup>56</sup> The bishop also applied the same term to university graduates and other clerics involved in diocesan administration elsewhere in England.<sup>57</sup> There is little or no sense of affection or closeness in the term. A bishop's chief officers, such as his official and steward, frequently appear in witness lists, but this is no indication that they were among his close counsellors. On occasion, actions rather than words points to members of an inner circle. *Mgr* Thomas de Scarning held the archdeaconry of Suffolk from 1289 to 1296 but entered into Pontoise's service in the 1290s and accompanied the bishop overseas in 1296.<sup>58</sup> The bonds between Thomas and Pontoise are not clear, but Thomas' appearance at the top of witness lists and in the travelling retinue gives him some standing in the household relative to other clerks in Pontoise's service. This would suggest, at the very least, a

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<sup>52</sup> Cheney, *Bishops' Chanceries*, 5.

<sup>53</sup> *Conciliorum Oecumenicorum Generaliumque Decreta (edito critica), The General Councils of Latin Christendom: from Constantinople IV to Pavia-Siena (869-1424)*, 2 parts, A Garcia y Garcia et al (eds) (Turnhout, 2013), part one, 129-30.

<sup>54</sup> *CPR* 1296-1301, 179-80.

<sup>55</sup> C.f. Burger, who places value in the language of friendship in correspondence between bishops and clerks than is given in this chapter. *Bishops, Clerks, and Diocesan Governance*, 210-38.

<sup>56</sup> *Reg. Pontissara* i, 26, 33-34, 45, 99.

<sup>57</sup> *ibid.*, 61, 69, 70.

<sup>58</sup> Pontoise later collated the archdeaconry of Shropshire to Thomas de Scarning in November 1296 and he remained in Winchester diocese until his death in 1301. *CPR* 1292-1301, 179-80; *Reg. Pontissara* i, 47, 80, 200-1; ii, 479-80, 568-69, 578-79; *Chartulary Winchester Cathedral*, 17; *Fasti Ecclesiae 1066-1300*: ii, Monastic Cathedrals, 69.

strong working relationship. The evidence in this case is vague but the bonds forged between bishop and clerk, explored in the following section, make clearer the bishops' close circle.

One further aspect of bishops' households sets them apart from their lay counterparts, namely their role as training grounds for future bishops. None of Pontoise's staff went on to become bishops, but Swinfield was the product of an episcopal household, and his own household shaped the career of a future bishop. Swinfield had served in Cantilupe's household from the early 1260s until 1282 before his election to Hereford.<sup>59</sup> Adam de Orleton, bishop of Hereford between 1317 and 1327, followed a similar career trajectory. Orleton did not directly serve Swinfield, rather his apprenticeship was spent with Swinfield's former official and the chancellor of Hereford cathedral, Robert de Gloucester, with support from John de Swinfield.<sup>60</sup> There were still close associations between Swinfield and Orleton: Swinfield's register contains a memorandum recording that the bishop commissioned Orleton to serve as his proctor at a synod held at St Paul's, London, in August 1313.<sup>61</sup> Bishops' (and associated) households served as places for the next generation of bishops to learn the craft of ecclesiastical government, whereas royal or magnate households rarely produced the next generation in the same way.

Bishops' households in the late thirteenth century were multifaceted, a quality fuelled by the number and diversity of people that populated them. Episcopal staff of all varieties were engaged in the task of administering and governing the diocese, and supporting the bishop wherever he happened to be.

### **Episcopal powers of patronage**

The attention scholarship gives to the Crown's and curia's ability to influence ecclesiastical patronage has marginalised the study of a bishop's powers to do the same in his diocese. Evidence presented in chapter one indicates that the bishops of Hereford and Winchester held great authority over patronage in their respective diocese during the late thirteenth century, even when dealing with these great powers. It demonstrated the high volume of institutions that Pontoise and Swinfield made over the course of

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<sup>59</sup> See Chapter Five, 247-48.

<sup>60</sup> Haines, *Church/Politics: Orleton*, 4.

<sup>61</sup> *Reg. Swinfield*, 491.

their episcopates, in the form of collations and presentations made to other bishops, as well as custodies. It is possible to attribute one hundred and nineteen institutions (including collations) to Pontoise in records in his register (or 37.4% of all recorded institutions); for Swinfield, the number was one hundred and sixty-three (27.2%). Pontoise was the most prolific patron in his diocese and only religious communities made more presentations than Swinfield (165 or 27.3%).<sup>62</sup> The bishop-centric perspective of registration may skew this data owing to a preference for keeping records directly relating to the bishop. There is still value to the data in its indication of the strength of episcopal powers of patronage.

A bishop's right of patronage markedly differed from those of other advowson holders in his diocese owing, in particular, to his controls over advowsons. Bishops held the right to collate any benefices that had come to them by lapse. In canon law, a lapse occurred when a lay advowson holder had not presented a candidate for institution for four months, or an ecclesiastical advowson holder for six months, thereby leaving a church vacant and in need of a suitable cleric.<sup>63</sup> These lapses were captured in records of institution:

...the lord bishop conferred *dom* John de Wynford, chaplain, to the vicarage of Whitchurch, vacant, and at [the bishop's] rightful collation.<sup>64</sup>

The lord of the manor held the advowson to Whitchurch,<sup>65</sup> but owing to its lapse to the bishop, Pontoise collated the vicarage as if he was the advowson holder. The bishop could also give custody of benefices to clerics even when he was not the true advowson holder.<sup>66</sup> Bishops had access to a greater range of benefices should the legal conditions afford them grounds for intervention, and this is reflected in the number of institutions ascribed to Pontoise and Swinfield. This placed bishops at an advantage compared to other patrons in a diocese.

The strong core to bishops' powers as patrons remained their ownership of numerous advowsons in their own dioceses and often in others. Advowsons meant rapid collations with few grounds for legal disputes. These were the benefices that most often

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<sup>62</sup> See Table One above, 47.

<sup>63</sup> Helmholz adds that English common law protected lay advowson holders for six months. Helmholz, *Canon Law and Ecclesiastical Jurisdiction*, 172, 480 (fn. 24).

<sup>64</sup> *Reg. Pontissara* i, 9-10: '...contulit dominus episcopus domino Johanni de Wynford capellano vicariam de Wytchurch vacantem et ad suam collacionem spectantem.'

<sup>65</sup> *Taxatio*: Whitchurch.

<sup>66</sup> See for instance Pontoise's grant of the custody of Beddington to William de Carlton, *Reg. Pontissara* i, 64.

benefitted episcopal clerks. It is difficult to determine from records of institution alone which advowsons a bishop held. Records of institution rarely name the bishop as the true patron or indicate that a collation was made by lapse, thereby distinguishing between two modes of ecclesiastical patronage.<sup>67</sup> A bishop might also acquire advowsons or donate them to religious communities or ecclesiastical establishments. In the endowment for Pontoise's St Elizabeth College in Winchester in 1301, the bishop appropriated his advowson to Hursley rectory to his new foundation.<sup>68</sup> In doing so the bishop surrendered his rights to the rectory. This makes it difficult to determine the exact number of advowsons each bishop held at a given moment. By cross-referencing records of institution with information for advowson holders included on the *Taxatio* database, a clearer picture emerges of episcopal rights of patronage in 1291.

The bishops of Winchester enjoyed possession of a substantial number of advowsons. A letter patent in Pontoise's register, drawn up on behalf of the prior of St Swithun's in July 1284, records that the bishops of Winchester held eighty-two advowsons to churches, vicarages, and chapels, abbasies, priories, hospitals and other religious places (*aliorum religiosorum locorum*).<sup>69</sup> Entries in the 1291 *Taxatio* confirm that the bishop of Winchester held eighty-two advowsons in Winchester diocese; he also held one advowson in Ely diocese, four in Lincoln, one in London, and at least six in Salisbury.<sup>70</sup> Winchester had a Benedictine cathedral priory with no canonries or prebends, but this large collection of benefices meant that Pontoise was in a strong position to support his clerks without lapses or custodies.

The bishops of Hereford were in a far less fortunate position than their peers in Winchester. In 1291, Swinfield held around forty-five advowsons to churches in Hereford diocese.<sup>71</sup> The majority, thirty, were canonries and prebends attached to Hereford cathedral, and even then the bishop had to seek capitular approval before he could collate a canonry and prebend.<sup>72</sup> This had significant consequences for the

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<sup>67</sup> The first and only occasion when a record in Pontoise's register indicated he collated by lapse was dated as late as 1303. *Reg. Pontissara* i, 159.

<sup>68</sup> *ibid.*, 136-38.

<sup>69</sup> *Reg. Pontissara* ii, 431-33.

<sup>70</sup> The bishop of Winchester held the advowson to Steeple Morden in Ely diocese; in Lincoln diocese his advowsons were to Adderbury, Ivinghoe, West Wycombe, and Witney; the bishop held the advowson to All Hallows the Less, London; the six identified advowsons in Salisbury diocese were to Brightwell, Buttermere, Downton, Fonthill Bishop, Ham, and Portland. *Reg. Pontissara* ii, 419-21; *Taxatio*.

<sup>71</sup> Swinfield held advowsons to Bosbury; Brinsop; Bromyard (three portions); Coddington; Colwall; Cradley; Eastnor; Eaton Bishop; Hampton Bishop; Ledbury; Little Hereford; Ross; Tugford; Ullingswick; Whitbourne. *Taxatio*.

<sup>72</sup> The bishops of Hereford retained advowsons to the churches that Bishop Robert the Lotharingian (1079-95) donated in order to support the cathedral's canons. J. Barrow, 'Athelstan to Aigueblanche,

number of churches that Swinfield could collate to his clerks, although as Swanson and David Lepine argue, convincingly, a canonry and prebend at any secular cathedral ‘was a highly desirable reward [for episcopal clerks] and a mark of status’.<sup>73</sup> Compared to Pontoise, Swinfield was in a much weaker position to offer benefices to his staff, which meant that custodies and lapses more important tools for the bishop of Hereford. Swinfield’s limited resources for clerical patronage add a new dimension to his policy against papal provisions and Crown intrusions.

The approach to clerical patronage in the remainder of this chapter derives from two theories. First is Althoff’s theory that trust between lord and man was developed through mutual co-operation over long periods of time and in particular through enfeoffment. A gift of land (*beneficium*) created trust owing to shared experiences of generosity; this trust was projected in the ritualistic display of giving homage.<sup>74</sup> Althoff examined bond-building among the early-medieval lay nobility of the Germanic diaspora but there is some potential to apply the same model to the ecclesiastical sphere of late thirteenth century England. McHardy goes as far as comparing institutions to the indentures used in the system of bastard feudalism. Indentures were a form of contract that bound men to future service to a lord.<sup>75</sup>

For the purpose of this chapter, institutions to benefices had a similar function to enfeoffments and indentures in the sense that each transaction could be construed as a display of largesse or as creating a bond. Bishops instituted (especially through collation) their clerks and each clerk, in turn, claimed revenues generated from temporalities (glebe land etc.) and spiritualities (tithes, mortuary dues etc.). By nature of the process, there was emphasis on the bishop facilitating the collation, and therefore creating a bond forged through the transfer of property rights from lord to man.

This basic understanding of the creation of bonds is reflected in the number of Pontoise’s and Swinfield’s institutions that benefitted their staff, and the value of the benefices that were collated to episcopal clerks. Pontoise instituted his clerks on thirty-nine occasions; this amounted to 32.8 per cent of all the institutions he made between 1282 and 1304. Swinfield instituted his clerks on sixty-four occasions (38.8 per cent of the total number of his institutions). This raises questions concerning the value of benefices made available to episcopal staff. The average value for Pontoise’s churches

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1056-1268’, in *Hereford Cathedral: a history*, G. Aylmer and J. Tiller (eds) (London, 2000), 21-47, at pp. 33-34.

<sup>73</sup> Swanson and Lepine, ‘The Later Middle Ages’, 54-55.

<sup>74</sup> Althoff, ‘Establishing Bonds’, 101-14.

<sup>75</sup> McHardy, ‘Some Patterns of Ecclesiastical Patronage’, 20-37, esp. pp. 28-29.

in Winchester diocese was between £22 and £27 per year, and for Swinfield in Hereford it was just over £10.<sup>76</sup> A similar disparity is found in the highest-valued benefices held by both bishops: Crondall and Yateley rectories, both held by Pontoise, were valued at £80 in 1291.<sup>77</sup> Swinfield's highest-valued church at Ross generated £40 revenue.<sup>78</sup> Alongside Crondall and Yateley, Pontoise held advowsons to four other churches (Cheriton, Hursley, Mapledurham, Overton) that were valued over £40.<sup>79</sup> Pontoise was in a favourable position to offer his clerks valuable livings relative to Swinfield. These disparities, along with the role that benefice-giving played in bishops' management of clerical carers, lay the foundations for a comparative study of the place clerical patronage had in network building in the diocese.

### **III. Swinfield's and Pontoise's households compared: towards building networks**

This section will investigate the types of bonds that Pontoise and Swinfield shared with their respective staffs, and which formed the basis for building networks. The analysis of historical networks is still emerging but Althoff's theories on the role of enfeoffment and shared bonds in building trust between lord and man, and in building networks, serve as an important foundation for this section. Using information in records of institution and memoranda in each register, such as toponymic names, terms of kinship or affinity, or descriptions of relationships between bishops and clerks, and extracting similar information from Swinfield's household roll and his will, this section will consider who the two bishops brought into their service and on what basis they did so. The aim is to identify patterns of career management in Pontoise's and Swinfield's households through an examination of their clerks, laying the foundation for an investigation of clerical patronage and network building in the next section.

Biographical information relating to Pontoise's and Swinfield's clerks reveals that each bishop surrounded himself with men with whom they shared a working past. Swinfield's clerks were primarily recruited from the west of England (Herefordshire, Gloucestershire, Shropshire, Worcestershire), a region in which he had spent much of

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<sup>76</sup> I compiled these data based on values given in the 1291 *Taxatio*.

<sup>77</sup> Pontoise also held the advowson to Farnham rectory, also valued at £80, but this was claimed by the archdeacon of Surrey and was not available to episcopal clerks, *Taxatio*: Crondall; Farnham; Yateley.

<sup>78</sup> *Taxatio*: Ross.

<sup>79</sup> *Taxatio*: Cheriton, Hurlsey, Mapledurham, Overton.



the formative stages of his career.<sup>80</sup> Swinfield's early household, in particular, was built around men with whom the new bishop had served during his time in Cantilupe's household. Roger de Gloucester, Cantilupe's official between 1280 and 1282, and Roger de Sevenoaks, his official in early 1280, each served Swinfield in some capacity until around 1290, at which point they left the household to take up roles as cathedral canons at Hereford.<sup>81</sup> Swinfield, then eight years into his episcopate, replaced them with new men, largely from his native Kent.<sup>82</sup> Two of Cantilupe's clerks, John de Kempsey and Nicholas de Oxford, also entered Swinfield's service, holding prominent roles for most of the bishop's career.<sup>83</sup> This pattern of recruitment agrees with Hoskin's argument concerning continuity of service in thirteenth-century Durham, although it is necessary to make some adjustments. Hoskin argues that continuity was more likely at Durham because the diocese was a palatinate and a liberty, requiring a dedicated legal staff to administer both the lay and ecclesiastical spheres. It made logical sense for incoming bishops to maintain that aspect of his predecessor's household.<sup>84</sup> Hereford diocese did not fit into this mould and yet here, too, we find marked continuity. It was Swinfield who served as a bridge between the old and new households, bringing in clerks with whom he had worked in the past, and in Cantilupe's former clerks, Swinfield possessed a strong administrative corps who knew the diocese and who could be put to work with little or no training. In this case, close working bonds were brought from one episcopal household to the next.

Pontoise, new to Winchester diocese in 1282, placed a different emphasis on recruitment compared to Swinfield. Pontoise still brought into his early household clerks with whom he had previously worked or served, but these were disconnected from Winchester and his predecessor's household. He instead brought into his service clerks from Exeter diocese where he had held an archdeaconry, and from Welwick in York diocese where he had held a benefice since the 1260s (but was largely absent).<sup>85</sup> Later in his episcopate, Pontoise did recruit clerks from Hampshire and Surrey to supplement those brought into the diocese in 1282.<sup>86</sup> But Pontoise did not turn to his predecessor's household to the same extent as Swinfield. Four of Nicholas de Ely's clerks entered Pontoise's household but their service did not last long, before they

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<sup>80</sup> Appendix One, 281-86.

<sup>81</sup> *Reg. Cantilupe*, lxix, lxx; Appendix One, 282, 285.

<sup>82</sup> Appendix One, 282, 285, 286.

<sup>83</sup> Appendix One, 283. For more on John de Kempsey, see below, 100-5.

<sup>84</sup> Hoskin, 'Continuing Service', 126, 136-38.

<sup>85</sup> Appendix One, 280-81.

<sup>86</sup> *ibid.*, 274-81.

entered the service of another lord (or in one case died).<sup>87</sup> Only John le Fleming, Ely's proctor at Rome, remained in Winchester for longer than the first five years of Pontoise's episcopate, and then only until 1291.<sup>88</sup> In that short period, Ely's former staff served in a minimal capacity and never assumed prominent positions in the household. Pontoise proved less willing to rely on the existing establishment, preferring instead to bring in his own men who had administrative experience. Familiarity remained a keystone in Pontoise's household but it was a connection between bishop and staff based on Pontoise's personal career experiences before 1282.

The composition of Pontoise's and Swinfield's households also demonstrate the role of kinship in network building. Kinship was one of the most fundamental bonds of political networks during the middle ages. Kinship gave grounds for trust between lords and certain members of their household.<sup>89</sup> Capes and Barrow describe Swinfield's favour towards his family as nepotism.<sup>90</sup> Evidence in Swinfield's register points in a different direction, to the use of kinsmen to develop stronger ties to Hereford diocese. Five members of the Swinfield family served the bishop in some capacity.<sup>91</sup> The bishop's brother, Stephen, was involved in estate management. His nephews, Gilbert and John, were no mere hangers-on. Both nephews were frequent witnesses to episcopal *acta*, and in 1283, Gilbert was one of the bishop's clerks who accompanied Swinfield on a visitation to Leominster priory.<sup>92</sup> Swinfield's wider family also settled in Hereford. Probate records made after Swinfield's death indicate that several individuals described as kinsfolk had Herefordshire toponyms.<sup>93</sup> Henry de Eastnor, a kinsman, was in the service of Swinfield's successor, Adam de Orleton, as late as 1340.<sup>94</sup> This suggests that Swinfield's kinsmen were firmly rooted into the local political and social landscape, affording the bishop strong connections with other local magnate and baronial families and a network that was embedded into the localities in his diocese.

Again, Pontoise's household could not be more different from Swinfield's with respect to kinship groups and local networks. The bishop of Winchester did employ one

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<sup>87</sup> *ibid.*

<sup>88</sup> *ibid.*, 276.

<sup>89</sup> Althoff, *Family, Friends, and Followers*, esp. pp. 23-64.

<sup>90</sup> Barrow, 'Athelstan to Aigueblanche', 21-47, esp. pp. 44-45.

<sup>91</sup> Appendix One, 285-86.

<sup>92</sup> *Reg. Swinfield*, 14-15.

<sup>93</sup> See, for instance, Isabelle de la Dean (niece), Henry de Eastnor (kinsman), Roger de Racy de Bosbury (blood relation, third degree), Juliana Short de Eastnor (blood relation, second degree), Juliana de Bosbury (blood relation). *Testamentary Records of the English and Welsh Episcopate, 1200-1413: wills, executors' accounts, and the probate process*, C.M. Woolgar (ed.) (CYS, 2011), 245, 247, 248, 249.

<sup>94</sup> HCA 1069.

possible kinsman, David de Pontoise, who had been with John de Pontoise in Rome in 1282.<sup>95</sup> David served in the household until around 1285 when Pontoise commissioned him to be his proctor in France. No other evidence survives to suggest Pontoise had more kinsmen in his household, just as little evidence survives indicating that members of local magnate or baronial families served the bishop. Philip de Hoyville, the bishop's steward and a knight originating in Oxford, did serve as sheriff of Hampshire, under the king's patronage, while remaining in Pontoise's service.<sup>96</sup> But on the whole, Pontoise did not create a network that tapped into established local networks, lay, familial, and diocesan, as did Swinfield. This would suggest that Pontoise's government was shaped by his reliance on strong bonds between bishop and clerks, bringing to the fore his construction of clerical networks through ecclesiastical patronage.

The evidence presented in this section suggests that personal preference, or personal bonds between bishops and clerks, were essential to the formation of Pontoise's and Swinfield's households. This in turn led to two distinct recruitment patterns. The bishop who was most familiar with his diocese, Swinfield, was most able to tap into established administrative and political networks and drew on a ready pool of locally-based administrators prepared to continue their service to a new bishop, supplementing these with a strong core formed by his own kinsmen and clerks from his native region. Pontoise was new to his diocese, was disconnected from local society, and brought staff with him to Winchester who were experienced lawyers and administrators. To that end, it would seem that there was a great degree of personal choice in the two bishops' recruitment to their households.

#### **IV. Ecclesiastical patronage, the bonds between bishop and his clerics, and the role of networks in diocesan government**

This section will investigate how each bishop managed the careers of certain clerks in order to form networks, and how they used those networks in diocese governance. The survival rate of records that give insight into the careers of episcopal clerks is low, and this has caused scholarship to tend towards institutional histories.<sup>97</sup> It is only recently

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<sup>95</sup> Appendix One, 279.

<sup>96</sup> *ibid.*, 277.

<sup>97</sup> Hoskin, 'Authors of Bureaucracy', 61-78; E. Rutledge, 'Lawyers and Administrators: the clerks of late-thirteenth century Norwich' in C. Harper-Bill (ed.), *Medieval East Anglia* (Woodbridge, 2005), 83-98; Thomas, *Secular Clergy*, 119-39.

that historians have begun to research the work and careers of diocesan clerks, using, in particular, material in bishops' registers and other diocesan records, such as episcopal *acta*. Burger turns attention to a lesser-considered aspect of episcopacy and diocesan administration, leadership. Burger convincingly argues that effective diocesan governance in the thirteenth century was dependent upon bishops' abilities to hold their clerks to a particular behavioural standard, namely through giving rewards or meting out punishments.<sup>98</sup> This section builds on this research and turns to another aspect of leadership, namely the bishops' management of clerical careers. It will examine records of institution in order to consider the use of benefice-giving in Pontoise's and Swinfield's construction of networks, and it will examine the *Taxatio* to consider the financial aspect of career management. It will also draw on episcopal memoranda, especially commissions and mandates, and correspondence in each register in order to investigate the type of work and responsibilities each bishop gave to specific clerks. The aim is to demonstrate the extent that diocesan administration in Hereford and Winchester was dependent upon, and shaped by, human interactions. The section takes two case studies: John de Kempsey in Swinfield's service and several clerks with the toponymic Maidstone in Pontoise's service.

### **Swinfield and John de Kempsey**

John de Kempsey was the accountant responsible for producing and keeping Swinfield's household rolls and this prominent role has attracted interest from a range of scholars, from John Webb, the editor of the rolls, to Edwards who briefly explored John's time as a canon at Hereford cathedral.<sup>99</sup> Burger highlights the rewards Swinfield gave to John as a means of repaying the clerk for his service, and for securing future service.<sup>100</sup> This section examines the role of such rewards in Swinfield's management of John's career, especially how the bishop raised John through the ranks of household staff. It considers the role of patronage in the construction of bonds between bishop and clerk, and in building trust. It then moves on to compare John's development to other staff in the household before considering the implications of Swinfield's patronage policy for the local political arena.

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<sup>98</sup> Burger, *Bishops, Clerks, Diocesan Governance*.

<sup>99</sup> Edwards, *Secular Cathedrals*, 90; Webb, 'Introduction', *Swinfield's Household Roll*, x.

<sup>100</sup> Burger, *Bishops, Clerks, Diocesan Governance*, 111, 113, 121, 125.

John's ties to Hereford diocese pre-date his entry into Swinfield's service in 1283; his career provides a fitting example of a clerk in continuing service. John's surname, de Kempsey, suggests he originated in the Worcestershire town of the same name.<sup>101</sup> Kempsey was situated in the diocese of Worcester, where Thomas de Cantilupe spent several of his formative years under the tutelage of the bishop, his uncle, Walter de Cantilupe (1237-66).<sup>102</sup> It is possible that John met Cantilupe during this period, since the former is found in Cantilupe's service in 1275.<sup>103</sup> John's role in the Cantilupe regime is unclear, but, in 1282, he was in Cantilupe's retinue alongside Swinfield during the bishop's exile in Italy in May 1282.<sup>104</sup> And he was provided for in Cantilupe's will: John received twenty marks (£13 6s 8d), a black cloak (with two hoods), and a winter robe.<sup>105</sup> It was a substantial bequest. As a point of comparison, Robert de Gloucester, Cantilupe's official and closest ally, also received twenty marks, along with a piece of white cloth, a robe with fur, and a horse.<sup>106</sup> This would appear to be evidence of John's close personal service with Cantilupe, even if the extent of that relationship is unclear. The record of Cantilupe's patronage of John during his episcopate is, however, patchy. John's institution to Mitcheldean in 1280 came at the presentation of the advowson holder, Henry de Dean.<sup>107</sup> It is unclear from Cantilupe's register whether the bishop was the architect of John's institution, or whether John was forced to look elsewhere for a sponsor. Either way, before 1283 John's income from benefices was low despite his long service to Cantilupe.

John's service to Swinfield, which likely started in early 1283, was more profitable for the clerk, demonstrated by the number and value of benefices the clerk received. Table Three shows all the benefices John received during his time in Swinfield's service. John's first benefice, Eastnor, was low value.<sup>108</sup> John's move from Eastnor to Colwall equated to an increase in his income by at least £4 6s 8d.<sup>109</sup> More

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<sup>101</sup> John's endowment of a chantry at Kempsey rectory in 1316 seems to confirm his origins. *A History of the County of Worcester, volume 3*, J.W. Willis-Bund (ed.) (London, 1913), 436-37.

<sup>102</sup> Carpenter, 'St Thomas Cantilupe: his political career' in Jancey (ed.), *St Thomas Cantilupe*, 57-72, esp. pp. 60-61.

<sup>103</sup> *Reg. Cantilupe*, 16.

<sup>104</sup> HCA R745A (Cantilupe's itinerary); *Reg. Swinfield*, 117, 197; R.C. Finucane, 'The Cantilupe-Pecham Controversy' in Jancey (ed.), *St Thomas Cantilupe*, 103-123, at p. 115.

<sup>105</sup> HCA 1414.

<sup>106</sup> HCA 1414; For this episode, see Douie, *Pecham*, 194-223; Finucane, 'The Cantilupe-Pecham Controversy', 103-123, esp. pp. 104, 120.

<sup>107</sup> *Taxatio*: Mitcheldean.

<sup>108</sup> There is no record of John's institution to Eastnor but Swinfield instituted John de Bitterley to Mitcheldean on 23 April 1283, suggesting John received the benefice after Swinfield's consecration in March 1283. *Reg. Swinfield*, 15, 524; *Taxatio*: Eastnor.

<sup>109</sup> *Taxatio*: Colwall

benefices followed. In the record of a court settlement in Swinfield's register, dated July 1290, John was referred to as the rector of Hampton Bishop.<sup>110</sup> There is no institution record for John's 1290 collation, nor is there any record that he surrendered Colwall.<sup>111</sup> This raises the possibility that he held the two benefices in plurality. If that was the case, John had an income in excess of £16 13s 4d in 1290.<sup>112</sup> He later moved to Ross-on-Wye, Swinfield's most lucrative benefice, marking a further increase in income even if he surrendered Colwall and Hampton Bishop.<sup>113</sup> John then received two cathedral prebends: first Moreton parva in 1302, before moving to Barton-in-Colwall in 1303.<sup>114</sup> Under the canon law, John could hold his prebends in conjunction with Ross, raising his income to a minimum £53 6s 8d after 1303.<sup>115</sup> Finally, John received the cathedral treasurership at Hereford, cementing his place in the ecclesiastical hierarchy in the diocese.<sup>116</sup> Records in Swinfield's register capture John's progress through a series of benefices, cathedral prebends, and eventually a cathedral dignity, each of which brought the clerk increasing income and, eventually status.

**Table Three.** Table showing the benefices to which Swinfield instituted John de Kempsey while in the bishop's service between 1283 and 1317.

Date	Benefice	Value (acc. to <i>Taxatio</i> )
c. March 1283	Eastnor	£5 13s 4d
10 October	Colwall	£10
Late 1289	Hampton Bishop	£6 13s 4d
25 July 1295	Ross	£40
27 September 1302	Moreton parva prebend	£1
8 November 1303	Barton-in-Colwall prebend	£13 6s 8d
6 April 1308	Treasurership	£26 (min.)

There is some evidence to suggest that Swinfield was the architect of John's career advancement, or at least had some hand in it. First and foremost, the bishop owned the advowson to every benefice John held, including the two prebends and the

<sup>110</sup> *Reg. Swinfield*, 240.

<sup>111</sup> It is probable that Swinfield collated Hampton Bishop to John after August 1289. On 20 December 1288, Swinfield collated the rectory to Thomas de la Dean and Thomas still held the rectory in February 1289. On 7 August 1289, William de Morton was identified as the rector of Hampton Bishop in a witness list. *Reg. Swinfield*, 213; 527.

<sup>112</sup> Hampton Bishop was valued at £6 13 4d. *Taxatio*: Hampton Bishop.

<sup>113</sup> *Reg. Swinfield*, 530; *Taxatio*: Ross.

<sup>114</sup> *Reg. Swinfield*, 534, 535; *Fasti Ecclesiae 1300-1541*: ii, Hereford, 18, 35.

<sup>115</sup> *Taxatio*: Barton-in-Colwall; Moreton parva.

<sup>116</sup> *Reg. Swinfield*, 538; *Fasti Ecclesiae 1300-1541*: ii, Hereford, 10-11.

treasurership.<sup>117</sup> This facilitated Swinfield's patronage of his clerk, affording the bishop the ability to offer John the opportunity to move between benefices of increasing value. There is a possibility that John exchanged his benefices with another of Swinfield's clerks. McHardy identifies a culture in late medieval England, especially after the fourteenth century, in which clerics exchanged their benefices with each other in a bid to obtain more lucrative properties.<sup>118</sup> This practice did occur in Hereford in the early fourteenth century on three occasions (each on the same day).<sup>119</sup> But there is no evidence to suggest that John received his benefices from any other source than Swinfield.

Gradual increments in income and status represented largesse on the part of the patron (Swinfield) but they were not without labours on the part of the client (John). Swinfield's register, his household rolls, and the record of the Hereford chapter record John's active service in the diocese between 1283 and 1317.<sup>120</sup> The items in Swinfield's register give no indication of John's responsibilities. John appeared as a witness to a broad range of episcopal *acta*, from visitation memoranda, to tithe settlements, to estate business, to episcopal appeals to the papal curia.<sup>121</sup> As a point of contrast, William de Mortimer, the bishop's seneschal, predominantly appeared as witness to *acta* concerning the bishop's estate, demonstrating his specialism in temporal administration.<sup>122</sup> John, on the other hand, was ever-present by Swinfield's side, and was involved in a greater range of episcopal business. John's financial responsibilities are made clearer by the household roll. The roll opens with a statement that it was made by 'the hand of John de Kempsey', John's personal declaration of responsibility over household expenses.<sup>123</sup> A June 1314 receipt for £20 owed to the bishop by the chapter described John as a *numerans*, a rare term for an accountant.<sup>124</sup> The 1289-90 household roll and 1314 receipt shed light on John's rise from comptroller of the bishop's wardrobe (household expenses) to his role as comptroller of Swinfield's finances. This rise is also reflected in other records. Witness lists ranked John first among the bishop's clerks and chaplains after 1291 (only cathedral dignitaries, canons, the archdeacon, and

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<sup>117</sup> *Taxatio*: Barton(-in-Colwall); Colwall; Eastnor; Hampton Bishop; Morden; Ross.

<sup>118</sup> McHardy, 'Some Patterns of Ecclesiastical Patronage', 22, 31-32.

<sup>119</sup> *Reg. Swinfield*, 541.

<sup>120</sup> Appendix One, 283.

<sup>121</sup> *Reg. Swinfield*, 97, 112, 128, 182, 223, 226, 238, 240, 276.

<sup>122</sup> Appendix One, 283.

<sup>123</sup> *Swinfield's Household Roll*, 3.

<sup>124</sup> HCA 1049. See also *Reg. Swinfield*, 484.

the official ranked higher, each by virtue of their office).<sup>125</sup> After 1302, John's rank changed when Swinfield collated him to a canonry and again in 1308 in light of his gaining the treasurership. Swinfield's patronage of John was proportional to the clerk's duties and responsibilities in the diocese. As John's career advanced, Swinfield ensured this was matched by increasing wealth and status.

There was more to Swinfield's management of John's career than the accumulation of wealth or the rise through ecclesiastical ranks. Althoff argued that the gift of land from lord to man built trust between the two. The transaction in Althoff's model was simple: land for services. Swinfield and John had a long working relationship and John had control over the bishop's finances. John's position was one of great responsibility, especially considering the bishop of Hereford had a limited number of resources. But in May 1309, Swinfield exempted John from rendering his accounts before a judicial review.<sup>126</sup> The process of rendering accounts was commonplace after the late twelfth century. It derived from manorial administration where lords developed checks on their bailiffs to ensure there were no financial irregularities, thereby holding the bailiff accountable for his work.<sup>127</sup> An item on Swinfield's household roll records that John and Nicholas de Reigate, brothers and also associates of John de Kempsey, rendered their accounts before the bishop.<sup>128</sup> John's exemption removed all need for checks and balances. Burger stresses that the exemption was an act of favour from bishop to clerk, a reward for good service.<sup>129</sup> This is fundamentally the case. But there is, perhaps, also a deeper meaning to the act. In the exemption notice, Swinfield stressed how John 'has laboured bodily and faithfully served with us...almost from the time of our consecration'.<sup>130</sup> Swinfield employed similar language in a land grant made to John in 1313. Swinfield gifted John a messuage, with land and appurtenances, for an annual rent of one mark (13s 4d). The bishop made the grant in recognition of '[John's] homage and service'.<sup>131</sup> Swinfield made it clear the two men were bound to serve each

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<sup>125</sup> *Reg. Swinfield*, 279, 282, 338, 377, 380, 381-82.

<sup>126</sup> *ibid.*, 475-76.

<sup>127</sup> J. Sabapathy, *Officers and Accountability in Medieval England, 1170-1300* (Oxford, 2014), esp. pp. 25-82.

<sup>128</sup> *Swinfield's Household Roll*, 161-62.

<sup>129</sup> Burger, *Bishops, Clerks, Diocesan Governance*, 111.

<sup>130</sup> *Reg. Swinfield*, 475: 'in recepcione et dispensacione totius pecunie nostre fere a tempore nostre consecracionis, nobis pro viribus labriose et fideliter deservivt...'

<sup>131</sup> *ibid.*, 487: 'Universis, etc., Ricardus, etc. Noveritis nos dedisse, concessisse, et hac presenti carta nostra confirmasse dilecto nobis in Christo, domino Johanni de Kemeseye, thesaurario Herefordensi, pro homagio et servicio suo totam terram quam aliquando tenuit de predecessoribus nostris, episcopis Herefordensibus, Gilbertus Barri in Colewelle, cum mesuagio, edificiis, et omnibus aliis ad dictam terram pertinentibus, boscis, pratis, pascuis, viis, semitis, et omnibus aliis aisiamentis, habendam et tenendam sibi et heredibus suis et suis assignatis libere, quiete, et pacifice, et hereditarie in perpetuum, reddendo



other: the bishop's patronage was everything he could do for John's work in the diocese. The exemption and the land grant were an expression of trust, and loyalty, between lord and man.

This sense of trust and loyalty is demonstrated in John's continuing service to Swinfield even after the clerk was made a canon of Hereford cathedral. Hereford's mass pence rolls record the amount of time dignitaries and canonries spent at the cathedral. Between 1302 and 1317, John attended only one hundred and twenty-one masses. From 1308 to 1317, the number was as low as seven.<sup>132</sup> During this same period (1302-17), John appears in thirteen witness lists attached to memoranda in Swinfield's register; five of those appearances were made between 1308 and 1317.<sup>133</sup> On the basis of this evidence, it would seem that John's presence in Swinfield's close circle remained similar to how it was before he received a canonry. John's service to the bishop took greater priority than his work at the cathedral; he remained, for all intents and purposes, Swinfield's man. John's exemption was a considerable privilege. It confirmed his status as one of the bishop's principal clerks in Hereford diocese and it was the product of Swinfield's efforts to create a trustworthy agent loyal to his regime.

John de Kempsey's career is one of the better recorded among Swinfield's staff but there are other examples of what might be called proportional patronage. Nicholas de Reigate's and Hamo de Sandwich's careers offer comparisons (see Table Four below). Nicholas was, like John de Kempsey, an accountant and first appeared in Swinfield's service in February 1285.<sup>134</sup> On that occasion, Nicholas was given custody of Coreley rectory but in June 1286, Swinfield collated Coddington to the clerk, thereby giving Nicholas a more permanent benefice despite a reduced income.<sup>135</sup> Swinfield then gave Nicholas custody of Byford, which the clerk held for three years alongside Coddington, increasing his income to £12 per annum.<sup>136</sup> On 21 February 1299, the true patron, the prior of Brecon, presented Nicholas to Byford for permanent institution.<sup>137</sup> In the same year, Swinfield collated a prebendal portion at Bromyard to Nicholas to be held alongside Byford (but resigning Coddington), bringing Nicholas combined

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inde annuatim nobis et successoribus nostris unam marcam, et faciende servicium inde debitum et consuetum'.

<sup>132</sup> HCA R390 to R407.

<sup>133</sup> *Reg. Swinfield*, 389, 392, 395, 418, 419, 423, 431, 439, 443, 461, 505, 509, 512.

<sup>134</sup> *ibid.*, 525.

<sup>135</sup> *Reg. Swinfield*, 526; *Taxatio*: Coddington; Coreley.

<sup>136</sup> *Reg. Swinfield*, 530, 531; *Taxatio*: Byford.

<sup>137</sup> *Reg. Swinfield*, 531; *Taxatio*: Byford.

revenues of £24.<sup>138</sup> Further career advancement followed. Swinfield collated Wellington prebend to Nicholas in 1303, and then the cathedral treasurership a year later.<sup>139</sup>

Nicholas continued his accountancy work for the duration of his time in Swinfield's service.<sup>140</sup> Again, it was Swinfield who largely engineered Nicholas' advancement, securing wealth and status for his clerk.

<b>Table Four.</b> Table showing the benefices to which Swinfield instituted Nicholas de Reigate and Hamo de Sandwich during their service to the bishop.		
<b>Date</b>	<b>Benefice</b>	<b>Value (acc. to <i>Taxatio</i>)</b>
<b>Nicholas de Reigate</b>		
February 1285	Coreley	£6
October 1285	Coddington	£4
August 1296	Byford	£8
August 1299	Bromyard (portion)	£16 13s 4d
June 1303	Wellington prebend	£16 13s 4d
March 1304	Treasurership	£26
<b>Hamo de Sandwich</b>		
March 1299	Turnastone	Unvalued
November 1300	Stretton	£6 13s 4d
September 1306	Whitbourne	£6
February 1310	Moreton and Whaddon prebend	£13 13s 4d

Hamo de Sandwich's career followed a similar trajectory (Table Four).<sup>141</sup> From his name Hamo appears to have hailed from Swinfield's native Kent and he had entered the bishop's service by 1296.<sup>142</sup> After four years' service, Swinfield collated the low-value rectory at Turnastone to Hamo but, only a year later, the bishop collated Stretton to his clerk, providing Hamo with a more substantial income.<sup>143</sup> In September 1306, Swinfield collated Whitbourne to Hamo, which the clerk held together with Stretton for at least three months.<sup>144</sup> The bishop then collated a canonry and prebend, Moreton and Whaddon, to Hamo on 20 February 1311, cementing the clerk's place in the cathedral chapter.<sup>145</sup> Hamo was in frequent attendance on Swinfield after 1300, often alongside John de Kempsey,<sup>146</sup> although it is difficult to determine Hamo's exact role. The bishop managed his clerk's career to the extent of moving him between benefices of greater

<sup>138</sup> *Reg. Swinfield*, 531; *Taxatio*: Bromyard.

<sup>139</sup> *Reg. Swinfield*, 534, 535; *Fasti Ecclesiae 1300-1541*: ii, Hereford, 10.

<sup>140</sup> Appendix One, 284.

<sup>141</sup> *ibid.*, 285.

<sup>142</sup> *Reg. Swinfield*, 338.

<sup>143</sup> *Reg. Swinfield*, 531, 532; *Taxatio*: Stretton; Turnastone.

<sup>144</sup> Swinfield instituted Nicholas de Rock to Stretton on 19 December 1306. *Reg. Swinfield*, 537; *Taxatio*: Whitbourne.

<sup>145</sup> *Reg. Swinfield*, 540; 541; *Fasti Ecclesiae 1300-1541*: ii, Hereford, 31; *Taxatio*: Putson major; Moreton and Whaddon

<sup>146</sup> *Reg. Swinfield*, 380; 381; 395; 439; 476; 485.

value, before collating a canonry at Hereford cathedral to them. Swinfield cultivated John's, Nicholas', and Hamo's careers over a long-term of service, ensuring his clerks received greater wealth, and eventually status, the longer they remained in the household.

One last piece of evidence demonstrates that Swinfield provided his staff with benefices in recognition of their long, energetic service rather than in expectation of further service. Swinfield expressed this aspect of his policy to Walter Reynolds, bishop of Worcester (1308-13). On 7 February 1313, Reynolds wrote to Swinfield to request that the bishop of Hereford collate the next vacant prebend at Hereford cathedral to the archdeacon of Gloucester.<sup>147</sup> Four days later, Swinfield replied that he was unable to perform the collation because his official, Adam Carbonel, had greater claim to the prebend because 'he had, for many years, faithfully and efficiently laboured our business and other matters touching our church'.<sup>148</sup> The bishop collated Hinton prebend to Adam Carbonel on 13 February 1313, thereby securing his official's place in the cathedral chapter.<sup>149</sup> Swinfield had given the same reason to Edward I for rejecting Peter de Savoy's claims to a prebend at Hereford in 1290.<sup>150</sup> On both occasions, Swinfield expressed his need to repay faithful service and high productivity with career advancement.

There were some notable exceptions to this pattern of proportional patronage, foremost among them William de Kingscote. William was already beneficed in Hereford diocese before entering Swinfield's service. In 1289, while still serving as chancellor of Oxford, Swinfield instituted William to Westbury-in-Forest rectory (£53 6s 8d); Nicholas de Bath, knight and advowson holder, made the presentation.<sup>151</sup> The first record of William's service to Swinfield dates from 8 January 1291, where he was named as the bishop's official.<sup>152</sup> Two years later, Swinfield collated an unnamed

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<sup>147</sup> The archdeacon was named William de Birstone (1308-17). *Reg. Swinfield*, 482-83; *Fasti Ecclesiae 1300-1541*: iv, Monastic cathedrals (Southern province), 60.

<sup>148</sup> *Reg. Swinfield*, 483: 'Quia prebendam unam in nostra Herefordensi ecclesia magistro Ade, officiali nostro, qui jam multis annis circa jura et negocia nos et ecclesiam nostram tangencia multipliciter, fideliter, et utiliter laboravit, dudum contulimus intuitu caritatis, a cujus possessione et jure cecidit per fraudem seu dolum cujusdam procuratoris sui in curia summi pontificis, indecorum et indecens, immo quasi ingratitude viciu sapere videretur, si nacta oportunitate ipsum in statum pristinum revocare nollemus, quam cicius se offerret facultas, presertim cum ipsum sciencia, mores, et merita recommendent'.

<sup>149</sup> Adam did not hold the prebend for long and, in November 1313, Swinfield collated Hinton to Stephen de Thanet, an associate of Hamo de Sandwich. The *Fasti Ecclesiae* does not include Adam's time at Hinton. *Reg. Swinfield*, 542.

<sup>150</sup> Chapter One, 53-56.

<sup>151</sup> *Reg. Swinfield*, 528; *Taxatio*: Westbury.

<sup>152</sup> HCA 769; *Reg. Swinfield*, 249.

cathedral prebend, likely Pratum minus, to William.<sup>153</sup> The revenue at Pratum Minus was six pence, indicating that Swinfield prioritised collation of a canonry over the offer of a lucrative prebend.<sup>154</sup> In May 1303, Swinfield collated Preston prebend (£10) to William, which he held until his death in April 1311.<sup>155</sup> William's transition from household to chapter was rapid compared to other episcopal agents. But there were extenuating circumstances that shaped Swinfield's patronage of William's career. Swinfield could not match the £53 6s 8d revenue at Westbury-in-Forest with any benefice in his patronage and as a former chancellor of Oxford, a canonry befitted William's ecclesiastical rank. William also brought a great deal to the bishop's household. He was an experienced administrator and a doctor of canon law, an area of training that suited the bishop's official and was reflected in his rapid appointment to that office. William was also well connected: he held a canonry at Wells from c.1298 and another in Exeter in c.1308 before becoming dean of Exeter cathedral in 1309.<sup>156</sup> William was tapped into a network of higher clerics situated in the west and southwest of England that extended beyond Swinfield's own connections in the region. Swinfield adopted a different patronage policy for William de Kingscote in recognition of William's status and value to the household.

Swinfield also used other forms of patronage to attract talented clerks to his household. He issued licences permitting the recipient to be absent from his rectory in order to pursue a university education. Swinfield extended this right to Gilbert de Chevening, vicar of Lydney, on 28 February 1289, who served Swinfield from 1283 onwards.<sup>157</sup> Finucane identifies Gilbert as the bishop's almoner and, between 1287 and 1307, as the curator of the shrine of Thomas de Cantilupe at Hereford cathedral.<sup>158</sup> The bishop instituted Gilbert to Lydney at the presentation of Hereford's dean and chapter on 3 October 1287.<sup>159</sup> Swinfield followed this by licensing Gilbert to pursue his studies at Oxford.<sup>160</sup> The institution had provided Gilbert with two years' experience as vicar in a parish before his studies began. Gilbert returned to Swinfield's service by 1291 and

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<sup>153</sup> Swinfield collated the prebend vacated by Richard de Hertford to William. Richard held Pratum minus before the bishop collated Warham to him. *Reg. Swinfield*, 529; *Fasti Ecclesiae 1066-1300*: viii, Hereford, 55.

<sup>154</sup> *Taxatio*: Pratum minus.

<sup>155</sup> *Fasti Ecclesiae 1300-1541*, ii Hereford, 44; *Taxatio*: Preston on Wye.

<sup>156</sup> *Fasti Ecclesiae 1066-1300*: vii, Bath & Wells, 56; *Fasti Ecclesiae 1300-1541*: ix, Exeter, 4, 24.

<sup>157</sup> *Reg. Swinfield*, 15.

<sup>158</sup> Finucane, 'The Cantilupe-Pecham Controversy', 122 and 'Cantilupe as Thaumaturge: pilgrims and their miracles', 137-44 at p. 138.

<sup>159</sup> *Reg. Swinfield*, 526.

<sup>160</sup> *ibid.*, 212.

remained in the diocese for the remainder of his career.<sup>161</sup> Swinfield instituted his agent to Much Marcle (£36 13s 4d) at the presentation of the abbot of Lyre; since Gilbert had no connection to the abbey, it is likely that Swinfield engineered the institution.<sup>162</sup> This was a matter of careful career management. Gilbert fulfilled two essential roles in the bishop's service. The first, as almoner, gave Gilbert responsibility for the bishop's charitable donations; the second, as custodian of Cantilupe's tomb, placed Gilbert in a central role in the bid to secure Cantilupe's canonization. The 1291 licence to study was a means for Swinfield to help Gilbert develop and to court his interests in Hereford diocese.

Ecclesiastical patronage played a central role in Swinfield's capacity to manage the careers of his agents. The bishop bestowed benefices with increasingly greater revenues on his agents the longer they served and the more essential they became to his regime. In the most important cases, this patronage was followed by collation of a canonry at Hereford cathedral to the clerk. Labour and loyalty was matched with income and status. In the case of William de Kingscote, Swinfield used his patronage to court a valuable client. Swinfield forged strong bonds between himself and his clerks through ecclesiastical patronage, building trust being patron and client, best shown in the case of John de Kempsey. Swinfield was careful to offer career advancement where he saw fit and, in turn, developed a loyal corps of administrators. Using records of institution and memoranda in Swinfield's register, it is possible to see the basic form of the bishop's administrative network in Hereford diocese.

### **Swinfield and Hereford cathedral chapter: the household as political machine**

This sub-section will investigate how Swinfield used his network to navigate, and control, the local political arena in Hereford, with focus on the relationship between bishop and cathedral chapter between 1283 and 1317. Relations between these two bodies, bishop and chapter, has drawn significant attention from historians. Burger marks the thirteenth century as an age of tension in most bishop-chapter relationships.<sup>163</sup> Particular focus has been given to frequent conflicts between the two bodies in dioceses across Europe; the conflicts usually stemmed from opposing claims to jurisdiction

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<sup>161</sup> *ibid.*, 256.

<sup>162</sup> *Reg. Swinfield.*, 534; *Taxatio*: Much Marcle.

<sup>163</sup> Burger, *Bishops, Clerks, Diocesan Governance*, 5-7.

(often in the cathedral city), properties, or even liturgical roles at the cathedral.<sup>164</sup> Less attention is given to bishops' attempts to create connections with cathedral chapters, and to assert some measure of control over them. This sub-section uses records in Swinfield's register concerning his relations with the chapter, along with records kept by the chapter, to explore how the bishop used powers of patronage at Hereford cathedral to extend his network into the cathedral, and to augment his authority in the diocese.

Hereford diocese was comparable to others in its history of conflict between bishop and chapter, including during Swinfield's episcopate. Conflict arose between 1275 and 1282 when Cantilupe attempted to prosecute absentee cathedral canons and deprive them of their canonries. Cantilupe's policy came to nought.<sup>165</sup> Further tensions erupted after 1283. Over the course of the thirteenth and fourteenth centuries, local parish clerics and parishioners challenged Hereford dean and chapter's monopoly over burial rights in the city. It was agitation from local gentry families, Forrest argues, that ended that monopoly, although Swinfield's intervention in 1283 and 1289 advanced the parishioners' cause against the chapter.<sup>166</sup> In both cases, the bishop of Hereford intervened in the affairs of the chapter, causing rifts between them.

One solution for ending such strife available to Swinfield was to bring bishop and chapter into closer alignment by using his powers of patronage over cathedral canonries and prebends, a policy this section closely considers. This includes a re-examination of Swinfield's patronage policy towards his kinsmen. Like Aigueblanche before him, Swinfield collated dignities and canonries at Hereford cathedral to several kinsmen; Barrow compared the two bishops' policies and concluded both were prone to nepotism.<sup>167</sup> However, re-thinking patronage of kinsfolk as a conscious effort by a lord to consolidate his own position, rather than casting this patronage as nepotism and as such an act of greed or abuse of power, opens up new avenues for the study of Swinfield's relationship with his chapter. Kinship served as one of the strongest bonds employed to hold together a political network and lords throughout the medieval period,

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<sup>164</sup> See Crosby, *Bishop and Chapter*; Edwards, *Secular Cathedrals*; Hoskin, 'Diocesan Politics in Worcester', 422-40; D. Williams, 'Trouble in the cathedral close: Archbishop Boniface's 1259 visitation of the priory of Christ Church, Canterbury' in J. Backhouse (ed.), *The Medieval English Cathedral: papers in honour of Pamela Tudor-Craig* (Donington, 2003), 15-22.

<sup>165</sup> Smith, 'Cantilupe's register', 91-92.

<sup>166</sup> Forrest, 'The Politics of Burial', 1118-21.

<sup>167</sup> Barrow, 'Athelstan to Aigueblanche', 46.

including bishops, recognized this quality.<sup>168</sup> Swinfield's patronage policy followed a similar principle. The bishop began his episcopate by collating Woolhope prebend to Gilbert de Swinfield, his nephew, in September 1283, and, later, a second nephew, John de Swinfield, received Withington parva in August 1285.<sup>169</sup> Gilbert's and John's movement into the chapter was more rapid than for most of Swinfield's other clerks. Collations of dignities also soon followed. Gilbert received the chancellorship in January 1287, and the bishop collated the treasurership to John in March 1293, followed by the precentorship in September 1294.<sup>170</sup> The two nephews also served Swinfield in matters of diocesan administration and estate management. Gilbert witnessed nine *acta* between 1283 and 1299, eight as a canon or as a chancellor.<sup>171</sup> John witnessed ten *acta* as a canon or treasurer from 1285 to 1304, seven alongside Gilbert.<sup>172</sup> Gilbert also received expenses from Swinfield's household. Swinfield financed Gilbert's education in 1289 to 1290 to the sum of £3 3s 4d and he received various expenses over the year.<sup>173</sup> In contrast to other household members, the two nephews also spent a great deal of time at the cathedral. From Michaelmas 1297 to Michaelmas 1298, Gilbert attended two hundred and forty-three masses and John attended two hundred and twenty six.<sup>174</sup> Swinfield's nephews formed an immediate and lasting bridge between chapter and household. Gilbert and John's presence in the chapter gave Swinfield close allies inside his greatest ecclesiastical rival in the diocese, the same rival with whom he had disputed in 1283 and 1289 over the burial issue.

Swinfield's kinsmen were not the only episcopal agents for whom the bishop secured a place in the chapter. An integral component of Swinfield's proportional patronage policy for his long-serving, loyal agents was collation of a cathedral canonry and, on occasion, of a dignity. Between 1283 and 1317, Swinfield collated canonries to twenty-four of his clerks. That number included at least five bishop's officials: Roger de Sevenoaks received the cathedral treasurership and Inkberrow prebend in 1294;<sup>175</sup>

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<sup>168</sup> Althoff, *Family, Friends, and Followers*, 23-64; Coss, 'An age of deference', 46-50; M. Hicks, 'Cement or Solvent? Kinship and Politics in Late Medieval England: the case of the Nevilles', *History* 83 (1998), 31-46.

<sup>169</sup> Swinfield collated Woolhope to Gilbert in September 1283, and John received an unnamed prebend in August 1285. *Reg. Swinfield*, 524, 525; *Fasti Ecclesiae 1066-1300*: ii, Hereford, 60.

<sup>170</sup> *Reg. Swinfield*, 526, 529; *Fasti Ecclesiae 1066-1300*, ii, Hereford, 16, 20, 23.

<sup>171</sup> HCA 1067; *Reg. Swinfield*, 15 (before collation); 95, 97, 112, 115 (as canon); 154, 182, 240 (as chancellor).

<sup>172</sup> HCA 1067; *Reg. Swinfield*, 95, 97, 112, 154, 175, 182, 223, 226, 299.

<sup>173</sup> Swinfield also paid 19s 1d for Gilbert's winter robes before his nephew travelled overseas to study. *Swinfield's Household Roll*, 118-19, 119, 120, 130, 131.

<sup>174</sup> HCA R389.

<sup>175</sup> *Reg. Swinfield*, 525, 526, 527, 529; *Fasti Ecclesiae 1066-1300*: viii, Hereford, 23.

William de Kingscote soon after William began his role as official; William de Caple in 1303; Adam Carbonel in 1313; and Richard de Hamnish in 1316.<sup>176</sup> Each man continued to serve as official after his collation. Members of Swinfield's close circle also made the transition from household to chapter. That number included John de Kempsey, Nicholas de Reigate, and Hamo de Sandwich.<sup>177</sup> In the majority of cases, Swinfield gradually increased his patronage of these agents, built strong bonds and good rapport with them, then collated canonries to them. Between 1300 and 1317, only two clerics without direct ties to Swinfield were collated.<sup>178</sup> These other canons had a voice in the chapter but that voice was quieter than the corps of loyal supporters bound to the bishop by proportional patronage.

Once Swinfield collated a canonry or dignity to his agents, it could be assumed that his agents became occupied with cathedral affairs or with their work as dignities,<sup>179</sup> but records of attendance kept by the chapter point in a different direction. Residence at the cathedral was not mandatory. A 1289 memorandum copied in Swinfield's register listed only twelve (out of twenty-eight) resident canons.<sup>180</sup> Mass pence rolls give some indication of the amount of time canons spent in and around Hereford cathedral.<sup>181</sup> A closer look at the mass pence roll for Michaelmas 1307 to Michaelmas 1308, a period when Swinfield's network building policy had long been enacted, sheds light on his clerks' involvement in cathedral life. John de Swinfield attended the most masses of any episcopal agent; he was present at one hundred and ninety-nine over the course of the year.<sup>182</sup> William de Caple (181), William de Kingscote (149), William de Mortimer (114), and Henry de Shorne (110) all attended over one hundred masses. The most active episcopal clerks attended fewer than one hundred masses: Nicholas de Reigate attended ninety-one; Richard de Swinfield (the bishop's nephew) attended thirty-three, John de Kempsey twenty, and Adam de Dinedor two. The majority of Swinfield's

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<sup>176</sup> *Reg. Swinfield*, 532, 542, 544; *Fasti Ecclesiae 1300-1541*, ii Hereford, 23, 35.

<sup>177</sup> *Reg Swinfield*, 534, 540, 547; *Fasti Ecclesiae 1300-1541*: ii, Hereford, 31, 35, 50.

<sup>178</sup> These were Richard de Bello, to whom Swinfield collated a canonry in 1305, and Michael de Bereham, who received his canonry in 1310. *Reg. Swinfield*, 536, 540.

<sup>179</sup> For insight into cathedral canons' obligations of residence and service, see K. Edwards, *The English Secular Cathedrals in the Middle Ages: a constitutional study with special reference to the fourteenth century*, 2<sup>nd</sup> edn (Manchester, 1967), 33-96, esp. pp. 50-56, 56-83.

<sup>180</sup> *Reg. Swinfield*, 214.

<sup>181</sup> Edwards stresses that attendance at one mass equates to one day spent at the cathedral. Edwards, *English Secular Cathedrals*, 74.

<sup>182</sup> Robert de Gloucester was also named on the roll and had strong connections to Swinfield. Robert was Swinfield's official in the early part of his episcopate until c.1285. Between 1297 and 1303, Robert served as the bishop of Worcester's official. In 1299, Swinfield collated the chancellorship at Hereford to Robert but he no longer served in Swinfield's household. Robert attended three hundred and forty-seven masses in 1307 to 1308. *Fasti Ecclesiae 1066-1300*: viii, Hereford, 23; Haines, *Church/ Politics: Orleton*, 2.



clerks were absent from the cathedral for two-thirds of the year or more. It is probable that the rest of their time was spent undertaking their duties in the household. After 1300, Swinfield's men held every dignity bar the deanery, and a majority of canonries, but most continued their work as diocesan administrators.<sup>183</sup>

There was thus some political value to Swinfield's patronage beyond nepotism or reward for loyalty, demonstrated more clearly in the interactions between bishop and chapter after c.1290. The relationship between bishop and chapter began on difficult ground in 1283. After 1290, at the point when Swinfield had greater numbers of supporters in the chapter, the two bodies began to collaborate, as evidenced in legal proceedings taken against Pons de Cors.<sup>184</sup> Pons was part of the Aigueblanche network but,<sup>185</sup> in 1291, he faced the full force of bishop and chapter combined. A letter sent by the chapter to the bishop on 31 October 1290 informed him that 'Pons de Cors did intrude himself in the stall in which Hugo [de Moûtiers] had once stood, during his lifetime, on the morning of the 18<sup>th</sup> day of [May] 1290'.<sup>186</sup> Further mention was made of how Pons stationed his armed allies (*set sibi sociavit armatos*) in Hinton prebend overnight, before he entered into the chapter house and asserted his claims to the canonry. Swinfield soon intervened. On 8 January 1291, Pons appeared before the bishop and:

he absolutely, purely, and of his own will submitted [to the lord bishop], and resigned all right he had, or he believed to have, in the same prebend of Hinton, along with letters and instruments of provisions and processes, and all other in this vein he having had or would come to have, completely into the hands of the lord [bishop].<sup>187</sup>

Pons acknowledged his guilt, surrendered his canonry, and recognised Swinfield's authority. The bishop had responded to the chapter's call for help and blocked a papal provision, preventing the possibility of future provisions to cathedral canonries. Swinfield did collate Hinton to Pons in 1291 but, by 1297, Pons surrendered his

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<sup>183</sup> This monopoly lasted until 1311 when Richard de Havering, a royal clerk, held the praecantorship. *Fasti Ecclesiae 1300-1541*: ii, Hereford, 8.

<sup>184</sup> Pons de Cors held a number of canonries and prebends in England, including a canonry at Lincoln after 1292. *Fasti Ecclesiae 1066-1300*: viii, Hereford, 41-42.

<sup>185</sup> Pons was Peter de Aigueblanche's great-nephew. Smith, 'Cantilupe's Register', 91-92.

<sup>186</sup> *Reg. Swinfield*, 244: 'Poncious de Cors, octavdecima die mensis ejusdem mane se fecit installari in stallum in quo stare solebat dictus Hugo [de Moutiers], dum viveret'

<sup>187</sup> HCA 769; *Reg. Swinfield*, 248-49: 'absolute, pure, et spontanea voluntate submitit, et totum jus quod habuit vel habere credidit in eadem prebenda de Hynetone una cum litteris et instrumentis provisoriiis et processibus et omnibus aliis in hac parte habitis vel habendis in manus domini totaliter resignavit.'

canonry and Swinfield installed another nephew, Richard de Swinfield.<sup>188</sup> Swinfield's allies in the chapter changed the power dynamic at Hereford cathedral and provided support to the bishop and vice versa.

With fewer political rivals in the diocese after 1290, and with a strong relationship between bishop and chapter, Swinfield had an opportunity to pursue his own agendas. One major project begun by Swinfield required support from the chapter before it could be completed: the canonization of Thomas de Cantilupe.<sup>189</sup> Swinfield ordered Cantilupe's remains to be translated to a purpose-built shrine in 1287, after which miracles were recorded there; it was Swinfield who initiated the formal canonization process by dispatching a letter of postulation to the papal curia in 1289.<sup>190</sup> After little success in advancing the cause during the 1290s, Swinfield turned to those of his clerks who also held canonries for support. In 1305, Swinfield dispatched canons Henry de Shorne and William de Kingscote, both episcopal clerks and trained lawyers, to win the support of the king, Edward.<sup>191</sup> In 1306, Swinfield stressed to his proctor in Rome, John de Ross, doctor in canon law, that after his papal provision to a canonry at Hereford, he should work towards advancing the canonization bid.<sup>192</sup> To that end, Swinfield furthered his personal project, the canonization, through the support of those men who bridged the divide between household and chapter. That bridge facilitated close co-operation and the project was, ultimately, successful.

Swinfield shaped his household into a political machine that demonstrated some characteristics of a clientele. The bishop moulded loyal household clerks, patronising them in proportion to their length of service and building strong bonds with them over a period of time, before collating canonries, and later dignities, to the clerks. The patronage policy constructed a bridge between household and chapter, bringing two political rivals into close alignment. When this policy is taken together with Swinfield's efforts to defend his rights as a patron to canonries/prebends at Hereford cathedral from

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<sup>188</sup> Swinfield collated the canonry to Pons on 8 January 1291 but under Swinfield's patronage and not on the strength of papal letters. *Fasti Ecclesiae 1066-1300*: viii, Hereford, 41-42.

<sup>189</sup> There is a wealth of literature on the topics of Cantilupe's canonisation and his cult. See especially Douie, 'The Canonization of St. Thomas of Hereford', *Dublin Review* 229 (1955), 275-87; Finucane, 'Cantilupe as Thaumaturge' in Jancey (ed.), *St Thomas Cantilupe*, 137-44; V.I.J. Flint, 'The Saint and the Operation of Law: reflections upon the miracles of St Thomas Cantilupe' in R Gameson and H. Leyser (eds), *Belief and Culture in the Middle Ages: studies presented Henry Mayr-Harting* (Oxford, 2001), 342-57.

<sup>190</sup> *Reg. Swinfield*, 234-35; P. Daly, 'The Process of Canonisation in Thirteenth and Early Fourteenth Centuries' in Jancey (ed.), *St Thomas Cantilupe*, 125-35, at p. 127; Flint, 'The Saint and the Operation of Law', 343. For more on Swinfield's role in the canonization process, see chapter five.

<sup>191</sup> *Reg. Swinfield*, 420-21.

<sup>192</sup> *ibid.*, 428-29.

Crown/curial intrusion, it becomes clear how hard Swinfield worked to recast the cathedral chapter and, in doing so, to build his personal network and extend his authority in the diocese. Swinfield invested time and resources to craft his network and that network became an essential component in diocesan governance in Hereford.

### **Pontoise and his clerks from Maidstone: new bishop, new household**

There has, until now, been little exploration of Pontoise's household. Brown's prosopographical study of clerics instituted to benefices by bishops of Winchester between 1282 and 1530 remains the only one that covers Pontoise's patronage, albeit in brief.<sup>193</sup> Brown does not address the relationship between bishops and their agents, nor does his study explore the value of ecclesiastical patronage to Pontoise's agendas. This section hopes to fill that gap. Using records of institution, witness lists recorded in Pontoise's register, and the *Taxatio*, this sub-section investigates Pontoise's patronage of one group of agents who played a prominent role in his regime, those with the surname Maidstone. The aim is to demonstrate how Pontoise forged a network in Winchester diocese during his episcopate, and the role played by ecclesiastical patronage in his management of clerical careers.

Pontoise's household contained three groups of clerks, each of which shared particular bonds with the bishop, and which shaped the identity of the early household. The first group consisted of David de Pontoise, Philip de St Austell, and to a lesser extent Thomas de Bridport, a canon at Salisbury. These three clerks served Pontoise during his time as a proctor at the papal curia but joined him in Winchester.<sup>194</sup> The second group consisted of three clerks with the toponymic name Welwick, John, Hugh, and William. These three joined Pontoise from his rectory at Welwick, East Yorkshire. The third group consisted of up to six clerks from Maidstone, Kent, the focus of this section. These three groups formed the core of Pontoise's household during the 1280s and most of the 1290s.<sup>195</sup>

Although the three groups were prominent figures in diocesan governance in Winchester, there is a marked disparity in the record of their careers, which has

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<sup>193</sup> R. Brown, 'The Ecclesiastical Patronage of the Bishops of Winchester, 1282-1530', *Southern History* 24 (2003), 27-44.

<sup>194</sup> *Reg. Pontissara* ii, 382; *Fasti Ecclesiae 1066-1300*: iv, Salisbury, 91; Douie, *Pecham*, 61.

<sup>195</sup> For more on these individuals, see Appendix One, 274-81.

implications for this study. There are few records relating to the Welwick clerks' careers, and David de Pontoise and Thomas de Bridport infrequently feature in witness lists or memoranda in Pontoise's register after 1285. This gives focus to the group of clerks from Maidstone. There are a substantial number of records of institution and memoranda in Pontoise's register relating to these clerks, and which afford insight into their careers and into their relationship with the bishop. This provides a strong foundation for an investigation into Pontoise's management of their careers, and the construction of networks in Winchester.

One cohort of men in Pontoise's service draws particular attention owing to their frequent appearance in records, especially records of institution and memoranda, in the bishop's register over the course of his episcopate. These were Edmund (also referred to as Edward), Robert, and Thomas de Maidstone. Edmund was first described as a bishop's agent in a record of institution dating to September 1284, and Robert was described as such in April 1285 in the same type of record.<sup>196</sup> This points to their arrival in Winchester shortly after Pontoise became bishop. Thomas, also named Thomas de Port de Maidstone, arrived in Winchester by 1292. Peckham had instituted a Thomas de Port de Maidstone to the rectory of Ham by Sandwich in 1289 at the presentation of Adam de Maidstone, prior of Leeds.<sup>197</sup> The first reference to Thomas as a bishop's agent in Winchester diocese is in a 1292 institution record in Pontoise's register, suggesting he moved from Canterbury to Winchester between 1289 and 1292.<sup>198</sup> Thomas' identity is confirmed in a 1294 item on the patent rolls that recorded all Winchester clerics who had paid crown taxes (the moiety). *Mgr* Thomas de Port, resident in Winchester diocese in October 1294, was still described as the rector of Ham by Sandwich despite his 1292 institution to Esher.<sup>199</sup> Edmund, Robert, and Thomas were well established in Winchester diocese by 1292 and would continue to serve Pontoise for the rest of their careers.

The record of Edmund's, Robert's, and Thomas' careers stands in stark contrast to four other Maidstone clerks in Pontoise's service. In 1296, Pontoise departed for Rome and took with him a retinue consisting of thirty-two of his staff. In a royal protection exempting Pontoise and his retinue from judicial proceedings in England for

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<sup>196</sup> *Reg. Pontissara* i, 16, 17.

<sup>197</sup> *Reg. Peckham* (CYS) i, 86.

<sup>198</sup> The next institution to Ham made by Winchelsey, archbishop of Canterbury, was in 1300, indicating that Thomas has vacated the benefice by that date. *Reg. Pontissara* i, 56; *Registrum Roberti Winchelsey Cantuariensis Archiepiscopi 1294-1313*, volume 2, R. Graham (ed.) (CYS, 1956), 1211-12.

<sup>199</sup> Thomas is described as *magister* in this patent rolls list but there are no other records *CPR 1292-1301*, 120.

two years, Edmund, Robert, and Thomas were listed in the top third of the retinue, a ranking that indicates they held high positions in Pontoise's household. Hugh, Henry, and John, each likewise identified as de Maidstone, were listed in the lower third of the retinue and this is the only record of their time in Pontoise's service.<sup>200</sup> Chace de Maidstone also appears in a single record, on this occasion a witness list copied into the cartulary of St Swithun's dating from October 1293.<sup>201</sup> It is common practice to discount a single appearance in any form of record as indication of membership of the household.<sup>202</sup> But from the nature of the two records concerned above, the first, which named the bishop's retinue, and the second in which Chace appeared alongside three other episcopal agents each named as such, it is reasonable to take these four other men as in Pontoise's service, even if the overall record of their career is limited.

These seven clerks in Pontoise's service begs the question: why Maidstone? The town was something of an urban hub by 1300,<sup>203</sup> and it was situated in a region that was rich in schools in the thirteenth century. The grammar schools at Canterbury and Rochester cathedrals were close by and the Augustinian priory of Leeds, situated five miles from Maidstone, likely also made basic education provisions for local boys.<sup>204</sup> Even the London schools, especially those at St Paul's cathedral, were relatively close. Training in grammar was available and an apprenticeship in the households of local prelates afforded an avenue into a clerical career for men from Maidstone. Such men included Ralph de Maidstone, who was bishop of Hereford from 1234 to 1239.<sup>205</sup> Walter de Maidstone was bishop of Worcester between 1313 and 1317, and also served in royal government before 1313.<sup>206</sup> *Mgr* John de Maidstone was a prominent figure in Richard de Gravesend, bishop of Lincoln's (1258-79) household, and who eventually became dean of Lincoln cathedral.<sup>207</sup> Walter de Maidstone also had a respectable career in Lincoln diocese, where he was subdean of Lincoln cathedral from 1329 to 1337.<sup>208</sup> To that end, Maidstone has a previously unrecognized quality of producing bishops and diocesan administrators.

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<sup>200</sup> *CPR 1292-1301*, 179-80.

<sup>201</sup> *Chartulary of Winchester Cathedral*, 17.

<sup>202</sup> Shead, 'Compassed about with so Great a Cloud', 160.

<sup>203</sup> S. Sweetinburgh, 'Kentish Towns: Urban Culture and the Church in the Later Middle Ages' in S. Sweetinburgh (ed.), *Later Medieval Kent, 1220-1540* (Woodbridge, 2010), 137-66 at p. 138.

<sup>204</sup> J.G. Clark, 'Monasteries and Secular Education in Late-Medieval England' in J.E. Burton and K. Stöber (eds), *Monasteries and Society in the British Isles* (Woodbridge, 2008), 145-67.

<sup>205</sup> *Biog. Reg. Oxon.* ii, 1203-4; *Fasti Ecclesiae 1066-1300*: viii, Hereford, 6.

<sup>206</sup> *Biog. Reg. Oxon.* ii, 1204-5; *Fasti Ecclesiae 1300-1541*: iv, monastic cathedrals, 55.

<sup>207</sup> *Biog. Reg. Oxon.* ii, 1247; *Fasti Ecclesiae Ecclesiae 1066-1300*: iii, Lincoln, 12.

<sup>208</sup> *Biog. Reg. Oxon.* ii, 1204; *Fasti Ecclesiae 1300-1541*: i, Lincoln, 4.

Pontoise's connection to Maidstone is not as clear as his connections to Welwick or to Exeter diocese, but there is at least one avenue of recruitment that might have attracted his attention to clerks from the area. The strongest links between Pontoise and Maidstone or Canterbury diocese was through his service to and friendship with Peckham. The archbishop of Canterbury held the manor of Maidstone, which was prominent enough to have an archiepiscopal gaol.<sup>209</sup> This leads to two possibilities. First, that Pontoise met Edmund during a visit to Canterbury diocese in July and August 1282. (Robert was already in the new bishop's service).<sup>210</sup> Second, that Edmund and Thomas were in Peckham's service, or known to him, and that the archbishop introduced them to Pontoise. Only speculation is possible on the strength of the evidence, but there are at least some grounds for understanding how Pontoise came to recruit these clerks.

Records of institution and memoranda in Pontoise's register, each of which contain snippets of biographical information, shed light on Edmund's, Robert's, and Thomas's careers and their roles, or positions, in the household. Edmund's specific role is unclear, although Pontoise described Edmund as 'our chaplain, clerk of our household' in a letter sent to Peckham in 1289.<sup>211</sup> On the 1296 overseas protection he was ranked behind the archdeacons of Suffolk and Winchester in the bishop's entourage. This would suggest that Edmund occupied a position of some import, perhaps the household chaplain. Thomas' place in the household is much clearer. A simple memorandum dating to 1299 recorded that Thomas had rendered his accounts before the bishop and was acquitted for the financial year. Thomas was described as comptroller of the bishop's wardrobe.<sup>212</sup> These two register items indicate that Edmund and Thomas were prominent household clerks.

Robert's exact role in the household is not recorded but, in his case, it is possible to reconstruct the nature of his work for Pontoise. Robert first appeared in Pontoise's service while the bishop was still resident in Rome in June 1282 before returning to England.<sup>213</sup> It is possible Robert served Pontoise during the latter's work as a proctor and before his provision to Winchester. Certainly, Robert was one of Pontoise's longest serving clerks. A 1294 memorandum recorded in Pontoise's register points towards his

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<sup>209</sup> J. Ward, 'The Kilwardby Survey of 1273-4: the demesne manors of the archbishops of Canterbury in the later thirteenth century', *Archaeologia Cantiana* 128 (2008), 107-28, at p. 117.

<sup>210</sup> *Reg. Pontissara* ii, 839.

<sup>211</sup> *Reg. Pontissara* i, 185: 'dom[inus] E. de Maydenston capellano nostro clericis familiaribus nostris'.

<sup>212</sup> *ibid.*, 85-86.

<sup>213</sup> *ibid.*, 252-54.

role in the household. The memorandum listed all the contents of the bishop's treasury at Wolvesey, drawn up by royal agents as part of an England-wide royal scrutiny of the treasure and monies in every major ecclesiastical treasury or stronghold.<sup>214</sup> The memorandum lists how 'in a chest outside the door to the Treasury, belonging to *dom* Robert de Maidstone, there are writings and other diverse memoranda, with other small items'.<sup>215</sup> It is possible that the writings and diverse memoranda attributed to Robert were diocesan records. At Lincoln, diocesan records were kept at the bishop's treasury in a central archive.<sup>216</sup> The chest at Wolvesey was likewise situated in the treasury in a central location, and the writings/memoranda referred to in the memorandum could have been diocesan records. If that was the case, it is possible that Robert was responsible for keeping the bishop's register. Evidence in Pontoise's register points in this direction. There is a consistent scribal hand and script between 1282 and January 1296 before a hiatus in registration between January 1296 and January 1299 during Pontoise's absence in Rome. After January 1299, the hand and script changes.<sup>217</sup> May 1299 also marks the first time Robert was referred to as the keeper of St Cross hospital, when he again accompanied Pontoise overseas and there was a second hiatus in registration.<sup>218</sup> Robert's new position as keeper and his further absence from the diocese would have prevented him from continuing his record-keeping work and a new registrar took his place, a change reflected in the use of a new hand in the register. The weight of evidence points towards Robert's role as Pontoise's chancellor, registrar, or scribe. This has significant implications with regards to registration in Winchester. Robert accompanied Pontoise to overseas on two occasions, during which time registration halted. This would suggest that the register, or the quires of parchment that later went to make the register, remained in Winchester diocese and did not follow the bishop. It also suggests that Robert's role changed during his time in Rome between 1296 and 1299, serving Pontoise in some other capacity.

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<sup>214</sup> The scrutiny led to widespread requisition of ecclesiastical wealth in 1294 and was the basis upon which the royal exchequer assessed taxation of all clerical property. Burt, *Edward I and the Governance of England*, 181-82; Denton, *Winchelsea*, 91.

<sup>215</sup> *Reg. Pontissara* ii, 495-96: 'in una cista extra ostium Thesaurarie que est domini Roberti de Maydenestane scripta et alie divers memoranda cum aliis minutis...'

<sup>216</sup> Forrest, 'The official of Stow', 5.

<sup>217</sup> Compare fos. 210b-212b to fos. 217a-221b. These are the last items recorded in the register before the hiatus in record-keeping and some of the first upon continuation. Hants RO, 21 M65/A1/1.

<sup>218</sup> Robert's mastership of St Cross, Winchester, could not have come before 11 November 1299, when Pontoise collated it to his seneschal, William de Wenling. *CPR 1292-1301*, 420, also 511; *Reg. Pontissara* i, 80-81.

<b>Table Five.</b> Table showing the benefices to which Pontoise instituted Edmund, Robert, and Thomas during their service to the bishop.		
<b>Date</b>	<b>Benefice</b>	<b>Value (acc. to <i>Taxatio</i>)</b>
<b>Edmund de Maidstone</b>		
September 1284	Lasham	£6 13s 4d
March 1289	Bishop's Waltham	£20
February 1292	Adderbury	£46 13s 4d
<b>Robert de Maidstone</b>		
April 1285	Niton	£8
July 1286	Michelmersh	£23 6s 8d
March 1295	Oxted	£16 13s 4d
c.1297	Adderbury	£46 13s 4d
c.1297	Sidlesham prebend	£30
c.1299	St Cross (mastership)	N/A
<b>Thomas de Maidstone</b>		
December 1292	Esher	£8
c.1299	Wonston	£40

As prominent figures in the bishop's household, who were perhaps even in daily contact with the bishop, Edmund, Robert, and Thomas attracted the bishop's patronage as captured in records of institution (and shown in Table Five, below), which afford insight into Pontoise's management of their careers. Pontoise's first act of ecclesiastical patronage towards Edmund was an institution to Lasham in September 1284.<sup>219</sup> Edmund's presentation came at the hands of the keeper of the Domus Dei, Portsmouth.<sup>220</sup> It is possible that Pontoise engineered the institution. Pontoise was in a position to exert influence on the keeper owing to the bishop of Winchester's possession of the advowson to the Domus Dei, and the bishop's patronage of the same institution.<sup>221</sup> It was also customary for the heads of religious houses to institute a cleric of the bishop's choosing to the first benefice to fall vacant during his episcopate. To that end, Edmund's 1284 institution probably marked Pontoise's first act of patronage. The second act was much clearer. In March 1289, Pontoise collated Bishop's Waltham to Edmund, marking a significant rise in income.<sup>222</sup> Pontoise then presented Edmund to the rectory of Adderbury in Lincoln diocese, where Bishop Sutton instituted Edmund in

<sup>219</sup> *Reg. Pontissara* i, 16; *Taxatio*: Lasham.

<sup>220</sup> The Domus Dei is also referred to as the hospital of St John the Baptist. The keeper of the Domus Dei did not normally hold the advowson to Lasham, which was rightfully held by the lord of the manor of Lasham. *A History of the County of Hampshire, volume two*, H.A. Doubleday and W. Page (eds) (London, 1903), 206-8; *History of Hants, vol. 4*, W. Page (ed.) (London, 1911), 82-83.

<sup>221</sup> Peter des Roches was the first bishop of Winchester to sponsor the hospital, in 1214, and an item in Pontoise's register records his possession to the advowson in 1284. *EEA ix: Winchester*, lv; *Reg. Pontissara* ii, 424; *History of Hants, vol. 2*, 206-8.

<sup>222</sup> Edmund resigned Lasham on the same day. *Reg. Pontissara* i, 31; *Taxatio*: Bishop's Waltham.



February 1292, more than doubling Edmund's income from benefices.<sup>223</sup> Edmund's last institution came after ten years of service to Pontoise. Over the course of those ten years, the bishop patronized Edmund to increasingly more valuable rectories.

Robert, like Edmund, also gained from Pontoise's proportional patronage. Pontoise gave custody of Niton rectory to Robert in April 1285, before the bishop made a permanent collation of Michelmersh in July 1286.<sup>224</sup> That collation gave Robert access to significant revenues at Michelmersh. Pontoise again entrusted custody of a benefice to Robert in March 1295, this time at Oxted. It was a temporary measure that lasted until the rector, Ralph de Savage, came of age, but one which gave Robert a share of the £16 13s 4d revenue.<sup>225</sup> Pontoise advanced Robert further in 1297 and 1299. In 1297, Robert was provided to Adderbury rectory on the strength of papal letters.<sup>226</sup> The circumstances of Robert's provision were not straightforward. The record of institution in Sutton's register indicated that Boniface VIII personally made Robert's provision.<sup>227</sup> It is silent on Pontoise's agency in the matter. But Adderbury fell vacant when Edmund de Maidstone died at Rome in 1297. As such, the advowson, normally held by the bishop of Winchester, fell to curial officials in accordance with *Licet ecclesiarum*. In a papal grant, Boniface waived his rights to Adderbury as part of several privileges the pope bestowed on Pontoise.<sup>228</sup> Robert, who accompanied Pontoise to Rome, owed his institution to Pontoise even though the record read as though it was Boniface. Robert also benefitted from Pontoise's other papal privileges. Pontoise collated a canonry at Chichester cathedral to Robert in accordance with a 13 February 1297 privilege that licensed Pontoise to collate one canonry each at Chichester, London, and Wells.<sup>229</sup> Pontoise also secured a papal dispensation for Robert that licensed him to hold Michelmersh and Adderbury in conjunction.<sup>230</sup> Finally, in c.1299, Pontoise collated the mastership of the hospital of St Cross to Robert, an office he held until at least 1320.<sup>231</sup> Come 1300, Robert could claim around £107 in spiritual revenues per annum. Robert

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<sup>223</sup> Adderbury was situated in Lincoln diocese but was in the bishop of Winchester's patronage. *Reg. Oliver Sutton* viii, 177; *Taxatio*: Adderbury.

<sup>224</sup> *Reg. Pontissara* i, 17, 25; *Taxatio*: Michelmersh; Niton.

<sup>225</sup> *Reg. Pontissara* i, 70-71; *Taxatio*: Oxted.

<sup>226</sup> *Cal. Pap. Reg.* i, 570.

<sup>227</sup> *Reg. Oliver Sutton* viii, 199.

<sup>228</sup> See Chapter One, 75.

<sup>229</sup> *Reg. Boniface VIII*, ii, 669-70; *Fasti Ecclesiae 1066-1300*: v, Chichester, 40.

<sup>230</sup> This dispensation was reissued in 1305 and included the mastership of St Cross and the canonry at Chichester. *Cal. Pap. Reg.* ii, 3.

<sup>231</sup> Robert was first described as the master of St Cross in May 1299. The *VCH* of Hampshire gives his collation as 1305 but this is incorrect. *CPR 1292-1301*, 420; *History of Hants*, vol. 2, 196-97.

owed his wealth, rank, and privilege to Pontoise's patronage, who carefully managed the career of one of his leading clerks.

It is more difficult to identify patterns in Pontoise's patronage of Thomas. Thomas was already a benefice holder and a *magister* before entering Pontoise's service, two signifiers of a status that distinguished him from Edmund and Robert. It is possible that Thomas was in service to the prior of Lewes, his patron at the rectory of Ham by Sandwich,<sup>232</sup> before making the move to Winchester, giving him some experience as an administrator. Pontoise collated Esher to Thomas in December 1292.<sup>233</sup> Thomas held Esher together with Ham until at least 1300, bringing his income to £21 6s 8d.<sup>234</sup> Pontoise recognized Thomas' status, quickly collating a rectory to him in Winchester diocese and permitting pluralism in order to provide his new clerk with new revenues. Thereafter matters returned to normal. Burger conjectures that Pontoise collated Wonston rectory to Thomas in 1299 based on the fact that the church fell vacant at that time and Thomas was named as rector of Wonston in 1307.<sup>235</sup> Pontoise and Thomas returned to Winchester from Rome in 1299 and it is not unreasonable to assume that the collation did occur at that time given Thomas' length of service and his position as comptroller of the bishop's wardrobe, thereby taking his income over £40 in line with his greater responsibility for household finances.<sup>236</sup> Pontoise took care to manage Edmund's, Robert's, and Thomas' careers and the bishop matched household roles and length of service with increasingly valuable benefices.

There was a reverse side to this policy. Pontoise extended his patronage to clerks who performed essential or prominent administrative duties, patronage that became more valuable to the clerk during the course of service. John le Fleming's career serves as a contrary study. John had served Pontoise's predecessor, Nicholas de Ely, as a proctor at Rome.<sup>237</sup> Ely collated Nursling rectory (£12) to John shortly before his death in 1280 and, on 31 January 1283, Pontoise confirmed the collation.<sup>238</sup> The record of the confirmation described John as 'our clerk and *familiaris*', making it clear that he continued in episcopal service.<sup>239</sup> John's exact role in the household is lost but what is clear is that Pontoise's patronage of John differed from his other clerks. In January

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<sup>232</sup> *Reg. Peckham* (CYS) i, 86.

<sup>233</sup> *Reg. Pontissara* i, 56; *Taxatio*: Esher.

<sup>234</sup> Ham was valued at £13 6s 8d. *Taxatio*: Ham.

<sup>235</sup> Burger, *Bishops, Clerks, and Diocesan Governance*, 57-58 fn. 83.

<sup>236</sup> *Taxatio*: Wonston.

<sup>237</sup> Appendix One, 276.

<sup>238</sup> *Reg. Pontissara* i, 8: 'Cum dudum in servicio bone memorie Nicholai predecessoris nostri episcopi Wynton. in Curia Romana...'

<sup>239</sup> *ibid*: 'Magistro Johanni le Flemang clerico et familiari nostro'.

1286, Pontoise collated the custodianship of the Domus Dei, Southampton to John. John's tenure was short-lived, for Eleanor, the queen mother, claimed the advowson to the Domus Dei, and at Easter 1286 won the right to present the custodian.<sup>240</sup> On 11 July 1286, Pontoise replaced John as custodian with Eleanor's candidate, Roger de Milton.<sup>241</sup> A similar situation occurred in 1287. In a letter Pontoise addressed to his official, Henry de Sempringham, the bishop lamented Henry's failure to deprive W. Sirloc of his unnamed benefice despite Peckham mandating the action. Pontoise added that the official's inaction prevented John le Fleming's institution to the benefice.<sup>242</sup> There is no record of a resolution to the affair. Pontoise's register is also silent on further collations or institutions for John.

Where John was concerned, little other episcopal patronage seems forthcoming from Pontoise. John appeared in one final witness list in 1291 attached to one of Pontoise's *acta* before the record of his Winchester career ends.<sup>243</sup> That did not mark the end of John's ecclesiastical career. Burger identifies a John le Fleming in Bishop Sutton's service in Lincoln diocese from 1290 to 1293.<sup>244</sup> There are no references to John in Sutton's roll and register before that date, but the 1294 patent roll entry that listed all clerics who paid the moiety records a John le Fleming who possessed several churches in Lincoln diocese. John was also recorded as holding Houghton in Winchester diocese, along with four other rectories.<sup>245</sup> A 1284 item in Pontoise's register described John as the rector of Houghton.<sup>246</sup> The two men appear to be synonymous and, if so, John greatly benefitted from Sutton's patronage. The bishop of Winchester, on the other hand, had failed to secure any meaningful advancement for John. The lack of patronage failed to create bonds between bishop and clerk and so John found employment elsewhere.

The different circumstances of the two bishops' arrivals in their dioceses set them apart in the ways they recruited to their households and constructed their networks. Pontoise favoured those of his household clerks whom he had brought with him to the diocese upon his arrival in 1282. The three senior clerks from Maidstone

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<sup>240</sup> *PROME* Ed I Roll 1, mem. 2; 'Introduction', *Reg. Pontissara* i, ix.

<sup>241</sup> *Reg. Pontissara* i, 24.

<sup>242</sup> *ibid.*, 332-33.

<sup>243</sup> *Reg. Pontissara* i, 47.

<sup>244</sup> Burger, 'Officiales and the *familiae* of the Bishops of Lincoln, 1258-99', *Journal of Medieval History* 16 (1990), 39-53, at p. 44.

<sup>245</sup> These include the prebend of Leighton Buzzard and the rectory of Paxton. The three other rectories were Brainford (Norwich), Elkesley (York), Hormead (London) and Pewsey (Salisbury). *CPR 1292-1301*, 118, 120.

<sup>246</sup> *Reg. Pontissara* i, 287-88.

served in prominent and essential roles in the household. This brought them into close contact with the bishop. This closeness was heightened in 1296 to 1299 when Edmund, Robert, and Thomas accompanied Pontoise to Rome, generating a new wave of patronage.

This markedly contrasted with the position in which Pontoise placed John le Fleming. Pontoise did not succeed in advancing John's career beyond confirming ownership of Nursling, which he had received from Ely. As such, John left Pontoise's service and found advancement elsewhere. Pontoise supported his own clerks and friends, those whom he brought to the diocese. Pontoise's patronage policy created strata in his household. The bishop ensured that Edmund, Robert, and Thomas were beneficed, setting them apart from four other (unbeneficed) Maidstone clerks and from John le Fleming (who relied upon Nicholas de Ely's patronage). Household officers and Pontoise's close circle were elevated above others and their benefices were a symbol of status. Robert and Thomas also remained with Pontoise until his death in 1304. Pontoise's patronage created lasting and secure bonds between bishop and clerks; conversely, withholding patronage forced agents to move elsewhere. On that basis, Pontoise was able to construct a network comprised of his own men.

### **Pontoise, his network and the archdeaconry of Surrey**

This section investigates Pontoise's attempt to use his network to assert his authority in the archdeaconry of Surrey. Archdeacons posed problems for incoming bishops. Like all other ecclesiastical dignities and offices, an archdeaconry was held for life.<sup>247</sup> This situation, at times, fermented tension between a new bishop and an old archdeacon accustomed to a particular mode of operation. Bishops of Winchester had an additional problem. Archdeacons of Surrey enjoyed some degree of autonomy from the bishop in terms of their jurisdictional powers.<sup>248</sup> Over the course of the thirteenth century, several disputes arose caused by episcopal encroachments on archidiaconal matters and vice versa. Haines draws attention to documents bound into the front of Pontoise's register (likely not an original part of the register). William de Raleigh (1244-50) issued the first document in February 1248, and Aymer de Valence (1250-60) issued the second in

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<sup>247</sup> Burger, *Bishops, Clerks, and Diocesan Governance*, 191.

<sup>248</sup> Haines, *Ecclesia anglicana*, 107-17, esp. pp. 107-9.

1254. These were charters that circumscribed the archdeacon of Surrey's jurisdictional rights, limiting them to powers of visitation and correction in the parishes of the archdeaconry, and to jurisdiction over the priories of Newark and St Mary's, Southwark. Nevertheless, disputes between bishop and archdeacon again arose during the fourteenth century.<sup>249</sup> During the early years of his episcopate, Pontoise suffered difficult relations with his archdeacon of Surrey, *Mgr* Peter de St Mario.<sup>250</sup> Peter owed Pontoise three hundred marks (£200) in unpaid pensions dating from 1282 to c.1295. Peter's executors finally paid one hundred marks (£66 13s 4d).<sup>251</sup> Yet there was a period of calm in Pontoise's later years. This section examines records of institution, episcopal memoranda, and commissions in its investigation of Pontoise management of the career of Philip de Barton, archdeacon of Surrey after 1300, and the role this played in bringing the archdeaconry under the bishop's control. The aim is to determine how Pontoise used his network in the government of Winchester diocese.

In order to understand Pontoise's solution to the Surrey problem, it is necessary to turn to his management of the career of Philip de Barton. Philip assumed a central role in the administration of Winchester diocese soon after his entry into Pontoise's service in the early 1290s. Philip was first recorded as the bishop's official in 1292.<sup>252</sup> That role rendered Philip second only to the bishop in terms of his jurisdictional powers. He was responsible for oversight of the bishop's court and assumed responsibility for any administrative tasks that the bishop did not himself undertake.<sup>253</sup> Pontoise soon bestowed on Philip even greater responsibilities. Between January 1296 and January 1299, Pontoise was absent from his diocese and commissioned Philip to act as his vicar-general. This type of commission was not extraordinary and occurred throughout England after the twelfth century;<sup>254</sup> but it set Philip apart from other officials because of the extent of the powers Pontoise bestowed upon him. Crucially, Philip held the right to collate benefices and to give assent to institutions. These were powers usually reserved for the diocesan. During this period, Philip was in a position of power as the *de facto* diocesan; his powers stopped short at the right to confirm laypersons. Pontoise

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<sup>249</sup> *Fasti Ecclesiae 1066-1300*: ii, Monastic Cathedrals, 44-45.

<sup>250</sup> Aymer de Valence collated the archdeaconry to Peter in 1258 by Bishop Lusignan, but had lost his claim a year later. He was restored in 1264. *Fasti Ecclesiae 1066-1300*: ii, Monastic Cathedrals, 94-95; Haines, *Ecclesia anglicana*, 108.

<sup>251</sup> *Reg. Pontissara* ii, 540-41.

<sup>252</sup> Appendix One, 274-75.

<sup>253</sup> For more on the rise of the bishop's official, see Smith, 'The *Officialis* of the Bishop in Twelfth- and Thirteenth-Century England: problems of terminology' in M.J. Franklin and C. Harper-Bill (eds), *Medieval Ecclesiastical Studies in honour of Dorothy M. Owen* (Woodbridge, 1995), 201-220.

<sup>254</sup> *ibid.*, 216-17.

elevated Philip to a position of trust and authority as the leading episcopal agent in the diocese.

Besides entrusting Philip with the task of administering the diocese, Pontoise also created strong bonds with his clerk, demonstrated by his patronage of Philip between 1292 and 1304. In 1292, a year or so after his likely arrival in Winchester diocese, Pontoise collated Meonstoke rectory (£33 6s 8d) to Philip.<sup>255</sup> Philip was already the official by that date and Pontoise collated a benefice to him that was suitable for his station. Three years later, Pontoise instituted Philip to Middleton rectory (£26 13s 4d), which, after a protracted dispute that lasted until 1297, Philip held in conjunction with Meonstoke, bringing his income to at least £60.<sup>256</sup> In March 1301, Pontoise secured for Philip a papal provision to a canonry and Leighton Manor prebend (£46 13s 4d) at Lincoln cathedral,<sup>257</sup> increasing Philip's incomes to over £100. Pontoise's careful management of Philip's career brought the two into a close working relationship for much of the 1290s and early 1300s.

Pontoise bestowed wealth, privilege, and responsibility on Philip and in doing so cultivated the types of bonds evident in a patron-client relationship, which is made clearer in Pontoise's patronage of Philip after 1300. In March 1300, Pontoise collated the archdeaconry of Surrey to Philip, as well as the attached £80-valued rectory at Farnham.<sup>258</sup> This marked a significant shift in Pontoise's and Philip's relationship. Before 1301, Philip occupied a central position in Pontoise's close circle. After his collation to the archdeaconry, Philip occupied a semi-autonomous office situated in the localities of Winchester diocese. The bishop's register fell silent on Philip's work after his move and he no longer appeared as a witness to Pontoise's *acta*. This would suggest that there was little or no registration of episcopal business relating to the archdeaconry of Surrey. However, the ties between Pontoise and Philip were not severed. Philip served as Pontoise's executor and, in 1304, witnessed a grant of land the bishop made to Hugh le Despenser.<sup>259</sup> Philip remained loyal to Pontoise. He owed a great deal to the bishop. Philip resigned Meonstoke in March 1300 but still claimed over £153 6s 8d per year from his ecclesiastical properties. Philip's time as official meant he was experienced in the prosecution and enforcement of the canon law, preparing him for his

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<sup>255</sup> *Reg. Pontissara* i, 53; *Taxatio*: Meonstoke.

<sup>256</sup> *Taxatio*: Middleton.

<sup>257</sup> *Fasti Ecclesiae 1300-1541*: i, Lincoln, 83; *Taxatio*: Leighton Manor.

<sup>258</sup> *Reg. Pontissara* i, 105; *Fasti Ecclesiae 1300-1541*: ii, monastic cathedrals, 48; *Taxatio*: Farnham.

<sup>259</sup> *Reg. Pontissara* ii, 837-38; *Registrum Henrici Woodlock diocesis Wintoniensis A.D. 1305-1316*, A. Goodman (ed.), 2 vols (CYS, 1941), ii, 902, 906, 909, 912, 913, 914, 925.

role as archdeacon. Pontoise installed his loyal clerk in a position that could rival his own powers. In doing so, Pontoise brought the archdeaconry firmly into his sphere of control. Bishop-archdeacon relations were safeguarded owing to the patron-client relationship struck between Pontoise and Philip de Barton.

There is an important comparison between Pontoise's method for managing Philip's career and those of several of his other officials between 1290 and 1304. This relates in particular to Pontoise's relationships with Philip de St Austell and Michael de Helstone. Philip served in Pontoise's proctorial staff between 1279 and 1282; shortly after his provision to Winchester diocese, the new bishop appointed Philip as his official.<sup>260</sup> It was Philip who presented the episcopal seal to Pontoise in September 1282 and he continued to serve as the official until at least 1285.<sup>261</sup> Pontoise collated the archdeaconry of Winchester to Philip by October 1285.<sup>262</sup> Michael de Heston followed the same career trajectory. Pontoise appointed Michael as his official in 1300, and, similar to Philip de Barton, the bishop appointed Michael as his attorney *in absentia* in 1299 and 1303.<sup>263</sup> On 10 June 1304, Pontoise collated the archdeaconry of Winchester to Michael.<sup>264</sup> In each case, the episcopal agent spent time as an official, at the centre of diocesan politics, before an eventual shift to the localities.

Pontoise cultivated loyal agents by patronising and training them in diocesan affairs. Hoskin argues that archdeacons had made a clear break from the bishops' household by 1300.<sup>265</sup> In contrast, Pontoise sought to restore the relationship between the household and archdeacon in Winchester diocese. The bishop used patronage to extend his network into areas where his authority could be challenged. In that respect, patronage became more than a reward for services rendered. This was an example of patron-client relationships at work in the diocese. An integral part of Pontoise's leadership was the management of his agents' careers; ecclesiastical patronage was a device through which Pontoise built strong bonds with his agents and developed his authority in his diocese.

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<sup>260</sup> Appendix One, 277, 279-80.

<sup>261</sup> *Reg. Pontissara*, i, 244, 246; ii, 382, 386.

<sup>262</sup> *Reg. Pontissara*, i, 33, 195, 343; ii, 496; *Fasti Ecclesiae 1066-1300*: ii, monastic cathedrals, 93; *Fasti Ecclesiae 1300-1541*: iv, monastic cathedrals, 50.

<sup>263</sup> *Reg. Pontissara* i, 104, 105, 116; ii, 590.

<sup>264</sup> *Reg. Pontissara* i, 167-68; *Fasti Ecclesiae 1300-1541*: iv, monastic cathedrals, 50.

<sup>265</sup> *EEA 29: Durham 1241-83*, Hoskin (ed.) (Oxford, 2003), xxxiv.

## Conclusion

Ecclesiastical patronage was an essential resource for Pontoise and Swinfield. Their efforts to protect their patronage from powers such as Crown and curia provided them with the scope to develop the administrative networks necessary to govern their dioceses and, in some circumstances, to affect political control. Swinfield created a network that bridged the gap between household and chapter, extending his authority over a prominent rival. Pontoise was able to use his method of managing clerical careers to bring the archdeaconry of Surrey, and also the archdeaconry of Winchester, firmly under diocesan control. Harmonious relations in both dioceses came about through Pontoise's and Swinfield's development of loyal, trusted episcopal clerks who carried their close bonds with the bishop to their new office and promoted episcopal agendas.

Records of institution, memoranda, and episcopal *acta* in Pontoise's and Swinfield's registers provide a brilliant memory of the human relationships that were integral to diocesan administration in Hereford and Winchester dioceses. The two bishops' household were living organs that aided Pontoise and Swinfield in their governance, but, importantly, each bishop moulded their households on the basis of personal preference. To that end, episcopal leadership and lordship were closely entwined. This has implications for how administration in Hereford and Winchester is seen. Pontoise and Swinfield were, it would seem, dependent upon their networks for effective government. The evidence presented in this chapter, and the previous one, shows that each bishop was weaker at the beginning of his episcopate, and it was only after he cultivated his network and embedded it into the diocese that government became less difficult. In that sense, ecclesiastical government in the two dioceses was not systematic or institutionalised. It was instead dependent upon each bishop and his ability to lead, and to form bonds with, the clerks in his household.



## Chapter Three. Ecclesiastical reform in late thirteenth-century Hereford and Winchester dioceses

In the closing session of the Second Council of Lyons in July 1274, Pope Gregory X chastised all bishops for ‘causing the whole world to go to ruin’. Gregory expressed his astonishment that clerics’ ill conduct went uncorrected at a time when prelates ‘should have come to earnestly strive for an end to... a life of evil’.<sup>1</sup> Gregory closed the council by launching a renewed ecclesiastical reform movement to be led by his bishops that emphasized diligent and efficient diocesan administration.

Oddly, Lyons II and its impact remains an often-overlooked moment in the history of the church in England.<sup>2</sup> It is overshadowed by two other ecumenical councils, which shape the history of ecclesiastical reform in England. Historians of pastoral care, such as Leonard Boyle and Norman Tanner, of religion and devotion, such as Swanson, and of papal monarchy, such as Morris, pinpoint the Fourth Council of the Lateran in 1215 as a watershed for medieval church life.<sup>3</sup> Peter Biller, with some irony, refers to

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<sup>1</sup> An account of the council was given in a brief circulated by the papal curia in 1274. The brief detailed the events of each session and in particular the actions attributed to Pope Gregory X. It remains the primary account of the Second Council of Lyons used by historians. See G-D Mansi, *Sacrorum conciliorum nova et amplissima collectio* xxiv (Venice, 1780), col. 61-68 at 68: ‘...inter alia (dominus papa) dixit quod praelati faciebant ruere totum mundum et quod mirabatur quod aliqui malae vita et conversationis non corrigebantur, cum particulares malae vitae et bonae vitae et conversationis venissent ad ipsum instanter petentes cessionem’.

<sup>2</sup> The English-language literature investigating Lyons II is far more limited compared to the equivalent for Lateran IV. Historians of the French context and of the mendicant movement have completed a great deal more work. See esp. F. Andrews, *The Other Friars: the Carmelite, Augustinian, Sack and Pied Friars in the Middle Ages* (Woodbridge, 2006); R. W. Emery, ‘The Second Council of Lyons and the Mendicant Orders’, *The Catholic Historical Review* 39 (1953), 257-71; H. Wolter et H. Holstein, *Lyon I et Lyon II* (Histoire des conciles œcuméniques 7) (Paris, 1966).

<sup>3</sup> For select reading on the impact of Lateran IV, see H. Birkett, ‘The Pastoral Application of the Lateran IV Reforms in the Northern Province, 1215-1348’, *Northern History* xliii (2006), 199-219; P. Bixton, *The German Episcopacy and the Implementation of the Decrees of the Fourth Lateran Council, 1216-45: watchmen on the tower* (Leiden, 1995); L.E. Boyle, ‘The Fourth Lateran Council of 1215 and

this historiographical trend as ‘1215 and all that’.<sup>4</sup> The second, the Council of Trent, held between 1545 and 1563, provides the endpoint of the legacy of Lateran IV. Reformation scholars, in particular, paint the intervening years as a period of religious and spiritual decline, building towards an inevitable age of reformations in Europe in the sixteenth century.<sup>5</sup> These two historical threads overshadow the study of the reform movement of the late thirteenth century to the extent that it is considered to be a continuation of, or an indication of the failure of, the pastoral revolution launched in 1215. This chapter looks to address that gap. It uses material in Pontoise’s and Swinfield’s registers, specifically records of institution, episcopal mandates and licences, and in Pontoise’s, diocesan statutes, alongside conciliar canons to investigate episcopal reform of secular clerics in Hereford and Winchester dioceses between 1282 and 1317. It considers how bishops transmitted and enacted reform agendas, and the influence this had on the act of registration and record-keeping during this period. It also explores how diocesan administration and episcopacy were shaped by reform agendas.

Lyons II and its impact in England are two topics that do not currently inform or prompt historical debate yet Gregory X promulgated several canons at the council, and after it, with the potential to shape church life in the late medieval period. Lyons II was well attended: there were around three hundred and sixty prelates in total compared to one hundred and fifty prelates at Lyons I (1245) and Vienne (1311-12); there were around four hundred bishops at Lateran IV.<sup>6</sup> Gregory convened the council with the intention of uniting the Latin and Greek churches and organizing the re-conquest of the Holy Land. The reform of the church was a tertiary objective.<sup>7</sup> This did not prevent Gregory’s promulgation of a large body of canon law that targeted the work of secular

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popular manuals of theology’ in T.J. Heffernan (ed.), *Popular Literature of Medieval England* (Knoxville, 1985), 30-43; M. Gibbs and J. Lang, *Bishops and Reform 1215-72: with special reference to the Lateran Council of 1215* (London, 1934); Morris, *The Papal Monarchy*; Swanson, *Religion and Devotion in Europe, c.1215-c.1515* (Cambridge, 1995); N.P. Tanner, ‘Pastoral care: the Fourth Lateran Council of 1215’ in G.R. Evans (ed.), *A History of Pastoral Care* (London, 2000), 112-125.

<sup>4</sup> P. Biller, ‘Introduction’ in Biller and A.J. Minnis (eds), *Handling Sin: confession in the Middle Ages* (Woodbridge, 1998), 30-31.

<sup>5</sup> G.G. Coulton, *The Medieval Village* (Cambridge, 1925), 258-61; P. Heath, *The English Parish Clergy on the Eve of the Reformation* (London, 1969); For recent revisionist approaches, see Bennett, ‘Pastors and Masters’, 40-62; E. Duffy, *The Stripping of the Altars: traditional religion in England 1400-1580* (New Haven, 1992), esp. 53-88.

<sup>6</sup> *DEC* i, 228, 274, 304, 333.

<sup>7</sup> Gregory’s summons is written as polemic espousing the causes for the degradation of the City of Jerusalem. The whole church would experience ‘ruine magne periculum in subtractione populi Grecorum, qui a sedis apostolice devotione ac obedientia se subtraxit, in occupatione maxima et vastatione valida Terre Sancte, in subversione morum, que universaliter in clero graviter obrepisse videtur et populo...’ *Les registres de Grégoire X (1272-1276) et de Jean XXI (1276-1277): recueil des bulles de ces papes*, E. Cadier (ed.) (Paris, 1960), 53-55.

clerics in the parish.<sup>8</sup> The pope called for bishops to work towards ‘the true ordination of parish churches, not to fraudulently present their own rectors, [but] to station suitable men [there]’.<sup>9</sup>

Three Lyons II canons in particular have a prominent place in this chapter with its focus on reform of secular clerics in the diocese.<sup>10</sup> Canon thirteen, or *Licet canon*, established examinations of all candidates for institution in order to determine their knowledge and moral suitability and reiterated the minimum age for priests (25); it mandated advancement to the priesthood within one year of institution; and it mandated permanent residence for all beneficed clerics.<sup>11</sup> Canon fourteen restricted custodies of benefices to ordained priests and then only for a six-month period. Canon eighteen empowered bishops to deprive all pluralists who failed to produce papal dispensations for their multiple benefices. Each canon prescribed new approaches to bishops’ management of secular clerics in their dioceses in a bid to secure parishioners’ trust in parish priests.

There has been some recognition of the impact of Lyons II, albeit not in the English context. Brentano and George Dameron each recognized the effect the council had on bishops in the Italian peninsula. Brentano described the Italian bishops as ‘spiritually refreshed’ after 1274, and Dameron identifies a more pious culture in Florence in the wake of Lyons II-influenced episcopal reform programmes in the city-state.<sup>12</sup> The council left a strong mark in Italy, so what about in England? A strong contingent of English ecclesiastics made the journey to Lyons. The patent rolls record around thirty royal licences to travel overseas issued by the chancery between February and June 1274; six were for current bishops and there were two future bishops.<sup>13</sup>

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<sup>8</sup> The canons promulgated at the council are preserved in full in the *Liber sextus* of the *Decretales Gregorii IX*. This ensured that each canon became part of the extensive body of the canon law. M. Bégou-Davia, ‘Le *Liber Sextus* de Boniface VIII et les extravagantes des papes précédents’, *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte: Kanonistische Abteilung* 90 (2004), 77-191; Boyle, ‘The Date of the Commentary of William Duranti on the Constitutions of the Second Council of Lyons’, *Bulletin of Medieval Canon Law* 4 (1974), 39-47, esp. pp. 39-42, repr. in his *Pastoral Care, Clerical Education and Canon Law, 1200-1400* (London, 1981), original pagination.

<sup>9</sup> Mansi xxiv 68: ‘[s]uper ordinatione vero parochialium ecclesiarum, ne fraudentur rectorum suorum praesentia, et viri idonei ponantur in eis’.

<sup>10</sup> B. Roberg chose to omit canons thirteen and fourteen from his critical edition of the Lyons II canons in the recent *Conciliorum Oecumenicorum*, citing that these were post-conciliar and did not belong to the full body of canons. *Conciliorum Oecumenicorum* ii:i, 249-358, esp. pp. 253-54, 281. See also Wolter and Holstein, *Lyon I et Lyon II*, 187. For canons thirteen and fourteen, see *DEC* i, 309-31.

<sup>11</sup> The aspects of *Licet canon* concerning age and education reiterated canon three promulgated at Lateran III in 1179. *Conciliorum Oecumenicorum* ii:i, 128-29.

<sup>12</sup> Brentano, *Two Churches*, 127, 190-91; G.W. Dameron, *Florence and its Church in the Age of Dante* (Philadelphia, 2005), 30, 173.

<sup>13</sup> The total number also includes sixteen regular prelates and three secular ecclesiastics. The six bishops were Walter Giffard, archbishop of York (1256-79); John Chishull, bishop of London (1273-80);

Thomas de Cantilupe, the future bishop of Hereford, also attended and it is possible that Swinfield was in Cantilupe's retinue at that time.<sup>14</sup> The English presence at the council created the initial conduit for the Lyons II agenda into England.

In order to investigate the impact of Lyons II and the reform movement in late-thirteenth century England, it is first necessary to adopt a different perspective on episcopal reform programmes than the one taken in current scholarship. Bishops are a frequent focus in studies of ecclesiastical reform. Marion Gibbs' and Jane Lang's 1934 study *Bishops and Reform* remains a seminal work on the English episcopate during the reign of Henry III; the study traces the efforts of bishops to enact the pastoral revolution launched at Lateran IV.<sup>15</sup> Paul Bixton's *Watchmen on the Tower* outlines the enactment of Lateran IV reforms in the German diaspora from 1216 to 1245, and Helen Birkett convincingly does the same for York province from 1215 to 1348.<sup>16</sup> Each of these studies is part of a larger body of research that equates ecclesiastical reform with the drafting of statutes.<sup>17</sup> This approach presents a problem in the study of bishops of Canterbury province in the late thirteenth century. Few diocesan statutes dating from 1272 onwards survive,<sup>18</sup> leaving the impression that episcopal reform programmes came to an end in Canterbury's dioceses.

Other historiographical trends fuel this notion. The careers of two successive archbishops of Canterbury shape the historiography of reform in late-thirteenth century England: Peckham and Winchelsey. Peckham promulgated a series of constitutions at the council of Lambeth in 1281 that have long-been defined as the archbishop's programme to modernize the church in England in line with the Lateran IV reforms.<sup>19</sup> Gerald Owst, followed by a host of other scholars, held that Peckham's ninth Lambeth

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Walter Bronescombe, bishop of Exeter (1258-80); Roger de Meyland (a.k.a Longespée), bishop of Coventry and Lichfield (1258-95); and William Bitton II, bishop of Bath and Wells (1267-74). The two future bishops of Salisbury were Walter Scammel, then dean of Salisbury (1285-86), and Henry Brandeston (1287-88). See *CPR 1272-81*, 41, 42, 44, 45, 46, 47, 49, 50, 53, 54.

<sup>14</sup> N.D.S. Martin, 'The Life of St Thomas of Hereford' in Jancey (ed.), *St Thomas Cantilupe*, 15-19, at 17

<sup>15</sup> Gibbs and Lang, *Bishops and Reform*.

<sup>16</sup> Birkett, 'The Pastoral Application of the Lateran IV Reforms in the Northern Province', 199-219; Bixton, *The German Episcopacy and the Implementation of the Decrees of the Fourth Lateran Council*.

<sup>17</sup> See also K.G. Cushing, *Reform and papacy in the eleventh century: spirituality and social change* (Manchester, 2005), 91-110, esp. 94-96, 97-99; P. Linehan, 'Councils and Synods in thirteenth-century Castile and Aragon' in *Councils and Assemblies: studies in church history* 7, G.J. Cuming and D. Baker (eds) (Cambridge, 1971), 101-11, and his *The Spanish Church and the Papacy in the Thirteenth Century* (Cambridge, 1971), esp. pp.54-100 on conciliar tradition; B. Bolton, 'The Council of London, 1342' in *Councils and Assemblies*, 147-60.

<sup>18</sup> For more on diocesan statutes in England, see below, 136-40.

<sup>19</sup> Douie, *Peckham*, esp. pp. 95-142; E. Duffy, *The Stripping of the Altars: traditional religion in England, c.1400-c.1580* (London, 1992), 53-87; Sheehan, 'Peckham's Perception of the Papacy', 299-320, esp. pp. 304-5; Thompson, 'The Academic and Active Vocations: Peckham', 1-24.

constitution, *Ignorantia sacerdotum*, did much to instruct priests on matters of doctrine.<sup>20</sup> The constitution spawned a tradition of popular and clerical manuals of religious instruction that lasted up to and beyond the Reformation.<sup>21</sup> Brentano offered Winchelsey as an ideal archbishop who successfully led England's clerics in a contest for ecclesiastical liberty; Denton's biography of Winchelsey traces the archbishop's extensive efforts to tackle pluralism and to prevent royal encroachments on church rights between 1296 and 1313.<sup>22</sup> This body of scholarship does much to shed light on archiepiscopal leadership and agency in the late thirteenth century but it has a negative side effect. By championing Peckham and Winchelsey, the work of the bishop in his diocese during this period is marginalized, even overlooked.

An analysis of episcopal reform in the diocese necessitates an examination of diocesan records, especially bishops' registers. Pontoise's and Swinfield's registers contain within them a range of *acta* and other official documents that record the two bishops' administrative decisions, commands, and work. These records, including records of institution, contain particular language that echoes or is based upon the language of conciliar canons, or translates those canons into workable directives sent to episcopal administrators, from which it is possible to reconstruct episcopal reform agendas. The focus in this chapter is how those records relate to Pontoise's and Swinfield's efforts to enact reform in their dioceses.

This chapter adopts a comparative methodology in order to shift the focus to the work of bishops in their dioceses. It compares Pontoise's and Swinfield's reform programmes and their enactment in Hereford and Winchester and, in doing so, attempts to identify the bishops' approaches to the management of secular clerics in the two dioceses. It also compares the impact of Lyons II in each diocese. The chapter shifts focus away from diocesan statutes towards material that so far features little in the discussion of bishop-led reform: bishops' registers. The chapter is divided into two sections. The first section (I) explores influences that shaped episcopal reform

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<sup>20</sup> G.R. Owst, *Preaching in Medieval England: an introduction to sermon manuscripts of the period c.1350-1450* (1926, repr. Cambridge, 2010), 281-82; A.B. Reeves, 'Teaching the Creed and Articles of Faith in England: 1215-81' in R. Stansbury (ed.), *A Companion to Pastoral Care in the Later Middle Ages, 1200-1500* (Leiden, 2010), 41-72, esp. pp. 41-42.

<sup>21</sup> Douie, *Archbishop Peckham*, 138-42; M. Fitzgibbons, 'Disruptive Simplicity: Gaytryge's translation of Archbishop Thoresby's *Injunctions*' in R. Blumenfeld-Kosinski, D. Robertson, N. Bradley Warren (eds), *The Vernacular Spirit: essays on medieval religious literature* (New York; 2002), 39-58, at pp. 39-40; J. Shaw, 'The Influence of Canonical and Episcopal Reform on Popular Books of Instruction' in Heffernan (ed.), *The Popular Literature of Medieval England*, 44-60, esp. pp. 48-49.

<sup>22</sup> Brentano, *Two Churches*, 236-37; Denton, *Winchelsey*, 269-96. See also Cheney, 'The So-called Statutes of John Peckham and Robert Winchelsey for the province of Canterbury', *Journal of Ecclesiastical History* 12 (1961), 14-34, esp. pp. 21-34.

programmes during this period, especially bishops' administrative training, trends in approaches to reform, and pre-existing diocesan statutes. The second section (II) examines reform in the two dioceses, including an examination of the role of registration and its associated records in transmitting and enacting reform agendas.

## **I. Reform in the late-thirteenth century**

The training and development of ecclesiastical reformers in the thirteenth century has attracted a great deal of attention. Studies of episcopal reform often turn to bishops' university educations when investigating the influences that shaped their reform agendas.<sup>23</sup> Thompson argues, using Peckham's career as a model, that a bishop's academic career had a bearing on his worldview and perception of the church and, in turn, shaped his perception of ecclesiastical reform and how to enact it.<sup>24</sup> Other historians, such as Cheney and Brian Kemp, identify the influence of scholastic thought on the development of diocesan statutes promulgated in England between 1215 and 1272.<sup>25</sup> Pontoise and Swinfield were university graduates but little is known about their academic careers other than their degrees: Pontoise was trained in civil law and Swinfield held a doctorate in theology, although it is not clear in either case from where or when. This absence of records necessitates that this section adopt a different angle to its investigation of Pontoise's and Swinfield's exposure to reforming ideals. As such, this section investigates the cultures of reform and diocesan administration in the period immediately after Lyons II, when Pontoise and Swinfield were serving in the households of two bishops, Bronescombe and Cantilupe, who were present at the council. There is a particular focus on the mechanisms used to enact reform in Exeter and Hereford, with some comparison with other bishops to gain insight into reform on an England-wide scale. The first sub-section examines the role of councils and synods and diocesan statutes in the late thirteenth century, the second sub-section examines the immediate impact of the Lyons II agenda in England, and the third sub-section

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<sup>23</sup> There are detractors to this school of thought. Le Goff considered medieval academic conceptions of reform and pastoral care to be detached from the reality of church life. See J. Le Goff, *Intellectuals in the Middle Ages*, trans. T.L. Fagan (Oxford, 1993), 117.

<sup>24</sup> Sheehan, 'Pecham's Perception of the Papacy', 299-320, esp. pp. 300-1; Thompson, 'The Academic and Active Vocations: Pecham', 1-24. For further examples of bishops' application of their academic training, see Davis, *The Holy Bureaucrat*, 1-29

<sup>25</sup> Cheney, *English Synodalia in the Thirteenth Century* (Oxford, 1941) and his 'Statute-making in the English Church in the Thirteenth-Century', repr. in his *Medieval Texts and Studies* (Oxford, 1973), 138-57; Kemp, 'God's and the King's Good Servant', 359-78.

examines the mechanisms of reform in Hereford and Winchester during this period. It will draw on material from a range of bishops' registers, but gives a particular focus to episcopal mandates and their role in communication between bishops and administrators, before turning to diocesan statutes copied into Pontoise's register.

### **Councils, synods and diocesan statutes**

Diocesan synods were a key feature of diocesan administration in England after 1215,<sup>26</sup> but few records survive from after 1272 that shed light on the place of the synod in the late-thirteenth century church. Synods served several important roles for bishops' management of secular clerics. The sixth canon promulgated at Lateran IV mandated annual provincial councils, convened by metropolitan archbishops, and diocesan synods in order to facilitate the correction of abuses and the promulgation of legislation.<sup>27</sup> It is this legislative character that generated a wealth of records and has attracted the attention of historians.<sup>28</sup> English bishops promulgated an extensive body of diocesan statutes between 1215 and 1272 but on only two occasions was this done outside of a synod.<sup>29</sup> Odette Pontal adds that synods served as a training forum for parish priests. All beneficed clerics (or their proctors) were obliged to attend, affording bishops a platform to teach the fundamentals of the administration of *cura animarum*.<sup>30</sup> From the first quarter of the thirteenth century, bishops sometimes distributed *summulae*, treatises on the duties of the priestly office, at synods or shortly afterwards.<sup>31</sup> Pontal goes as far to argue that synods were essential to the success of the pastoral revolution.<sup>32</sup>

However, there are far fewer references to diocesan synods held in England after 1272. There are no records indicating that Pontoise or Swinfield ever held synods

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<sup>26</sup> Cheney, *English Synodalia*; G.J. Cuming and D. Baker (eds), *Councils and Assemblies: studies in church history* vii (Cambridge, 1971).

<sup>27</sup> *Constitutiones Concilii quarti Lateranensis una cum Commentariis glossatorum*, A. Garcia y Garcia (ed.) (Vaticano, 1981), 53.

<sup>28</sup> See, for example, J. Avril, 'L'institution synodale et la législation épiscopale des temps Carolingien au IV concile du Latran', *Revue d'histoire de l'Eglise de France* 89 (2003), 273-307; O. Pontal, *Les statuts synodaux* (Typologie des sources du Moyen Age occidental) (Turnhout, 1975).

<sup>29</sup> The two occasions where it appears statutes were issued outside a diocesan synod were Stavesby, bishop of Coventry & Lichfield in c.1224x37, and Grosseteste, bishop of Lincoln in c.1239. Cheney, 'Statute-making in the Thirteenth-Century', 138-57, esp. p. 148-49.

<sup>30</sup> Pontal, *Les statuts synodaux*, 25-26; for a recent detailed study of the edifying function of diocesan statutes, see Reeves, 'Teaching the Creed and Articles of Faith', 41-72 and his *Religious Education in Thirteenth-Century England: the Creed and Articles of Faith* (Leiden, 2015), esp. pp. 27-45.

<sup>31</sup> J. Goering and D.S. Taylor, 'The *Summulae* of Bishops Walter de Cantilupe (1240) and Peter Quinel (1287)', *Speculum* 67 (1992), 576-94.

<sup>32</sup> Pontal, *Les statuts synodaux*, 17-91, but also pp. 25-27 on the role of synods in church government.

during their episcopates; the two great studies of administration and pastoral leadership in Hereford and Worcester dioceses in the fourteenth century also suggest there were no recorded synods in either location.<sup>33</sup> It is possible that synods became normative practice to the extent that episcopal agents no longer deemed them record worthy. But fewer diocesan statutes also survive from the later period, suggesting synods' legislative function had become superfluous. The most prominent mechanisms of reform between 1215 and 1272 are largely absent from historical records in Hereford and Winchester dioceses after that latter date and historians have, until now, forwarded few alternatives that might point to an ecclesiastical reform movement during the period in question in this thesis.<sup>34</sup>

New trends emerged in late-thirteenth century legal cultures of the English lay sphere that Charles Donahue Jr argues illuminates the changing importance of diocesan synods and statutes. Legislative process in the English political realm became more centralized during the reign of Edward I owing to the rise of parliament as a legislative body and the increased judicial authority invested in royal courts where common law was practised; localised law making was overshadowed by royal justice.<sup>35</sup> Similar shifts took place in the ecclesiastical sphere. Diocesan synods and statutes were few after 1272 but provincial councils led by the archbishop of Canterbury continued as normal.<sup>36</sup> From Peckham through to John de Stratford (1333-48), archbishops of Canterbury continued to routinely hold provincial councils and to promulgate legislation. Winchelsey convened councils on a frequent basis between 1294 and 1313; the archbishop held at least fifteen provincial councils and two plenary councils involving all English clerics.<sup>37</sup> In Donahue's model, greater power and legislative authority were

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<sup>33</sup> Haines stresses that there are no recorded diocesan synods at Worcester during the first half of the fourteenth century. Dohar makes no mention of synods at Hereford, but does place an emphasis on clerical gatherings for ordinations. Haines, *Administration of Worcester*, 67; Dohar, *Pastoral Leadership*, see 17, 58, 63, 69.

<sup>34</sup> Donahue Jr has presented evidence that diocesan synods continued at Ely throughout the fourteenth century. The Act Book of the bishop of Ely's official, which contains material for the consistory court located there covering the years 1374 to 1382, makes several references to synods. There is no equivalent material which has survived at either Hereford or Winchester for our period. C. Donahue Jr, 'Thoughts on diocesan statutes: England and France, 1200-1500' in U-R Blumenthal, A. Winroth, P. Landau (eds), *Canon Law, Religion and Politics: liber amicorum Robert Somerville* (Washington D.C., 2012). 253-71, esp. pp. 270.

<sup>35</sup> For a recent, detailed discussion of common law justice in this period and Edward I's use of parliament to promulgate statutes, as well as the distribution of power between centre and localities, see Burt, *Edward I and the Governance of England*, 27-34.

<sup>36</sup> Donahue Jr, 'Thoughts on diocesan statutes', 270.

<sup>37</sup> *Councils & Synods* ii:ii, 1125-378.



invested in the archbishop of Canterbury, thereby undermining the power of bishops in their dioceses.<sup>38</sup>

Peckham promulgated a series of constitutions in 1279 and 1281 that offer examples of the increased legislative output of the archbishops of Canterbury. The new archbishop considered his papal provision to have rendered him an ‘instrument of reform’ with a mandate to achieve that objective by any means possible.<sup>39</sup> Peckham’s self-perception was reflected in his work at two major provincial councils in 1279 and 1281. Peckham’s first council at Reading in 1279 partly served as a platform to re-promulgate the 1268 constitutions of the papal legate, Ottobuono, and the Lyons II canons, partly as a forum to meet his new episcopate and announce his intentions to enact widespread reforms.<sup>40</sup> The archbishop’s Lambeth constitutions were more original and more progressive.<sup>41</sup> Peckham focussed primarily on the work of the priest in his parish and, perhaps more importantly, on increasing lay engagement with the church. Canons one to nine read as a *summula* on the fundamentals of the administration of *cura animarum*, including treatises on the sacraments, doctrine, and articles of faith. Other canons addressed the work of bishops in their dioceses. Canons thirteen and fourteen required bishops to take greater care to determine the true identity of benefice holders in order to prevent the subversion of a cleric’s rights to hold a property; canon twenty-three mandated that all bishops issue letters patent to clerics upon their institution to a benefice in order to certify the cleric’s ownership rights.<sup>42</sup> In a separate move, Peckham augmented the power of the court of Arches, based at the church of St Mary-le-Bow, London. The court served as the highest ecclesiastical court in Canterbury province and was under the direct control of the archbishop. Peckham extended the court’s remit over testamentary or intestate litigation to include all cases involving clerics with multiple properties in multiple dioceses; he also empowered the dean, the presiding judge, to hear appeals against decision made in diocesan courts.<sup>43</sup> The reforms were intended to streamline the ecclesiastical judicial process. Peckham was a prolific legislator as archbishop but he did not stop at prescribing reform; in his court of Arches policy, he also enacted reform. On one level, Donahue’s model holds water.

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<sup>38</sup> See also Cheney, ‘Some aspects of diocesan legislation in England during the thirteenth century’ in his *Medieval Texts and Studies*, 185-202, 198-99.

<sup>39</sup> Sheehan, ‘Peckham’s Perception of the Papacy’, 304, 305.

<sup>40</sup> *Councils & Synods* ii:ii, 738-92; Cheney, *English Synodalia*, 32; Haines, *Ecclesia anglicana*, 139.

<sup>41</sup> For more on the council of Lambeth, see Douie, *Peckham*, 95-142.

<sup>42</sup> For the Lambeth constitutions, see *Councils & Synods* ii:ii, 888-920.

<sup>43</sup> F.M. Powicke, *The Thirteenth Century 1216-1307*, 2 edn (Oxford 1962), 489-93; F.D. Logan, ‘The Court of Arches and the Bishop of Salisbury’ ‘The Court of Arches and the Bishop of Salisbury’, in Hoskin, Brooke, and Dobson, *The Foundation of Medieval English Ecclesiastical History*, 159-72.

On another level, the interconnected matters of enactment and reception of Peckham's reforms in Canterbury province, Donahue's centralization theory has several weaknesses. Foremost are the bishops' reactions to Peckham's reforms. Peckham's vision for the church did away with localized (or diocesan) identity and prioritized a universal church led by a papal monarchy; bishops were necessary for church government but had little role beyond that.<sup>44</sup> Peckham's vision was realized in two policies, namely the enlarged remit of the court of Arches and his visitations across Canterbury province. In both cases, Peckham undermined bishops' judicial authority in their own dioceses, leading to resistance from Swinfield's mentor, Cantilupe, who orchestrated a series of appeals to the papal curia against Peckham's actions.<sup>45</sup> Swinfield continued to appeal against the Arches reforms until at least 1288. Several items in Swinfield's register speak to his resistance. A letter records a joint appeal dated to 30 April 1288 dispatched to the curia in the names of the bishops of Ely, Exeter, Hereford, Lincoln, and London. The bishops lamented Peckham's encroachments on their jurisdictions.<sup>46</sup> Due to this resistance, the archbishop was unable to fully enact his agenda. There is a notable absence of records or even references to the 1281 Lambeth council or its constitutions in Pontoise's and Swinfield's respective registers. It is difficult to identify Peckham's influence in either of the two bishops' work. There are also few references to the 1281 constitutions in the two sets of statutes that do survive from the late thirteenth century, those of Quinel at Exeter in 1287 and those of St Leofard at Chichester in 1289.<sup>47</sup> Peckham's reform agenda was far-reaching but it had little traceable impact, at least not on the scale of Lateran IV or Ottobuono's constitutions. Rather than move towards a reformed, centralized church in England, Peckham created divides in his episcopate.

The evidence presented in this section has three implications for the current understanding of reform in thirteenth-century England, and for the remainder of this chapter. First, that the model of ecclesiastical reform in England in which bishops used diocesan statutes as mechanisms of reform and promulgated these in synods, does not extend to the late thirteenth century. The apparent end of statute-making after c.1272 is, perhaps, an accident of surviving material, and it is possible that bishops were less

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<sup>44</sup> Peckham equated bishops to the Apostles, spreading the word of Christ but always subordinate to him. The pope was the successor to St Peter, the bishop chosen to lead all others. Sheehan, 'Peckham's Perception of the Papacy', 302-3.

<sup>45</sup> Douie, *Peckham*, esp. 192-200, 216-18; see also Finucane, 'The Cantilupe-Peckham Controversy', 103-22.

<sup>46</sup> *Reg. Swinfield*, 176-77.

<sup>47</sup> *Councils & Synods* ii:ii, 984, 1082-90.

likely to record diocesan synods after they had become a common feature of diocesan administration. But it would seem that bishops placed less emphasis on synods and statutes. Second, that the impact of archiepiscopal reform was more limited than was previously considered to be the case. Third, that the canons of Lyons II were not disseminated in England in the normal manner, namely through synods and statutes. This draws attention to the work bishops undertook in their dioceses and to another source of material, bishops' registers, to investigate the impact of Lyons II in England.

### **The Lyons II agenda in England**

Up until now, historians have assumed that Lyons II had little or no immediate impact in England, and that few bishops, if any, issued responses to the council. In November 1274, Pope Gregory X disseminated a papal encyclical that contained the canons promulgated at Lyons. But Haines argues that it was not until 1279, at the council of Reading, that an archbishop of Canterbury formally promulgated the canons in England, prompting a response from the Canterbury episcopate.<sup>48</sup> Certainly, no English bishop promulgated diocesan statutes between November 1274 and 1279 (Peckham's Reading constitutions) that contained the Lyons II canons, or were derived from them.

However, evidence from bishops' registers indicates responses were made at an earlier date. Walter Giffard, archbishop of York (1266-79) was one of the most prominent figures to attend the council. Recorded in Giffard's register is an 8 April 1275 mandate to his official and two sequestrators. The mandate launched an archdiocese-wide inquiry into plurality and its legitimate dispensation (*dispensazione legitima*); into absent rectors, vicars, and those benefice holders who were licensed for study; into the number of simoniacs and 'sinful rectors and vicars' (*rectoribus et vicariis peccantibus*).<sup>49</sup> Giffard revoked all custodies and commendams unless dispensation was granted and he sought to determine which beneficed clerics had not yet been ordained.<sup>50</sup> There is no explicit reference to Lyons II in Giffard's mandate, but

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<sup>48</sup> Haines, *Ecclesia anglicana*, 132-37, 138-39.

<sup>49</sup> The mandate runs for almost the entire length of fo. 118d. The first paragraph orders the bishops' men to work hard and remain vigilant, to drive back the vices of clerics and laity. Then follows an itemised list of twenty-seven articles for inquiry. *The Register of Walter Giffard, lord archbishop of York 1266-79*, W. Brown (ed.) (Surtees Society, 1904), 266-68.

<sup>50</sup> *Reg. W. Giffard*, 267, 268: 'Item de revocandis custodiis et commendis sine causis concessis et indebite... Item de rectoribus et vicariis qui non sunt in ordine quem beneficiorum suorum cura requirit, et quis in quo ordine fuerit constitutus'.

the archbishop's inquiry emphasized each problem proscribed in canons thirteen, fourteen and eighteen. Walter's brother, Godfrey, bishop of Worcester, had not attended the council but issued a similar mandate in September 1276. Godfrey listed seventeen articles for inquiry. His official was to inquire into pluralism, simony and unordained clerics instituted after Lyons II.<sup>51</sup> The two bishops were aware of and took measures to enact at least part of the Lyons II agenda within two years of the council. They did so not by making statutes as bishops had done in the past, but by mandating their agents to identify violators of the new canons in preparation for judicial process.

The two programmes of reform had a local character, shaped by each bishop's interpretation of the canons and their applicability in the diocese. Walter's inquiry was shaped by concerns over clerical misconduct and the need to identify transgressors of the new canons. Godfrey's inquiry was concerned with ecclesiastical life in general, including marriage (in two articles); making and administering wills (in four articles); and maintenance of ecclesiastical property and clerical incomes (in four articles). To that end, Godfrey drew on several more canons than Walter, who instead focussed on the enactment of canons thirteen and fourteen, in particular. However, Walter's and Godfrey's interpretations of the new canons might have diverged, but their means of enacting the canons, captured by their mandates, demonstrate active responses to Lyons II.

Several records in Godfrey Giffard's register point towards an unusual demonstration of co-operation between bishops in their responses to the council. In a 1278 mandate, Nicholas de Ely, bishop of Winchester, gave particular focus to *Licet canon* and directed the archdeacons of Surrey and Winchester to enforce residence at all benefices and to cite clerics instituted after July 1274 to prepare for ordination.<sup>52</sup> Ely's register does not survive and his mandate has been preserved in Giffard's register at Worcester, despite it relating to Winchester. Strong ties existed between Winchester and Worcester at this time. Ely had been bishop of Worcester before his translation to Winchester in 1268, he supported Worcester cathedral in his will, and the Worcester annals, kept at the cathedral, maintained an interest in Ely's later career.<sup>53</sup> Ely and Giffard also had personal ties. The Giffard family, led by Godfrey after 1279, held

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<sup>51</sup> *Episcopal Registers. Diocese of Worcester: Register of Bishop Godfrey Giffard, September 23<sup>rd</sup> 1268, to August 15<sup>th</sup>, 1301*, J.W. Bund (ed.), 2 vols (Worcestershire Record Society, 1902), 90.

<sup>52</sup> *Reg. G. Giffard*, 103.

<sup>53</sup> Ely bequeathed thirty marks and a bible to Worcester cathedral in his will. *Annales Prioratus de Wigornia (A.D. 1-1377)* in *Annales Monastici volume four*, H.R. Luard (ed.) (Rolls Series, 1869), 473, 474-75; *Fasti Ecclesiae 1066-1300*: ii, Monastic Cathedrals, 102; *EEA xiii: Worcester 1218-1268*, Hoskin (ed.) (British Academy, 1997), xxxiv.

property situated on the bishop of Winchester's estate.<sup>54</sup> There was one other prominent connection between them. On Trinity Sunday 1279, Ely commissioned Giffard as his vicar-general, empowering the bishop of Worcester to 'ordain beneficed and religious persons' in the diocese of Winchester. The commission was preserved in Giffard's register.<sup>55</sup> The reason for this commission is unclear. There is no record that Ely was ill, travelled overseas, or was otherwise incapacitated. He was still active in England in September and October 1278.<sup>56</sup> But Giffard assumed ordinary powers in Winchester diocese and his register also contains records of his Winchester administration. On 29 November 1279, Giffard commissioned the dean of Salisbury to oversee a court hearing involving laypersons from Winchester.<sup>57</sup> It is possible that Giffard had Ely's mandate in his possession because it was the bishop of Worcester who was tasked with overseeing its enactment. This co-operation between bishops attached a heightened sense of importance to the mandate and its contents. Ely recognized the need to enact *Licet canon* throughout Winchester diocese and recruited Giffard in order to ensure appropriate actions were taken, emphasizing the pressing nature of enforcing the canons.

Active responses to the council were also evident in the two dioceses in which Pontoise and Swinfield began their careers as ecclesiastical administrators, Exeter and Hereford, pointing towards their exposure to the development of new programmes of reform. Pontoise served as archdeacon of Exeter after 1274, in the household of Bishop Bronescombe. Bronescombe issued a mandate, recorded in his register, in July 1275 to John de Rose, his official, that had parallels with those issued by the Giffards. Bronescombe informed John that:

numerous previous statutes of holy canons have been issued concerning...the ordination of beneficed clerics, whose publication has as yet borne scant fruit from many in our diocese. Accordingly, so that we the lord bishop should not fear a penalty for culpable negligence...we command that you should peremptorily cite and have cited, publicly

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<sup>54</sup> This included the manor of Itchel and two knights' fees at Farnham, the bishop of Winchester's castle. *Reg. G. Giffard*, 95; *Reg. Pontissara* ii, 596.

<sup>55</sup> *Reg. G. Giffard*, 108.

<sup>56</sup> Ely dedicated the priory church of Waverley in September 1278 and the bishop was the leading magnate to witness King Alexander III's homage to Edward at Westminster in October. *Annales Monasterii de Waverleia (A.D. 1-1291)* in *Annales Monastici volume two*, H.R. Luard (ed.) (Rolls Series, 1865), 390-91; *CCR 1272-9*, 505.

<sup>57</sup> Giffard commissioned to the dean of Salisbury, Walter Scammel (the future bishop), and the sub-dean, William de Sherbourne, to preside over a legal case involving three parishioners from Winchester diocese. No details of the case are provided other than the names of the plaintiff and defendants. *Reg. G. Giffard*, 118.

and solemnly, all rectors and vicars of parish churches in our diocese who are not already in priest's orders, omitting nobody, and including those holding prebendal benefices in collegiate churches, to present themselves in our sight in the parish church of Torrington on the Ember Days next before Christmas, to receive holy orders as the status of each requires...<sup>58</sup>

The mandate served at once as a criticism of Exeter's beneficed clerics and an enactment of *Licet canon*. Bronescombe focussed on the ordination aspect of *Licet canon* but added that it fell upon him, as bishop, to enforce it for fear of being perceived as negligent. In that statement, the bishop recognized that the responsibility for enforcement was episcopal. Bronescombe also added a punishment, suspension from 'administration of ecclesiastical property' and sequestration of incomes, to ensure rectors/vicars were compliant. Bronescombe's recognition of responsibility, the punishment, and the organization of a mass ordination ceremony with compulsory attendance attached a sense of intent and immediacy to the mandate. Statute-making could prescribe observation of the canon and (voluntary) submission for ordination; the mandate prescribed a programme for enforcement. As a benefice holder (Tawstock) and one of the leading administrators of Exeter diocese, Pontoise was thus exposed to the use of mandates to enact conciliar canons in a diocese, and to the weight of episcopal responsibility for their enforcement.

Like Pontoise, Swinfield was exposed to this use of mandates for enacting the Lyons II canons during his time in the household of his mentor and predecessor in Hereford, Cantilupe. On 16 November 1275, in a mandate recorded in his register, Cantilupe directed his official, Luke de Bree, to '[s]pare no one in [your] citation [of clerics] to be advanced to Holy Orders, no matter what outstanding rank [they are]'.<sup>59</sup> There is no direct reference to *Licet canon* but Cantilupe's concise mandate echoed the same concerns that shaped Bronescombe's mandate for Exeter, namely the mass ordination of beneficed clerics. This programmatic, active response would suggest a similar urgency to enforce the new canons in Hereford.

Cantilupe's enforcement of the Lyons II canons was also captured by his register in mandates and memoranda that recorded the bishop's legal proceedings against unlicensed pluralists in Hereford dioceses. The bishop issued several mandates to his

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<sup>58</sup> Translation follows that of the editor, with minor adaptations by me. *The Register of Walter Bronescombe, bishop of Exeter 1258-80*, O.F. Robinson (ed.), vol. ii, 3 vols (CYS, 1995-2003), 85.

<sup>59</sup> *Reg. Cantilupe*, 25: 'In citacione ad Ordines facienda nulli parcatis, quantacunque prefulget dignitate.'

agents to pursue high-ranking pluralists, including Hervey de Boreham, Hereford cathedral precentor and dean of St Paul's, London, and Jacques de Aigueblanche, archdeacon of Shropshire.<sup>60</sup> Cantilupe's register records the pluralism case brought against Hervey de Boreham. A May 1276 memorandum records that proceedings (*negocium*) against Hervey were halted until 'certain privileges in the public form from the hand of a notary public belonging to the said precentor... were examined' by the abbot of Westminster and the bishop of London's official.<sup>61</sup> A mandate in Cantilupe's register, dated to 13 August 1276, directed the succentor of Hereford cathedral to cite Hervey to appear before the bishop on the charge of 'plurality of benefices and dignities' (*pluralitate beneficiorum et dignitatum*).<sup>62</sup> It is possible to trace Cantilupe's enforcement process through these records, which were arranged chronologically in the bishop's register. Hervey was to first prove his dispensations per Lyons II canon eighteen. After failing to do so, Cantilupe's 1276 citation required Hervey to stand trial in Hereford. The bishop was careful to record each phase of the proceedings. Cantilupe eventually declared the precentorship vacant and collated the dignity to William de Montfort in place of Hervey.<sup>63</sup> Cantilupe succeeded in challenging the plurality of one of the highest-ranking ecclesiastics in England. As one of Cantilupe's leading clerks, Swinfield witnessed his mentor enforce the Lyons II canons through litigation in Hereford's diocesan court, demonstrating a second mechanism, alongside mandated actions, used to enact reform during this period.

The evidence presented in this section demonstrates a wide pattern of response to the Second Council of Lyons in England between 1274 and 1279, fundamentally altering the current picture of reform during this period. Episcopal mandates were used as programmes for the enforcement of conciliar canons in the diocese, demonstrating that bishops moved away from the promulgation of diocesan statutes, as had been the

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<sup>60</sup> See also Pierre and Pons de Cors, prebendaries of Bromyard, and Hugh de Turnun, rector of Whitbourne. *Reg. Cantilupe*, 111, 125-26, 126; *Fasti Ecclesiae 1066-1300*: i, St Paul's, London, 8.

<sup>61</sup> *Reg. Cantilupe* 78-79: 'Precentorem super beneficiorum et dignitatum pluralitate proceditur; exhibito nobis prius per eundem Procuratorem tenore quorundam privilegiorum dicti Precentoris in formam publicam sub manu notarii publici, ut videbatur, redacto, unacum tenore auctoritatis dicti tabellionis seu notarii, sub sigillo officialitatis Londoniensis, et Abbatis Westmonasterii, dictorumque instrumentorum penes nos copia remanente; volentes super hiis et aliis negocium antedictum tangentibus, tractatu prehabito diligenti, plenius informari, et in negocio hujusmodi secundum juris exigenciain cuni debita maturitate procedere, negocium memoratum sub forma infrascripta, de consensu dicti Procuratoris expresso, duximus deferendum seu etiam prorogandum, quousque Precentori predicto aliud super hoc dederimus in mandatis'.

<sup>62</sup> *ibid.*, 88.

<sup>63</sup> William de Montfort was Cantilupe's cousin and later became dean of St Paul's, London. *Reg. Cantilupe*, 111; Carpenter, 'St Thomas Cantilupe: his political career', 57-63; *Fasti Ecclesiae 1066-1300*: viii, Hereford, 16.

case before 1272. It is only possible to develop this picture of the impact of Lyons II through close reading of material in bishops' registers. There is also unusual evidence of the enactment of reform agendas through co-operation (Giffard and Ely) or through personal ties (Giffard and Giffard), shedding light on the spread of reform through personal networks during this period. Pontoise and Swinfield were both exposed to the new methods of enforcing/enacting reform, and it is possible that personal ties shaped the reform agendas of the next generation of bishops. The next sub-section, and the remainder of this chapter, explores the impact of Lyons II on Pontoise's and Swinfield's government of their respective dioceses.

### **Diocesan statutes in Hereford and Winchester in the age of registration**

This section will investigate what place diocesan statutes had, if any, in Hereford and Winchester dioceses in the period after 1282. This thesis has argued that, in the wake of Lyons II, English bishops sought an alternative to diocesan statutes in order to enact Gregory X's canons, especially canons thirteen, fourteen, and eighteen. However, diocesan statutes carried value long after their initial promulgation, and they remained applicable in the diocese even after the bishop had died or left.<sup>64</sup> Although no new statutes were promulgated in either diocese, it is possible that there was still a place for those statutes promulgated by Pontoise's and Swinfield's predecessors, even in a climate of reform that favoured active responses. This section examines episcopal memoranda and *acta*, the records in the two bishops' registers that most clearly capture their work as diocesans, in order to explore the on-going life of statutes in the late thirteenth century. The aim is to determine how these local bodies of law shaped Pontoise's and Swinfield's approaches to diocesan government, if at all. The first part of the section addresses Hereford diocese, the second moves on to Winchester.

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<sup>64</sup> Cheney, 'Some Aspects of Diocesan Legislation', 185-202.



## Swinfield and the place of diocesan statutes in Hereford

Conditions in Hereford diocese might suggest that diocesan statutes were high on the agenda for its thirteenth-century bishops. Hugh de Mapenore (1215-19) and Hugh Foliot (1219-34) spent most of their episcopal careers within the diocese, attached to the cathedral church that had fostered their early careers.<sup>65</sup> John le Breton (1268-75) also largely remained within the geographical confines of his diocese and away from royal politics.<sup>66</sup> Cantilupe, too, was largely resident between 1275 and 1280 and it was only after the latter date, during his conflict with Peckham, that he entered into self-exile in Italy.<sup>67</sup> Modern historians recognize these bishops as dedicated administrators and, in the case of Cantilupe, a dedicated reformer. This was the type of bishop who might be expected to promulgate diocesan statutes. Peter de Aigueblanche (1234-68) was the only bishop to break that mould. His career frequently took him away from Hereford owing to his royal service.<sup>68</sup> However, other royal bishops promulgated statutes for their dioceses, including Peter des Roches at Winchester. It might thus be expected that Hereford was a hub for innovative statute-making and pastoral leadership, but this was far from the case. In fact, Hereford is only one of three dioceses for which no statutes survive.<sup>69</sup>

Hereford's thirteenth-century bishops are an anomaly in a region in which the episcopate was prolific in producing statutes. Nearby Salisbury and Worcester dioceses had long traditions of reform-minded bishops who promulgated diocesan statutes.<sup>70</sup> William de Blois, bishop of Worcester (1218-36), was one of the first English bishops to publish statutes in 1219.<sup>71</sup> Richard Poore's c.1217x19 statutes for Salisbury were the most influential of his generation. These were the first (surviving) statutes in England to emerge after Lateran IV that dealt with what Cheney labelled 'common difficulties' encountered by every bishop, especially the education and ministry of parish priests. Poore's statutes were widely disseminated in England between 1219 and 1240 and were adopted in their entirety by bishops in Canterbury, Durham and York; at least six other

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<sup>65</sup> For their itineraries and brief biographies, see *EEA vii: Hereford*, xlvi-xlvi, xlvi-l; 319, 319-20.

<sup>66</sup> *EEA xxxv: Hereford*, xvi-lxxii.

<sup>67</sup> Smith, 'Cantilupe's register', 83-101.

<sup>68</sup> Bishop d'Aigueblanche was one of a small number of Savoyards who served Henry III in royal government or as diplomats. For a brief account of d'Aigueblanche's career, see Barrow in *EEA xxxv: Hereford*, xxxvii-lxvi.

<sup>69</sup> The other two dioceses are Norwich and Rochester. *Councils & Synods* ii:i, 516-23.

<sup>70</sup> These statutes include Worcester I, II, and III; Salisbury I, II, III, IV. All of these statutes date from 1200-57. See *Councils & Synods* ii:i, 52-57, 57-96, 169-81, 294-325, 364-88, 510-15, 549-68.

<sup>71</sup> Cheney, *English synodalia*, 35.

sets of statutes were derived from them, including des Roches' at Winchester.<sup>72</sup> Walter de Cantilupe's (1236-66) 1240 statutes for Worcester were the most influential of the next generation of bishops. Cantilupe addressed the fundamentals of pastoral ministry, including the correct administration of the sacraments. Six other diocesans borrowed from Cantilupe's statutes in their own work, including Gervais for Winchester (III).<sup>73</sup> William Bitton I (1248-64) promulgated statutes for Bath and Wells in c.1258 that influenced Winchester III and statutes at Carlisle and York.<sup>74</sup> Only slightly further afield William Brewer (1225-44) produced statutes between 1225 and 1237 for Exeter that were re-promulgated by Bishop Walter Bronescombe (1258-80) in 1280.<sup>75</sup> The leading theologian, Alexander de Stainsby (1224-38) also promulgated statutes for his Coventry and Lichfield diocese at an undetermined date.<sup>76</sup> Diocesan statutes, liturgies and other ecclesiastical texts were frequently transmitted between bishops during the thirteenth century; an intellectual culture of sharing and disseminating ideas, indeed programmes of reform, was very much alive. Moreover the south west of England, the region in which Hereford was situated, was a hub for innovative ecclesiastical reform.

Beyond geographical proximity, personal networks and ties also had the potential to serve as conduits for the transmission of programmes of reform to Hereford's bishops from other dioceses. Aigueblanche was active in the royal government and court alongside two bishops who promulgated statutes: William Raleigh, bishop of Norwich (1239-44) then Winchester and Fulk Basset, bishop of London (1241-59).<sup>77</sup> Thomas de Cantilupe was trained in his uncle Walter's household in Worcester diocese in the 1250s and 1260s, during which time Walter also sponsored him to attend university at Paris.<sup>78</sup> Walter's network was a hotbed of reformist thought. Walter was a close friend of Robert Grosseteste, bishop of Lincoln (1235-53), a leading light of ecclesiastical reform; Walter was also a close associate of Simon de Montfort.<sup>79</sup> Walter's *Omnis etas*, a tract for the education of secular clerics, borrowed from work produced by Alexander de Stainsby and Grosseteste and was circulated throughout

<sup>72</sup> *Councils & Synods* ii:i, 57-96; Cheney, *English synodalia*, 51-53, 62-89.

<sup>73</sup> See *Councils & Synods* ii:i, 294-325; see also Cheney, *English synodalia*, vi-vii, 84-89.

<sup>74</sup> *Councils & Synods* ii:i, 586-626.

<sup>75</sup> *ibid.*, 227-37; 586-626.

<sup>76</sup> It is probable that Alexander de Stainsby was synonymous with the Alexander *Anglicus* lecturing at Toulouse in the 1210s and later at the *studium* at Bologna in the early 1220s. *Councils & Synods* ii:i, 207; Vincent, 'Master Alexander de Stainsby', *Journal of Ecclesiastical History* 46 (1995), 615-40.

<sup>77</sup> For more on D'Aigueblanche's career in the service of Henry III, see Barrow, 'Peter of Aigueblanche's Support Network', *TCE XIII* (2009), 27-39.

<sup>78</sup> J. Catto, 'The academic career of Thomas Cantilupe' in Jancey (ed.), *St Thomas Cantilupe*, 45-56, at p. 46.

<sup>79</sup> For a brief account of Walter's career, see *EEA xii: Worcester*, xxvii-xxxiii.

Worcester diocese.<sup>80</sup> Besides his exposure to reform programmes in Worcester, Thomas de Cantilupe also served as archdeacon of Stafford (1265-75) in Coventry and Lichfield, where Stainsby's statutes were in use. By the time of his election in 1275, Thomas had been well exposed to the statute-making and reform cultures fostered by prominent diocesans in the West Midlands.

Bridges existed between Hereford and the dioceses around it, yet surviving records seem to suggest that Hereford's bishops did not participate in the culture of transmission of ideas and reform programmes.<sup>81</sup> There are no traces of the influence of other diocesan statutes on the work of Hereford's bishops, even during Cantilupe's episcopate from when the first register, and a greater wealth of records, survives.

The Hereford example, especially the lack of statutes, throws up several questions regarding the continued association between reform agendas and statute-making in dioceses throughout Europe in the wake of Lateran IV. Historians even overlook Hereford in studies of reform and pastoral leadership owing to an apparent dearth of evidence.<sup>82</sup>

However, this absence of statutes does not indicate an absence of reform in Hereford diocese.<sup>83</sup> Cantilupe was engaged in some version of ecclesiastical reform for the duration of his episcopate. It is possible fewer records points in another direction for the reform movement in Hereford diocese. The bishops of Hereford were often conscientious diocesans but they were also leaders of a small, isolated diocese. The bishops maintained their own use when other English dioceses adopted the uses of Sarum or York.<sup>84</sup> The use provided Hereford with a liturgical identity distinct from other dioceses. There is a sense of independence in what the bishops were doing; they were rarely influenced by affairs in the rest of England, and did not participate in the reforming culture evident in the south west of England. However, if more diocesan records from before 1275 survived, it is possible that we might see Hereford's bishops engaged in reform. It is only because of registration, and the preservation of records pertaining to the bishops' work in Hereford in the diocese, that it is possible to paint a

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<sup>80</sup> Goering and Taylor, 'The *Summulae* of Walter de Cantilupe and Peter Quinel', 576-94.

<sup>81</sup> A fourteenth-century copy of William Bitton I's Wells statutes survives at Hereford cathedral. These statutes were re-promulgated in Bath and Wells in 1342 and it is thus most likely that it is this version found at Hereford. *Councils & Synods* ii:i, 586-87; Cheney, *English synodalia*, 98-99.

<sup>82</sup> For more on Hereford in the fourteenth century where more evidence does become available, see Dohar, *Pastoral Leadership*.

<sup>83</sup> A single episcopal injunction survives for Hereford diocese. Hugh Foliot promulgated this injunction at some time between 1219 and 1234 and it concerned the alienation of prebends attached to Hereford cathedral. *Councils & Synods* ii:i, 197-98; *EEA vii: Hereford*, 263-74.

<sup>84</sup> D. Lepine, *A Brotherhood of Canons Serving God: English secular cathedrals in the Later Middle Ages* (Woodbridge, 1995), 11-12.

broad picture of reform in Hereford between 1283 and 1317, as the next section (II) does below.

### **Pontoise and diocesan statutes in Winchester**

This section will investigate the use of diocesan statutes in Winchester diocese between 1282 and 1304. Throughout the thirteenth century, there was an unbroken line of curialists, royal justices, diplomats, and clerks, or their Montfortian equivalents, who became bishop of Winchester, men whose careers were often pursued away from the diocese.<sup>85</sup> Yet several of these bishops promulgated diocesan statutes, including the controversial figure, Peter des Roches, who introduced the Lateran IV canons to Winchester, and the royal clerk, William de Raleigh, who established a diocese-wide minimum annual income of five marks (£3 6s 8d) for each benefice holder.<sup>86</sup> John Gervais was the last bishop to promulgate statutes (hereafter Winchester III) for Winchester diocese at some time between 1265 and 1268.<sup>87</sup> His statutes have a bearing on this study for two reasons. First, because they were the last Winchester statutes promulgated before Pontoise's episcopate. Second, because Pontoise's register contains a full copy of Winchester III. It is the only register to contain a full copy; no other bishop's register has more than an extract or a draft of statutes.<sup>88</sup> This section investigates the reasons behind the registration of Winchester III, and what role the statutes played in Pontoise's governance of Winchester diocese. The aim is to determine

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<sup>85</sup> The bishops were: Godfrey de Lucy (1189-1204), royal justice; Peter des Roches (1205-38), Justiciar; William de Raleigh (1240-50), Chief Justice of the King's Bench; Aymer de Valence (or Lusignan) (b. elect 1250/1-60, although he was never consecrated as bishop despite receiving papal support), half-brother to Henry III and curialist; John Gervais (1262-68), former royal clerk and Montfortian supporter; Nicholas of Ely (1268-80), chancellor and treasurer in the Montfortian regime; Pontoise, royal diplomat; Henry Woodlock (1305-16) was the first and last monk-bishop in Winchester's history, breaking this line of royal bishops.

<sup>86</sup> *Councils & Synods* ii:i, 125-37, 403-16; Cheney, 'Statute-making in the Thirteenth-Century', 144 and 'Some Aspects of Diocesan Legislation', 196; N. Vincent, *Peter des Roches: an alien in English politics, 1205-38* (Cambridge, 1996), 56-57, 165-72, 172-77. For a brief account of Raleigh's career, see J. Creamer, 'St Edmund of Canterbury and Henry III in the Shadow of Thomas Becket', *TCE XIV* (2013), 129-40, esp. 133-34.

<sup>87</sup> *Councils & Synods* ii:i, 700-1.

<sup>88</sup> Only two other bishops' registers contain a trace of diocesan constitutions. Peckham's register contains a draft of statutes attributed to the archbishop and his successor, Winchelsey, though they were likely never promulgated in that form. William Greenfield, archbishop of York's (1304-15) register contains two statutes dating from 1306. See *Reg. Peckham* ii (RS), 405-6; *The Register of William Greenfield, lord archbishop of York 1306-1315* volume ii, W. Brown and A. Hamilton Thompson (eds), 3 vols (Surtees Society, 1936-50), 68; Cheney, 'The so-called Statutes of Pecham and Winchelsey, 14-34.

the role of registration in reform and government in Winchester during the late thirteenth century, as well as investigate the on-going use of statutes during this period.

The entry in Pontoise's register ascribes the statutes to Bishop John, but several aspects of their contents indicate that they are Winchester III rather than a new set of statutes promulgated by Pontoise. Cheney's research points the way here. Two late-thirteenth century versions of the statutes attributed them to a Bishop John, including the earliest-surviving copy in Pontoise's register, but the authors of two separate legal texts, one produced in c.1300 and the other in c.1310, attributed the statutes specifically to Gervais.<sup>89</sup> Cheney also convincingly argues that no ecclesiastical legislation promulgated after 1270 influenced the statutes. Gervais drew upon Langton's 1222 Oxford constitutions and Otto's 1237 legatine constitutions; Cheney also identifies the influence of William Bitton's 1258 Wells statutes and William Raleigh's 1247 Winchester statutes. These are derived from Cantilupe's 1240 Worcester statutes, to which Winchester III contains direct reference in chapters four and twenty-two. There is also direct quotation of Archbishop Boniface of Savoy's Lambeth 1261 canons regarding the issue of wills.<sup>90</sup> For the most part, Winchester III belonged to a legal tradition that ended with the Montfortian revolution.

One of the statutes in Pontoise's register does not fit as neatly into Cheney's argument that attributes the full set of Winchester III to Gervais. The language and tenor of chapter fifty-five are sufficiently distinct from the other statutes to afford grounds for further exploration, especially concerning the function of the statutes in Pontoise's register. Chapter fifty-five mandated all beneficed clerics, without exception, to personally take residence in their parishes by the Feast of the Nativity (25 December) in the (undetermined) year the diocesan statutes were issued, on pain of deprivation.<sup>91</sup> Cheney suggests other diocesan statutes provided precedents for chapter fifty-five. Raleigh's 1247 Winchester II chapter thirty-eight decreed that 'all rectors and vicars of churches should be made to personally reside in their benefices'.<sup>92</sup> William Bitton I's 1258 chapter forty-four for Wells threatened deprivation for any non-resident vicars or for absentee rectors at churches where no vicar was instituted.<sup>93</sup> Raleigh's and Bitton's

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<sup>89</sup> *Councils & Synods* ii:i, 701; Cheney, *Episcopal Visitation*, xxviii.

<sup>90</sup> Cheney, *Councils & Synods* ii:i, 700-1; Cheney, *English synodalia*, 105-7.

<sup>91</sup> *Reg. Pontissara* i, 212; *Councils & Synods* ii:i, 712-13: '[S]tatuius quod rectores, vicarii, et omnes alii beneficiati nostre diocesis qui ex suscepti cura regiminis in suis beneficiis residere tenentur, citra Natale domini ad sua accedant beneficia facturi in eis deinceps continuam residentiam personalem...'

<sup>92</sup> *Councils & Synods* ii:i, 408: '...ut omnes rectores ecclesiarum et vicarii residentiam faciant in suis beneficiis personalem'.

<sup>93</sup> *ibid.*, 610.

statutes both draw on Otto's canon ten promulgated at his 1237 legatine council, although this only required residence for vicars.<sup>94</sup> Each canon treated the necessity of residence for those clerics with greatest responsibility for the administration of *cura animarum*, especially those who held vicarages, and Winchester III chapter fifty-five fits into that mould.<sup>95</sup>

However, Winchester chapter fifty-five departs from these earlier precedents in such a way that it is necessary to rethink its place alongside Gervais' other statutes. Compared with its ecumenical, legatine and diocesan precedents, chapter fifty-five provides a fuller account of canonical restrictions on benefice incumbency.<sup>96</sup> It explains that continual personal residence was necessary owing to 'the nature of their charge', namely for the 'management of the *cura [animarum]*'. The statute also mandated all clerics to present papal and episcopal dispensations for absence and plurality to the bishop again by Christmas.<sup>97</sup> The language and tenor of Winchester III chapter fifty-five contains overtones of *Licet canon* and Lyons II canon eighteen (*Ordinarii locorum*). *Licet canon* mandated residence for all incumbents of benefices 'in order that [they] may take more diligent care of the flock entrusted to [them]'.<sup>98</sup> The statute and canon each emphasized the connection between personal residence and clerical engagement in pastoral ministry. *Ordinarii locorum* mandated bishops to inspect all dispensations for plurality held by clerics in their dioceses within a time limit set by the bishop.<sup>99</sup> The post-1274 papal agenda to improve residence, which included restricting plurality, was mirrored in the Winchester statute.

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<sup>94</sup> *ibid.*, 249.

<sup>95</sup> Cheney also refers to the overlap between Winchester III chapter fifty-five and Lateran IV canon twenty-nine. It is more difficult to establish this link. Canon twenty-nine circumscribed the process of receiving and presenting dispensations for plurality but did not broach the subject of permanent residence at a benefice. *Councils & Synods* ii:i, 712-13; *Constitutiones Concilii quarti Lateranensis*, 74-75.

<sup>96</sup> Gregory IX's *Decretales*, compiled by the canonist St Raymond de Penafort in the 1230s, contains seventeen chapters treating on non-residence. The canon law Deprivation is frequently forwarded as the correct punishment for non-residence, though there were a number of conditions that prevented a presiding judge from depriving a beneficed cleric. These conditions often revolve around papal dispensations, or dispensations for work performed outside the parish, such as in a cathedral chapter or for another bishop. The law on non-residence was thus complex until *Licet canon* enforced residency for all, seemingly in a bid to simplify the matter. Gregory IX X.4.3, canons 1-17, but see esp. canons 6 and 11 for deprivation.

<sup>97</sup> *Councils & Synods* ii:i, 712-13: 'Illis autem qui in hac parte dispensationibus huiusmodi estimant se munitos nec eas hactenus in forma debita exhibuerunt coram nobis ita quod eos sufficienter in hac parte munitos iudicaverimus, ad ostendendum eas nobis citra natale domini terminum peremptorium assignamus, alioquin contra eos...'

<sup>98</sup> *DEC* i, 321-22: 'Is etiam qui ad huiusmodi regimen assumetur ut gregis sibi crediti diligentius gerere curam possit in parochiali ecclesia cuius rector exstiterit residere personaliter teneatur...'

<sup>99</sup> *ibid.*, 323: 'Ordinarii locorum subditos suos plures dignitates vel ecclesias quibus animarum cura imminet obtinentes seu personatum aut dignitatem cum alio beneficio cui cura similis est annexa districte compellant dispensationes auctoritate quarum huiusmodi ecclesias personatus seu dignitates canonicè tenere se asserunt infra tempus pro facti qualitate ipsorum ordinariorum moderandum arbitrio exhibere.'

Chapter fifty-five also shared a similar mood with the Lyons canons. English bishops, in particular, perceived the enforcement of the Lyons II canons as an episcopal responsibility, and this thesis has argued that they developed active, urgent responses as a result. In Winchester's chapter fifty-five, any benefice holders, rectors and vicars, were bound to permanent residence, and pluralists were bound to display their dispensations by an established deadline (25 December); failure to act brought deprivation. The deadline and punishment created an urgency that echoes that in earlier (1275-79) responses to the Lyons canons. The concerns held by Gregory X (and papal advisors) for the immediate reform of pastoral ministry in parishes was expressed in Winchester chapter fifty-five through its attempts to rapidly enforce at least two canons. Chapter fifty-five would seem to respond to the canons of Lyons II, and it also belonged more to the age of administrative programmes of reform rather than the age of statute-making.

A close examination of the statutes in Pontoise's register sheds light on the function that chapter fifty-five had during Pontoise's episcopate. The moment when the statutes were copied into the register is important, as is the change in scribal hand shortly after they were copied. The statutes occupy five folios (54v to 59v) at the end of a quire.<sup>100</sup> The quire contains a diverse range of items recording Pontoise's business between 1294 and 1295.<sup>101</sup> A new quire begins on folio sixty (recto), marking the start of a new register section recording (largely) memoranda; the first item is dated to 1282.<sup>102</sup> This marks a point of rupture in the composition of the register.<sup>103</sup>

There was also a change in registration practice in 1295 that sheds further light on Winchester chapter fifty-five. As demonstrated in chapter two, there was a hiatus in registration between January 1296 and April 1299.<sup>104</sup> Any records dated during this three-year period were retrospectively entered into the register, before normal registration practice of entering records in a chronological arrangement resumed. The second change was the emergence of a new scribal hand, and a new script, from 1299.<sup>105</sup> These abrupt changes suggests the statutes were the last items copied into Pontoise's register before his three-year absence on diplomatic duties for the king. On

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<sup>100</sup> Hants RO 21M65/A1/1, fos 54v-59v.

<sup>101</sup> These are found at *Reg. Pontissara* i, 189-239.

<sup>102</sup> *ibid.*, 240.

<sup>103</sup> See Introduction, 23.

<sup>104</sup> It is important to note that items dated between January 1296 and January 1299 were still entered into the register. These items are entered retrospectively in the scribal hand at work after 1299, but are not always entered in chronological order. See, for example, the records of institution relating to John de Kirkby, *Reg. Pontissara* i, 62.

<sup>105</sup> See Hants RO 21M65/A1/1, c.f. fos 79, 83.

that basis, it is likely that they were copied into the register between November and December 1295.

Pontoise took necessary precautions to ensure Winchester diocese and his estate were safe while he was away on the king's business. During the latter months of 1295, Pontoise commissioned several of his agents as his commissaries, or vicars-general, to govern Winchester diocese in his stead. A public notice recorded Philip de Hoyville and Philip de Barton as the bishop's attorneys (*atornatos*) in the king's courts while Pontoise was on Edward's service overseas (*partes transmarinas*); Robert de Herierd and William de Frollebury were named as the bishop's attorneys before the king's itinerant justices in Surrey.<sup>106</sup> The notice is undated, but the preceding item is dated 17 October 1295, the succeeding item 2 November. The public notice likely dates from late October. The bishop's 17 December 1295 letter patent named Henry de Woodlock, prior of St Swithun's (1295-1305), Philip de Hoyville, Payne de Liskeard and Geoffrey de Farnham, three of Pontoise's principal agents, as vicars of temporalities during the bishop's absence.<sup>107</sup> A separate letter patent commissioned Philip de Barton, bishop's official, Payne de Liskeard and Geoffrey de Fareham as vicars of spiritualities.<sup>108</sup> Two royal letters patent dated to 30 December 1295 also afforded Pontoise royal protection from prosecution for the duration of his absence,<sup>109</sup> ensuring he had men with sufficient legal powers to tend the diocese during his absence.

Pontoise's register was used to record his preparations to leave the diocese. Each document was copied into the bishop's register of *temporalia* at approximately the time that Pontoise issued them. In his letter patent, Pontoise stressed that Boniface VIII had summoned (*specialiter evocavit*) him to the curia in order to discuss certain business, but was also by necessity to travel outside the kingdom at the instance of the king in order to restore peace (*pro pace reformanda*) or enter into a truce (*treuga ineunda*) (with France) for the benefit of the kingdom of England.<sup>110</sup> By informing the reader of

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<sup>106</sup> *Reg. Pontissara* ii, 525.

<sup>107</sup> Philip de Hoyville served as Pontoise's steward/seneschal and was involved in ordinary administration of the temporalities; Payne de Liskeard and Geoffrey de Farnham both served as the bishop's treasurers, with Geoffrey taking over as treasurer in early 1295. Pontoise also named William de Frollebury, his constable, and Simon de Fareham, deputy constable, as vicars. *Reg. Pontissara* ii, 778-79; *The Heads of Religious Houses, England and Wales ii. 1216-1377*, Smith and V.C.M. London (eds) (Cambridge, 2002), 84.

<sup>108</sup> *Reg. Pontissara* ii, 779-80; *Chartulary Winchester Cathedral*, 168.

<sup>109</sup> *CPR 1292-1301*, 178, 179.

<sup>110</sup> *Reg. Pontissara* ii, 778: 'Quia tam ad mandatum domini Pape qui nos ad sedem Apostolicam pro quibusdam ipsius sedis negociis per suas patentes litteras specifaliter evocavit, quam ad instanciam regiam pro regno Anglie et utilitate Regni pro pace reformanda seu treuga ineunda extra idem regnum oportet necessario nos transferre'.



the cause of his absence, Pontoise justified his time away from the diocese and justified his commission of vicars-general to tend to Winchester. Together, the letters patent in the register served as a record of the bishop's and his staff's legal protections during Pontoise's absence.

The chronology of Pontoise's preparations is significant where the copy of Gervais' statutes and Winchester III chapter fifty-five, in particular, were concerned. It is likely Pontoise knew he would have to leave Winchester on a diplomatic mission as early as October 1295: peace talks involving Edward's representatives and the papal nuncio, Berald de Got, cardinal-bishop of Albano, had faltered by September 1295. An alliance between France and Scotland was forged in October and Edward's 'model' parliament, held between 27 November and 9 December, signalled an escalation in the conflict.<sup>111</sup> Pontoise's skills as a diplomat soon became essential to Edward and from October onwards, the bishop issued his first public notice that commissioned his agents as his attorneys *in absentia*. Pontoise completed his plans for *in absentia* administration by 17 December. He secured royal permission to leave on 30 December. The deadline of 25 December in Winchester III chapter fifty-five by which incumbents of benefices had to take residence and pluralists had to submit their dispensations coincided with these preparations. It is possible that Pontoise re-promulgated the statutes at a synod held in October 1295, at a time when he was aware he would be required to travel overseas. That would allow clerics two to three months to make arrangements to appear before the bishop or take residence in accordance with Winchester chapter fifty-five. To that end, the statute served as a safeguard for Pontoise's *in absentia* administration by ensuring pastoral ministry continued in each parish: parishioners were better served by resident parish priests. Copying the statutes into the bishop's register was Pontoise's final act of diocesan business before his lengthy absence began in January 1296. It would seem that Pontoise appropriated Gervais' statutes, added or otherwise adapted chapter fifty-five, and re-purposed them for his *in absentia* administration.

The full set of statutes in Pontoise's register was unique but there are parallels between his use of them and how other bishops used statutes during this period. Comparisons can be drawn between the situation in Winchester in 1295 and the situation in York archdiocese in 1306. Like Pontoise, Archbishop Greenfield's (1306-

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<sup>111</sup> Denton, *Winchelsey*, 82-89; Harris, *King, Parliament, and Public Finance*, 50-52; Burt, *Edward I and the Governance of England*, 180-82.

15) career in royal government often required him to leave his archdiocese.<sup>112</sup> In this respect, York serves as a strong comparison with Winchester diocese. In July 1306, Edward I named Greenfield as one of two keepers of the realm during the king's campaign in Scotland.<sup>113</sup> Like Pontoise, Greenfield re-promulgated diocesan statutes around the time of his absence. The archbishop did so at a synod held on 30 September 1306.<sup>114</sup> Forty-two statutes were re-promulgated in all; the majority of these treated clerical conduct and pastoral ministry in the parish.<sup>115</sup> Greenfield made two additions to the established York synodalia,<sup>116</sup> each of them copied into his register. In his first addition, Greenfield restricted the use of wood taken from churchyards to church repairs. In the second, he mandated that two or three elected persons from each parish would take ecclesiastical revenues into their hands and appropriately dispense it in order to combat endemic embezzlement.<sup>117</sup> The two additions dealt with specific problems in York's parishes but were part of Greenfield's wider programme of government during his time as keeper of the realm. That programme was based on an established legal framework of which Greenfield made his clerics aware through the act of re-promulgation at a diocesan synod.

There is strong evidence that Greenfield used his statutes in the course of administering his archdiocese. As Donahue Jr notes, no thorough work has been completed in understanding how diocesan statutes were enforced.<sup>118</sup> However, there are scattered examples from the thirteenth and fourteenth centuries. Kemp identifies one occasion when Richard Poore invoked his own statutes for Salisbury diocese when the bishop instituted a vicar to Sturminster Marshall in 1219. Poore mandated the new incumbent to appoint three chaplains in order to aid in ordinary ministry in line with Salisbury I chapter 111.<sup>119</sup> Bishops' registers illuminate further enforcement.

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<sup>112</sup> Shortly after Greenfield's election in December 1304, Edward I wrote to Pope Clement V to acknowledge that the archbishop would be an absentee owing to his royal service. Kathleen Edwards noted that Greenfield largely turned his back on high politics after July 1307, focussing his energies instead on his diocese. For more on Greenfield's archiepiscopal career, See K. Edwards, 'The Political Importance of the English Bishops during the Reign of Edward II', *EHR* 59 (1944), 311-47, at p. 315; Dobson, 'The Political Role of the Archbishops of York during the reign of Edward I', *TCE* III, 47-64.

<sup>113</sup> The other keeper was Walter de Langton, bishop of Coventry and Lichfield. *CPR 1301-7*, 448.

<sup>114</sup> Haines posits that a synod was held at Ripon on 30 September 1306 remains unchallenged. Cheney in *Councils & Synods* ii:ii, 1231; Haines, *Ecclesia anglicana*, 93.

<sup>115</sup> *Councils & Synods* ii:i, 485-98.

<sup>116</sup> Greenfield declared that his additions were to be incorporated into the existence body of law in York archdiocese. *Reg. Greenfield*, ii, 69: 'Has autem duas constituciones inter alias sinodales a quibuscumque predecessoris nostri factas incorporari volumus et inter eas in singulis celebrandis sinodis solempniter publicari.'

<sup>117</sup> *Reg. Greenfield* ii, 68-69; *Councils & Synods* ii:i, 496-98.

<sup>118</sup> Donahue Jr, 'Thoughts on diocesan statutes', 258.

<sup>119</sup> *Councils & Synods* ii:i, 95; Kemp, 'God's and the King's Good Servant', 365.

Greenfield's enforcement of his statutes is most clearly expressed through judicial process, either by himself or his agents. On 19 May 1307, Greenfield issued a mandate to his sequestrator to cite the rector of Bossall to appear before the archbishop by 11 June and answer for charges of neglecting the *cura animarum*, of allowing his church to fall to ruin, and of removing the fruits of the church from its grounds, contrary to the spirit of synodal statutes.<sup>120</sup> One of the statutes in question was Greenfield's 1306 addition concerning embezzlement of church revenues. The statute mandated the appointment of overseers for those who committed fraud, followed by a 'major sentence of excommunication'. In April 1309, Greenfield proceeded to appoint a coadjutor to undertake normal administration at Bossall in place of the rector.<sup>121</sup> After that failed, the archbishop excommunicated the rector in August 1310 and began the process of deprivation.<sup>122</sup> The Bossall case sheds light on the various stages involved in the enforcement of the law and the prosecution of clerics in the diocese. Each stage was recorded in the bishop's register as the case for the prosecution proceeded. In this particular case study, it is possible to reconstruct a sense of the working function of both diocesan statutes and registers.

There are traces of a similar working history for Winchester III, albeit outside Winchester diocese. Two late-thirteenth century copies of the Winchester *synodalia* have strong connections to the diocese of Salisbury. One manuscript is of unknown provenance but dates from c.1300 and contains Winchester III chapters to sixty-two (incomplete).<sup>123</sup> The second manuscript has a clearer provenance. It is a legal compendium titled *Liber evidenciarum C* that was compiled in a late-thirteenth century charter-hand and owned by Salisbury's dean and chapter.<sup>124</sup> Only Winchester III chapter ninety-nine is included. The statute forbade archdeacons from extorting a 'pork-butcher's gift' (*lardarium*) of twelve pence a year from incumbents of benefices in their jurisdiction, which Gervais identified as a form of simony.<sup>125</sup> Chapter ninety-nine was copied with the Salisbury I statutes and the *Liber sextus*, containing the Lyons II

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<sup>120</sup> *Reg. Greenfield* iii, 16-17.

<sup>121</sup> *ibid.*, 47.

<sup>122</sup> *ibid.*, 56.

<sup>123</sup> *Councils & Synods* ii:i, 701.

<sup>124</sup> *ibid.*

<sup>125</sup> *Reg. Pontissara* i, 238; *Councils & Synods* ii:i, 721-22:: 'Inhibemus insuper ne occasione consuetudinis per quam ab aliquibus retro temporibus archidiaconi a singulis ecclesiis sui archidiaconatus xii denarios annuos extorserunt, quam ad celandam simonie quam it videtur continet pravitatem alii donum, alii lardarium, alii vero porcum archidiaconi facto nomine iam appellant, aliquam pecuniam extorquere...'

canons.<sup>126</sup> Cheney identified *Liber evidenciarum C* as a working text that served as a manual for visitors to religious houses. The manuscript contained several formulas that outlined visitation procedures. One formula is attributed to the Salisbury canon, Thomas de Bridport.<sup>127</sup> *Mgr* Thomas de Bridport is significant in offering a connection between Salisbury diocese and Pontoise (and by extension Winchester diocese). His toponymic surname suggests that Thomas shared Pontoise's link to Dorset.<sup>128</sup> Thomas witnessed some of Pontoise's earliest acts as bishop in June 1282, first at Orvieto, where both were working as proctors at the papal curia, and after their return to England in 1285 and 1289.<sup>129</sup> It is possible that Thomas acted as a conduit for Winchester III into Salisbury diocese. Might it have been Thomas who informed Pontoise of the value of the statutes for training episcopal staff in diocesan administration, and so inspired the statutes to be copied into the bishop's register?

Records concerning the work of Pontoise's vicar-general between January 1296 and January 1299 shed further light on the role of the statutes in the register. Little evidence survives for *in absentia* government in Winchester. However, one legal case that Philip de Barton, Pontoise's vicar-general, presided over affords an opportunity to examine the use of the Winchester III statutes. The copy of a chirograph in Merton's cartulary recorded Philip's role in legal proceedings in the diocesan court involving the canons of Merton and the vicar of Effingham. The proceedings related to the August 1297 endowment of a vicarage at the church of Effingham, in the patronage of Merton priory.<sup>130</sup> Philip ruled that the vicar was to receive the small tithes, all produce from crofts, gardens and glebe land dug by foot and spade, including corn, as well as herbage from the churchyard. The canons of Merton, serving as both rector and advowson holder, were mandated to construct a residence for the vicar in the church grounds, were responsible for maintenance of the fabric of the church and its books and ornaments, and were to receive an annual pension of two marks.<sup>131</sup> Philip had recourse to several

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<sup>126</sup> *ibid.*, 701.

<sup>127</sup> Cheney, *Episcopal Visitation*, xxviii.

<sup>128</sup> Pontoise's family held a manor at Eastington on the Isle of Purbeck, Dorset, in the diocese of Salisbury, albeit from Christchurch Priory in Hampshire, cementing ties with the area. Reference to the property is made in a charter recorded in Pontoise's register. The charter is undated, but names *Mgr* John de Pontoise and his mother, Lady Joan, as the beneficiaries, providing a pre-1282 date. *Reg. Pontissara* ii, 446-48; *Fasti Ecclesiae 1066-1300*: iv, Salisbury, 5, 23, 27, 31, 121, 124.

<sup>129</sup> Thomas de Bridport held the prebend of Ramsbury at Salisbury cathedral from 1282; he stood for election as bishop of Salisbury diocese in 1288, receiving two votes. Pontoise also named Thomas as custodian of Grately rectory in 1290 where he is named as a professor of canon law. *Reg. Pontissara* i, 42, 335-43; 381-82, 451-53; see also *Fasti Ecclesiae 1066-1300*: iv, Salisbury, 91.

<sup>130</sup> The Merton canons held the advowson to Effingham from at least 1291, *Taxatio*: Effingham.

<sup>131</sup> Pontoise confirmed the endowment on his return in 1299 and the canons received a Mortmain licence for appropriation from royal government in the same month. *CPR 1292-1301*, 407; *Reg.*

Winchester III statutes. Arbitration over Effingham's endowment was made necessary by the strictures contained in chapter thirty-six. It decreed that:

Because some religious take possession of certain churches to their own uses in various parishes of our diocese, others certain portions of particular tithes, yet others [receive] annuities and keep pensions from churches, so that prejudice is not done to churches from such things, [because] some rectors are frequently idle and remiss towards prosecuting their rights, we sequester into our hands all such churches, tithes and pensions until we can make certain the right of such receivers.<sup>132</sup>

The statute empowered Philip to safeguard the vicar of Effingham from unfair demands made by the Merton canons concerning revenues at the church. Winchester III chapter fifty-four required rectors to construct houses for vicars in order to avoid potential scandal and sin arising from residence with laypersons.<sup>133</sup> Chapter fifty-five made permanent residence mandatory at all Winchester's churches and likewise rendered the construction of a house a necessity. In 1297, Philip drew authority from and was guided by the Winchester III statutes.

The register's copy of Gervais' statutes suggests that Pontoise repurposed them to suit administration in the age of widespread registration. The bishop ensured that Winchester's clerics were resident in their parishes and were aware of the legal code governing the diocese by re-promulgating the Winchester III statutes and adding chapter fifty-five in preparation for his departure. Copying the statutes into the register, alongside other items concerning diocesan business, made such records readily available for his vicars-general. The register functioned as a guide to administration, and had a role in lending the vicars-general authority to administer the diocese in Pontoise's stead. The vicars-general had access to precedents concerning their administrative work, as well as access to the legal framework upon which diocesan government was built. The register also contained the commissions, the letters patent, from which the vicars-general derived their authority to govern. The register was likely left in Winchester diocese during Pontoise's absence; there were no new records added to it during this

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*Pontissara* i, 150-52; *The Records of Merton Priory in the County of Surrey, chiefly from early and unpublished documents*, Maj. A. Heales (ed.) (Oxford, 1898), 181-82.

<sup>132</sup> *Councils & Synods* ii:i, 709: 'Quia ver nonulli religiosi in variis parochiis nostre diocesis, alii ecclesias in usus proprios, alii certas decimarum particularium portiones, alii vero ab ecclesiis annuas percipient et detinent pensiones, ne ecclesiis huiusmodi fiat preiudicium quarum rectores ad iuris sui prosecutionem frequenter sunt desides et remissi, nos omnes huiusmodi ecclesias, decimas, et pensiones in manus nostras sequestramus, quousque de iure percipientium huiusmodi nobis facta fuerit certitudo'.

<sup>133</sup> *ibid.*, 712: 'Sacerdotibus autem parochialibus in libera terra ecclesie honesta provideantur domicillia, ne pro eorum defectu eos cum laicis non sine scandalo et periculo oporteat commorari'.

period, but the presence of these records, the statutes and letters patent, suggests there was an intention to use it for providing evidence of the right to govern and of the extent of the powers invested in the vicars-general. To that end, the register records likely had legal value that was equal to the original documents, and could be used in litigation.

This section has argued that records contained in bishops' registers add a great deal to the current picture of reform in the late thirteenth century. In the immediate period after Lyons II, bishops developed programmes of reform based on the enforcement of conciliar canons, using episcopal mandates to direct episcopal clerks to perform certain actions that ensured new laws were enacted in the diocese. It suggests that there was a reforming culture emergent in the wake of Lyons II, one that favoured efficient government rather than making diocesan statutes. Pontoise embodied this new model of reform when he repurposed Gervais' statutes as a guide to diocesan government for his vicars-general, and used his register as a reference tool of sorts.

This has implications for how we see registers during this period. There was, after Lyons II, a sense that bishops had a responsibility to enforce the new canons. This is reflected in the work English bishops conducted between 1274 and 1279, in particular, but it is also reflected in the record of that work, especially in the decision to register those mandates that enforced, in some capacity, the new conciliar canons. The registered mandates thus served as evidence that reforms were being made, that the bishops were taking necessary actions in line with the papal agenda launched by Gregory X. This was part of a wider thirteenth-century culture of holding bishops accountable for the government of their dioceses, in which the threat of inquisition, censure, and deprivation was intended to prevent episcopal negligence.<sup>134</sup> To that end, registration became more widespread after 1275. Michael Clanchy and Smith argued that the pastoral revolution launched at Lateran IV was a leading factor in the spread of registration from Lincoln and York dioceses to Coventry and Lichfield, Exeter and Rochester within one generation: increased workloads brought greater need to keep records.<sup>135</sup> There was a second boom in registration in the period after Lyons II.

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<sup>134</sup> E. Graham-Leigh, 'Hirelings and Shepherds: Archbishop Berenguer of Narbonne (1191-1211) and the Ideal Bishop', *EHR* 116 (2001), 1083-1102; Sabapathy, *Officers and Accountability*, 135-41.

<sup>135</sup> Between 1217 and 1270, some form of registration is in evidence at eight English dioceses. During the 1260s, the bishops of Bath and Wells, Winchester and Worcester followed those named above. Clanchy, *From Memory to Written Record*, 3<sup>rd</sup> edn., 74-76; Smith, 'The Rolls of Hugh of Wells', 158.

Between 1275 and 1300, bishops began registration in a further seven dioceses,<sup>136</sup> pointing towards a more widespread act of preparing for potential scrutiny of the work undertaken in the diocese.

This section has only scratched the surface on the potential that registers have for the study of reform in the late thirteenth century, but it does have two implications. First, that registers did, at times, have specific purposes, in this case for demonstrating that bishops were engaged with the papal reform agenda. Second, that it is important to shift historiographical focus away from diocesan statutes in the late thirteenth century, towards registration in order to understand new cultures of reform. The next section does just this.

## **II. Bishops and secular clerics: pastoral leadership and diocesan administration**

This section will explore Pontoise's and Swinfield's approaches to reform in their respective dioceses, but especially their management of parish priests. Parish priests held greatest responsibility for pastoral ministry in each parish: they held mass and maintained the local church, among other tasks. That responsibility made them natural targets for reformers, who, from the eleventh century onwards, sought to improve pastoral ministry. Historians such as Gibbs and Lang and, more recently, Birkett, consider this reform to have been expressed in systematic or institutional terms, through statutes, scholastic thought or the dissemination of pastoral literature.<sup>137</sup> Davis' work on Rigaud's visitation register points to a different model of reform, one that focussed more on archiepiscopal pastoral leadership and on the enforcement of the Lateran IV agenda through administrative procedure.<sup>138</sup> This section builds on Davis' findings and turns to the post-Lyons II English context. It uses three types of material taken from

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<sup>136</sup> There is evidence that Robert Wickhampton, bishop of Salisbury (1271-84), kept a register, though this is no longer extant and there is no evidence indicating when Wickhampton began registration. However, he was in attendance at Lyons II and as such I have counted him in the seven. See Table 3 in Clanchy, *From Memory to Written Record*, 3<sup>rd</sup> edn., 75.

<sup>137</sup> Birkett, 'The Pastoral Application of the Lateran IV Reforms', 199-219; V. Davis, 'The Contribution of University-Educated Secular Clerics to the Pastoral Life of the English Church' in Barron and Stratford (eds), *The Church and Learning*, 255-72; Fitzgibbons, 'Disruptive Simplicity: Gaytryge's translation of Archbishop Thoresby's *Injunctions*', 39-58; Gibbs and Lang, *Bishops & Reform*, 94-104, quote at p. 95; C.H. Lawrence, 'The English Parish and its Clergy in the Thirteenth Century' in P. Linehan and J. Nelson (eds), *The Medieval World* (London, 2001), 648-70, esp. pp. 657-62; Reeves, 'Teaching the Creed and Articles of Faith', 41-72.

<sup>138</sup> Davis, *The Holy Bureaucrat*, 112-20.

Pontoise's and Swinfield's registers, records of institution, episcopal mandates, and licences, in order to investigate the impact of the Lyons II agenda on the generation of bishops after the council and on registration. The section is divided into three parts (sub-sections), each examining a different aspect of diocesan government. The first part considers the role of communication in enacting episcopal reform agendas; the second part considers bishops' management of their parishes; and the third part considers Pontoise's and Swinfield's approaches to reform and registration. The aim is to determine how Pontoise and Swinfield managed parish priests and governed their dioceses in light of the council.

### **Administrative practices and communicating reform agendas**

This sub-section will explore the methods Pontoise and Swinfield used to communicate their reform agendas to parish priests. By the late thirteenth century, bishops had developed certain administrative practices that were familiar to every English diocese, such as institution to benefices or ordinations, to the point that Brentano described the church in England as 'bureaucratized'.<sup>139</sup> Brentano's label carries negative connotations: it implies a systematized version of administration that was reliant upon processes or a machinery of government. The formulaic records in bishops' registers add to this sentiment. However, the bureaucratization theory runs counter to the argument contained in chapter two, which established that diocesan administration was more organic and dependent upon the strength of episcopal networks. The argument presented in the chapter is part of a wider shift away from institutional histories towards investigations of the role of human interactions and behaviours in ecclesiastical government, best represented by the work of Forrest.<sup>140</sup> This sub-section examines the role of such interactions in ecclesiastical reform in the late thirteenth century. It again turns to more formulaic register items, namely records of institution, and to episcopal mandates in order to explore how Pontoise and Swinfield used certain administrative practices and technologies in order to communicate their reform agendas. The sub-

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<sup>139</sup> See, in particular, Brentano, *Two Churches*, 3-4, 3-61; Dohar, *Pastoral Leadership*, esp. pp. 89-117; Haines, *Administration of Worcester*, esp. pp. 75-147, 148-219; Hoskin, 'The Authors of Bureaucracy', 61-78; D.M. Owen, *Church and Society in Medieval Lincolnshire* (Lincoln, 1971), 20-36.

<sup>140</sup> Forrest, 'The Transformation of Visitation', 3-38.



section also considers the role that records and record-keeping played in interactions between bishops and parish priests.

Making institutions to benefices was the fundamental duty of a late medieval bishop, and each institution was a critical moment for life in a parish, but they have been overlooked in the study of reform and management of parish priests. Greater focus is instead given to ordination as the moment at which bishops policed the suitability of clerics becoming priests. Dohar, among others, stresses that ‘[o]rdination scrutinies...represented the only real mechanism available to the medieval church, short of deprivation, for encouraging the able and weeding out the deficient’.<sup>141</sup> Yet, institution was the moment when a cleric became leader of a parish, when they assumed responsibility for teaching parishioners the fundamentals of the faith, for administering the sacraments in the correct manner, for undertaking other aspects of pastoral ministry.<sup>142</sup> Despite the fundamental nature of institution and its role in giving clerics charge of churches with *cura animarum*, records of the moment of institution remain, oddly, understudied.

An examination of records of institution in Pontoise’s and Swinfield’s registers demonstrates the essential role institutions had in managing rectors/vicars set to take charge of parish churches. Records of institution often followed a set formula that varied little from diocese to diocese.<sup>143</sup> But certain clauses attached to these records speak to their role as vehicles for communicating episcopal agendas. This is evident in the records of institution copied into Swinfield’s register. Several records read in a similar vein to this 1289 example:

Memorandum that on the abovementioned day, in the year of the lord 1289, at Bosbury, the lord bishop admitted Richard de Bury, acolyte, to the church of Hope Bowdler, according to the form of the council of Lyons, at the presentation of Lady Millicent de Montalt, the true patron of the same.<sup>144</sup>

The record deviates from the usual formula by adding the clause ‘according to the form of the council of Lyons’. It informed the reader that Richard, who was still an acolyte,

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<sup>141</sup> Davis, *The Holy Bureaucrat*, 104-5; Dohar, ‘*Sufficienter litteratus*: clerical examination and instruction for the cure of souls’ in J. Brown and W.P. Stoneman (eds), *A Distinct Voice: medieval studies in honour of Leonard E. Boyle, OP*. (Notre Dame, 1997), 301-21, quote at p. 306.

<sup>142</sup> Goering, ‘The Thirteenth-Century English Parish’, 209-10.

<sup>143</sup> See Chapter One, 40-41.

<sup>144</sup> Heref RO AL19/2, fo. 63b: ‘Me[morandum] q[uo]d die s[upra] dictu[s] anno d[omi]ni m<sup>o</sup> cc<sup>o</sup> lxxxix<sup>o</sup> ap[ud] Bosebur[y] admisit d[omi]n[u]s Ri[car]d[e]m de Bury acolitus ad ecc[lesi]am de Hope Bowdler se[cun]d[u]m form[am] co[n]ciliu[m] Lugdun[ensis] ad p[re]sentac[i]o[n]em d[omi]n[ae] Milicente de Monto Alto vere pat[ro]ne eiusdem...’

was instituted to Hope Bowdler on the proviso that he advanced to the priesthood within one year per the terms of *Licet canon*. Records of institution were condensed versions of several documents held by each party involved in the transaction: one for the patron, one for the bishop, one for the cleric, plus additional documents held by episcopal agents involved in inductions.<sup>145</sup> Swinfield's additional clause communicated to each party that Richard's institution was conditional. If Richard failed to advance to the priesthood, the bishop had grounds to deprive the incumbent and declare the church vacant. 'According to the form of the council of Lyons' was a simple clause that emphasized Swinfield's commitment to the Lyons II agenda and defined to the new rector/vicar their responsibilities under the law of the church.

Pontoise adopted a comparable practice in Winchester, although the connection with Lyons II is not always clear. During the 1280s, Pontoise instituted three clerics to benefices but made those institutions conditional. Records in Pontoise's register show that he required one priest to resign two incompatible benefices before collation of a new benefice, and the bishop prevented two other clerics, still in their minorities, from taking charge of their benefices until they reached the age of twenty-five.<sup>146</sup> Between January 1291 and December 1295 (after which Pontoise was absent for three years), the bishop made thirteen conditional institutions or custodies.<sup>147</sup> Pontoise gave custody of Clatford to John de Sheppey 'on proviso that he be ordained to holy orders at the next ordination'.<sup>148</sup> Lyons II or *Licet canon* is not explicitly mentioned in any of the records. The records instead referenced the canon through the types of conditions they imposed on the new rectors.

Five further records of institution in Pontoise's register had simple clauses attached that made more obvious references to *Licet canon*.<sup>149</sup> One record for *Mgr* Henry de Trocard's December 1295 admission to Ellisfield St Martin rectory stressed that because Henry:

is not yet in holy orders [as] constituted by the Holy See, we admit you by way of charity, and we institute you [as] rector in the [Ellisfield St Martin] with all rights and appurtenances which are in any way relevant to the same. On the observation that you

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<sup>145</sup> Swanson, 'The Church and its Records', 154-55.

<sup>146</sup> *Reg. Pontissara* i, 31, 41-42, 42-43.

<sup>147</sup> *ibid.*, 43-80,

<sup>148</sup> *ibid.*, 49: 'Ita quod idem Johannes se faciat in proximis ordinibus ad sacros ordines promoveri, et habuit litteram super hoc directam...archidiacono Wynton. vel ejus Officiali'.

<sup>149</sup> *ibid.*, 49, 56-57, 57, 66, 79-80.

advance to [holy] orders within the established time, which management of the *cura* of the church itself requires.<sup>150</sup>

This was a direct reference to *Licet canon*, mandating ordination within ‘the established time’, one year, and by drawing on the recognition expressed in the canon that only a priest was able to correctly administer the *cura animarum*. This was a clause also attached to the four other records. The record also acknowledged that Henry’s institution was unusual, even uncanonical, by stressing that it was done ‘by way of charity’ because Henry was still in minor orders. This small addition to the record draws attention to the bishop’s role in acknowledging yet interpreting *Licet canon* in a way that he saw fit. Henry was a *magister*, a university graduate, and as such possessed a level of education that elevated him above other clerical candidates. His time at university would have restricted his ability to seek ordination. Pontoise recognized the circumstances and loosely interpreted the law in order to make allowances for Henry’s status. Pontoise used Henry’s institution to communicate two things. First, that the bishop possessed the authority to deprive Henry for failing to meet the conditions of his institution. Second, Pontoise’s commitment to the enforcement of the canon law even in light of mitigating circumstances.

After 1299, following Pontoise’s return from his time at the papal curia, the bishop made explicit reference to *Licet canon* or Lyons II in several records of institution. The most illuminating case concerns Richard de Mandeville’s institution to Weyhill rectory on 20 December 1299. The circumstances are more complex compared with those of Henry de Trocard. Pontoise made Richard’s institution ‘[p]rovided that within one year from the time of institution, you are ordained in the subdiaconate, and after that, within the said seven years to the diaconate and priest orders’.<sup>151</sup> Pontoise also licensed the cleric to be absent from his new benefice for a period of seven years in order to study at a university. The bishop added that failure to comply with the conditions of institution and licence would result in deprivation ‘under the penalty of the canon, *Licet canon*, of Gregory X, of good memory, promulgated in the general

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<sup>150</sup> *ibid.*, 79-80 : ‘nondum es in sacris ordinibus constitutus misericorditer dispensantes, te admittimus intuitu caritatis et rectorem cum omnibus iuribus et pertienenciis quibuscunque ad eandem quoquo modo spectantibus instituimus in eadem. Observato quo te ad ordines quos ipsius ecclesie cura requirit procures statutis temporibus promoveri’.

<sup>151</sup> *ibid.*, 91: ‘Proviso quod infra annum a tempore institucionis tue in subdiaconum ordinari et post septennium predictum infra annum ad diaconatus et presbiteri ordines’.

council of Lyons'.<sup>152</sup> This was the first direct reference to *Licet canon* and to Lyons II in Pontoise's records. The conditions Pontoise imposed on Richard also conformed to a second law, Boniface VIII's 1298 decretal, *Cum ex eo*. The bull was a modification of *Licet canon*. It empowered bishops to exempt clerics from mandatory residence in order to study.<sup>153</sup> Richard's licence was one of the first Pontoise issued after the promulgation of *Cum ex eo*. As such, two overlapping laws guided Pontoise in his management of Richard. The institution was more convoluted than previous examples. However, the records generated at the institution communicated to Richard the bishop's conditions in the simplest possible terms. This is best expressed in the reference to *Licet canon*. Through this reference, Pontoise clarified the legal context of the institution and made Richard aware of the canon that bound the cleric to comply with the conditions of his institution. If Richard failed to comply, Pontoise had recourse to *Licet canon* in order to deprive the cleric.

These instances suggest that institution served an important role in communicating episcopal agendas to clerics about to receive a benefice. These agendas were recorded in records of institution as conditions imposed on new rectors and vicars, which bound the clerics to perform certain actions in order to keep hold of their benefices. By creating the conditions, Pontoise and Swinfield expressed their understanding of and intention to enforce the reform agenda of Lyons II on new rectors and vicars.

Other register items besides records of institution also served a role in communicating episcopal reform agendas to clerics in the diocese, especially episcopal mandates. Mandates functioned as commands given by bishops to their agents, although they could be given to any cleric, anywhere. Around 1200, episcopal mandates were often oral, but Burger identifies a shift over the course of the thirteenth century towards written communication.<sup>154</sup> This shift is reflected in the high survival rate of mandates in bishops' registers.<sup>155</sup> The most common example in Pontoise's and Swinfield's registers is mandates to induct. Once the bishop instituted a cleric to a benefice, he mandated his

<sup>152</sup> *ibid.*, 'sub pena canonis felicis recordacionis Gregorii x. licet canon in generali Concilio Lugdunensi promulgate (sic.)'.

<sup>153</sup> For more on *Cum ex eo*, see L.E. Boyle, 'The Constitution "*Cum ex eo*" of Boniface VIII', repr. from *Mediaeval Studies XXIV* (Toronto, 1962), 263-302 in his *Pastoral Care, Clerical Education and Canon Law, 1200-1400* (London, 1981), with original pagination; Haines, 'The Operation of the Bonifacian Constitution, *Cum ex eo*' in his *Ecclesia Anglicana*, 138-55; Swanson, 'Universities, graduates and benefices in later medieval England', *Past & Present* 106 (1985), 28-61.

<sup>154</sup> Burger, 'Bishops, Archdeacons and Communication', 195-206.

<sup>155</sup> Some examples of mandates do survive from earlier in the century. See, for example, *EEA xxv: Hereford*, 54-55: '...vobis mandamus quatinus Magistrum E de Avenbur' thes[aurium] Heref' ecclesie nomine thesaurar[ie] in corporalem possessionem dicte ecclesie inducat[is] et inductum defendatis'.

agent, usually the official or an archdeacon, to hand over the keys to the church to the new incumbent.<sup>156</sup> Copied in abbreviated form, these might be referred to as simple mandates. They voiced routine commands that were part of everyday diocesan administration. Nevertheless each mandate represented a transfer of authority, a delegation, in which the bishop directed his agent to perform tasks that were essential to the administration of the diocese. These mandates derived from the bishop, rendering them ideal records for investigating Pontoise's and Swinfield's designs for diocesan government.

There are several mandates in Pontoise's and Swinfield's registers that could be referred to as complex mandates. These mandates were often long and tended to be copied into the registers in full rather than an abbreviated form; they contained original, often distinctive language (as opposed to formulaic language) and afford a rare insight into the bishop's direct input into the government of his diocese. Pontoise issued such a mandate to his vicars-general in June 1303.<sup>157</sup> The bishop mandated his vicars 'to revoke all commendams or custodies of whichever ecclesiastical benefices that were made by us or our predecessors in our diocese', and empowered them to deprive any clerics who resisted the bishop's order.<sup>158</sup> The mandate contained overtones of Lyons II canon fourteen and its restrictions on custodies. Pontoise's new practice was a significant change from the bishop's previous practices. Between 1282 and June 1303 (the date of the mandate), the bishop permitted at least forty-nine custodies.<sup>159</sup> Most were given to clerics not yet in priests' orders. Pontoise's mandate launched a new policy for Winchester, one that restructured the composition of parochial clerics. Of the fifty-four recorded institutions after June 1303, only three were custodies.<sup>160</sup> That change, however, was dependent upon Pontoise communicating his designs for diocesan government and directing his staff to take particular actions that enforced the laws of the church, something the mandate afforded him the ability to do. It came late in his episcopate and some thirty years after the council but Pontoise was still able to bring Winchester diocese in line with the Lyons II agenda.

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<sup>156</sup> Pontoise's register contains a formula, or specimen, of an institution record to which the scribe attached a mandate to induct. *Reg. Pontissara* i, 38: '...vobis mandamus quatinus eundem R. in corporalem possessionem dicte vicarie inducat et defendatis inductum.'

<sup>157</sup> Pontoise was on diplomatic duty in Paris in the summer of 1303. For more on his role in brokering the 1303 Treaty of Paris, see Chapter Five, 242-43.

<sup>158</sup> *Reg. Pontissara* i, 154-55: 'Ad revocandum omnes commendas sive custodias de quocunque beneficio ecclesiastico tam per nos quam per predecessores nostros in diocesi nostra factas'.

<sup>159</sup> Statistics compiled from records of institution contained in *Reg. Pontissara* i.

<sup>160</sup> See *Reg. Pontissara* i, 150-63

Swinfield authored a mandate in January 1303, recorded in his register, which outlined an even more extensive vision for reform in Hereford.<sup>161</sup> The mandate served two purposes. First, it notified Richard de Hertford, archdeacon of Hereford, the addressee, that Swinfield intended to conduct a visitation to the archdeaconry of Hereford in late February ('the Tuesday after the feast of St Valentine').<sup>162</sup> Second, Swinfield mandated the archdeacon to cite all beneficed clerics to be resident in their churches in order to receive the bishop. Swinfield also relayed the full details of his visitation agenda to the archdeacon. The bishop informed Richard that he would enforce the Lyons II canons by discovering all incumbents of benefices who had failed to advance to the priesthood and all pluralists; the bishop also intended to survey which churches (or parts of churches) were appropriated or alienated.<sup>163</sup> Swinfield's plan was an ambitious one. The bishop intended to address several problems that plagued his church, and the wider church, in one fell swoop. It was a task that Swinfield could not undertake alone and so the bishop delegated certain responsibilities to his former official, Richard de Hertford. Richard was in a position to inform the clerics in his archdeaconry of the precise nature of the bishop's work owing to the level of detail contained in Swinfield's mandate.

In a period when it is unclear whether bishops held annual synods, from when few statutes and *summulae* survive, the methods bishops used to communicate with secular clerics in their dioceses remain unclear. Sophia Menache stresses that the established view that synods were the primary form of communication in a diocese is theoretical and not based on hard evidence. Bishops instead had a far more practical technology in the shape of visitations to parishes. Visitations brought bishops and their agents into direct contact with parish priests and afforded a more 'personal touch' to diocesan government.<sup>164</sup> Swinfield's 1303 mandate reinforces Menache's argument insofar as it demonstrates the bishop's intention to meet beneficed clerics in their

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<sup>161</sup> *Reg. Swinfield*, 388-89.

<sup>162</sup> For Richard de Hertford, see *Fasti Ecclesiae 1066-1300*: viii, Hereford, 25; Appendix One, 283.

<sup>163</sup> *Reg. Swinfield*, 388-89: '...et visitacionem suam circa personam vestram legitime inchoare, et extunc ad alia loca archidiaconatus vestri, prout oportunitas dederit, processurus, ac eciam denunciari facimus ecclesias seu porciones ecclesiarum appropriatas habentibus, in alienisve ecclesiis aut parochiis pensiones vel decimas parciales percipientibus, ac universis rectoribus vestre jurisdictionis plura beneficia curam animarum habencia ibi vel alibi tenentibus, illis eciam qui post concilium Lugdunense ultimum in ecclesiis parochialibus instituti se non procurarunt infra annum a tempore sibi commisse cure in presbyteros ordinari, quod jus specialo vel canonicum, si quod habeant, super appropriacione, percepcione, pluralitate, et non ordinacione hujusmodi, prefato domino episcopo cum per ipsos transitum fecerit visitacionis sue officium exercendo, sub pena juris peremptoria exhibeant, detegant, et ostendant.'

<sup>164</sup> Menache argues that social norms during this period dictated that communication was conducted on a face-to-face basis. Visitations facilitated such interactions. Forrest, 'The Transformation of Visitation, 3-38; S. Menache, *The Vox Dei: communication in the Middle Ages* (New York; Oxford, 1990), 58-65.

parishes in the course of enforcing the Lyons II canons. Pontoise's 1303 mandate had a similar effect. It was not the bishop who informed each cleric who held a church in custody that his right had been revoked, but Pontoise's mandate still played an important role in communicating with clerics in their parishes. Similar face-to-face interactions took place at institutions even before clerics reached their parishes. But episcopal mandates, in particular, served as a form of mass communication. Written communication between bishops, their agents, and clerics was an essential part of diocesan government in the late thirteenth century because it provided information necessary for future face-to-face interaction.

This section set out to investigate the ways in which Pontoise and Swinfield communicated their reform agendas to secular clerics, and particular records in each register demonstrate how they achieved that. Lyons II's canon thirteen, in particular, shaped the fundamental aspect of diocesan government, institutions to benefices, in Hereford and Winchester dioceses. Both bishops emphasized to new rectors and vicars the essential nature of advancing to the priesthood (within one year of institution) to pastoral ministry. The bishops used the moment of institution to communicate the laws that new rectors/vicars were bound by, expressed through the conditions Pontoise and Swinfield imposed on the rectors/vicars in order for them to keep tenure in the benefice; these conditions were preserved as alterations to the formula of records of institution in each register. Episcopal mandates also served an essential role in communicating reforms. In 1303, Swinfield informed his archdeacon that he intended to enforce relevant Lyons II canons in the archdeaconry of Hereford, and Pontoise directed his vicars-general to enforce canon fourteen with immediate effect. There is no strong evidence that sheds light on why Pontoise and Swinfield suddenly sprung to action in 1303. The *Liber sextus*, Boniface VIII's book of church law that contained the canons of Lyons II, was promulgated in 1298 and had probably reached England by 1299,<sup>165</sup> so it was by no means novel in 1303. Pontoise and Swinfield were also aware of the Lyons II agenda long before 1303. But in the space of six months, both bishops sought to enact reform in their respective dioceses, developing programmes similar to those that were used in the immediate period after Lyons II that relied upon communicating designs for diocesan government to their staff.

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<sup>165</sup> Helmholz, *Canon Law and Ecclesiastical Jurisdiction*, 149-50.

## **Bishops and parish priests: reform in action**

Pontoise and Swinfield each had well-established channels of communication through which they were able to voice their agendas across their dioceses, and incorporated the Lyons II canons into their respective modes of government. However, the interconnected questions of how the two bishops enacted reform and managed rectors and vicars in their parishes remain unanswered.

This sub-section will investigate the methods Pontoise and Swinfield used to reform rectors and vicars of parish churches. Each bishop possessed what Rodes describes as 'supervisory techniques' for parish priests. These ranged from the proofing of ordination papers, to issuing licences to study, to visitations.<sup>166</sup> Davis and Kemp examine how bishops used such administrative tools to enact reform in dioceses in England during the first quarter of the thirteenth century, and in France in mid century.<sup>167</sup> This sub-section builds on these previous studies but adds two new perspectives, those of the evidence presented by the two bishops' registers and of the reform movement of the late thirteenth century. It investigates the approaches each bishop took to managing secular clerics and, in particular, how each bishop enforced the canon law in their diocese. It is divided into three parts. The first explores patterns in the admissions to benefices in each diocese; the second explores each bishop's use of judicial process; and the third examines the bishops' safeguards for pastoral ministry in their parishes.

## **Patterns in institutions to Hereford's and Winchester's benefices**

Given that Pontoise and Swinfield both used institutions to benefices as a stage to enforce *Licet canon*, and to keep checks on who became a rector or vicar, this section will examine records of institution in Pontoise's and Swinfield's registers in order to establish how many rectors or vicars were in minor and major orders at the time of their institution. The aim is to determine whether the bishops' adherence to the Lyons II agenda, especially *Licet canon* and its equation between priesthood and pastoral ministry, influenced the institutions they made.

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<sup>166</sup> Rodes, *Ecclesiastical administration in medieval England*, 133-38, 141-48.

<sup>167</sup> Davis, *The Holy Bureaucrat*, 104-29; Kemp, 'God's and the King's Good Servant', 359-78.



From data taken from their registers, there are clear patterns in the types of clerics that Pontoise and Swinfield instituted to benefices. Table Six (below) shows the holy orders of clerics instituted in the two dioceses, and whose institution was subsequently recorded in the bishops' registers.<sup>168</sup> Swinfield predominantly instituted priests (62.4% of six hundred and four institutions, including those where the order was not indicated) between 1283 and 1317, although he also instituted one hundred and sixteen clerics (19.2%) in other major orders (deacon and subdeacon). Clerics in minor orders were less represented in the register (10%). There are similar patterns in the orders of clerics Pontoise instituted between 1282 and 1304. The register indicates that Pontoise mostly instituted priests (34.2% of three hundred and eighteen institutions, including those where the order was not indicated);<sup>169</sup> clerics in other major orders comprised only a small percentage (10.7%) of all institutions. There are few records for Pontoise's institution of acolytes, only twenty-six (8.2%). It was these acolytes who were the primary target of Pontoise's conditional institutions, with particular emphasis on their immediate advancement to the priesthood. These patterns would suggest that there was a conscious effort in both dioceses to institute priests, who were immediately able to take charge of their churches and to fully manage the *cura animarum*.<sup>170</sup> Although it is possible that each bishop instituted more clerics, and that these were not recorded, there is some sense that Pontoise's and Swinfield's institution practices were shaped by *Licet canon*.<sup>171</sup>

<b>Table Six.</b> Table showing the orders to which clerics instituted to benefices in Hereford and Winchester dioceses were ordained (recorded in the two registers).				
	<b>Priests</b>	<b>Deacons</b>	<b>Subdeacons</b>	<b>Acolytes</b>
<b>Pontoise (1282-1304)</b>	109	14	20	26
<b>Swinfield (1283-1317)</b>	377	40	76	61

Another significant trend emerged after 1300 that demonstrates Pontoise's and Swinfield's changing attitudes towards institution and to pastoral ministry in light of the

<sup>168</sup> Not every record of institution in the two registers contains information concerning the order to which the instituted cleric was ordained. In Pontoise's register, there are 149 records where the order is not indicated; in Swinfield's register the number is fifty.

<sup>169</sup> Note that the number of priests also includes clerics who were described as chaplains.

<sup>170</sup> For able clerics, elevation from minor orders to the priesthood might be possible within a year, but some were asked to improve on particular skill required in their ministry before their full ordination. See Dohar, 'Clerical examination and instruction for the cure of souls', 301-21; J. Shinnars and Dohar, *Pastors and the Care of Souls in Medieval England* (Notre Dame, 1998), 64-71.

<sup>171</sup> All statistics compiled from records of institution in *Reg. Pontissara i* and *Reg. Swinfield*.

decretal, *Cum ex eo*. Leonard Boyle convincingly argues that *Licet canon* and its mandatory residence prevented bishops from sending rectors and vicars to university to further their education, but *Cum ex eo* alleviated that problem.<sup>172</sup> This is reflected in the records of institution and licences to study preserved in the two bishops' registers. In the eighteen years before 1300, Pontoise instituted just four clerics in minor orders. Over the last four years of Pontoise's episcopate, however, the number of instituted acolytes increased to eight-fold. This same development took place in Hereford diocese under Swinfield. For the first half of his episcopate (1283 to 1300), Swinfield instituted just eight acolytes. That number rose to fifty-three after 1300. This post-1300 rise coincided with the promulgation of *Cum ex eo* in 1298 and the greater opportunities for clerics in minor orders to receive benefices alongside licences for study, which granted them up to seven years to be ordained. Table Seven (below) shows the number of licences Pontoise and Swinfield issued that were subsequently recorded in their registers. Swinfield issued sixty-eight in total, fifty-four of which came after 1300 and coincided with the increase in the number of instituted acolytes. Pontoise issued nineteen licences, and a high percentage of those (68.4%) came after 1300.<sup>173</sup> The increase in the number of instituted acolytes does not indicate a lapse in commitment to providing parishes with able pastors. It instead indicates the two bishops' provisions for the education of clerics from their respective dioceses. These two significant patterns, first the number of instituted priests and second the issuing of licences to study, demonstrate Pontoise's and Swinfield's observation of both *Licet canon* and *Cum ex eo* in their management of institutions to benefices.

<b>Table Seven.</b> Table showing the number of licences to study issued by Pontoise and Swinfield.			
	<b>Licences issued before 1300</b>	<b>Licences issued after 1300</b>	<b>Total</b>
<b>Pontoise (1282-1304)</b>	6 (31.6% of all licences).	13 (68.4%)	19
<b>Swinfield (1283-1317)</b>	14 (20.6%)	54 (79.4%)	68

### **The role of the bishop's court in the management of parish priests**

This sub-section will investigate Pontoise's and Swinfield's use of litigation in their diocesan courts to enforce the canons of Lyons II, and gives particular focus to the two

<sup>172</sup> Boyle, 'The Constitution "*Cum ex eo*"', 273.

<sup>173</sup> For a comparative study, see Haines, 'Operation of *Cum ex eo*', 143.

bishops' powers to deprive clerics of their benefices. By the late thirteenth century, diocesan courts had become professionalized and a locus of episcopal power in the diocese, although the 1285 royal writ, *Circumspecte agatis*, limited the jurisdiction of such courts to tithe litigation, testamentary litigation (which was in turn limited by Peckham's reforms to the court of Arches), cases concerning marriage and divorce, and those involving clerics who broke the canon law (but not the common law).<sup>174</sup> It was through such courts that Pontoise and Swinfield could deprive rectors and vicars who broke the law with regards to their benefices. On the matter of deprivation, Burger stresses bishops had to develop exceptionally strong legal cases in order to succeed. Clerics held benefices for life and the law protected the incumbent, not the diocesan. However, there were some legal grounds upon which a deprivation case could be built. These included the prosecution of immoral clerical behaviours, such as concubinage or simony, oath breaking, or if incumbents failed to meet the standards for institution.<sup>175</sup> This section examines memoranda concerning deprivation cases preserved in Pontoise's and Swinfield's registers in order to investigate how Pontoise and Swinfield used the Lyons II canons as legal grounds for deprivation. During the late thirteenth century, the bishop's official normally presided over the diocesan court,<sup>176</sup> but these sessions were not recorded in the bishops' registers. This draws attention to those few cases over which the bishops did preside and which were recorded in the registers. The aim is to determine the extent to which Pontoise and Swinfield actively enforced the Lyons II canons in their respective dioceses.

Memoranda in Swinfield's register record his role in using the diocesan court to bring a legal case against a cleric who had failed to meet the conditions of his institution. In May to June 1288, Swinfield brought litigation against Roger de Springhose, rector of Wistanstow. The bishop's official had begun proceedings before Swinfield intervened. In a letter to the bishop, the official claimed that Roger 'had not been ordained to the priesthood within one year of his institution to the same church (Wistanstow) according to the statute of the council of Lyons', as well as committing

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<sup>174</sup> See, in particular, Brundage, 'The managerial revolution in the English church' in J.S. Loengard (ed.), *Magna Carta and the England of King John* (Woodbridge, 2010), 83-98; Graves, 'Circumspecte Agatis', 1-20; C. Morris, 'From synod to consistory: the Bishop's Courts in England, 1150-1250', *Journal of Ecclesiastical History* 22 (1971), 115-23.

<sup>175</sup> Burger, 'Peter of Leicester, Bishop Giffard of Worcester, and the Problem of Benefices', 453-473; *Bishops, Clerks, Diocesan Governance*, 32, 43.

<sup>176</sup> Smith, 'The *Officialis* of the Bishop', 201-20.

other irregularities (*irregularitates*).<sup>177</sup> Those irregularities included Roger's refusal to pay two procurations to the bishop for two separate visitations and a verbal altercation with diocesan authorities. The official adjudged that Wistanstow was to be declared vacant and mandated Roger to submit himself for judgement before Swinfield at Bosbury on 5 June 1288. A memorandum records Roger's submission. At that submission, Swinfield demanded repayment of the eight marks (£5 6s 8d) Roger owed.<sup>178</sup> Roger also, 'with good will', spontaneously submitted himself for ordination.

Swinfield's success in the litigation against Roger primarily rested on proving that the rector had failed to meet the conditions of his tenancy at Wistanstow. In order to bring Roger to court in the first place, the official drew on evidence recorded in Cantilupe's and Swinfield's respective registers. Cantilupe instituted Roger to Wistanstow on 12 October 1281. The record of the institution is copied into the bishop's register at that point. Roger was a subdeacon at this time and although Cantilupe did not make reference to *Licet canon* or its contents, Roger's advancement to the priesthood within one year was an implicit requirement.<sup>179</sup> In February 1285, Swinfield also licensed Roger to study for two years.<sup>180</sup> The existence of the licence implies that Swinfield and his agents were aware of Roger's unordained status in 1285 but permitted him to delay ordination by a further two years. By 1288, when the official began proceedings against Roger, that deadline had passed. The official's and then Swinfield's case against Roger was couched in the authority leant by *Licet canon* and its restrictions on holding benefices without advancement to the priesthood, even if the bishop did relent and give Roger the chance to be ordained and keep his benefice.

Several memoranda in Pontoise's register record the process the bishop used to deprive rectors of their benefices while drawing on *Licet canon*. Several examples of deprivation litigation records survive in Pontoise's register. The first item is a memorandum dated 10 April 1291. The memorandum records Pontoise's proceedings against Simon le Doun, rector of Thruxton:

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<sup>177</sup> *Reg. Swinfield*, 161-62: 'pro eo quod idem Rogerus non fuerat intra annum institutionis sue in eadem ecclesia in presbyterum ordinatus secundum statutum concilii Lugdunensis, et pro eo quod idem Rogerus notam irregularitatis incurrens se inhabilem reddidit ad beneficium ecclesiasticum optinendum, et ulterius contra eundem decernere et statuere quod juris fuerit et rationis'.

<sup>178</sup> *ibid*: 'Ad hoc, cum ab eodem Rogero ex parte domini episcopi due procuraciones racione duarum visitacionum ecclesie supradicte eidem episcopo debito peterentur, post aliquales verborum altercaciones idem Rogerus, onus dictarum procuracionum spontanee recognoscens, pro eisdem procuracionibus viij marcas fideliter solvere repromisit terminis infrascriptis, quos eidem concessit idem dominus graciose, videlicet in festo sancti Michaelis proximo venturi quatuor marchas, et anno revoluto in eodem festo alias quatuor marchas, et mandabatur officiali predictae quod super hiis interim ipsum non molestet.'

<sup>179</sup> *Reg. Cantilupe*, 290.

<sup>180</sup> *Reg. Swinfield*, 545.

Because it is publicly known that three years or more have passed since Simon le Doun was presented to the church of Thruyton, of our diocese, by the true patron of the same church, J[ohn] de C[ornail], and was admitted to the same by our authority, and was entrusted with its management for over year despite not being in priests' orders and has not up until this point been ordained to the priesthood...he is deprived according to canonical sanctions.<sup>181</sup>

Pontoise, like Swinfield, listed the cleric's failure to observe *Licet canon* as grounds for deprivation. The bishop even drew on the language of the canon in his links between ordination and management of the *cura animarum*. Pontoise added that it was he, the ordinary, who had entrusted Simon to take charge of the church. The explicit reference to the bishop's part in Simon's institution also made it clear to the cleric that it was the bishop's authority that had been violated, as well as the law of the church, and as such deprivation was a legitimate course of action.<sup>182</sup>

Pontoise was involved in another, more significant example of deprivation litigation during which the bishop called on more than just *Licet canon* to prosecute the cleric. The case revolved around the controversial individual, Gilbert de Chalfont, and was extensively recorded in Pontoise's register. Gilbert was a lawyer in service to the king, to Queen Eleanor (of Castile), and to Isabella de Forz, countess of Devon from the 1260s onwards.<sup>183</sup> Gilbert first came to Pontoise's attention while the bishop was overseas in France. The abbot of Hyde presented Gilbert to North Stoneham rectory in c.1289 but Pontoise rejected the institution.<sup>184</sup> Pontoise reasoned in an undated letter to Peckham that he refused to institute Gilbert on the grounds that the candidate was of ill merit and doubtful character (*male meritum et suspectum*), was illiterate, and disreputable (*infamem*).<sup>185</sup> In Pontoise's opinion, Gilbert was the opposite of a good parish priest. Yet in January 1292, Pontoise admitted Gilbert to Sanderstead rectory, again at the presentation of Hyde Abbey. In July of the same year, Pontoise instituted

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<sup>181</sup> *Reg. Pontissara* i: 43-44: 'Quia publicum est et notorium quod Simon le Doun triennio jam elapse et amplius ad ecclesiam de Thorkylston nostre diocesis per J. de C. verum ejusdem ecclesie patronum presentatus, et ad eandem auctoritate nostra admissus infra annum a tempore sibi commissi regiminis non fecit se in presbiterum ordinari nec etiam adhuc sit in presbiterum ordinatus, pro ut per inquisitionem apparet super his factam legitime evidenter propter quod ab eadem ecclesia ipso jure est privatus secundum canonicas sanctiones...'

<sup>182</sup> Pontoise replaced Simon with his clerk, Henry de Sempringham. *ibid.*, 43.

<sup>183</sup> N. Denholm-Young, *Seignorial Administration in England* (London, 1937), 29; S. Stewart, 'The eyre *de terris datis*, 1267-72', *TCE X* (2005), 69-80, esp. p. 78.

<sup>184</sup> The abbot of Hyde at this time was Robert de Popham (1282-92). The abbot also held the advowson to North Stoneham. *Heads of Religious Houses* ii, 82; *Taxatio*: North Stoneham.

<sup>185</sup> *Reg. Pontissara* i, 186-89.

Gilbert to Itchen.<sup>186</sup> Deedes assumed that Gilbert's two later institutions resulted from his having 'purged his past offences',<sup>187</sup> although there is no evidence to support this.

Pontoise's earlier fears over Gilbert's suitability to hold a benefice were expressed again several years later in legal proceedings the bishop brought against the lawyer. Pontoise cited Gilbert to appear before him on the charges of working as 'a lawyer in the service of a secular court of justice in [Winchester] diocese, not only in a trial prohibited by law, but in fact in a trial of public bloodshed', which risked creating scandal (*milicie scandalum*).<sup>188</sup> This particular charge was based on prescriptions contained in Winchester III chapter fifty-three. This statute forbade beneficed clerics from holding temporal positions. The bishop also mandated Gilbert to answer whether he had 'made personal and continual residence in the said church (Sanderstead)', and whether he had been ordained within a year of institution.<sup>189</sup> Gilbert was a subdeacon at the time of his institution in 1292. Pontoise's citation is undated but it was copied onto folio 153 *recto* alongside items dating from 1299; items on folio 152 *recto* concern the bishop's business during his 1296 to 1299 absence, and 152 *verso* is blank.<sup>190</sup> Gilbert's citation was likely one of Pontoise's first orders of business upon his return to Winchester diocese in 1299, and it demonstrates the bishop's employment of *Licet canon* and diocesan statutes to construct a sophisticated legal argument against a rector who abused his office, but, moreover, a rector who had support from influential backers such as the king.

This brief section has only examined litigation process concerning the standards imposed by the canon law on benefice incumbency but it demonstrates the role the bishop's court had in enacting reform agendas. The court was a space in which the two bishops could enforce *Licet canon*, in particular, and used the conciliar canon as grounds for depriving rectors of their benefices, or at least threatening deprivation. This would suggest that the conditions attached to records of institution in the two registers, especially those that required advancement to the priesthood within one year, were actionable and were grounds for deprivation. To that end, the conditions were a safeguard of sorts, ensuring that rectors/vicars observed the terms of the canon law.

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<sup>186</sup> Few details are provided in the July 1292 institution record for Itchen prebend, and no advowson holder is named. The *Taxatio* indicates that there were two prebends at that location, Itchen Abbas and Itchen Stoke. The abbess of St Mary's, Winchester, held the advowson to the former, and the abbess of Romsey held the advowson to the latter. *Reg. Pontissara* i, 51, 54; *Taxatio*: Itchen.

<sup>187</sup> Deedes, 'Introduction', *Reg. Pontissara* i, xxiii.

<sup>188</sup> *Reg. Pontissara* ii, 587: 'Diocesi in foro seculari advocacionis officium non solum in causis a jure prohibitis, verum etiam in causis sanguinis puplice...'

<sup>189</sup> *ibid.*, 'personalem et continuam residenciam in dicta ecclesia faciendam'.

<sup>190</sup> Hants RO 21M65/A1/1.

There are some distinctions to be made between Pontoise and Swinfield and their approach to episcopacy here. From the records in his register, it would seem that Pontoise was more of a rigid enforcer of *Licet canon* than Swinfield. The bishop of Hereford stopped short of depriving Roger de Springhose, even giving him a second chance at ordination. Pontoise, on the other hand, used his court to fully enforce the canon, even collating the vacant church to his own clerk. The few memoranda recording Pontoise's proceedings against Simon and Gilbert paint the bishop as ruthless, or perhaps more prepared to strictly interpret the laws of the church, compared to Swinfield. However, there are similarities in how each bishop used his register as a tool. There are few records in either register that record the bishop's role as judge in his own court, owing in no small part to the role of the bishop's official in that capacity. There is a skew towards recording cases in which *Licet canon* was enforced, such as those presented in this sub-section. This would suggest that there was a push to evidence a continued sense of episcopal responsibility for enforcing the Lyons II reform agenda long after the council.

### **Coadjutors and custodians: safeguarding the provision of pastoral care**

This sub-section will investigate what support structures bishops could deploy in order to strengthen pastoral ministry in the parish, without recourse to deprivation. Bishops' use of custodians and coadjutors to support rectors or vicars is an underexplored area of local pastoral ministry. Burger argues that bishops preferred to use coadjutors when an incumbent became incapacitated rather than requiring him to retire.<sup>191</sup> Haines analyses custodies in the context of property ownership, and several studies examine the role played by unbeneficed clerics resident in the parish in the everyday life of the local church.<sup>192</sup> There are, as yet, no examinations of the use of custodies or coadjutors as a means of safeguarding pastoral ministry in the parish. This part of the chapter examines episcopal commissions recorded in Pontoise's and Swinfield's registers in order to explore the bishops' recruitment of clerics from outside the parish to undertake the

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<sup>191</sup> Burger, *Bishops, Clerks, Diocesan Governance*, 78-79.

<sup>192</sup> Thompson refers to the ubiquitous employment of a resident *capellanus curatus* in parishes during the later medieval period (1200-1500). These chaplains/curates were resident alongside the rector and were expected to assume some pastoral duties on an ordinary basis and full pastoral responsibility during an absence. Haines, *Administration of Worcester*, 197-212; J.R.H. Moorman, *Church Life in England in the Thirteenth Century* (Cambridge, 1955), 54-55; Hamilton Thompson, *The English Clergy and their Organization in the Later Middle Ages* (Oxford, 1947), 122-23.

ordinary duties of the resident rector or vicar. The aim is to consider what methods each bishop used to ensure there was constant provision of pastoral ministry at parishes where the rector/vicar was identified as negligent, absent, or incapable of administering the *cura animarum*.

In the event that a rector fell ill and was unable administer the *cura animarum*, Pontoise and Swinfield had recourse to at least one option that ensured the continuation of pastoral ministry in the parish: the commission of coadjutors. Swinfield made such a commission in July 1286.<sup>193</sup> An eyewitness reported to Swinfield that *dom* Reginald, the vicar of Ledbury, was afflicted with ‘a certain infirmity, of rage or madness’.<sup>194</sup> The canon law barred any cleric who suffered from mental or physical health issues from holding *cura animarum*.<sup>195</sup> The bishop could issue dispensations for certain physical issues that permitted the incumbent to continue in their pastoral role.<sup>196</sup> But Reginald’s condition was such that he was unable to oversee the *cura animarum*. With compassion and a charitable heart (*compatimur in visceribus caritatis*), Swinfield provided Reginald with a coadjutor until ‘by cooperation of divine grace, restitution is made to [his] former health’.<sup>197</sup> On 29 July 1286, Swinfield commissioned John Legat, a chaplain, as coadjutor, on the proviso that he (John) ‘strive (*studeas*) to manage the *cura animarum* and the custody’.<sup>198</sup> Whether Reginald regained his health or not, the bishop ensured that there was a resident priest in Ledbury vicarage. Pontoise took similar measures in 1299. On 16 March 1299, Pontoise granted Roger Gervaise, rector of Wickham, a coadjutor, ‘in compassion for your weak condition, and at the instance and request of your friends’.<sup>199</sup> Roger was unable to serve his church and as such support was found. The language is similar in Pontoise’s and Swinfield’s respective register items. The

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<sup>193</sup> There are two other examples of coadjutors, custodians, or vicars appointed by Swinfield to parish churches in Hereford diocese. In the first, in February 1289, the bishop’s clerk, Swinfield appointed *Mgr.* Roger de Sevenoaks, as custodian of the Lydney vicarage while the vicar was absent for study at Oxford. In the second example from January 1291, a suitable person (*personam ydoneam*), namely a priest, was to be presented to the bishop to hold Badger rectory *in commendam*. The son of the local landowner, Philip de Badger, was deemed incapable of overseeing the rectory, likely due to being underage or not yet in Holy Orders. In both cases, the rector was incapable of taking charge over *cura animarum*. A suitable, if temporary, replacement was found and placed in their stead. See *Reg. Swinfield*, 212-13; 253-54.

<sup>194</sup> *ibid.*, 116: ‘domini Reginaldi, vicarii de Ledebury, quadam infirmitate phrenetica seu furoris, prout oculata fade et per inquisitionem legitimam didicimus, jam afflicti’.

<sup>195</sup> Helmholz, *Canon Law and Ecclesiastical Jurisdiction*, 482; Shinnars and Dohar, *Pastors and the Care of Souls*, 52-53.

<sup>196</sup> In canonical terms, physical irregularity refers to the loss of limbs, members, or organs (including eyes), or to disabilities such as muteness and/or deafness, all of which might impede a priest from exercising his office. There are no examples of dispensations for physical irregularity recorded in either Swinfield’s or Pontoise’s registers, but see Shinnars and Dohar, *Pastors and the Care of Souls*, 63.

<sup>197</sup> *Reg. Swinfield*, 116: ‘divina cooperante gracia, restitutus fuerit pristinae sanitati’.

<sup>198</sup> *ibid.*: ‘provisio etiam quod curam et custodiam studeas ita gerere’.

<sup>199</sup> *Reg. Pontissara* i, 81: ‘[i]nbecillitati status tui compacientes ad instanciam et rogatum amicorum tuorum’.



bishops identified the nature of the incumbent's incapacitation and stressed that the appointment of a coadjutor was done as an act of compassion. When the primary level of pastoral care failed in a parish, both bishops provided a support network.

Bishops did impose rigorous checks on institutions and benefice incumbency but they could not control every circumstance that dictated the terms of an institution, such as the pressure of a patron to institute an unsuitable candidate, which required some pragmatism on the part of the bishop. Pontoise faced such pressure from Edward I and royal government agents, in particular. In July 1290, Edward presented two sons of his loyal agent, Bevis de Knovill (here referred to as senior), each named Bevis (for our present purposes major and minor), for institution to Grateley and Deane rectories.<sup>200</sup> The king claimed the advowson to both churches owing to his wardship of the heir to Warin Maudit, the true patron.<sup>201</sup> However, Bevis major and minor were underage and in 1290, Pontoise was not in a position to challenge Edward's presentation. A policy of permitting minors to receive benefices also broke with Pontoise's purposeful management of institutions. Pontoise enacted a measure that counteracted the king's presentation. Copied alongside the two records of institution were two further memoranda. In the first memorandum, it was noted that Pontoise committed 'custody of the same church and also the presented person up until the same (person) reaches the legitimate age' to *Mgr* Thomas de Bridport.<sup>202</sup> The second memorandum uses the same phrase almost verbatim, but in that case Pontoise gave custody of Bevis major and Deane rectory to *Mgr* A. de Lindford.<sup>203</sup> Pontoise made every effort to ensure the two Bevis brothers would hold the benefices legitimately in the future but the bishop also entrusted everyday management of each church to more suitable clerics. The appointment of custodians for minors was a clear manipulation of canonical restrictions on incumbency but politics forced the bishop to adapt. Despite obvious pressures, Pontoise's principal concern was pastoral ministry. On this occasion, Pontoise was able to negotiate a compromise and provided oversight for the young clerics in the shape of two custodians, both of whom were able to administer the *cura animarum*. To that end, Pontoise ensured that there were suitable priests in place who could assume the roles that the two unsuitable candidates could not fill.

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<sup>200</sup> The king created Bevis *senior* the justiciar of west Wales in 1280, before appointing him as the royal bailiff of Montgomery in 1290. *Reg. Pontissara* i, 41, 42; Powicke, *The Thirteenth Century*, 414-45; Prestwich, *Edward I*, 175-76, 208, 351.

<sup>201</sup> *Reg. Woodlock* ii, 718; *Taxatio*: Deane; Grateley; *VCH Hampshire* iv, 207, 371.

<sup>202</sup> *Reg. Pontissara* i, 42: 'ipsius ecclesie et etiam persone presentate custodiam usque ad ipsius etatem legitimam vestre industrie committimus per presentes.'

<sup>203</sup> *ibid.*, 43.

This section set out to investigate the influence that the canons of Lyons II had on Pontoise's and Swinfield's governments, as well as what reforms the bishops enacted in their respective dioceses. It is clear based on the records in the two bishops' registers that there was a conscious effort to enforce the Lyons II canons during the late thirteenth and early fourteenth centuries, as well as to safeguard and improve the provision of pastoral care. This necessitated careful management of institutions to benefices and of parish priests, and bringing negligent or failing clerics to court and depriving them, using *Licet canon* as legal grounds for deprivation. It also involved the commission of custodians and coadjutors to oversee parishes in which the rector or vicar was unable to minister. The bishops turned to established administrative practices for enacting reform or for ensuring that the *cura animarum* was administered in a parish. Records of institution, episcopal mandates and commissions, and even memoranda capturing court cases in Pontoise's and Swinfield's registers develop the current picture of reform in England, illuminating a continued response to the Lyons II agenda in Hereford and Winchester dioceses.

## **Conclusion**

This chapter set out to investigate what reforms Pontoise and Swinfield enacted over the course of their episcopates, if any, at a moment in the late thirteenth and early fourteenth centuries when it was previously assumed that bishops had shied away from reform. By examining the work that the two bishops undertook in the course of governing their dioceses, and the records that they generated and preserved in their registers, a new understanding of ecclesiastical reform in the two dioceses is developed.

Historians have previously given much attention to the role of the diocesan synod in ecclesiastical reform in England between 1200 and 1272, especially through statute-making. The argument presented in this chapter points to Pontoise's and Swinfield's shift away from statute-making and synod-based reform activities towards more administrative, or bureaucratic, forms of reform. In that respect, the evidence presented here strengthens, and furthers, Colin Morris' argument that there was a shift away from the synod towards the consistory court, insofar as the court became the

primary site of episcopal judicial activity after 1250.<sup>204</sup> During the 1280s and 1290s, Pontoise and Swinfield used everyday administrative practices to enact reform (or, at least, there was an increase in the record of such activities owing to the selection of records in the two bishops' registers), including significant use of the two bishops' courts to prosecute wayward clerics, marking less reliance on the synod that had been the case before c.1272. The shift was made to such an extent that it is difficult to distinguish between normal administrative (or judicial) practices and reform in Hereford and Winchester dioceses during this period. Both bishops used institutions to benefices, mandates, and their powers as judges in order to enforce the canons of Lyons II, especially canons thirteen, fourteen, and eighteen. Pontoise's and Swinfield's use of custodians and coadjutors to support rectors who were unable to carry out the duties of a parish priest was also shaped by the Lyons II agenda and its emphasis on improving pastoral ministry in the parish, best captured by *Licet canon*. In that respect, there were active ecclesiastical reform movements in the two dioceses during this period, and reform agendas pervaded the two bishops' governmental agendas.

In the immediate wake of the council, English bishops considered it their responsibility to respond to Gregory X's agenda. The work that Pontoise and Swinfield undertook in their dioceses, the way in which they governed Hereford and Winchester, indicates that they too considered it an episcopal responsibility to enact reform on a scale that has, until now, never been realized. This has implications for how we see Pontoise's and Swinfield's approaches to episcopacy. The two bishops' adherence to Gregory X's agenda for most of their episcopates would suggest that they accepted the influence of papal authority on their administrations. There was awareness that they should act and should enforce the conciliar canons, or be held accountable by curial authorities, which, as Sabapathy shows in the context of negligent episcopal government, could occur. The possibility of papal intervention spurred Pontoise and Swinfield into action as much as personal reform ideals. On those grounds, it is difficult to distinguish between the different approaches to reform that each bishop adopted. It does appear that Pontoise was more ruthless in his enforcement, going as far as depriving rectors of their benefices and revoking all custodies in Winchester diocese. Swinfield was more lenient, but no less committed to reform.

This accountability also influenced registration in the two dioceses, not just governance. In records of institution, in particular, there was either direct reference to

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<sup>204</sup> Morris, 'From synod to consistory: the Bishop's Courts in England', 115-23.

*Licet canon* or indirect reference through a listing of specific clauses of the canon. The few memoranda concerning deprivation cases in the two dioceses also made it clear that Pontoise and Swinfield drew on *Licet canon* to inform their sentencing, and the legal grounds for deprivation, especially failure to advance to the priesthood, was made explicit. The two bishops' 1303 mandates likewise contained explicit references to Lyons II canons. Put together, these register records served to provide evidence to any outside observers that Pontoise and Swinfield were active in the reform of their dioceses, that they were undertaking the work mandated by Gregory X. To that end, the registers created purposeful images of the bishops, a form of self-promotion that ensured they were accountable. The registers also had a secondary role when it came to records of institution. On the basis of court memoranda, it would appear that failure to meet the conditions of institution, such as advancement to the priesthood, was actionable. The records of institution, especially those that contained conditions, in effect held rectors and vicars accountable for taking appropriate actions in order to continue their tenancy at a benefice. In both cases, the registers served as a space to gather evidence in preparation for future litigation.

This new picture of ecclesiastical reform in Hereford and Winchester is made possible by the two bishops' registers. Through an examination of the changes in the language of records of institution, or the contents of memoranda and episcopal mandates, Pontoise's and Swinfield's commitment to reform emerges. It is clear that bishops' registers are an invaluable resource for the study of ecclesiastical reform in the late thirteenth century, especially when the impact of the canon law and treatises on that subject on record-keeping practices are taken into consideration. There remains much work to be done on understanding the full impact of Lyons II in England but at least in the context of Hereford and Winchester dioceses, the council shaped everyday diocesan governance and the worldviews of both Pontoise and Swinfield.

## Chapter Four. Episcopal visitations of religious houses

In a late thirteenth-century poem titled *The Order of Fair-Ease*, the anonymous poet lampooned the members of every major religious order, attacking them for their corrupt and sinful behaviours. The poet explained to his listeners that the brothers and sisters of the fictional order of Fair-Ease adopted stereotypical vices from various real orders in order to achieve the perfect way of life. The Fair-Ease learned how to circumvent the vow of poverty from the Friars Minor and Preachers; they mirrored the Benedictines and Beverley canons in their daily drunkenness and fondness for music. The Fair-Ease also had to wear ‘becoming robes’ to match the sartorial elegance of the Hospitallers, and the brothers and sisters cohabited in the manner of the Gilbertines in private, Carthusian-like cells so as not to be disturbed as they broke their vows of chastity.<sup>1</sup>

The poem reads like a bishop’s visitation record with its account of misdeeds and mismanagement at a religious house. Visitation records were the product of episcopal visitations to religious houses, which had ‘pastoral, judicial and administrative’ functions whereby a bishop preached to the religious community, issued corrective and penal injunctions to quell monastic misbehaviour, and offered guidance on house management.<sup>2</sup> At a visitation, the bishop or his clerk took depositions (*detecta*) from members of the community in order to determine what problems troubled the house. The bishop’s scribes then drew up any identified problems (*comperta*) into a simple list that was communicated to the whole religious community. This list formed the basis for the bishop’s corrections, given to the community in the

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<sup>1</sup> Anonymous, ‘The Order of Fair-Ease’ in *Thomas Wright’s Political Songs*, 137-48.

<sup>2</sup> Haines, ‘Bishop John Stratford’s injunctions to his cathedral chapter and other Benedictine houses in Winchester’, *Revue Benedictine* 117 (2007), 154-80, esp. pp. 155-56.

form of injunctions.<sup>3</sup> It is these corrections and injunctions that were often captured in visitation records, and which afford insight into a bishop's management of religious houses in his diocese, the focus of this chapter.

The study of episcopal visitations and their records has two main branches. The first branch examines visitation records for their brief insights into life in England's religious houses, such as David Knowles' majestic survey of each religious order and more recent revisions, such as those by James Clark and Christian Knudsen. These scholars shed light on late medieval monastic culture, and give particular attention to the shifting role of religious persons in English spiritual life during this period.<sup>4</sup> The second branch examines visitation records for insights into episcopal visitation procedure. Cheney's comprehensive survey, *Episcopal Visitation*, continues to light the way in this field, although several other more localised studies shed light on visitation practices in certain English dioceses. These are institutional histories that paint the process of visitation as part of systematic diocesan government in England.<sup>5</sup>

This chapter builds on these studies and offers a new perspective on episcopal visitations in the late-thirteenth century. Little attention is given to the episcopal agendas that shaped visitations and the record of visitation because there is a ready assumption in current studies that bishops undertook visitations since their role as governors of their dioceses required them to do so.<sup>6</sup> This chapter examines the select number of visitation records in Pontoise's and Swinfield's registers and places these in conversation with episcopal memoranda and monastic records in order to shed light on Pontoise's and Swinfield's use of visitations as tools for shaping politics in their

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<sup>3</sup> Cheney, *Episcopal Visitation*, esp. ch. 1. For more on the development of visitation procedure in the later medieval period, see Hamilton Thompson, 'The Monasteries of Leicestershire in the Fifteenth Century', *Leicestershire Archaeological and Historical Society Transactions* 11 (1915-16), 99-108.

<sup>4</sup> Bryan, 'Periculum animarum', 49-73; J.G. Clark, 'The Religious Orders in Pre-Reformation England' in Clark (ed.), *The Religious Orders in Pre-Reformation England* (Woodbridge, 2002), 3-33, esp. pp.7-8; Coulton, *Ten Medieval Studies* (Boston, 1959), esp. 84-107; D. Knowles, *The Religious Orders in England, volume ii: the end of the Middle Ages* (Cambridge, 1955), esp. 308-19; C.D. Knudsen, 'Promiscuous Monks and Naughty Nuns: poverty, sex and apostasy in later medieval England' in C. Kosso and A. Scott (eds), *Poverty and Prosperity in the Middle Ages and the Renaissance* (Turnhout, 2012), 75-92; E. Makowski, *Canon Law and Cloistered Women: Periculoso and its commentators, 1298-1545* (Washington D.C., 1997), esp. 1-20; E. Power, *Medieval English Nunneries, c.1275-1535* (Cambridge, 1922), 344-93, 484-98; J.H. Tillotson, 'Visitation and Reform of the Yorkshire Nunneries in the Fourteenth Century', *Northern History* 30 (1994), 1-21; N. Warren, *Spiritual Economies: female monasticism in later medieval England* (Philadelphia, 2001).

<sup>5</sup> Cheney, *Episcopal Visitation*; Davis, *The Holy Bureaucrat*, 65-103; E. N. Gorsuch, 'Mismanagement and Ecclesiastical Visitation of English Monasteries in the Early-Fourteenth Century', *Traditio* 28 (1972), 473-82; Haines, *Administration of Worcester*, 219-25, 297-309 and his 'Bishop John Stratford's injunctions', 154-80; Hoskin, 'Diocesan Politics in Worcester', 422-40; Swanson, 'Episcopal visitation of religious houses in the diocese of Lichfield in the early fourteenth century', *Studia monastica* 29 (1987), 93-108.

<sup>6</sup> Davis, *The Holy Bureaucrat*, 65-103.

respective dioceses. It also considers the relationship between visitation and the act of registration, which remains, as yet, unstudied. Few records survive in bishops' registers, drawing more attention to those that bishops, or their registrars, thought it necessary to keep.

A bishop's ability to intervene in the affairs of a religious house was dependent upon the powers of visitation that he held. Episcopal powers of visitation were still developing in the late thirteenth century, even at a moment when visitations were common features of diocesan administration. Rights of visitation were recognised from the seventh century but it was not until 1215, at Lateran IV, that these rights were more fully expressed by canonists.<sup>7</sup> Janet Burton even observes that 'the right of visitation was accordingly sharpened, and became, moreover, a visible symbol of episcopal power to reform' after 1215, even to the point that Elizabeth Makowski and Nancy Warren each consider such power to have been invasive.<sup>8</sup> Lateran IV's twelfth canon, *In singulis regnis*, bound bishops to 'take care to reform monasteries under their jurisdiction' and to protect them from ineffective house superiors and lay agents.<sup>9</sup> The precise nature of this episcopal duty was carefully defined over the course of the century. In 1235 and 1239, Gregory IX promulgated statutes that instructed bishops and monastic administrators alike on government of religious life and house administration.<sup>10</sup> Boniface VIII's *Periculoso*, first promulgated in his *Liber sextus* in 1298, mandated bishops to oversee the complete claustration of all women religious.<sup>11</sup> Religious orders such as the Cistercians, Friars Preacher and Minor were exempt from episcopal visitation, but Pontoise and Swinfield were still serving in an age during which there was immense expansion of the episcopal remit for oversight of monastic life.

The aim of this chapter is to investigate the agendas that drove Pontoise and Swinfield to undertake visitations to certain religious houses, and to include records of

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<sup>7</sup> Cheney, *Episcopal Visitation*, 19-21.

<sup>8</sup> J. Burton, *Monastic and Religious Orders in Britain 1000-1300* (Cambridge, 1994), 184; Makowski, 'Canon Law and the Spirituality of Cloistered English Nuns', in Blumenthal and Winroth, *Canon Law, Religion, and Politics*, 284-96; Warren, *Spiritual Economies*, 14-25.

<sup>9</sup> *Constitutiones Concilii quarti Lateranensis*, 60-62.

<sup>10</sup> These statutes built on the 1216 papal bull *Ea quae*, in which monastic visitors were mandated to examine how closely the Benedictine rule was observed and advise on house management. The full text of the bull is given in Appendix I of *Documents illustrating the activities of the general and provincial chapters of the Black Monks 1215-1540*, W.A. Pantin (ed.) (London, 1931-37), 274-76. See also Davis, *The Holy Bureaucrat*, 68; Haines, 'Some criticisms of bishops in the fourteenth and fifteenth centuries' in *Miscellanea Historiae Ecclesiasticae viii* (1983), 169-80 at p. 178 and 'Bishop John Stratford's injunctions', 154-80.

<sup>11</sup> Makowski, *Canon Law and Cloistered Women*, esp. 1-20.

those visitations in their registers. In doing so, it hopes to shed light on the human aspects of episcopal governance, especially the personal nature of government, as well as the bishops' selection of visitation records for registration. The chapter is divided into three sections, each one examining a different aspect of the bishops' visitations over the course of their episcopates and the records these generated. The first section (I) explores visitation records in Pontoise's and Swinfield's registers and considers what place they had there. The second section (II) explores the relationship between the two bishops' visitations and their broader agenda for the government of their dioceses. The third section (III) investigates Pontoise's and Swinfield's management of the largest Benedictine houses in their dioceses, St Swithun's and Leominster priories respectively, and the implications this had for their ability to rule their dioceses.

## **I. Visitations records in bishops' registers**

This section will examine the visitation records preserved in Pontoise's and Swinfield's registers and will consider what place they had in their registers. There are few surviving thirteenth-century records concerning episcopal visitations and there are even fewer records preserved in bishops' registers. As Cheney lamented: 'For always the evidence is fragmentary'.<sup>12</sup> It is only in later periods, especially after 1350, that bishops kept more comprehensive records of their visitations, usually in a separate register dedicated to the matter.<sup>13</sup> The surviving late-thirteenth century visitation material has been used in a particular way. Bryan's 2002 article typifies current approaches to visitation records in bishops' registers. In it, Bryan extracts from several registers examples of scandal detected at houses of women religious, marshalling these to investigate anti-women sentiments in episcopal administration.<sup>14</sup> In the course of such investigations, scholars extract material from its original context and place it in conversation with records from other registers. This approach leaves open the opportunity to explore the role of bishops' registers in preserving visitation records, how the material works in conversation with other records in the register, and the

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<sup>12</sup> Cheney, *Episcopal Visitation*, 1.

<sup>13</sup> See, for example, the collections of records in A.T. Bannister, 'Visitation Returns of the Diocese of Hereford in 1397', *EHR* 44 (1929), 279-89, 444-53 and *EHR* 45 (1930), 92-101, 444-63; Rev. A. Jessopp, *Visitations of the Diocese of Norwich, A.D. 1492-1532* (London, 1888); Hamilton Thompson, *Visitations of Religious Houses in the Diocese of Lincoln*, 3 vols (CYS, 1915-29).

<sup>14</sup> Bryan, 'Periculum animarum', 49-73.



implications this has for how such records are used in historical research, as this section does. The aim of the section is to determine the qualities and content of visitation records in the two registers, and to determine what value these have for a study of episcopal visitation in Hereford and Winchester dioceses.

Despite being few in number, visitation records were part and parcel of Pontoise's and Swinfield's registers. These records sit alongside other items of episcopal business. In Pontoise's register, they are included in the section with general memoranda (fos 60v-202v) concerning the bishop's spiritual lordship. In Swinfield's register, they were entered in chronological order, as was any record of episcopal business. There is no distinction between visitation records and others and they were an integrated part of the two registers.

The visitation records in Pontoise's register demonstrate a chronological pattern in his visitations. Only six register items (see Table Eight, below) contain evidence of Pontoise's visitations to six separate religious houses.<sup>15</sup> This is a small sample of the forty-seven houses in Winchester diocese during Pontoise's episcopate.<sup>16</sup> These six items combined take up just six folios (1.33% of all register folios). They are not in chronological order. The first four items (on fos 28v to 32r) are dated between 1301 and 1302; the remaining two items (fos 78r to 80v) are dated to 1286. This appears to be a product of using the first register section, normally a dedicated section for records of institution, for recording memoranda after 1295.<sup>17</sup> However, the chronology of the six items (1286 and 1301-2) does correspond with the divide in Pontoise's episcopate caused by his three-year absence in Rome, pre-1296 and post-1299. This hints at two different periods of visitation, one of which coincided with Pontoise's return to his diocese and his resumption of administrative duties.

The chronological pattern of Pontoise's visitations becomes clearer upon closer examination of the material and its context. The first of the two phases took place during 1286 and thereafter the bishop joined the king in Gascony until at least early 1289.<sup>18</sup> The second phase took place between 1301 and 1302. Pontoise was absent from Winchester between 1296 and early 1299 on diplomatic business, and again between April 1300 and May 1301 for the same reason; on both occasions there was a hiatus in

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<sup>15</sup> *Reg. Pontissara* i, 112, 119, 125, 126, 318, 328.

<sup>16</sup> This number was determined from entries given in *Medieval Religious Houses: England and Wales*, 2<sup>nd</sup> edn., Knowles and R.N. Hadcock (eds) (London, 1971).

<sup>17</sup> See Introduction, 23.

<sup>18</sup> Pontoise made preparations to leave England on the king's business in October 1285 and again in October 1286. *CPR 1282-96*, 166-67, 252-53; *Reg. Pontissara* i, 319, 328.

registration.<sup>19</sup> The second phase correlates with a period when Pontoise re-familiarized himself with Winchester diocese, and when he assumed personal control for diocesan government from his vicars-general. Visitations to religious houses fit neatly into that period of re-familiarization. Visitation afforded Pontoise the opportunity to re-assert his authority as diocesan. This is especially prevalent in relation to Romsey, Wherwell, and Wintney, three houses where a new head had been elected during Pontoise's absence.<sup>20</sup> The full implications of Pontoise's visitations to these three houses are explored below, but it is clear that these two phases of visitation had some impact on the registration of visitation material. In the second phase, in particular, there was a renewed emphasis on episcopal oversight at the religious houses after the bishop's absence and on record-keeping after a short period in which the register was silent. There is thus some association between Pontoise's concerns as diocesan (visitation), his presence in the diocese, and the types of records that were copied into his register.

<b>Table Eight.</b> Table showing the visitation material in Pontoise's register, 1282-1304.			
<b>Religious house visited</b>	<b>Date</b>	<b>Type of record</b>	<b>Where in register</b>
Wintney priory	20 Aug 1301	Correspondence	Fo.28v (vol. 1, p.112)
Newark priory	11 Nov 1301	List of injunctions	Fo.30v (vol. 1, p.119)
Wherwell abbey	27 Feb 1302	Correspondence	Fo.32r (vol. 1, p.125)
Romsey abbey	15 Feb 1302	Correspondence	Fo.32r (vol. 1, p.126)
Mottisfont priory	c. Apr. 1286	Correspondence	Fo.78r (vol. 1, p.318)
St Swithun's priory	28 Oct 1286	Episcopal commission	Fo.80v (vol. 1, p.328)

Besides the chronology of the material pointing towards particular episcopal practices, the different types of visitation records in Pontoise's register also reveal the varied nature of his interactions with the religious. There are four examples of correspondence between bishop and house superiors relating to visitations and corrections, as well as one list of injunctions and one commission (Table Eight). Pontoise's correspondence has comparable qualities to others relating to diocesan business copied into the register. These begin with ordinary salutations and conclude with a dating clause, but do not engage with the recipient on friendly/familiar terms. Each piece of correspondence recounts the recent visitation written from Pontoise's perspective, recalling the bishop's actions and words to the reader/listener. In one 1284

<sup>19</sup> *Reg. Pontissara* i, 112, 119, 125, 126.

<sup>20</sup> These elections were confirmed by the king and by Pontoise's vicar-general, Philip de Barton, in Romsey, 28 April 1298; Wherwell, 25 January 1298; and Wintney, 30 May 1301. *Heads of Religious Houses* ii, 601, 617-18, 622.

copy of correspondence between Pontoise and Henry de Winchester, prior of Mottisfont (c.1280-94), the bishop reminded the prior that at his last visitation, he had deemed the sale of liveries (*liberaciones*) and corrodies (*corredia*) by the community as injudicious (*inconsultus*).<sup>21</sup> Pontoise reiterated his earlier injunction and added a threat of excommunication as penalty for future transgressions.<sup>22</sup> Pontoise's 1286 commission empowered his official, Henry de Sempringham, to conduct follow-up checks after the bishop's visitation to St Swithun's priory.<sup>23</sup> The commission was recorded in a letter patent intended for any reader and to legitimate Henry's authority to act in the bishop's stead. There was no specialised formula for visitation material in Winchester during this period, and Pontoise prioritized the keeping of a range of relevant records. But the different types of record captured a range of interactions between bishops and religious communities, whether this was through a proxy (the bishop's official) or some time after the event, relaying corrections and injunctions or reinforcing earlier episcopal decisions. In doing so, they illuminate different aspects of episcopal oversight of religious, which are explored in more detail in the remainder of this chapter.

The visitation records in Swinfield's register help to shed some light on episcopal registration practices in Hereford during his episcopate. Swinfield's register has a broad chronological coverage, 1283 to 1317, but it contains a limited range of records concerning episcopal visitations (see Table Nine, below). There is visitation material relating to only three of thirty-five houses in Hereford diocese copied into the bishop's register, although Swinfield conducted visitations to Leominster on more than one occasion.<sup>24</sup> This material, in all, occupies no more than four folios out of the two hundred and seven in total (1.9%). It is possible that this dearth of material was due to record-keeping practices in the diocese. Smith notes the existence of a separate visitation roll during Bishop Trillek's episcopate in Hereford (1344-61) in his register, conjecturing that Cantilupe kept a similar roll, now lost, thus accounting for the paucity of visitation material in the bishop's register.<sup>25</sup> The content in Swinfield's register points in a similar direction. Each of the records in the register pertains to a visitation conducted before 1290; thereafter the bishop's register fell silent on this matter, creating the (likely false) impression that Swinfield abandoned his visitation policy. The dating of the six visitation records coincides with a particular period of registration in Hereford

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<sup>21</sup> *Heads of Religious Houses* ii, 426.

<sup>22</sup> *Reg. Pontissara* i, 318-19.

<sup>23</sup> *ibid.*, 328.

<sup>24</sup> *Reg. Swinfield*, 14-15, 102-3, 108-10, 131-32, 132-33, 149-50.

<sup>25</sup> Smith, 'Thomas Cantilupe's Register', 85.

diocese. The record of Swinfield's first seven years as bishop (1283-90) covers a third of his register (sixty-seven folios); his remaining twenty-seven years occupies one hundred and forty folios. On that basis, it would appear that there are two distinct phases to registration in Hereford during this period. Between 1283 and 1290, there are multiple hands at work, at least three.<sup>26</sup> A broader range of material was also copied during this period, including evidence relating to on-going litigation inherited from Cantilupe. This was the most experimental phase of registration, which extended, in a more limited form, to c.1300, with multiple scribes and during a period when there was a more thorough record of diocesan activity. During the last seventeen years of Swinfield's episcopate (1300-17), only seventy-six folios were used and these were reserved for records of institution, royal business and matters concerning the episcopal estate. The visitation records were copied into Swinfield's register at a moment when registration was less restrictive, perhaps accounting for the limited number of such records despite Swinfield's episcopate extending for some thirty-four years. On that basis, it is also possible that a separate, now lost visitation roll was kept after 1290, accounting for the absence of visitation records after that date.

<b>Table Nine.</b> Table showing the visitation material in Swinfield's register, 1283-1317.			
<b>Religious house visited</b>	<b>Date</b>	<b>Type of record</b>	<b>Where in register</b>
Leominster priory	6 Apr 1283	Memorandum	Fo.5r (p.14)
Chirbury priory	17 June 1286	Mandate	Fo.30v (p.102)
Leominster priory	26 June 1286	Correspondence	Fo.32v (p.108)
Leominster priory	20 Dec 1286	Memorandum	Fo.38v (p.131)
Wigmore abbey	2 Feb 1287	Corrections	Fo.38v (p.132)
Leominster priory	19 June 1287	Correspondence	Fo.43v (p.149)

Although there are only a few visitation records in Swinfield's register, there is also a broad collection of other records throughout the register that demonstrate the bishop's management of those same religious houses. There are multiple register items relating to Swinfield's management of Chirbury priory, five of which date to the same period as the bishop's 1286 mandate.<sup>27</sup> There is a similar pattern in relation to Leominster priory, with nine other items copied into the register during the 1280s and 1290s.<sup>28</sup> The visitation items did not stand alone and were instead part of a large

<sup>26</sup> Compare the form of letters 'E', 'd' 'a' and 'v', as focal points, on Heref RO AL19/2 fo. 13r, 24v and 44r.

<sup>27</sup> See more below, 198-204.

<sup>28</sup> *ibid.*, 206-14.

collection of records concerning the bishop's management of religious houses in his diocese, affording insight into Swinfield's on-going business with the religious after a visitation.

Additional visitation material survives outside the two registers but the range is limited. At present, there is little other available evidence that expands our knowledge of Pontoise's visitation activity beyond the register. If diocesan records were held by Winchester cathedral priory, as a few examples were at Hereford, then these remain undiscovered or have not survived.<sup>29</sup> Monastic cartularies kept by St Swithun's priory do contain some relevant items. In one of the St Swithun's cartularies, there is a copy of Pontoise's injunctions given to the priory in the wake of the bishop's 1286 visitation. These injunctions are not preserved in Pontoise's register and serve to expand the scope of research into the visitation.<sup>30</sup> Even these few records help to offer insight into the selection of particular material for registration, as well as the perspectives that register material provides.

Two records produced by the bishop's chancery, but preserved in the Hereford chapter's archive, aid the present investigation into Swinfield's visitation activity. The first is a single-leaf visitation roll dated to 1284. The roll contains an outline of visitation procedure at Lingbrook priory, including interactions between bishop and prioress and the presentation of corrections, although these are not listed.<sup>31</sup> A separate visitation roll covering the years 1292 to 1293 functions an itinerary of the bishop's visitations, and lists over fifty different churches, chapels, and religious houses that were the subject of episcopal visitation.<sup>32</sup> There are mentions of visitations to Leominster and Chirbury priories and a stay at Abbey Dore. It is difficult to fully determine how the earliest roll came to survive: the 1292-93 roll pertained to properties held by the chapter, but the 1284 roll did not.<sup>33</sup> There is at least one further mention of a visitation, on this occasion to Chirbury priory in May 1289, captured on Swinfield's

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<sup>29</sup> Material relating to the diocesan/bishopric surviving at Winchester cathedral library largely concerns the estates of the bishopric, including customs, court and manor rolls. There are also the Winchester pipe rolls housed at Hampshire Record Office. Much of this material is discussed in Britnell (ed.), *The Winchester Pipe Rolls and Medieval English Society*.

<sup>30</sup> See below, pp. 214-26.

<sup>31</sup> The roll does not exclusively record Swinfield's visitation to Lingbrook. It also includes visitations to eighteen churches and chapels in the diocese. The fading to the right-hand edge obscures some text. HCA 1050a.

<sup>32</sup> HCA 1076.

<sup>33</sup> It is possible that even more diocesan records passed into the cathedral archives but that these were lost. Crown legislation in 1649 dissolved all cathedral administrations and mandated that cathedral archives were to be kept in a central registry in London. Brian Smith recounts efforts taken to restore the Hereford archive to its full strength after 1660 but there is no sense that what remains is the full extent of records. B. Smith, 'The Archives' in Aylmer and Tiller (eds), *Hereford Cathedral*, 544-56.

household roll for the year 1289 to 1290. No details are provided other than the bishop's arrival at Chirbury and his receipt of provisions (*victualibus*) and procurations (*procurationes*).<sup>34</sup> Again there is restricted insight into episcopal visitation practice, but what does survive raises further questions about why some visitation records were registered, and why others were not, which this chapter hopes to address.

There is little surviving visitation material with which to work in this chapter, but in these few records is the also potential to explore in-depth the relationship between episcopal activity and registration. Pontoise recorded four visitations after 1301, marking a period in which he consolidated his personal rule in the diocese after a lengthy absence, and began a new phase of record-keeping in Winchester. Swinfield's register contains no visitation records after 1290, demonstrating a shift in registration practice after that date. This brief examination of visitation records in the two registers illuminates distinct episcopal practices, both in terms of registration and visitation, paving the way for a study of the impact of episcopal agendas on visitation practice.

Six visitation items in each register represents precise selection of material for registration. A smaller sample renders it possible to gauge and compare the form of this material, the precise nature of the information it contains, and its relationship with other items in the registers and beyond it in order to demonstrate its value to each bishop and its value to historical research. That necessitates expanding the scope of the study to include other register records to paint a fuller picture of the bishop's work. Episcopal oversight of religious houses entailed several tasks on the bishop's part, from licensing elections, to visitation (with its corrective and penal qualities), to licensing the resignation of priors, each of which left traces in bishops' registers (and beyond them), making it necessary to investigate how records interacted in order to understand the insights they afford on episcopacy and registration in the late thirteenth century, and not simply rely on the fragmented image given by single visitation records.

## **II. Visitations and episcopal agendas in Hereford and Winchester dioceses**

This section investigates Pontoise's and Swinfield's selection of visitation records for registration, and considers the extent to which visitation material sheds light on episcopal agendas for the government of their diocese and wider political objectives.

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<sup>34</sup> *Swinfield's Household Roll*, 81-82.

There are few studies that directly investigate bishops' selection of records for registration beyond those by Alexander Hamilton Thompson and Cheney, which consider bishops' registers primary use to have been as formularies for the training of scribes.<sup>35</sup> Pontoise's and Swinfield's approaches to visitation are likewise understudied.<sup>36</sup>

This section aims to fill those gaps and brings Pontoise's and Swinfield's visitations to the fore for the first time. The section closely examines a select sample of visitation items, one for Swinfield and three for Pontoise, and places these alongside other register items and other records in order to determine their role in a register and their value to the respective bishops. The section is divided into two sub-sections, each one examining the bishops' approaches to visitation, before comparing the two approaches in the conclusion. The first sub-section explores Pontoise's visitations to houses of women religious in Winchester diocese between 1301 and 1302. The second sub-section explores Swinfield's visitation to Chirbury priory in 1286 and his relationship with the prior and canons over the course of the following decade.

### **Pontoise and women religious in Winchester diocese**

This sub-section will investigate Pontoise's visitations to three houses of women religious in Winchester diocese, and will explore what agenda lay behind the bishop's visitations and the keeping of records relating to them. The houses in question were Wintney, a Cistercian priory that Pontoise visited in August 1301, and Romsey and Wherwell, two Benedictine abbeys visited in February 1302. This present study has particular relevance to current scholarship concerning episcopal oversight of women religious in the later medieval period, and especially the enforcement of the 1298 papal decree, *Periculoso*,<sup>37</sup> insofar as it offers a different perspective on episcopal agendas for enforcement. Pontoise's visitations to the three houses took place upon his return to Winchester diocese after carrying out two diplomatic missions to Rome (January 1296

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<sup>35</sup> Cheney, *Episcopal Visitation*, 5; Hamilton Thompson, 'The Registers of the Archbishops of York', 249-50. See also Hoskin, 'Authors of Bureaucracy', 71.

<sup>36</sup> There are brief notes in the introduction to each register pointing out that Pontoise and Swinfield did undertake visitations. Capes, 'Introduction', *Reg. Pontissara* i, xx-xxxv; Capes, 'Introduction', *Reg. Swinfield*, xi-xii.

<sup>37</sup> Brundage and Makowski, 'Enclosure of nuns: the decretals *Periculoso* and its commentators', *Journal of Medieval History* 20 (1994), 143-55; E.L. Jordan, 'Roving nuns and Cistercian realities: the cloistering of religious women in the thirteenth century', *Journal of Medieval and Early Modern Studies* 42 (2012), 597-614; Knudsen, 'Promiscuous Monks and Naughty Nuns', 75-92.

to June 1299 and April 1300 to May 1301).<sup>38</sup> This was the first opportunity that the bishop had to enforce the new decree, which mandated bishops to enclose all women religious in their houses, regardless of their order. The aim of the section is to determine Pontoise's responses to *Periculoso* and their impact on registration in Winchester diocese through an examination of visitation records in the bishop's register, as well as an exploration of the broader political motives that informed record-keeping in relation to certain religious houses.

The impact of *Periculoso* in England was not immediate. *Periculoso* was transmitted in a papal circular throughout the Latin church in 1298. Reformers, led by Boniface VIII, expressed two principal concerns in the decretal: absolute claustration of women religious and improved financial management at their houses. Women could only leave the house if they were licensed to do so by the bishop and were accompanied.<sup>39</sup> The decretal handed near-total control of houses of women religious to diocesans. However, it was only on 12 June 1300, at John Dalderby's (1300-20) consecration as bishop of Lincoln, that Canterbury's bishops agreed to enforce *Periculoso*.<sup>40</sup> Pontoise was absent from the consecration, but he had been present at the papal curia when the decretal was first promulgated. Pontoise was also a member of Boniface VIII's close circle who profited from the pope's rise to greater power in the curia after 1297. This throws open the possibility that Pontoise did not enforce *Periculoso* on the grounds that other English bishops also did after 1300, but rather due to his papal connections, something this sub-section hopes to demonstrate.

Before he even conducted a visitation, Pontoise worked towards enacting *Periculoso* at Wintney priory in August 1301. Wintney was a house of Cistercian nuns that, in 1301, was suffering financial difficulties. This problem had persisted since at least 1284 when Pontoise exempted the house from procurations on account of its extreme poverty.<sup>41</sup> The bishop acknowledged this in his 20 August 1301 letter to Alice de Dummer, prioress of Wintney (1301-9), which announced his intention to conduct a visitation to Wintney within the month.<sup>42</sup> The letter contained strict directions for house administration. Pontoise mandated the new prioress to release any seneschals, bailiffs

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<sup>38</sup> Pontoise was given safe conduct to depart for Rome by the royal chancery on 15 April 1300. He was still in Paris in April 1301 but shortly after returned to Winchester. TNA C 47/29/4/15-17; CPR 1292-1301, 508, 509, 511; Reg. Pontissara i, 104, 106.

<sup>39</sup> The printed text is found in Makowski, *Canon Law and Cloistered Women*, 131-35.

<sup>40</sup> Makowski, *Canon Law and Cloistered Women*, 46.

<sup>41</sup> The VCH Hampshire entry for Wintney priory notes that the house and community were in good health owing to the lack of injunctions prescribed for it. This was by no means the case. Reg. Pontissara i, 299; Power, *Medieval English Nunneries*, 183; *History of Hampshire* ii, 149-50.

<sup>42</sup> *Heads of Religious Houses* ii, 622.



and custodians hired within the last year, keeping only those who had been in the nuns' employ for longer than twelve months. The bishop also forbade the community from hiring new administrators and Pontoise announced his intention to take responsibility for temporal administration.<sup>43</sup> The measures were in line with the controls handed to bishops by *Periculoso*. Although *Periculoso* was predominantly concerned with claustration, and that act was not necessary at a house of Cistercian nuns, who were already confined to the cloister,<sup>44</sup> it also emphasized the need for good house management in order to maintain the nuns. The first item in the decretal read: '...no sisters shall from this time forward be received in monasteries other than [those of] mendicant orders unless those same monasteries are able to support them with goods or revenues and without penury'.<sup>45</sup> Pontoise's pre-visitation injunctions addressed the issue of house finances, and aimed to secure the nuns' and the priory's future. They were done in the spirit of the decretal, even if they did not directly address the *Periculoso* agenda.

Pontoise's enforcement of *Periculoso* is clearer in his visitation injunctions for Romsey abbey, issued following a visitation in early 1302. Romsey was a house of Benedictine nuns that had been the subject of archiepiscopal visitation in 1283. On that occasion, Peckham had issued injunctions to curb ill discipline, especially the breaking of silence, and to safeguard against harmful house management in line with Gregory IX's 1238 decrees for Benedictine communities.<sup>46</sup> Pontoise's concerns for Romsey in 1302 shifted in a different direction, demonstrated by his injunctions. These injunctions are dated to 16 February 1302 and were copied into the bishop's register around the time of their production.<sup>47</sup> In one particular injunction, Pontoise decreed 'that, in virtue of obedience, the doors of the cloister and dormitory be more strictly and better kept and closed', and added that 'it is forbidden to eat, drink, or spend the night in the town of Romsey with any religious or secular person, and the Abbess shall not grant licence to any religious lady, to the contrary'.<sup>48</sup> The two injunctions effected strict claustration at

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<sup>43</sup> *Reg. Pontissara* i, 112.

<sup>44</sup> J. Burton and J. Kerr, *The Cistercians in the Middle Ages* (Woodbridge, 2011), 27-8, 51-4.

<sup>45</sup> Translation by Makowski in *Canon Law and Cloistered Women*, 136.

<sup>46</sup> Peckham mandated that the abbess could only conduct business with three other nuns as witnesses and restricted the number of the abbess' lay servants to two. *Reg. Peckham* (RS) ii, 661-65; A. Dobie, 'The role of the general and provincial chapters in improving and enforcing accounting, financial and management controls in Benedictine monasteries, 1215-1444', *The British Accounting Review* 47 (2015), 142-58, at p. 146.

<sup>47</sup> *Reg. Pontissara* i, 126-27.

<sup>48</sup> *ibid*: 'Item precipimus in virtute obedientie ut ostia claustrum et dormitorii artius et melius decetero custodiantur et claudantur... Item, inhibemus vobis omnibus et singulis in virtute sacre obedientie et sub pena excommunicationis majoris ne aliqua vestrum decetero in villa de Romeseie cum quacunque

the house, reserving to the bishop the right to license nuns to leave. The language used in the injunction mirrored the language in *Periculoso*. In the decretal, Boniface decreed that ‘nuns collectively and individually...of whatsoever community or order...ought henceforth to remain perpetually in their monasteries’, and only the ‘appropriate authority’, the bishop, could license nuns to leave. Strict claustration was necessary, the decretal claimed, because of the ‘dangerous and abominable situation’ some nuns found themselves in when they ‘sometimes rove outside of their monasteries to the homes of secular persons and freely admit suspect persons into these monasteries’, thereby casting themselves and their order into disgrace.<sup>49</sup> Pontoise’s injunctions captured the tenor of the decretal, the sense that the nuns were in danger, not just because they mandated strict claustration, but because they reflected Boniface’s reasoning behind its promulgation through reference to the need to protect the nuns’ ‘obedience’ through these measures. The bishop’s interpretation of *Periculoso* was literal, leading to his strict enforcement of the decretal at Romsey.

The Romsey injunctions demonstrate Pontoise’s interpretation of *Periculoso*, but the itemized injunctions the bishop issued to Wherwell abbey after his third visitation, reveal the bishop’s concerns for enforcing the decretal to its fullest extent. Pontoise conducted his visitation to Wherwell, another house of Benedictine nuns, at approximately the same time as his visitation to Romsey. There are two versions of the Wherwell injunctions, both in the register. The first is dated to 27 February 1302; the second version is undated but given the date of the register items it is next to, it was likely copied at some point between 1301 and 1303. The second version of the injunctions reads:

We [the lord bishop] forbid on pain of excommunication any nun or sister to go outside the bounds of the monastery until we have made some ordinance concerning enclosure. Item let no one be received as nun or sister until we have enquired more fully into the resources of the house. Item we order the abbess to remove all secular women and to receive none henceforth as boarders in their house. Item let her permit no secular clerk or layman to enter the cloister to speak with the nuns.<sup>50</sup>

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persona religiosa vel seculari comedat bibat aequaliter vel pernoctet, vosbisque domine...Abbatisse sub pena excommunicationis majoris inhibemus ne cuiquam domine religiose contra permissa licencia concedatis’.

<sup>49</sup> Makowski, *Canon Law and Cloistered Women*, 135.

<sup>50</sup> *Reg. Pontissara* ii, 546: ‘Inhibemus sub pena excommunicationis ne alique monialis vel soror exeat septa monasterii...Item precipimus Abbatisse sub pena predicta quod amoveat omnes seculares mulieres, et nullam recipiat decetero ad perhendinandum in monasterio eorum. Item non permittat aliquen secularen clericum et laicum intrare claustrum ad loquendum cum monialibus’.

Again, Pontoise first focussed on the strict enclosure aspect of *Periculoso*. But he also expanded his injunctions to include other aspects. The last two injunctions prohibited any individual from entering the cloister, mirroring the decretal's restrictions on any 'persons, in any way disreputable, or even respectable', having access to the monastery.<sup>51</sup> The decretal also prohibited nunneries from taking on new members without first securing adequate resources. The first set of injunctions in Pontoise's register appears to be the product of his promised enquiry into Wherwell's resources. The bishop mandated auditors to render all accounts before the assembled community each year,<sup>52</sup> which ensured there was no financial misconduct. Pontoise also emphasized how important it was to ensure the minimum pittance was maintained for all Wherwell nuns; religious were given priority over lay sisters.<sup>53</sup> The two sets of injunctions were part of Pontoise's comprehensive enactment of the *Periculoso* agenda at Wherwell abbey. His visitation and his enquiry into the financial health of the house demonstrate the bishop's commitment to enforcing the decretal in Winchester, which included careful implementation of each of its proscriptions. It also demonstrates his active response to Boniface VIII's reform agenda launched in 1298, which called for greater episcopal oversight, and responsibility, for women religious in the diocese.

Pontoise's enforcement of *Periculoso* reveals the agenda behind his visitations to the three houses of women religious in Winchester, and it is also begins to point towards his agenda for keeping the records of his visitation. There are important comparisons between the methods by which Pontoise recorded his enforcement of *Periculoso* and of *Licet canon*, the thirteenth canon of Lyons II. Chapter three argued that Pontoise incorporated the language of *Licet canon* into records of institution, thereby demonstrating his response to Gregory X's reform agenda in a conspicuous, accessible selection of register records. The Romsey, Wherwell and Wintney injunctions functioned in a similar way. These records attract attention because they are exceptions, as visitation injunctions were rarely copied in Pontoise's register. Two of Pontoise's concerns are on show in these visitation records. First was the bishop's need to evidence his responses to a novel papal reform agenda. Three of the four houses of

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<sup>51</sup> Makowski, *Canon Law and Cloistered Women*, 135.

<sup>52</sup> *Reg. Pontissara* i, 125: 'Item audiantur compoti quolibet anno et status domus singulis annis Conventui declaretur'.

<sup>53</sup> *ibid*: 'Item de pitancia dominabus et servientibus vestris a velanda domina vel in velacione domine decetero distribuenda hoc in virtute obediencie faciatis specialiter observari ne quisquam secularis plus quam domina religiosa recipiat de eadem cum secularibus satis sufficere debeat quod Religiosis sufficit in hac parte, et sub pena excommunicacionis, quam petens et recipiens ipso incurrat'.

women religious in Winchester diocese are represented in these records;<sup>54</sup> at each visitation Pontoise enforced *Periculoso*, or at least parts of the decretal. In that respect, Pontoise's register served as a record of episcopal accountability, a testimony to the bishop's work in responding to Boniface VIII's agenda. This feeds into the second concern. By 1300, Pontoise had close connections with Boniface VIII's papal curia. Boniface and his advisors developed *Periculoso* in 1298 when Pontoise was resident in Rome. Winchester diocese was also under papal protection from 1298 to 1303 and it was only Boniface that could scrutinize the bishop's work.<sup>55</sup> There were clear pressures acting upon Pontoise, rendering it essential for the bishop to enact the decretal. The visitation records in the bishop's register evidence a program to enforce *Periculoso* at houses of women religious in Winchester diocese. To that end, Pontoise appears to have responded to *Periculoso* on the back of papal inspiration, not due to the English launch of a response in 1300. Pontoise's visitations to Romsey, Wherwell, and Wintney were recorded when so few others were because it suited the bishop's career agenda to do so.

Pontoise's register supplies evidence of his systematic effort to enforce *Periculoso* in Winchester diocese, using his powers of visitation at the three monasteries in question to introduce the decretal to the nuns and to enforce its restrictions. Makowski argued that *Periculoso* was not implemented in the form that Boniface intended it, and that the decretal was little more than an unattainable ideal.<sup>56</sup> Pontoise's injunctions paint a different picture, at least in late-thirteenth century Winchester. The bishop interpreted *Periculoso* in its strictest form and enforced each of its proscriptions. There is, importantly, no evidence in his register that he ever licensed any nuns to leave the cloister, but he did assume a level of control in house management. He did so to serve his own agenda, to evidence his commitment to Boniface VIII's reforms and his commitment to the pope. In that sense, Pontoise's strict enforcement of *Periculoso* was a personal mission, not simply an ideal.

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<sup>54</sup> The fourth house was Nunnaminster abbey. *History of Hants*, vol. 2, 122-26.

<sup>55</sup> The papal protection extended to the bishop, 'the church, the city and diocese of Winchester, and also [his] men, goods and places throughout Canterbury province', thereby removing these 'from all the jurisdiction, power and dominion...of the archbishop and church of Canterbury and its suffragans' and subjecting them to the jurisdiction of the Roman pontiff and apostolic see. *Reg. Boniface VIII* ii, 148-49: 'Exhibita nobis venerabilis fratris nostri Johannis, episcopi Wintoniensis, petitio continebat quod nos, pridem volentes sibi gratiam facere specialem, ipsum et ecclesiam ac civitatem et diocesim Wintonienses necnon et homines, bona et loca, ubilibet in Cantuariensi provincia, ab omni jurisdictione, potestate et dominio...archiepiscopi et ecclesie Cantuariensis et suffraganeorum ipsius...'

<sup>56</sup> Makowski, *Canon Law and Cloistered Women*, 128.

## Swinfield and the canons of Chirbury priory

This sub-section investigates Swinfield's visitation to Chirbury priory in 1286 in order to determine the part played by the visitation in the bishop's governmental agenda for Hereford diocese.<sup>57</sup> Chirbury was situated close to the Anglo-Welsh border in Y Gorddwr, a commote in the lordship of Caus that had a predominantly Welsh-speaking population and a Welsh-based culture.<sup>58</sup> The territory stretched west from the River Camlad to the eastern bank of the River Severn, extending as far north as Buttington, Powys. It was a key territory in the volatile, fluctuating Middle March that functioned as a portal between England and the Welsh dominion. The history of the town of Chirbury and its lords, the Corbets of Caus, accordingly have a significant place in research into Marcher society and English dominion in Wales.<sup>59</sup> The parish and priory of Chirbury was thrust to the centre of Hereford's political arena during the 1280s, owing both to English colonial expansion in Wales and to a dispute between Swinfield and Anian (II) de Nanneu, bishop of St Asaph (1268-93), over spiritual lordship in Y Gorddwr. The dispute began under Cantilupe and centred on rival claims to Y Gorddwr.<sup>60</sup> Little scholarship sheds light on this episode other than biographical accounts of Nanneu.<sup>61</sup> But the dispute is illustrative of the fluidity of a bishop's jurisdiction at a time when the map of ecclesiastical administration in English parishes and dioceses was largely settled. This sub-section offers a new angle on English colonialism in Wales during the 1280s and 1290s, from the perspective of the bishop of Hereford. Using visitation records in Swinfield's register, and examining these

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<sup>57</sup> The visitation to Wigmore similarly occurred in 1286 but is omitted from investigation here due to lack of space. See *Reg. Swinfield*, 132-33.

<sup>58</sup> This cultural identity followed a period of Welsh migration to Y Gorddwr during the twelfth century. In Domesday, the area was considered part of "English" Shropshire. Chirbury is situated in modern-day Shropshire. R.R. Davies, *Conquest, Coexistence and Change: Wales, 1063-1415* (Oxford, 1987), 6-7, 374.

<sup>59</sup> Edward I encountered trouble with Peter I Corbet (d. 1300) over the matter of Y Gorddwr during the 1290s. An inquisition *quo warranto* found that Corbet had subverted royal justice in Y Gorddwr and the Middle March by withdrawing twenty-two of his villas from the jurisdiction of Ford and Chirbury hundred courts, as well as from the county court of Shropshire. Corbet claimed direct overlordship in these lands. Davies, *Age of Conquest: Wales 1063-1415* (Oxford, 1991), 30; M. Liebermann, 'Striving for Marcher Liberties: the Corbets of Caus in the Thirteenth Century' in Prestwich (ed.), *Liberties and Identities in the Medieval British Isles* (Woodbridge, 2008), 141-54 and his *The Medieval March of Wales: the creation and perception of a frontier, 1066-1283* (Cambridge, 2010), esp. pp. 25-26, 46-47, 216-17, 231.

<sup>60</sup> *Fasti Ecclesiae 1066-1300*: ix, the Welsh Cathedrals, 36; Smith, 'Thomas Cantilupe's Register', 89-90.

<sup>61</sup> R.C. Easterling, 'Anian of Nanneu, OP', *Flintshire Historical Society Publications* 5 (1915), 9-30 at p. 16; Knowles, *Religious Orders* ii, 168.

alongside a selection of memoranda, it considers the importance of visitations and record-keeping to enacting, and legitimating, episcopal agendas.

The dispute between Swinfield and Nanneu over Y Gorddwr was settled in Swinfield's favour in a peace concord on 23 November 1288, but the dispute was, until that point, a major point of contention. The concord established the boundaries of Hereford diocese as the ford at Rhydwymma on the Severn, to the ford at Shrewardyn in the south.<sup>62</sup> This equated to most of Y Gorddwr and ensured that Swinfield's ecclesiastical jurisdiction extended throughout the Caus lordship, incorporating the large, dual-language parishes of Chirbury and Worthen.<sup>63</sup> The value of the region to each bishop is illustrated by Nanneu's reaction after the concord. Nanneu accused Corbet of militarising the area in order to secure it for Swinfield.<sup>64</sup> Nanneu claimed that Corbet and his English allies, including the king, had colluded in support of Swinfield; the bishop of St Asaph sought to discredit his rival and to discredit the treaty. The appeal came to nought and Swinfield's designs for expanding his diocese into Wales were realised.<sup>65</sup>

The canons of Chirbury played a central role in these events, as did Swinfield's relationship with them. The parish and priory of Chirbury were situated to the south of Y Gorddwr, within two miles of the Anglo-Welsh border and five miles from the 1288 diocesan border at the Severn; from 1277 onwards, the canons of Chirbury, along with the Grandmontine brothers of Alberbury priory and the vicar of Worthen, were involved in a long-running dispute with clerics from St Asaph diocese over tithe land in Y Gorddwr.<sup>66</sup> The Hereford religious clerics had strong support from Peckham. In 1279, Peckham had commissioned the two priors of Chirbury and Alberbury with 'vigorously protecting and defending the liberties, rights and possessions of their churches' in the region.<sup>67</sup> Several items in Swinfield's register reveal an escalation in the dispute. The

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<sup>62</sup> *Reg. Swinfield*, 209: 'Item sciendum quod dominus Anianus Assavensis vel sui non possunt vere asserere quod villa de Botintone, vel quecumque alie inter vadum de Rydwymma et vadum de Shrewardyn juxta ripam Sabrine fluvii site, non fuerint portinentes ad loca contenciosa et eciam situate in illis locis contenciosis...'

<sup>63</sup> The Corbets held the advowson to Worthen. *Reg. Swinfield*, 9-10; *Taxatio*: Worthen.

<sup>64</sup> *Calendar of Ancient Correspondence concerning Wales*, J.G. Edward (ed.) (Cardiff, 1935), 39-40.

<sup>65</sup> Swinfield also came into conflict with the bishop of St Davids over the jurisdictional right to the Cistercian Abbey Dore. Again, Swinfield prevailed, despite Bek's strong connections to the royal court through his brother, Anthony Bek, bishop of Durham. *Reg. Swinfield*, 58-61.

<sup>66</sup> There was a violent exchange between the canons of Chirbury and some of Nanneu's men in 1277. Crown authorities arrested three lay brothers from the priory after the incident. *CCR 1272-79*, 404.

<sup>67</sup> *Reg. Cantilupe*, 198, 281: 'Ceterum mandamus quatinus jurisdictionem nostram de Gordor illesam pro viribus defendatis, Prioribus de Chyrbury et de Albrebury firmiter injungentes quod, maxime in hoc autumpno, libertates et jura ac possessiones ecclesiarum suarum, quo ad decimas et alia, tam in dictis partibus de Gordor quam aliis, viriliter protegant et defendant'.

first is the transcript from a court case dated 6 March 1282, copied into Swinfield's register a year later. The transcript reads that the excommunicate, John ap Griffin, rector of Welshpool in the diocese of St Asaph, confessed to 'various crimes, injuries and manifest offenses' against the church of Hereford, against the religious men of Chirbury and Alberbury and the rector of Worthen.<sup>68</sup> The second item is a 1286 notification that John ap Griffin was again excommunicated for having invaded (*invaserint*) the borders of Y Gorddwr.<sup>69</sup> A separate memorandum indicates that papal judges delegate absolved John and the two priors from excommunication.<sup>70</sup> That would suggest that Nanneu used his power of excommunication against the Hereford clerics, just as Swinfield used his against the St Asaph clerics. The dispute was finally settled in a 1288 peace concord. Swinfield found that 'upon the basis of ancient writings, it is obvious that the rectors of the churches of Chirbury, Worthen and Alberbury had, according to the divisions of their parishes, secured tithes in all...vills and places [in Y Gorddwr] from ancient times'.<sup>71</sup> The excommunications and the eventual peace agreement make it clear that the tithe contest in Y Gorddwr was a subplot to the Swinfield-Nanneu quarrel, but the violent exchanges between the Hereford and St Asaph clerics demonstrate that the border dispute was much more than litigation.

Chirbury priory also had a prominent role as a staging post for consolidating Swinfield's jurisdiction in Y Gorddwr after the peace concord in 1288, and the memorandum in the bishop's register capturing the event begins to demonstrate the use of record for advancing territorial claims.<sup>72</sup> After the conclusion of the 1288 peace conference at Chirbury, on 25 November, a memorandum in the register records that the bishop departed from Chirbury and:

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<sup>68</sup> *Reg. Swinfield*, 81-82: 'Omnibus, etc., Johannes filius Griffini, rector ecclesie de Pola, Assavensis diocesis, salutem, etc. Noveritis quod sub anno Dom. MCCIxxxiiij, prima die dominica xlme, comparui coram venerabili patre, domino Thoma, Dei gracia Herefordensi episcopo, in aula sua apud Sugwas, propria confessione recognoscens me ex variis delictis, injuriis, et offensis manifestos ecclesie sue Herefordensi, sibi et subditis suis, scilicet religiosiis viris, prioribus de Chirebury et Alberbury et eorum conventibus, necnon et ecclesie de Worthin, rectori, et ecclesiis eorum, contra libertatem seu immunitatem ecclesiasticam per me multipliciter illatis sentenciam excomunicacionis tam a predicto patre quam a canone latam incurrisse, petens humiliter et devote michi de premissis absolucionis beneficium in forma juris impendi.'

<sup>69</sup> *ibid.*, 68: 'Item, si in causa quo tangit Assavensem episcopum, que nunc est suspensa per judices delegates Karleolensem et archidiaconum et officialem, pro eo quod exequi noluit sentenciam excomunicacionis latam per dictos judices delegates in suos qui invaserint fines de Gordor pertinentes ad ecclesiam Herefordensem, posset aliqua via excogitari per quam lis ipsa terminaretur, vel saltem perpetuo sopiretur, optinere placeret eciam si aliqui sumptus apponeventur racioriabiles.'

<sup>70</sup> The individual sentences of excommunication issued by Swinfield are collected together in the records of the royal chancery, although some are severely damaged. HCA 1809; TNA C85/88.

<sup>71</sup> *Reg. Swinfield*, 209: '...tum quia per antiqua scripta luculenter apparet quod rectores de Chirebury, Worthin, et Allerbury ecclesiarum secundum divisiones parochiarum suarum in omnibus villis seu locis predictis decimas perceperunt ab antiquo pacifice'.

<sup>72</sup> *ibid.*, 189-90; 198-99.

entering the ford of Rhydwymma at midstream, he formally took possession of all mentioned places and vills from the [eastern] bank of the river [Severn] to the ford of Shrewardyn, preaching in the said places, absolving penitents, bestowing indulgences and also confirming a great multitude of boys and girls.<sup>73</sup>

Swinfield then moved on to Alberbury and took oaths from the Grandmontine brothers and leading chaplains in the area, including the private chaplain of Hawisia, lady de la Pole, an influential local landowner.<sup>74</sup> The memorandum recording this tour served a dual purpose. First, it provided evidence of Swinfield exercising his jurisdictional right in the region. The bishop, in effect, initiated clerics and laity as members of Hereford diocese through oath taking on a wide-scale. Second, it portrays Y Gorddwr as a region previously untouched by ecclesiastical authority and devoid of a bishop's pastoral leadership. Children went unconfirmed, confessions went unheard, and sermons went unsaid. Y Gorddwr was painted as a spiritual wasteland, until, that is, Swinfield exercised his rights as diocesan and executed his duties as a pastoral leader. The memorandum in the bishop's register was a concluding moment to the dispute, but it also served a role in narrating Swinfield's rightful claim to Y Gorddwr by rendering him essential to spiritual life in the region, working in conjunction with the record of the 1288 concord to evidence the necessity of his rule there.

Swinfield's visitation to Chirbury priory in 1286 was conducted at a moment when the Y Gorddwr dispute was at its most acute, and the record of the visitation in the bishop's register also demonstrates the use of such records for advancing broad episcopal agendas. The bishop's visitation was recorded in an episcopal mandate sent several months after the event. On 17 June 1286, Swinfield mandated Geoffrey de Mendip, the prior of Chirbury (1280-87), to end the discord (*discordia*) and restore order at his house.<sup>75</sup> Episcopal agents had gathered intelligence that the canons were vain (*vani*), quarrelsome (*litigiosi*), garrulous (*garruli*), roving (*vagi*) and fugitives (*profugi*). Swinfield also criticised Geoffrey's forgetfulness (*oblivioni*) in failing to

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<sup>73</sup> *ibid.*, 208: 'dominus Ricardus... est regressus ad Cherebury et in crastino ejusdem dici qui fuit dies sancte Katerine ingressus vadum de Rydwymma usque ad medium fluminis predicti cepit possessionem omnium locorum et villarum intra ripam fluminis memorati usque ad vadum de Shrewardyn, predicando per loca predicta, penitentes absolvendo, indulgencias largiendo, confirmando eciam in magna multitudine pueros et puellas'.

<sup>74</sup> Hawisia was lady of Powys after 1309 in her own right, whose demesne was based in Welshpool. Hawisia was the daughter of Owain de la Pole (d.1293), heir to the principality of Powys Wenwynwyn until its abolition in 1283, and political rival to Llywelyn ap Gruffud. Edward I created Owain the first lord of Powys in 1284. D. Walker, *Medieval Wales* (Cambridge, 1990), 90-110; Prestwich, *Edward I*, 172-73, 205.

<sup>75</sup> *Heads of Religious* ii, 365.



enact the bishop's injunctions.<sup>76</sup> The community had something of a reputation for poor conduct. Lengthy visitation injunctions copied into Cantilupe's register dated to 26 October 1277 have a similar tenor to those issued by Swinfield eight years later.<sup>77</sup> Despite the contest over jurisdiction in Y Gorddwr, and by extension over Chirbury priory, Swinfield evidenced his oversight at the priory through the registration of records concerning his visitations there.

Swinfield's involvement in the affairs of Chirbury parish and priory went even further than his 1286 visitation. The bishop sought to take particular care of the resident canons. There are few appropriation licences surviving from Swinfield's thirty-five year episcopate. Eleven were copied into his register and no others survive beyond it. However, one of those eleven licences related to Chirbury. On 9 October 1289, Swinfield confirmed the appropriation of St Michael's, Chirbury, to the prior and convent of the same place.<sup>78</sup> Swinfield's confirmation was then presented to the royal exchequer for approval.<sup>79</sup> It was a significant contribution to the financial stability of the house, and one that was approved by royal authorities. In the 1291 *Taxatio*, spiritual revenues at St Michael's were valued at £30 10s; the canons received £30.<sup>80</sup> Upon making the confirmation, Swinfield praised the work of the prior, Adam de Hopton (1287-99), who resolved the defects in the house and improved hospitality, devotion, and poor relief.<sup>81</sup> The financial aid and commendation demonstrate Swinfield's close relationship with the Chirbury community. This relationship extended to the local parish. On 6 May 1290, Swinfield's household rolls record that he conducted a

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<sup>76</sup> *Reg. Swinfield*, 102-3: 'Ipsi eciam fratres vestri, ut audivimus, tam sunt vani, litigiosi, garruli, vagi, et profugi super terram, quid nec Deo nec vobis, neglecta regularis observancia discipline, obediunt, ut deberent, ex quo sequitur quod cuncta negocia domus vestre per defectum consilii et auxilii eorundem pejorem sorciuntur effectum, et minus in omnibus prosperantur'.

<sup>77</sup> Particular emphasis, on both occasions, was placed on sexual misconduct and on legislating the movement of canons to and from the cloister, as well as their interaction with laity. For instance, 'no canon or brother who was of doubtful character (*suspectus*) or otherwise branded or defamed were leave the walls without trustworth escort and the prior's permission'. *Reg. Cantilupe*, 147-49, quote at p. 148: 'Inhibemus eciam ne aliquis canonicus vel frater, suspectus vel alias notatus seu diffamatus, exeat septa Prioratus sine sano comitatu.'

<sup>78</sup> Swinfield first had to obtain the permission of the dean and chapter of Hereford cathedral. *Reg. Swinfield*, 228-30.

<sup>79</sup> There is an interesting discrepancy here. In the Exchequer copy of the confirmation, the priory is referred to by its former name, Snead. The community had left Snead for Chirbury in c.1201. The diocesan record referred to the priory by its correct name as of 1289. TNA E 329/370.

<sup>80</sup> A 10s pension was owed to the precentor of Much Wenlock priory. *Taxatio*: Chirbury.

<sup>81</sup> *Reg. Swinfield*, 228-30: '...continuacione laudabili operum premissorum pro defectu auxilii resilire. Hinc est quod, cum adeo manifesto paupertatis onus sitis oppressi, quod sepe necessitates plurimas paciamini et defectus, considerata devocione quam habetis ad Deum et ad proximum pietate, qui hospitalitatem sectantes pauperes ac debiles benigne suscipitis et eisdem impenditis subsidia caritatis; ut hec liberius, devocius, ac melius in futurum facere valeatis...'

visitation to Chirbury parish church and stayed in the priory, collecting procurations while there.<sup>82</sup> The next day he re-dedicated the parish church to St Michael.<sup>83</sup>

Each of these actions demonstrates Swinfield's investment in Chirbury between 1286 and 1290, pointing to the use of records in the bishop's register to advance or consolidate territorial claims. The bishop curried favour with the canons but he also established an authoritative presence in the locality, namely through his visitation. It was he, not Nanneu, who fulfilled the canonical requirement to oversee Chirbury priory and this was, to some extent, recognised by royal government in its confirmations of the bishop's grants to the canons. In the Roman law concept, *fama*, claims to land, property, and rights were reinforced with repeated public displays of use or maintenance, such as tilling the ground or collecting lumber. Ownership was made public knowledge by such actions, and, in the wake of court cases, supported by legal instruments.<sup>84</sup> It would appear that this legal concept informed the bishop's actions in claiming Y Gorddwr. Swinfield repeatedly made public displays of administration at Chirbury priory and in the local parish and, in doing so, he created lived memories of his jurisdictional right to the region by displaying his claim in front of key witnesses, as well as by forging a relationship with the canons and the parishioners. The bishop's visitation injunctions, various memoranda concerning his relationship with Chirbury, and the appropriation licences, served as records of Swinfield's role as a diligent spiritual lord, providing the documentary evidence of his jurisdiction. Swinfield's close relationship with Chirbury parish and priory during the 1280s emerges as a clear, protracted, stake to ecclesiastical jurisdiction in Y Gorddwr and its principal religious house.

When placed alongside other register records, Swinfield's visitation record relating to Chirbury reveals a bishop less interested in monastic oversight than one who was concerned with his realizing political designs. Swinfield's 1286 visitation record for Chirbury, one of so few surviving from his episcopate, worked alongside several other items in his register in order to project an image of a diligent diocesan caring for the people of Chirbury and of Y Gorddwr. The records and Swinfield's actions between 1286 and 1290 constructed bonds between bishop and local community; Swinfield appeared invested in the spiritual lives of clerics and laity, much more so than his rival,

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<sup>82</sup> Swinfield also spent time at the nearby priory and parish of Alberbury, there ruling in a dispute over church maintenance between the vicar and the advowson holders, the prior and community. *Swinfield's Household Roll*, cxcii-cxciii.

<sup>83</sup> *ibid.*, 81-82.

<sup>84</sup> C. Wickham, 'Fama and the law in Twelfth-Century Tuscany' in T. Fenster and D. Lord Smail (eds), *Fama: the politics of talk and reputation in Medieval Europe* (Ithaca, 2003), 15-26.

Nanneu. The bishop's repeated acts of government in the region, and the written records of these acts, afforded Swinfield grounds to claim Y Gorddwr as part of Hereford diocese. Swinfield's register served as a place to collect that evidence together, to gather the records necessary to win his dispute. To that end, the register records took on a legal value, enhanced by Roman legal concepts, which the bishop could use to advance his agenda.

Underlying Swinfield's territorial claims was a complex colonial narrative that illuminates the bishop's political ambitions. Swinfield, like other English lords, took advantage of the post-1283 climate in Wales with his own territorial expansion. The boundaries of the church in England advanced in line with the boundaries of the English temporal realm. Swinfield's reputation as a bishop disengaged with politics is somewhat exploded and instead his register, by design, reflected his understanding of and success in manipulating local and national political arenas.

This section has argued that distinct agendas shaped episcopal approaches to visitation and to registration in Hereford and Winchester dioceses. Pontoise and Swinfield each had particular reasons for conducting visitations at certain religious houses at varying times during their episcopates, from a demonstration of belonging to a particular political network, to staking territorial claims. In that respect, these few visitation records had deeply political uses, and were likely purposely selected for registration owing to their value for advancing certain agendas. This has implications for how we see registers. The records relating to Romsey, Wherwell, and Wintney in Pontoise's register served to enhance his reputation as a bishop, thus currying favour with the pope. At least where those records were concerned, the register had a self-conscious quality insofar as it projected a certain image of Pontoise, one in which he strictly enforced the papal agenda. Swinfield's register possessed a similar quality. The visitation record for Chirbury, along with other records relating to the priory, projected an image of a bishop engaged in the oversight of a particular religious house. These visitation records were multivalent. They at once record Pontoise's and Swinfield's oversight of monastic life in their respective dioceses, and, once their context is determined, begin to paint a vivid picture of the bishop who generated them and the influences that shaped his governance.

### III. St Swithun's and Leominster: the challenges of managing great religious houses

The previous section (II) focussed on visitation injunctions in Pontoise's and Swinfield's registers and demonstrated how the two bishops harnessed visitations and their records in order to further particular (and quite political) agendas. This section investigates episcopal oversight at two large Benedictine priories, St Swithun's in Winchester and Leominster in Hereford, and considers what part such oversight played in episcopal designs for diocesan government. Caroline and Joe Hillaby and Joan Greatrex have investigated the history of Leominster and St Swithun's from the perspective of the resident monks. In this model, visitation records, in particular, afford insight into life at the monasteries as told by outsiders, namely bishops and their staff. This scholarship does much to enhance understanding of the role episcopal visitations played in maintaining high standards of religious life at large Benedictine houses.<sup>85</sup> Much less consideration is given to the ways in which bishops used oversight of monastic houses as a tool to augment their authority in the diocese, as this section does. It also considers how episcopal oversight was something that encompassed more than visitations, how it included forging relationships with the monks, and what implications this had for diocesan government. Given the broader focus this section gives to diocesan governance and to the relationships between bishops and monks, it examines a wider range of register material, such as charters, correspondence between the bishops and other authorities involved in overseeing the two houses, especially the king, as well as visitation material. The section is divided into two parts, the first concerning Swinfield, the second, Pontoise, affording the opportunity to compare the two bishops' approaches to oversight. The first sub-section examines two visitation records in Swinfield's register, as well as several other memoranda and a visitation roll kept by Hereford's chapter, in order to explore what implications the bishop's relationship with the monks of Leominster priory between 1282 and 1290 had for his government of Hereford diocese. The second sub-section examines two visitation records and a monastic customary in Pontoise's register, and puts these in conversation with records in St

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<sup>85</sup> See, for instance, M.J. Franklin, 'The cathedral as parish church' in D. Abulafia, Franklin and M. Rubin (eds), *Church and City 1000-1500* (Cambridge, 1992), 173-98; J. Greatrex, *The English Benedictine Cathedral Priories: rule and practice c.1270-c.1420* (Oxford, 2011); J. Hillaby and C. Hillaby, *Leominster Minster, Priory and Borough, c.660-1539* (Wooton Almely, 2006); Kemp, 'The Monastic Dean of Leominster', *EHR* 83 (1968), 505-15, esp. pp. 507-8, 512-3; Knowles, *Religious Orders* i, 100, 249.

Swithun's cartularies in order to investigate what effect the relationship between bishop and chapter during the 1280s had on Pontoise's government.

### **Leominster priory and the bishop of Hereford**

Leominster was as a cell of Reading abbey but nevertheless commanded influence in Hereford diocese. There were twelve monks at the priory in c.1300, each of whom were also members of the Reading community.<sup>86</sup> The abbot of Reading retained the right to appoint/depose the prior and to transfer monks to the cell, although episcopal visitation was accepted.<sup>87</sup> Leominster fell into debt in 1275; this prompted Edward I, patron to Reading, to offer aid in the shape of royal administrators.<sup>88</sup> Maintaining the house was very much a shared responsibility, bringing together king, bishop, abbot and prior. Leominster priory also doubled as the local parish church and the prior held a second role as the local dean. That role gave the prior responsibility over the spiritual lives of monks and parishioners alike.<sup>89</sup> The prior's status courted conflict with the local bishop.<sup>90</sup> At the point when Swinfield was elected in October 1282, relations between the bishop of Hereford and the Leominster and Reading monks were particularly strained owing to an on-going dispute concerning episcopal jurisdiction over the priory. Hillaby interpreted Swinfield's visitations in 1283 and 1286 as part of the bishop's continuation of Cantilupe's litigation against the monks.<sup>91</sup> Close reading of the evidence in Swinfield's register, and of a visitation roll kept by Hereford's chapter and several memoranda in Reading's cartulary, points in a different direction, one in which Swinfield's own agenda shaped his relationship with the Leominster monks. Using this material, this section investigates the long-term effects on diocesan authority of Swinfield's battle for jurisdiction over Leominster priory.

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<sup>86</sup> Hillaby and Hillaby, *Leominster Priory*, 54-56.

<sup>87</sup> Douie, *Pecham*, 198.

<sup>88</sup> Smith, 'Thomas Cantilupe's Register', 97.

<sup>89</sup> N.b. The monastic dean and the rural dean of Leominster were distinct roles with distinct jurisdictions, albeit overlapping ones when it came to the parish of Leominster. Clark, *The Benedictines*, 179; Kemp, 'The Monastic Dean of Leominster', 505-15, esp. pp. 507-8, 512-13.

<sup>90</sup> Cantilupe had a thorny relationship with the community. At a visitation in 1277, local parishioners raised concerns with the bishop that they were denied access to their parish church and complained that the monks refused to ring the bells as a call to service. Douie, *Pecham*, 198-99; Smith, 'Thomas Cantilupe's Register', 99.

<sup>91</sup> Hillaby and Hillaby, *Leominster Priory*, 159.

The bishop of Hereford's claims to jurisdiction over Leominster hinged on disputing the terms of a charter made by Swinfield's predecessor, Hugh Foliot.<sup>92</sup> Foliot issued a charter in c.1219 that granted the abbot of Reading the right to appoint the prior of Leominster and to license admissions to the priory. The Leominster and Reading cartularies each contain a copy, along with papal and legatine confirmations.<sup>93</sup> The cartularies are the only sources for these records before 1285. Swinfield's register contains an *inspeximus* of the charter made in April 1285.<sup>94</sup> There is no suggestion that the charter was a monastic forgery but Swinfield's claims to full episcopal jurisdiction over Leominster, including the right to appoint/depose the prior and visitation, were counter to the charter's terms. The events leading up to and after the making of the *inspeximus* are the focus here.

Several memoranda in Swinfield's register point to his use of record as a means of projecting his authority over Leominster priory to the reader. Swinfield's first visitation to Leominster priory came in March 1283. The memorandum recording this visitation is entered in Swinfield's register at the foot of the fifth folio (*recto*) and is dated 6 April 1283; it consists of twelve lines of a report on the proceedings at the visitation, followed by a comprehensive list of twenty-four named witnesses.<sup>95</sup> The memorandum reported that the bishop, sitting in the chapter house, examined the prior, John Gerard (1282-85), the almoner and two monks. Swinfield authorized Roger de Sevenoaks, his official, to examine two monks, and Robert de Gloucester, Swinfield's close collaborator, to examine another three monks.<sup>96</sup> The list of non-conventual witnesses is impressive. In Swinfield's company was Adam, abbot of Wigmore (res. 1293);<sup>97</sup> Gilbert Segrave, son of the prominent baron, Nicholas Segrave (c.1238-95);<sup>98</sup> the archdeacon of Hereford, and a Hereford canon, along with five other prominent members of the bishop's household. The witnesses' social and ecclesiastical ranks leant

<sup>92</sup> The full details of the charter's provenance are found in *EEA vii: Hereford*, 218-19.

<sup>93</sup> The legate at this time was Guala (fl. in England in 1216-19). For a discussion of the charter and its contents, see Kemp, 'The Monastic Dean of Leominster', 508-9.

<sup>94</sup> *Reg. Swinfield*, 30, 64.

<sup>95</sup> Heref RO AL/19/2, fo.5r.

<sup>96</sup> *Reg. Swinfield*, 15: 'Leominstriam causa visitandi monachos prioratus loci ejusdom, et primo, proposito verbo divino in ejusdem loci capitulo, pacifice dictos monachos visitavit, et postmodum correcciones super defectibus ibidem inventis exercuit, ut decebat. Idem vero episcopus sedens in dicto capitulo examinavit personaliter fratrem Johannem Gerard, priorem loci, fratrem Thomam de Wakyntone, elemosynarium, fratrem Nicholaum de Byflet, et Robertum de Burleye, monachos ibidem. Magister vero Rogerus de Sevenoke, canonicus et tunc officialis Herefordensis, de mandato dicti episcopi speciali examinavit fratrem Mauricium de Henle, et fratrem Elmimum, monachos. Et magister Robertus de Gloucestria, tunc canonicus Herefordensis, ad mandatum ejusdem episcopi examinavit quendam fratrem Paganum, fratrem Robertum de Winchesburne, et fratrem Ricardum de Wyntone, monachos ipsius loci'.

<sup>97</sup> *Heads of Religious Houses* ii, 485.

<sup>98</sup> *Fasti Ecclesiae 1300-1541*: v, London, 1.

Swinfield's party a significant air of authority. The precise record of the visitation demonstrated that Swinfield conducted it in the normal manner without overextending his powers, as witnessed by, in particular, the abbot of Wigmore, an individual versed in visitation procedure. Given that Swinfield's rights to jurisdiction at Leominster were under threat, his visitation was a formal display of his perceived powers of oversight. To that end, the memorandum recording the visitation, with its precise report of the proceedings, was a performance of the bishop's authority and his right to involvement in life at the priory.

Other register material added to Swinfield's performance of authority in 1283. Preserved in Swinfield's register is the record of a 20 November 1283 citation, addressed to Robert de Burgate, abbot of Reading (1269-90). Given the date of the records around it, the citation was likely entered into the register around the time it was sent, sixth months after the bishop's visitation to Leominster. The citation required Burgate to appear at the bishop's court:

You, with your certain foolish and fabricated adjournment, concerning which I am by no small amount surprised, owe obedience to us and our church for the priory of Leominster and other parish churches that you hold in our diocese of Hereford; I require you to make [that which] you have frequently delayed.<sup>99</sup>

The tone is not that of the routine, judicious language normally employed to call individuals to the bishop's court.<sup>100</sup> Instead, Swinfield appears scathing in his reference to the abbot's 'foolish and fabricated' behaviour, and forceful in demanding obedience now. In doing so, the citation rendered Burgate a liar and, by virtue of failing to do homage, potentially an oath-breaker, thus projecting an image of the bishop as morally superior to the abbot. In calling the abbot to court, Swinfield also made a display of his superiority.

The record of Swinfield's second visitation to Leominster, in June 1286, is far more detailed, but served a similar role as the first memorandum and the citation in demonstrating the bishop's claims to the priory. The visitation is captured in two letters

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<sup>99</sup> *Reg. Swinfield*, 21: 'Cum vos et vestri quibusdam inanibus et confictis dilacionibus, de quibus non modicum admiramur, obedienciam nobis et ecclesie nostre debitam ratione prioratus Leomintrie et aliarum parochialium ecclesiarum, quas in nostra Herefordensi diocesi detinetis, hactenus nobis facere distuleritis pluries requisiti'.

<sup>100</sup> See, for example, *Reg. Swinfield*, 19: 'Citamus eciam vos et predictum magistrum Stephanum, commissarium vestrum, peremptorie per presentes quod compareatis coram nobis vel officiali nostro in majori ecclesia Herefordensi, proximo die juridico post festum sancti Edmundi, regis et martiris, predicte Margarete vel suo procuratori in dicte appellacionis negocio responsuri, facturi, et recepturi ulterius quod postulaverit ordo juris'.

sent by Swinfield to the abbot of Reading. In the first letter, Swinfield laid out his case for intervention in the affairs of Leominster priory. Swinfield deplored the reduction in the customary number of resident monks at the priory, adding that those present were unable to bear the burden of work and neglected the Divine Office. The bishop also drew attention to the monks' failure to comply with previous injunctions.<sup>101</sup> In laying out his case, Swinfield attacked the abbot for allowing the priory to fall to ruin, for being negligent in the abbatial capacity as protector of Leominster. In June 1287, one year after his visitation, Swinfield again wrote to the abbot and demanded that actions be taken before the bishop was forced to take matters into his own hands. In this second warning, the former prior, John Gerard, was charged with sexual incontinence with many women.<sup>102</sup> This misconduct was omitted from the first letter; its addition to the second letter reveals new intelligence and serves to underscore the defects at Leominster, and so with its oversight. The letters, combined with the citation, in particular, constructed an argument for Swinfield's jurisdiction over Leominster owing to abbatial negligence and misconduct, including a restoration of the powers to depose the prior and control the size of the community that were surrendered in Foliot's 1219 charter.

In his 1283 citation and his 1287 letter, Swinfield portrayed the abbot of Reading as lax and criminally negligent, an image that was consolidated by one further diocesan record of a visitation to the deanery of Leominster in 1284. There are no records in Swinfield's register that concern his visitation to parishes in Hereford diocese, but there are two visitation rolls that survive among the records of the cathedral chapter. One of these rolls records Swinfield's November 1284 visitation to the deanery of Leominster.<sup>103</sup> The bishop's visitation was extensive. In three days between 27 and

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<sup>101</sup> Here the bishop refers to a fine system in place in which he charged the monks for inaction or negligence. Thus for failing to comply with his previous injunctions, Swinfield fined the monks £40. The prospect of a further 30 marks (£20) fine hung over the monks for failure to construct a chapel as mandated by Peckham in 1282. *Reg. Swinfield*, 131-32: 'Et quia in dicta visitacione invenimus quasdam penas nobis commissas, pro eo videlicet quod capellam quandam minime construxerunt, prout eis fuerat injunctum in alia nostra visitacione sub pena xxx marcarum, et illam penam pronounciavimus nobis esse commissam.'

<sup>102</sup> *Reg. Swinfield*, 149: 'Vos monemus et exhortamur in Domino firmiter injungentes quatinus enormitatibus et defectibus hujusmodi juxta vestras observancias regulares illa celeritate qua decet adhibere curetis remedium debitum et salubre, ne ob vestri in hac parte negligenciam et defectum ex officii nostri debito arcus manus correccionis canonice apponere nos oporteat ad premissa.'

<sup>103</sup> The second visitation roll contains details of all visitations that took place between 1292 and 1293, covering most of the diocese. This roll has a different format from the one discussed above. It lists each place visited (over fifty) and what the bishop did there. Few defects are listed. It appears to be part of larger roll collection. See HCA 1076.



30 November, Swinfield travelled to eighteen churches and chapels.<sup>104</sup> There is some evidence to suggest that this was a targeted visitation. The abbot and convent of Reading held the advowson to seven of the churches visited, namely Leominster and its dependent chapels and Eye and its chapels. Both Leominster and Eye were appropriated to Reading and each yielded high revenues, £78 3s 8d and £51 13s 4d.<sup>105</sup> Eye alone claimed more income than Reading's two other appropriated churches combined, those at Cholsey (£23 13s 4d) and Wargrave (£13 18s).<sup>106</sup> A January 1286 royal charter in Reading's cartulary confirmed ownership of the advowson to Eye. In May 1285, the king commissioned Swinfield to inquire into the abbot of Reading's right to present to Eye.<sup>107</sup> Swinfield found that the abbot was the true patron, ending Edward's claim to the advowson.<sup>108</sup> The inquiry provides much-needed context to the November 1284 visitation. Eye and its chapels were prized Reading properties, as was Leominster.

The 1284 visitation roll reveals significant details of what Swinfield found in the parishes of Leominster and Eye. The bishop's scribe recorded a multitude of sins and crimes in just a few locations. The vicar of Stoke Prior accused two parishioners, Simon Baldwin and Matilda Andrew of fornication.<sup>109</sup> *Fidedignos* (trusted men) at Hope under Dinmore claimed that Stephen Longe was a usurer and that Richard, the local miller, committed adultery with Alice, widow of William Henry de Hampton.<sup>110</sup> Set in the context of the dispute between Swinfield and Reading and Leominster, Swinfield's detections in these two parishes paint a vivid picture of debauchery and scandal in Leominster's parishes.<sup>111</sup> The 1284 roll has a similar role to the 1286 visitation memorandum for Leominster priory, each serving as a memory of the negative effects

<sup>104</sup> The visitation also included Lingbrook priory. HCA 1050a.

<sup>105</sup> These chapels were Docklow, Hope under Dinmore and Stoke Prior dependent upon Leominster; Eyton, Brimfield and Orleton dependent upon Eye. *Taxatio*: Eye; Leominster.

<sup>106</sup> Reading's church at Thatcham, which was not appropriated, did have a spiritual revenue of £46 13s 4d, which still fell short of either of the churches in Herefordshire. *Taxatio*: Cholsey; Thatcham; Wargave.

<sup>107</sup> Reading's cartulary and Swinfield's register reveal a series of exchanges between the king and Swinfield over the inquiry. Swinfield was deemed to have failed to adequately supply answers to the royal mandate until his final inquiry in January 1286. There were delay tactics at work here, much the same as Swinfield's delay tactics employed during the same period over the matter of ecclesiastical patronage. Swinfield first responded that he found 'that the church of Eye was not vacant, because the abbot and convent of Reading's incumbent possessed the same'. *Reading Abbey Cartularies*, B.R. Kemp (ed.), 2 vols (Camden Soc., 1986-87), volume i, 270-71; *Reg. Swinfield*, 46-47: 'invenimus quod ecclesia de Eye predicta non vacat, quia abbas et conventus Radinghes incumbunt possessioni ejusdem'.

<sup>108</sup> *Reading Abbey Cartularies* i, 271.

<sup>109</sup> HCA 1050a: 'Vicar deferent ibidem ut super Simon Baldewyne for[nicatum] cum Matild[a] Andrew'.

<sup>110</sup> *ibid*: '...Stephan[us] Longe diffam[us] de usur[ia]. Ricardus molendinar[ius] de Hop[e] [under Dinmore] adul[terium] cum Alic[e] rel[ic]ta Will[elm]i Henr[icus] de Hampton'.

<sup>111</sup> Clanchy ascribed the same interest in intimate lives of parishioners to Bishop Grosseteste of Lincoln. Clanchy, *From Memory to Written Record*, 3<sup>rd</sup> edn., 188.

of a negligent custodian. The prior of Leominster was the rural dean in the area; as patron and dean, it was his responsibility to maintain the parishes in his jurisdiction.<sup>112</sup> In painting a picture of broken spiritual communities in Leominster and Eye, Swinfield undermined the prior's position as dean, therefore constructing an argument for the bishop's right to oversee each of Reading's possessions in Hereford diocese.

Swinfield's case for subjecting Leominster to his control was built on more than proving his intervention in priory affairs was necessary, demonstrated by several records in his register that he obtained from other bishops. Reading, like its daughter-house at Leominster, suffered financial difficulties during the 1280s. The Reading monks normally commanded a sizeable income. The 1291 *Taxatio* records that Leominster paid Reading up to £240 of its £303 3s spiritual income. It was rare for any daughter-house to pay such high proportions of annual revenue, although Leominster was a bailiwick for Reading's Herefordshire properties.<sup>113</sup> Yet problems were still rife. Swinfield's register contains several letters that record the extent of those problems. In one letter, dated to 1284 and exchanged between Burgate, the abbot, and Walter Scammel, bishop of Salisbury (1284-86), the abbot relayed to the bishop his plans to address the insolvency (*desolacio*) at the abbey.<sup>114</sup> Swinfield also possessed a 29 July 1285 letter sent by Peckham to the abbot that confirmed Scammel's financial injunctions for the abbey and added several more.<sup>115</sup> The bishop of Hereford's register is the only source for these items. They were likely copied in June 1288, given the dates of other items surrounding them.<sup>116</sup> A single scribe copied these letters together, in a single run, into folios 50r to 51v of Swinfield's register; a different hand is at work before and after.<sup>117</sup> This represented a careful effort to record Reading's insolvency and, moreover, episcopal intervention in abbey affairs.

The Hereford copies of the Reading insolvency letters were likely the fruit of an exchange of information between episcopal households in Hereford and Salisbury.

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<sup>112</sup> Kemp, 'The Monastic Dean of Leominster', 505-15.

<sup>113</sup> M. Heale, *The Dependent Priors of Medieval English Monasteries* (Woodbridge, 2004), 27, 229-30; Kemp, 'The Monastic Dean of Leominster', 505-15.

<sup>114</sup> It is perhaps best to translate this desolation as insolvency. *Reg. Swinfield*, 166-68.

<sup>115</sup> The archbishop mandated that 'all obedientiaries and bailiffs were to communicate with the regular council'. In order to keep better check on all goods passing through the monks' hands, these items were to go into the treasury, 'except those that were designated as alms'. *ibid.*, 168-69: 'Volumus insuper ut abbas ipse interim de omnibus obedienciariis et ballivis domus, communicato regulari consilio... precipimus ut ad thesaurum veniant omnia bona domus, hiis exceptis que sunt ad elemosinam assignata'.

<sup>116</sup> Elsewhere, Peckham's register does contain injunctions for Reading from 1281. *Reg. Peckham* (RS) i, 223-29.

<sup>117</sup> Peckham's 1285 correspondence occupies approximately one-fifth of fo 51v. The scribal hand changes on the next immediate item. Heref RO AL19/2, fos 49v-51v.

Despite being a Cluniac foundation, Reading did fall under episcopal jurisdiction and was the subject of episcopal visitations during the late thirteenth and early fourteenth centuries.<sup>118</sup> The letters in Swinfield's register made reference to Walter Scammel's 1284 (now lost) visitation injunctions for the abbey to address its financial issues, and the letter from Peckham reiterated these. Taken together, both letters reinforced Scammel's and his successor's right to oversee the abbey, especially during its period of financial instability. On those grounds, and given the subject matter, it is likely the episcopal household in Salisbury diocese kept the original letters. In that period in the 1280s, two bishops were engaged in similar work involving two interconnected religious house.

There were several moments in 1288 that served as a contact point between Swinfield's household and that of the bishop of Salisbury, facilitating an exchange of information concerning Reading. Despite no direct ties between the households, there was a meeting of the bishops of Canterbury province, Swinfield included, at Lambeth palace between 4 and 7 May 1288.<sup>119</sup> Salisbury was vacant until 10 May,<sup>120</sup> but it is possible that representatives from Salisbury attended the meeting. The gathering would have afforded members of the Hereford and Salisbury households an opportunity to discuss the matter of Reading's insolvency and to arrange for the letters to be exchanged. The letters were copied into the register the following month (June). There was also a clearer link between the two dioceses. On 8 March 1288, Thomas de Bridport, the official of Salisbury, commissioned Swinfield to carry out ordinations in Salisbury diocese during the period of Lent (on the Ember days) owing to a vacancy in the see.<sup>121</sup> The letter patent recording the commission was entered into folio 48r in Swinfield's register, the folio before the Reading insolvency letters, helping to provide an approximate date for the latter. It is possible that it was during his time in Salisbury diocese, and through his contact with Thomas de Bridport that Swinfield obtained those letters. Swinfield's interest in the financial health of Reading abbey stemmed from his own attempt to fracture the ties between Leominster and Reading. The two Reading

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<sup>118</sup> Cheney, *Episcopal Visitation*, 57.

<sup>119</sup> At least one part of the meeting involved a protest against Peckham's reforms of the court of arches. This included appearing before the archbishop at Lambeth on 4 May. *Councils & Synods* ii:ii, 1080; Douie, *Peckham*, 223-25.

<sup>120</sup> *Fasti Ecclesiae 1066-1300*: iv, Salisbury, 6.

<sup>121</sup> *Reg. Swinfield*, 160: 'Ut juxta sancte paternitatis vestre beneplacitum, vestre diocesis et de diocesi Sarisburiensi beneficiatos, et alios quoscumque litteras a nobis dimissorias generales seu speciales habentes, necnon religiosos exemptos et alios tam religiosos quam seculares diocesanorum suorum litteras dimissorias deferentes, tam ad sacros quam ad minores ordines promovere, ipsosque ordines quocumque loco Sarisburiensis diocesis, statutis a jure temporibus, intra hoc instans tempus quadagesimale contingentibus'.

items were evidence of necessary and legitimate episcopal oversight at the abbey; Peckham's letter to the abbot added much-needed authority to Scammel's injunctions. For Swinfield this presented the possibility that during a period of insolvency, Leominster likewise fell under the jurisdiction of the local bishop.

The timing of Swinfield's actions was significant for advancing his claims. As a royal foundation, Reading, and by extension Leominster, were under royal protection. The king and royal government frequently visited Hereford diocese between 1282 and 1284 during Edward's Welsh campaign.<sup>122</sup> Edward was at Leominster priory in December 1283 and it was during this period that the king's men began an investigation into criminal acts conducted by Burgate, the abbot of Reading.<sup>123</sup> Royal judges accused Burgate of maltreating the men of the abbatial manor at Blewbury, Berkshire.<sup>124</sup> A royal letter close records that John [Gerard], prior of Leominster, petitioned the king at Rhuddlan on 22 March 1284 for the recovery of the abbot's manor.<sup>125</sup> The moment is significant for emphasizing the prior's role as an abbatial agent, but also for highlighting how the proximity of the royal court affected the local political arena. The May 1284 hearing was presided over by Ralph de Hengham, canon of Hereford cathedral, and someone to whom Swinfield could turn for support against the abbot.<sup>126</sup> The abbot's standing against Swinfield was weakened again after 1285. In 1285, Edward I placed Reading and Leominster under royal protection in light of the continued penury (since c.1277) at the two houses.<sup>127</sup> This protection included the appointment of John de Bridgnorth, king's clerk, as custodian of Leominster. The king commissioned John to take the manor and cell of Leominster into his hands for four years and, with two Reading monks, to help the priory achieve solvency.<sup>128</sup> During this period of protection, there was no prior, depriving Burgate of direct control over Leominster.<sup>129</sup> Between 1287 and 1289, John de Bridgnorth was also absent from Leominster,<sup>130</sup> leaving a second power vacuum. Burgate's loss of control coupled with

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<sup>122</sup> Parliaments were held at Shrewsbury in summer 1283 and at Acton Burnell at Michaelmas. A writ mandating Swinfield's attendance at the Shrewsbury parliament dated to June 1283 survives in his register. *ibid.*, 79, 80.

<sup>123</sup> *CCR 1279-88*, 246.

<sup>124</sup> Note that Blewbury is now situated in Oxfordshire.

<sup>125</sup> It is unclear when royal agents sequestered the manor from the abbot. *CCR 1279-88*, 294; for more on John, see *Heads of Religious Houses* ii, 117.

<sup>126</sup> *Reading Abbey Cartularies* ii, 16, 21-22; *Fasti Ecclesiae 1066-1300*: viii, Hereford, 48-49.

<sup>127</sup> Knowles, *Religious Orders in England* i, 107, 109.

<sup>128</sup> *CPR 1281-92*, 197.

<sup>129</sup> The next mention of a prior at Leominster is not until 1292. John de Bridgnorth's commission as custodian was intended to end in 1289. *Heads of Religious Houses* ii, 117.

<sup>130</sup> *CPR 1281-92*, 278.

the royal scrutiny of the abbot for committing felonies on one of his manors, presented Swinfield with an opportunity to capitalize on the abbot's weakened position, which, through his visitations and his 1283 court citation, he did.

Through his actions, Swinfield left the impression that it was he, not the abbot of Reading, who had jurisdiction over Leominster. The bishop used visitations to the priory and to the parishes in Reading's possession as a means of displaying his authority over Leominster, and as a means of gathering negative intelligence he could use against Burgate. To that end, Swinfield also used records in his register to enhance his claims. The bishop's scribes copied so few visitation records into the register but those records that were selected were entered for a reason, namely for emphasizing the necessity of episcopal oversight at Leominster by contrasting it with abbatial negligence and incompetence. It served Swinfield's agenda to report on defects at Reading's properties. Conversely, Swinfield's register was silent on the measures taken by the king to improve the poor financial state of Leominster. Taken together, this register material and the 1284 visitation roll constructed an overarching argument in favour of Swinfield's augmented authority as bishop of Hereford.

### **St Swithun's priory and the bishop of Winchester**

This sub-section investigates Pontoise's relationship with the monks of St Swithun's priory in light of the separation of the episcopal and monastic *mensae* in 1284. St Swithun's, or Winchester cathedral priory, was one of nine monastic cathedral priories in England.<sup>131</sup> It housed sixty monks in 1300.<sup>132</sup> Over the course of the thirteenth century, the resident monks sought to augment their power and authority relative to the bishop of Winchester. First, in 1254, the prior of St Swithun's, William de Taunton (1250-55), obtained *pontificalia* from Pope Innocent IV. Innocent granted the prior and his successors the right to wear an abbatial mitre and ring, and carry a staff, as well as to give first tonsure and to confer minor clerical orders.<sup>133</sup> This papal grant gifted the prior some of the powers previously held by the bishop of Winchester, marking a decline in the bishop's prestige. Second, in 1284, bishop and chapter separated their *mensae*,

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<sup>131</sup> For more on the monastic cathedral priories, see Greatrex, *Benedictine Cathedral Priories*.

<sup>132</sup> *Medieval Religious Houses*, 80-81

<sup>133</sup> Greatrex, 'Introduction' in *The Register of the Common Seal of the Priory of St Swithun, Winchester 1345-1497*, Greatrex (ed.) (Winchester, 1978), xiv n.20.

which John Hare described as the ‘final legal separation’ between episcopal and capitular estates.<sup>134</sup> Winchester had been the only diocese where bishop and cathedral priory continued to share a *mensa* after 1250, and Everett Crosby, in particular, marked this division as a decline in episcopal power over the priory.<sup>135</sup> The division provides the backdrop to this sub-section and its focus on Pontoise’s visitation to St Swithun’s in 1286. This sub-section examines the 1286 visitation record in Pontoise’s register, and considers how it related to other records concerning the 1284 division and two versions of a monastic customary, one in the register the other in St Swithun’s cartulary, in order to investigate the full implications that the division had for Pontoise’s authority over the priory. The sub-section aims to offer an alternative perspective on the relationship between bishop and monks in Winchester after 1284.

St Swithun’s priory was subject to metropolitan and diocesan visitations and, in January 1284, Peckham exercised that right, during the process of which several factors concerning the relationship between Pontoise and the monastic chapter came to light. Pontoise and Peckham exchanged correspondence regarding the upcoming metropolitan visitation; this is recorded in their respective registers. On 3 November 1283, Peckham announced his intention to examine Pontoise’s character (*visitationem nostrum circa personam vestrum*) and then ‘your chapter’ (*vestre capitulum*).<sup>136</sup> The particular choice of language is significant. In using the possessive ‘your’ (*vestre*), Peckham implied that the chapter was subordinate to the bishop. Peckham’s injunctions do not survive but the archbishop did identify one source of trouble at the priory: the monk, Valentine. A copy of Peckham’s letter to Pontoise regarding Valentine was entered into each of the bishops’ registers. The archbishop described Valentine as a man branded an apostate and ‘not so much a Monk as a Demon’.<sup>137</sup> Peckham accused the demonic monk of keeping his own chamber close to the infirmary, of eating meat, and of other transgressions contrary to the Benedictine Rule. Peckham informed Pontoise that his predecessor at Winchester, Ely, had once expelled Valentine from the priory.<sup>138</sup> This

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<sup>134</sup> E.U. Crosby, *Bishop and Chapter in the Twelfth Century: a study of the “Mensa Episcopalis”* (Cambridge, 1994), esp. 216-34; Greatrex, *Benedictine Cathedral Priories*, 7; Hare, ‘Bishop and Prior’, 187-212, quote p. 188.

<sup>135</sup> Crosby, *Bishop and Chapter*, 233.

<sup>136</sup> The actual visitation took place on 7 January 1284. *Reg. Peckham* (RS) ii, 640; *Reg. Pontissara* i, 275-76.

<sup>137</sup> The letter is dated to 11 August in Peckham’s register and 16 August in that of Pontoise. It is possible that the earlier date indicates the day of despatch, the later date the day of receipt. *Reg. Peckham* (RS) ii, 806-8; *Reg. Pontissara* i, 291: ‘Ipse autem sicut vir apostate cauteritate consciencie et non tam Monachus quam Demoniacus...’

<sup>138</sup> *Reg. Pontissara* i, 291: ‘Dudum vestram Wintoniensem Ecclesiam jure metropolitico visitantes invenimus Valentinum Monachum in quandam cameram junctam infirmarie domus propria temeritate

suggests that Valentine was the former prior, who served from 1265 until 1267, and again from 1268 until 1276 when he was deprived.<sup>139</sup> The archbishop instructed Pontoise to segregate the monk from his community. To that end, Pontoise held significant power to intervene in priory affairs and Peckham recognized the bishop as the superior of St Swithun's.

Pontoise's first visitation to St Swithun's did not take place until September 1286, but it was a pivotal moment in the bishop-chapter relationship insofar as it was the first time that he undertook a close examination of the monks. A memorandum recording the visitation survives in one of the priory's cartularies. The cartulary is twenty-three quires in total, was compiled in the late thirteenth- to early-fourteenth centuries, and contains various title deeds and memoranda.<sup>140</sup> The memorandum in question captured Pontoise's visitation procedure, detections, and corrections. The scribe noted that while under examination, the prior complained that his obedientiaries and other monks made excessive demands from his estates, especially a supply of bread, beer, and wine, as well as for their own land. Pontoise responded by limiting the supply of beer (to one pot) and wine (to one pot). The bishop also commanded that all obedientiaries were expected to contribute to communal supplies.<sup>141</sup> The bishop also mandated that a new obedience should be created in order to dispense 'surplus' revenue.<sup>142</sup> These measures were simple solutions to minor problems but also marked Pontoise's role as arbitrator in priory affairs. There was no doubt that, in 1286, the monks recognized the bishop's power to oversee their community.

The record of the visitation in Pontoise's register differed in its form and content from the records in the cartulary, but captured an even greater sense of the bishop's authority over the priory. The record is a letter that Pontoise dispatched to the prior, William de Basing,<sup>143</sup> and his official, Philip de St Austell, on 28 October 1286, two weeks after the visitation. At that juncture, Pontoise was preparing to join Edward in

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intrusum, a qua per bone memorie predecessorem vestrum dominum Nicholaum expulsus fuerat, suis demeritis exigentibus, et qua etiam nos eum visitantes expulimus, pro eo quod ipsum in eadem camera contra beati Benedicti regulam vitam egisse carnalem non sine proprietatis vicio comperimus evidenter.'

<sup>139</sup> *Heads of Religious Houses* ii, 83-84.

<sup>140</sup> Goodman offers a lengthy introduction to the manuscript and indeed the Winchester manuscript tradition in the late thirteenth and early fourteenth centuries. Goodman, 'Introduction', *Chartulary Winchester Cathedral* xv-lxiii.

<sup>141</sup> Note that here Goodman offers a full translation of the item rather than a summary. *Chartulary Winchester Cathedral*, 53-55, esp. p. 54.

<sup>142</sup> Greatrex, 'St Swithun's priory in the later middle ages' in J. Crook (ed.), *Winchester Cathedral Nine Hundred Years 1093-1993* (Chichester, 1993), 139-66, at p.150.

<sup>143</sup> *Heads of Religious Houses* ii, 83-84.

Gascony.<sup>144</sup> In the letter, Pontoise stated that: ‘at our recent visitation, we [the bishop] found a great many corrections, of which a certain number we were able to correct at that time...’<sup>145</sup> Pontoise then entrusted (*confidentes*) the prior and Philip ‘to come together in order to expedite [the prescribed] corrections, per canon law, but with courtesy and gentleness...’<sup>146</sup> Pontoise did, however, empower his collaborators to make all ‘canonical retribution against rebels should you find them’.<sup>147</sup> The letter served two purposes. First, it held prior and official accountable for enforcing Pontoise’s visitation injunctions. Second, it commissioned Philip de St Austell,<sup>148</sup> the bishop’s long-serving associate, as custodian of the priory. In doing so, Pontoise created an episcopal presence at the priory, despite his absence. Both the capitular and episcopal record of the 1286 visitation recognized Pontoise’s authority over the St Swithun monks.

Taken in isolation, Pontoise’s 1286 visitation appears to be a routine part of his duties as bishop. But the visitation came in the aftermath of a momentous power shift in Winchester diocese, a shift that affords further insight into how Pontoise utilised the visitation and its records.

Pontoise’s register is a rich source for investigating the 1284 separation. There were two phases to the registration of this material. The first phase (fos 104r-110r) involved the registration of a multi-part settlement agreed between bishop and chapter in 1284.<sup>149</sup> The second phase involved the registration of several items recording the reasons for the dispute between the two parties (fos 160v-188v).<sup>150</sup> The quires containing the 1284 *compotus* and the dispute material do not follow the normal chronological arrangement in Pontoise’s register. Instead, each collection of records (settlement and reasons for dispute) was copied into the *registrum in temporalibus* (fos 94r-226v) alongside Pontoise’s diplomatic business, and not items relating to the episcopal estate. This creates a sort of self-contained arrangement within the register that kept these records distinct from others relating to diocesan business or diocesan affairs.

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<sup>144</sup> The bishop referred to how ‘certain and arduous causes’ (*ex certis causis et arduis*) created the need for him to leave the kingdom. *Reg. Pontissara* i, 328.

<sup>145</sup> *ibid.*: ‘...in qua quidem visitacione nostra invenimus quam plurima corrigenda, de quibus quedam in forma canonica prout tunc potuimus correximus’.

<sup>146</sup> *ibid.*, 328-29: ‘...ad ea corrigenda ac etiam cum benignitate et mansuetudine ut expedit canonicis convenit...’

<sup>147</sup> *ibid.*, 329: ‘...exercicio canonice ulcionis contra rebelles so quos inveneritis in hac parte.’

<sup>148</sup> Appendix One, 279-80.

<sup>149</sup> Hants RO 21M65/A1/1, fos 104r-106r; *Reg. Pontissara* ii, 417-25.

<sup>150</sup> Hants RO 21M65/A1/1, fos 160v-188v; *Reg. Pontissara* ii, 609-94.



There are comparisons to be made with the way in which the St Swithun's monks preserved their copy of the 1284 settlement in a small cartulary alongside material dating from the tenth to thirteenth centuries.<sup>151</sup> It was compiled between the thirteenth and fifteenth centuries. The first section of the cartulary (fos 1-48v) contains copies of the priory's foundation charters made in the thirteenth century and written in a book hand, likely dating from the first quarter of the century.<sup>152</sup> The 1284 settlement records and others concerning Pontoise's episcopate are preceded and succeeded by blank quires. This creates a defined space for their preservation, distinct from other records. The large collection of charters and instruments were written in a fifteenth century hand (fos 49r-71v), suggesting this section was added to the cartulary at a later date than the foundation charters. From their later addition to the cartulary, and their isolated position with no other records around them, it would seem that the monks gave high priority to the preservation of the 1284 settlement records, which had relevance long after Pontoise's episcopate.

In a literary culture that drew on origin/foundation myths, and a legal culture that gave greatest weight to proving long-term possession of rights and property, expressed most clearly in *quo warranto* proceedings, both parties, bishop and chapter, preserved copies of the 1284 settlement in a manner normally reserved for foundation charters. In that respect, both parties leant great weight to remembering the exact terms of the division of *mensae*.

The value accorded to the record of the 1284 settlement in the bishop's register and the cartulary is likely a product of the tumultuous events leading up to the separation, especially the involvement of Edward I and his agents. Crosby's, Hare's, and Mark Page's work on the separation of the *mensae* leaves the impression that the full extent of Crown intervention came in its role as an arbitrator between Pontoise and the chapter.<sup>153</sup> A closer examination of material in Pontoise's register, of royal records, and of the material in the St Swithun's cartulary reveals there was more to the Crown's, and especially Edward's, role in shaping the relationship between bishop and chapter.

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<sup>151</sup> The manuscript survived the dissolution of the priory in 1539 after it fell into the hands of Thomas Dackcombe (1496-c.1572), rector of St Peter Colebrook, Winchester. BL Add MS 29436; A.G. Watson, 'A sixteenth-century collector Thomas Dackcombe, 1466-c.1572', *The Library* (September 1963), 204-17.

<sup>152</sup> The charters range in date from 927 to the reign of Henry III (1216-72) (fos 4-43v). There is also a list of gifts that the monks obtained from Bishop Blois (fos 44v-46r) and a list of obits, including confraternity agreements with other English religious houses to say prayers for the dead (fo. 10, 44r). BL Add MS 29436.

<sup>153</sup> Crosby, *Bishop and Chapter*, 230-33; Hare, 'Bishop and Prior', 188; M. Page, 'The Medieval Bishops of Winchester: Estate, Archive and Administration', *Hampshire Papers* 24 (2002), 1-22, esp. p. 5.

Despite the bishop-chapter affair being a quite localized dispute, it was the subject of far-reaching political machinations, demonstrated by several records in Pontoise's register, and beyond it, which afford insight into the monks' recruitment of the Crown to aid their cause against the bishop.<sup>154</sup> A memorandum entered in the bishop's register, probably dated to the late 1270s, captures the monks' argument that St Swithun's was founded as an independent priory, not an 'episcopal endowment', and therefore the bishop did not have any rights as patron.<sup>155</sup> The argument hinged on the monks' ability to establish royal patronage rights at the priory. A 12 January 1283 Exchequer memorandum records letters of attorney forwarded by the monks which commissioned royal justices to support their cause, and also offered the advowson to the cathedral priory to Edward.<sup>156</sup> In response, Edward's agents launched an extensive inquiry into the foundation of St Swithun's and its royal connections. A copy of the outcome is preserved in Pontoise's register, occupying some two folios (fos 160v-162v).<sup>157</sup> The inquiry found that King Edgar (959-75) was the first patron; this information was based on the foundation charters in the St Swithun's cartulary.<sup>158</sup> As Edgar's descendent, Edward had strong claim to the advowson. The St Swithun's monks had found their much-needed political support.

The extent of Crown intervention, and its attempt to undermine the bishop's case, is evidenced by the significant lengths Edward and his men went to in order to advance the king's claim to St Swithun's, despite their preoccupation with the Welsh campaign. In May 1284, Edward launched an inquiry into Pontoise's rights to hold the advowsons of the hospital of St John the Baptist (Portsmouth) and the rectory of Meonstoke. On 8 May 1284, Edward issued a mandate to Pontoise that directed the bishop to surrender the two advowsons.<sup>159</sup> Similarly, on 9 May, the king's agents launched *quo warranto* proceedings into the bishopric's claims to the manor of Meonstoke; another mandate issued on the same day required Pontoise to surrender the advowson to St Swithun's.<sup>160</sup> The king also ordered the sheriff of Southampton (Hampshire) to distrain property (*terrīs, bonīs, catellis*) belonging to the bishop worth

<sup>154</sup> It is upon the basis of this collection of records that Cheney supposed Nicholas de Ely had kept a register, and that these were taken from it. Smith has revised this and instead reasoned that the Ely folios were part of a cartulary belonging to St Swithun's. Deedes, 'Introduction', *Reg. Pontissara* i, i; Cheney, *Bishops' Chanceries*, 148-49; Smith, *Guide to Bishops' Registers*, 203.

<sup>155</sup> *Reg. Pontissara* ii, 610; Crosby, *Bishop and Chapter*, 231-32.

<sup>156</sup> These included Nicholas de Marwell, sub-prior, John de Sibbeston, guardian of the infirmary (*domus infirmarium*), and two other obedientiaries. TNA E 135/3/39B

<sup>157</sup> Hants RO 21M65/A1/1, fos 160v-162v; See also *Reg. Pontissara* ii, 609-15.

<sup>158</sup> BL Add MS 29436, fos 1-4; *Reg. Pontissara* ii, 609-15.

<sup>159</sup> *Reg. Pontissara* ii, 407.

<sup>160</sup> *ibid.*, 407-8.

£461 3s 5d, until that sum had been paid to the Exchequer.<sup>161</sup> On 1 June 1284, royal justices held a preliminary hearing to settle the dispute, and three days later, Pontoise conceded his power ‘to dispose of all obediences (at the priory), or to change the same of his will should it please him’.<sup>162</sup> These various royal acts were particularly injurious to Pontoise. The loss of Meonstoke rectory presented Pontoise with a problem: it was worth £33 6s 8d and represented a major resource for the bishop’s ecclesiastical patronage.<sup>163</sup> Pontoise had also twice exercised his power to dispose of obediences between 1282 and 1284. The bishop appointed Ralph Chaunterel, the bishop’s servant, as Kitchener (*officium seu serjanciam in Coquina*) in November 1282, and he appointed John de Northwold as cellarer in October 1283.<sup>164</sup> On both occasions, the bishop treated obediences like any other benefice at his disposal for advancing the careers of his men, even if they were not monks. These royal records and the material in Pontoise’s register paint an image of a sustained royal attack on the bishop’s rights and properties in his diocese, seemingly swinging the balance of the dispute in the monks’ favour.

Edward’s abrupt change in position after 5 June 1284 sheds light on Pontoise’s own cultivation of royal favour to curry support for his cause. On 5 June, Pontoise appeared before Edward at Caernarvon. The bishop promised to surrender the manor of Swainston, Isle of Wight, to Edward, along with a fine of £2000.<sup>165</sup> Edward had laid claim to Swainston from at least December 1283 and the manor proved to be a valuable bargaining chip for Pontoise.<sup>166</sup> In return, the king restored all of the bishop’s properties seized in May 1284, including the advowson to St Swithun’s priory.<sup>167</sup> Edward also confirmed Pontoise’s right to certain advowsons, manors, and castles in Winchester diocese; these properties are recorded in three large lists copied in Pontoise’s register.<sup>168</sup> Pontoise had lost Swainston but his other properties and the far more valued prize of the St Swithun’s advowson were secured for the remainder of his episcopate. The royal justices, Ralph de Hengham and Geoffrey de Pitchford, confirmed this decision on 10 July; following their inquiry into the rights held by bishop and chapter, they concluded that the monks held freedom of election during episcopal vacancies; that the prior and

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<sup>161</sup> *ibid.*, 408.

<sup>162</sup> A full copy of the charter is preserved in the cartulary. BL Add MS 29436, fos 51r-52r; *Reg. Pontissara* ii, 281-82: ‘Mandamus...piori vestro cui concessimus ut possit de obedienciariis omnibus disponere, seu eosdem mutare pro sue libito voluntatis’.

<sup>163</sup> *Taxatio*: Meonstoke; See also Chapter Two, 125-26.

<sup>164</sup> *Reg. Pontissara* i, 9; ii, 399: ‘pro fideli ejus obsequio nobis diligenter’.

<sup>165</sup> *Reg. Pontissara* ii, 716.

<sup>166</sup> *ibid.*, 402; 671-75.

<sup>167</sup> *ibid.*, 424.

<sup>168</sup> *ibid.*, 419-21, 421-22, 422-23.

convent were to have freedom of administration over all its goods, properties and rights at all times (including vacancies), as well as freedom to appoint and dismiss all its temporal officers and obedientiaries. The bishop, however, retained the advowson to the priory, affording him a voice in elections.<sup>169</sup> From that juncture, Pontoise was free to divide properties between bishopric and cathedral priory. In two separate charters, one each recorded in the register and cartulary, the monks quitclaimed five manors and one hundred and seven advowsons to churches and chapels, plus advowsons to seven hospitals.<sup>170</sup> Again in two separate charters, the bishop quitclaimed thirty-seven manors and lands, and confirmed all pensions, portions and oblations owed from the bishopric's churches.<sup>171</sup> In financial terms, after September 1284, the bishop's estate was worth £4000 per annum while the monks' estate was worth £1500.<sup>172</sup> Pontoise lost many of his abbatial privileges in the royal justices' ruling and the monks were given far greater administrative freedoms. But Pontoise was unmatched in his wealth as a landowner and, through his multiple advowsons, in his powers as an ecclesiastical patron. It was through Pontoise's ability to negotiate with Edward, to trade properties and, as demonstrated by chapter one, to use ecclesiastical patronage to curry favour with the king, that he secured his superiority over the priory monks.

Pontoise's attempts to consolidate his authority over the St Swithun's monks extended beyond shaping elections towards a more direct intervention in their daily lives. Pontoise's register is the only example in which there is a copy of a monastic customary. As Isabelle Cochelin demonstrates, customaries served an important role in structuring monastic culture and daily life. They contained prescriptions for matters such as liturgical observations or the duties of obedientiaries.<sup>173</sup> Pontoise was not the only bishop to develop customaries for a monastic community. Perhaps the best-known example from England was the customary designed by Lanfranc, archbishop of Canterbury (1070-89), for his cathedral priory in c.1077. Lanfranc's customary was a model for reform intended to promote greater investment in monastic life.<sup>174</sup> These texts

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<sup>169</sup> TNA E 135/3/37; *Reg. Pontissara* ii, 426-27.

<sup>170</sup> The five manors were also listed as quitclaimed by the royal justices in the instrument detailing the settlement. BL Add MS 29436, fos 52v-56r; TNA E135/3/37; *Reg. Pontissara* ii, 430-31, 431-33.

<sup>171</sup> Pontoise's letters patent containing the bishop-chapter agreement were given royal assent on 27 September 1284, rendering it binding. BL Add MS 29436, fos 61v-62r; *CPR 1281-92*, 135; *Reg. Pontissara* ii, 436-37, 437.

<sup>172</sup> Hare, 'Bishop and Prior', 188.

<sup>173</sup> I. Cochelin, 'Community and Customs: obedience and agency?' in S. Barrett and G. Melville (eds), *Oboedientia: Zu formen und Grenzen von Macht und Unterrordnung im mittelalterlichen Religiosentum* (Munster, 2005), 229-53.

<sup>174</sup> Cochelin, 'Évolution des coutumiers monastiques desinée à partir de l'étude de Bernard' in S. Boynton and Cochelin (eds), *From Dead of Night to End of Day: the medieval customs of Cluny*

were vehicles for change that, on occasion, were developed by bishops in order to impose new standards on monastic communities.

Pontoise's register preserves two versions of a customary that laid out the services the monks owed to the bishop, and, in doing so, established the terms of the relationship between bishop and chapter. The first version (copied onto fo. 175r) is the earliest and shortest, dating from c.1283-84. Greatrex refers to this first version as a peculiar entry that asserted episcopal rights to collate the prior and twelve of the obedientiaries.<sup>175</sup> Closer analysis of the customary demonstrates that it was intended to achieve much more. The customary begins with a simple statement that '[t]hese are the services that the bishop of Winchester, through all time, have been accustomed to receive and accustomed to have from the prior, obedientiaries and other men of St Swithun's, Winchester'.<sup>176</sup> Twenty customs are listed. The prior was required to 'guard prisoners arrested in the soke of Winchester, the bailiwick of Twyford, the bailiwick of Merton, Crawley, Sutton and otherwise at his manor of Barton at his [own] expense', ensuring the bishop did not incur costs.<sup>177</sup> The sacrist was mandated to supply fifty-two new candles (*cereos novos*) each year to the bishop's chapel at Wolvesey.<sup>178</sup> These were simple tasks to be fulfilled in the course of administration and house management, but several other customs contain something of an aggressive tone. The bishop asserted that he 'ought to have wardship and marriage of certain minors of the said prior's and obedientiaries' men'.<sup>179</sup> Such a simple custom established a dominant seigniorial position over tenants in the monks' lands; the bishop claimed involvement in the lives of leading tenants on the monks' estates, thereby, undermining the monks' relationship with their tenants. Pontoise's customary also claimed that the lord bishop 'ought to have vestments such as might an abbot of the said priory each year from the chamberlain of

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(Turnhout, 2005), 29-66, esp. pp. 32-33; H. Gittos, 'Sources for the Liturgy of Canterbury Cathedral in the Central Middle Ages' in A. Bovey (ed.), *Medieval Art, Architecture and Archaeology at Canterbury* (Leeds, 2013), 41-58, esp. p. 49.

<sup>175</sup> Greatrex, *Register of the Common Seal*, xxiii-xxiv

<sup>176</sup> *Reg. Pontissara* ii, 655: 'Hec sunt servicia que dominus Episcopus Wintoniensis omni tempore recipere consuevit et habere consuevit de Priore, Obedienciaris sanct Swythuni Wyntoniensis et de eorum hominibus'.

<sup>177</sup> *ibid*: 'Item dictus custodiet Prisonarios captos in Soka Wintonie sumptibus suis Balliva de Twyford, Balliva de Merdone, Crauly, Suttone et alibi ad Manrium suum de Bertone'.

<sup>178</sup> *ibid.*, 656: 'Item sacrista dicti prioratus inveniet singulis annis ad Capellam de Wolveseye lii cereos novos'; 'Item dominus Episcopus habebit in Campo dicti Prioris apud Chiltecumbe ubicunque voluerit stipulam ad duas domos supra feriam Sancti Egidii cooperiendas quolibet anno'.

<sup>179</sup> *ibid*: 'Item dominus Episcopus debet habere Wardam et Maritagium quorundam liberorum hominum dictorum Prioris et Obedienciariorum'.

the convent, and likewise a cassock (*pelisse*, *pellicium*), boots, stockings etc.’<sup>180</sup> Not only did Pontoise wish to adopt the appearance of an abbot, he expected an obedientiary to acquire and supply the necessary trappings. These services, each expressed in meticulous detail, were not reciprocal. There was instead a clear reinforcement of hierarchy and episcopal lordship over the chapter.

Pontoise’s assertion of episcopal authority over the priory is better demonstrated by the second version of the customary. The second version, copied onto fo. 204r, dates from c.1296, and was both a reiteration and an expansion of the c.1283-84 version. This later customary occupies three full folios, *recto* and *verso*, and contains sixty-nine customs, although some are the same customs at different priory-owned manors. The same concerns for jurisdictional matters, household supply, and displays of authority inform the text. The bishop stressed that men from the prior’s manor at Droxford ‘ought to attend before the bishop’s seneschal at Wolf’s Pit (*Wulfputte*) in the bishop’s hundred twice a year’, as well as at the court of Waltham.<sup>181</sup> Such customs served to reinforce Pontoise’s dominant seigniorial status in the region. The customary also extended Pontoise’s command over internal affairs at the priory. ‘The bishop’, the customary claimed, ‘ought to amend grievances and complaints of transgressions brought about in the prior’s court’.<sup>182</sup> In that one custom, Pontoise asserted the bishop’s judicial powers to correct and reform the cathedral priory. The customary as a whole served as a contract comparable to those forged between lord and villein: the bishop gave over certain land and rights in the 1284 settlement, but retained certain services from the monks. At a moment when Pontoise’s grip on control over St Swithun’s was loosened, he attempted to forge a new relationship through these customaries.

An opportunity to explore how the monks received these customaries is afforded by close examination of the versions preserved in the St Swithun’s cartulary. The form of the customary preserved in the same St Swithun’s cartulary as the 1284 settlement differs from the versions copied into Pontoise’s register. The customary is some length, stretching from folios fifty-five to sixty-one.<sup>183</sup> It was copied into the self-contained section with other records relating to the 1284 settlement. The customary was prefaced with a statement that reads: in 1284 were written ‘articles...agreed upon by the lord

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<sup>180</sup> *ibid.*: ‘Item dominus Episcopus debet habere quolibet vesturam tamquam Abbas Prioratus predicte de Camerario Conventus et etiam peliciam, botas, caligas etc.’

<sup>181</sup> *ibid.*, 759: ‘...omnes homines de manerio de Drokenesford tam libere tenentes quam alii debent sequi apud Wulfputte ad Hundredum Episcopi bis per annum coram Seneschallo diti Episcopi...’

<sup>182</sup> *ibid.*, 758-59: ‘Item Episcopus debet ad querelam querentium emendare transgressiones factas in curia Prioris...’

<sup>183</sup> BL MS Add 29436, fos 56-61.

bishop, John de Pontoise, and brother William de Basingstoke, prior, and all the chapter of Winchester, towards perpetual peace between them'.<sup>184</sup> The customary is laid out in a proposal and response format. First the 'bishop's article' (*articulus episcopi*) was given, each of which corresponded to the customs listed in the second version of the customary in Pontoise's register, then the 'convent's response' (*responsio conventus*) was presented. This lent the customary the appearance of a list of gravamina. On Pontoise's claim to abbot's vestments, the convent responded that 'we concede [to you] to have a pelisse and boots and stockings, then, and this as might a bishop but not as might an abbot'.<sup>185</sup> Both parties profited from the negotiation. The bishop received clothing from the chapter and the monks discarded the display of episcopal-abbatial authority. The monks' responses are absent from Pontoise's register and it is only through the cartulary that their agency is revealed. Significantly, the monks had input into the creation of the customary and its record alongside the 1284 settlement demonstrates its acceptance. It carried a message of re-foundation; it was a new contract between bishop and chapter. But it was Pontoise who initiated negotiations and who imposed the new contract on the monks. The customary remained a re-affirmation of episcopal authority in priory affairs.

One final register record sheds light on the mood in Winchester diocese during the early 1280s. A memorandum dated 6 June 1286 records a further settlement between bishop and chapter. Bishop and prior each laid claim to the chase of Crondall but on 6 June, royal justices awarded full property rights to Pontoise. The rights of the prior were 'totally denied and terminated'.<sup>186</sup> A separate, undated memorandum entered into the *registrum in temporalibus* expands on the bishop's argument as presented to the justices. Pontoise claimed that his 'predecessors had conserved chases in all lands and woodland of the bishop himself and his men throughout the county of Southampton, as well as in all the lands and woodlands of the said prior and his men'. Henry III had granted that right to Peter des Roches.<sup>187</sup> Pontoise wrote to Peckham on 6 June to

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<sup>184</sup> This preface erroneously states that Edward II (*Edwardo 2<sup>o</sup>*) confirmed the peace in the twelfth year of his reign and in the third year after Pontoise's consecration at Aberconwy. The patent rolls indicate that Edward I made the confirmation at Overton, Hampshire, and not Aberconwy. However, the date can be corroborated. BL MS Add 29436, fo. 56r; *CPR 1281-92*, 135.

<sup>185</sup> BL Add MS 29436, fo. 57v: 'Ad hoc dicut[is] et concedit [quam] habere pellicia et Botas et Caligas tun[c] et hoc ta[mquam] e[pi]sco[pu]s et no[n] ta[mquam] abbas'.

<sup>186</sup> The royal justices were John de Kirkby, Ralph de Hengham, Nicholas de Stapleton and Nicholas le Gros *Reg. Pontissara* i, 323: 'totaliter denegata et termini sunt'.

<sup>187</sup> *Reg. Pontissara* ii, 651-52: '...predecessors sui currere consueverunt in omnibus terris et boscis ipsius Episcopi et hominum suorum per totum comitatum Suthamton et in omnibus terris et boscis predicti Prioris et hominum suorum'.

inform the archbishop of the decision.<sup>188</sup> ‘Let us rejoice, therefore, if it is pleasing to your reverend father’, Pontoise wrote, ‘because the great peace of our undertaking is expected to be restored; we believe at this time that discord is a matter, for the most part, decided’.<sup>189</sup> From that decision, Pontoise proclaimed the conclusion to the bishop-chapter dispute as his victory over the monks.

Between 1283 and 1286, Pontoise embarked on a campaign to consolidate his powers over St Swithun’s priory at the very moment that the monks sought to achieve their independence. Records in the St Swithun’s cartulary and register material demonstrate Pontoise’s accumulation of rights and properties that cemented his position as the superior ecclesiastical lord in Winchester diocese. He challenged the dominant position of prior and chapter and won the day. In this context, Pontoise’s 1286 visitation was a watershed. The visitation was both the first act in a new relationship and the final act in a thirty-year dispute; enacting the prescribed corrections was of high order, but by instructing the prior and official of Winchester to approach the matter with a gentle touch, Pontoise acknowledged that wounds were still healing. But the bishop also developed a programme of correction that, like his customaries, aimed to impose episcopal authority on the daily lives of the monks.

The register records relating to the visitation are the clearest surviving evidence of Pontoise’s expression of his role as the governor of St Swithun’s priory. The St Swithun’s visitation material was purposely selected for its value in redefining episcopal lordship in Winchester in the early 1280s. It was part of a wider collection of material in the register, such as royal and episcopal charters and the customary, which demonstrated Pontoise’s ownership of numerous properties in the diocese, including the advowson to St Swithun’s priory, and provided evidence of his authority over the monks. Taken together, these register records reveal a distinct narrative that served Pontoise’s agenda for consolidating and extending his powers as bishop of Winchester, comparable to Swinfield’s efforts to do the same with regards to Leominster priory.

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<sup>188</sup> Pontoise’s register also contains a transcript of the royal justices’ full decision regarding the matter. See *ibid.*, 717-18.

<sup>189</sup> *Reg. Pontissara* i, 323: ‘Congratuletur igitur nobis si placet vestra reverenda paternitas quia magna pax de voto nostro reformari speratur, discordiarum materia pro parte maxima ut creditur amodo resecata’.



## Conclusion

This chapter has shown that visitation material in Pontoise's and Swinfield's registers served a purpose beyond simple correction, shedding new light on our understanding of registration and episcopal visitation. The visitation material in the two registers was selected for its value for consolidating or expanding the diocesan's authority or jurisdiction, as well as advancing his career and standing with other power figures. Case studies of visitations to Chirbury and Leominster in Hereford diocese, and to houses of women religious and St Swithun's in Winchester, demonstrate that visitation records worked in conjunction with other material in the register in order to advance the two bishops' quite political, quite unique agendas. Pontoise took pains to record his enforcement of Boniface VIII's *Periculoso* in Winchester at a moment when the bishop had become incorporated into the pope's close council and when the diocese was under papal protection. Swinfield's designs for extending his jurisdiction in Y Gorddwr were bolstered by proving his relationship with, and management of, the community at Chirbury. At Leominster and St Swithun's, visitation material recorded in the respective registers speaks to a sustained effort to renegotiate episcopal power over those communities, as well as within the diocese.

The function of written memory was important to Pontoise and Swinfield. The registered visitation records accounted for the correct and diligent exercise of the episcopal office by both bishops. Each record created accountability and represented the diocesan's efforts to evidence his right to and his active participation in the internal affairs of non-exempt religious houses in his diocese. Ulterior motives played an important role in the selection of material in Hereford and Winchester, but the value of registration to Pontoise and Swinfield in preparation for potential or actual legal disputes remains clear.

What also becomes clear is how important registered records were for cementing claim to rights, properties, or powers. It was not enough to make displays of power and authority. Pontoise and Swinfield instead combined action and written record in order to reshape episcopal lordship in their respective dioceses and to meet new pressures on their roles as leaders. This is demonstrated in Swinfield's visitation to Chirbury priory, a display of power, and the records of the visitation to the priory, which proved his continued oversight at the house, and of his tour of Y Gorddwr, which proved the necessity of his role as a pastoral leader in the region. This notion that at least some

aspects of a register were designed to serve the bishop in his government of the diocese affords the opportunity to explore registers as diverse collections of records with multiple purposes, which were in turn shaped by particular episcopal agendas or needs, as the next chapter does.

## Chapter Five. Episcopal careers and bishops' registers

Chapters one to four used specific types of register material in order to investigate particular aspects of episcopacy in the late thirteenth century, from their role as gatekeepers to ecclesiastical benefices, to the use of visitations to consolidate, and extend, diocesan authority. The scope of the chapters was restricted in order to concentrate on the different types of material, and to develop new ways of using it for historical analysis.

This present (and final) chapter adopts a different approach. It examines a wider range of register material, but especially that of a non-routine nature such as correspondence and records that do not directly relate to diocesan business (and so appear at odds with the perceived purpose of bishops' registers), and considers how such material can be used to develop new ways of reading registers. The chapter places particular emphasis on how register material works in conjunction and on the overarching qualities that registers might have. It does this in light of an investigation of Pontoise's and Swinfield's respective careers and their approaches to episcopacy, as well as through an exploration of the relationship between bishop and register.

Studies into episcopacy tend to take a biographical approach and particular attention is given to bishops whose careers left obvious marks on the political arenas they participated in, or on saint-bishops whose distinguished status set them apart from their peers.<sup>1</sup> In this biographical model, material from bishops' registers or other diocesan records is used to corroborate or challenge the characterization of bishops in

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<sup>1</sup> For instance, see see Creamer, 'St Edmund of Canterbury and Henry III', 129-40; Denton, *Winchelsey*, esp. pp. 55-268; Douie, *Pecham*, 192-271; Jancey (ed.), *St Thomas Cantilupe*; Lawrence, *St Edmund of Abingdon: a study in hagiography and history* (Oxford, 1960); Vincent, *Peter des Roches*, esp. pp. 89-165.

narrative sources, such as medieval chronicles or histories, and so to build identities for the bishops.

Where current investigations into episcopal careers are concerned, there is a tendency to reduce them to one particular route: a period of schooling or university education before taking high ecclesiastical office or a role in royal government, thereby opening up preferment to a bishopric.<sup>2</sup> This perception is fuelled by two approaches to the study of episcopal careers. The first are prosopographical studies, such as those by Haines and Kathleen Edwards for bishops in the early fourteenth century, which classify the English episcopate on the basis of shared experiences, such as a university education, time spent in royal government or in the royal court, or shared political allegiances.<sup>3</sup> The second is an examination of an individual's academic output, his various treatises, *summae* or even his literary works in order to gain insight into his worldview, and how, in turn, this worldview shaped his episcopacy.<sup>4</sup> In both models, there is a ready assumption that a university education was a prerequisite for, and decisive factor in shaping, episcopacy in the later middle ages.

This present study moves in a different direction, one that can re-paint the current picture of episcopacy and of registration by using Pontoise's and Swinfield's registers to fuel its investigation. This chapter asks how we might think of registers as a whole rather than a disparate collection of records, and what value there was in registering material. It does this through an exploration of Pontoise's and Swinfield's careers and their approaches to episcopacy. The chapter adopts investigates the lives and careers of each bishop in order to determine what experiences, events, networks, and ambitions influenced Pontoise's and Swinfield's episcopacies, and so influenced their approaches to registration. The aim is to determine the extent to which the two bishops' registers (and other administrative records) can be used to study Pontoise's and Swinfield's careers, as well as how far the two bishops shaped their registers, either through using them or the selection of material for registration. This particular agenda, with its focus on the bishops and their lives, might seem better suited to the first chapter as an introduction to Pontoise and Swinfield. By addressing these questions in the final

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<sup>2</sup> J. Dunbabin, 'Careers and Vocations' in J. Catto (ed.), *The Early Oxford Schools* (Oxford, 1984), 565-605; Lepine, *A Brotherhood of Canons*, 56; Swanson, 'Universities, graduates and benefices', 28-61. C.f. C. Bellitto, 'Revisiting Ancient Practices: priestly training before Trent' in R. Begley and J. Koterski (eds), *Medieval Education* (New York, 2005), 35-49; Le Goff, *Intellectuals in the Middle Ages*, 117.

<sup>3</sup> K. Edwards, 'The Social Origins and Provenance of the English Bishops during the Reign of Edward II', *TRHS*, 5<sup>th</sup> series, 9 (1959), 51-79; Haines, 'The Episcopate during the Reign of Edward II and the Regency of Mortimer and Isabella', *Journal of Ecclesiastical History* 56 (2005), 567-709.

<sup>4</sup> Davis, *The Holy Bureaucrat*; Thompson, 'The Academic and Active Vocations: Peckham', 1-24.

chapter, the opportunity arises to reflect on how the specific material used in chapters one to four worked in conjunction with the wider base of material used here, and so examine the registers in their fullest sense. It also opens up the ability to reflect on the four aspects of episcopacy previously addressed, and how the experiences and events shaped Pontoise's and Swinfield's careers.

The chapter is divided into four sections, each one designed to demonstrate new ways of using bishops' registers as a whole. The first section (I) explores what register material is available for a study of Pontoise's and Swinfield's careers. This will lay the foundation for the second section (II), which uses Pontoise's register to explore his career and his approach to episcopacy, and the third section (III) does the same for Swinfield. The fourth section (IV) investigates the relationship between bishop and register.

## **I. Evidence for episcopal careers**

It is hoped that chapters one to four demonstrated that, to some degree, the material in Pontoise's and Swinfield's registers affords the opportunity to re-think the uses it might have for the study of episcopal careers, but also to consider offer new thoughts on the purpose of registration in the late thirteenth century. This section undertakes a close examination of Swinfield's and Pontoise's respective registers, as well as material beyond the registers, and considers what value this has to an investigation of episcopal careers and the bishops' impact on the diocese.

As mentioned in the introduction to the chapter, studies of episcopal careers often rely on narrative sources, especially chronicles, histories, and hagiographies, which in turn shapes the field and its aims. To a significant degree, these studies are shaped by an interest in medieval writers' characterizations of bishops as good (or ideal in the case of saint-bishops) or bad, and in unlocking the reasons behind such contemporary perceptions of an individual.<sup>5</sup> In his study of Peter des Roches' career as bishop of Winchester (1205-38) and a royal counsellor, Nicholas Vincent used diocesan records to demonstrate that despite des Roches' prominent place at the royal court and contemporary writers' negative portrayal of him as a megalomaniac, des Roches was a

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<sup>5</sup> See in particular, D. Boyer-Gardner, 'La réputation face à la rumeur: *Fama* épiscopale et mémoires ecclésiastiques au XI-XII siècles', in Maïté Billoré et Myriam Soria (eds), *La rumeur au Moyen Âge: du mépris à la manipulation: Ve-XVe siècle* (Rennes, 2011), 63-82.

capable bishop concerned with the government of his diocese.<sup>6</sup> Although Vincent's study is much more than a biography of des Roches and his episcopal career, it has the effect of rejuvenating the bishop's reputation. Fraser similarly demonstrated that Bishop Bek's late-thirteenth century reputation as a negligent, warmongering bishop was not well founded.<sup>7</sup> The use of narrative sources, and the deconstruction of them, thus serves a particular purpose where the investigation of a bishop and his career is concerned, namely for creating an identity for the bishop. This has the effect of drawing attention to the personality of the bishop, to his behaviour, rather than his mode of episcopacy.

Using histories and chronicles to investigate Pontoise's and Swinfield's careers presents certain problems. The first is generic: the quantity of surviving histories and chronicles declines after 1250, as does, as Antonia Gransden and Beryl Smalley argue, the quality of the writing.<sup>8</sup> The second is particular: for Pontoise and Swinfield were not lightning rods or saintly, and as workaday bishops they were rarely the subjects of comment from contemporary writers. This does not rob the historian of evidence relating to the two bishops' careers. From the late twelfth century onwards, greater numbers of administrative records were produced, both within and beyond the diocese, which provide a different perspective on episcopal activity. In his study of Archbishop Rigaud's career, Davis demonstrates a way of using the archbishop's visitation register, a form of administrative record, in conjunction with his academic writings in order to draw out Rigaud's personal philosophy on archiepiscopacy.<sup>9</sup> Davis' use of the visitation register in conjunction with another type of material lights the way for this chapter. Although Pontoise's and Swinfield's academic writings do not survive (if indeed they produced any), Davis' approach draws attention to the wide range of administrative records that might capture aspects of Pontoise's and Swinfield's career development from the 1260s onwards, and how this might work together with material in the two bishops' registers to afford insight into their respective philosophies on episcopacy.

Pontoise's and Swinfield's careers extended beyond their dioceses and, as such, it is necessary to call on records from beyond their registers to shed light on their work and experiences. The records of royal government are insightful. As magnates of the realm and royal subjects, bishops frequently interacted with the king and with agents of

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<sup>6</sup> Vincent, *des Roches*. See also *EEA ix: Winchester*, xxvii-xxxviii.

<sup>7</sup> Fraser, *Bek*. See also Denton, *Winchelsey*; Douie, *Pecham*; Graham-Leigh, 'Hirelings and Shepherds', 1083-1102.

<sup>8</sup> A. Gransden, *Historical Writing in England, c.550-1307* (London, 1974), 404; B. Smalley, *Historians in the Middle Ages* (London, 1974), 159.

<sup>9</sup> Davis, *The Holy Bureaucrat*. See also Thompson, 'The Academic and Active Vocations: Pecham', 1-24.

royal government, whether to give counsel, comply with a writ, or even to protest. These interactions generated a wealth of records that capture episcopal activity and more throughout England. Despite Swinfield's negative attitude towards Crown encroachments on Hereford's benefices, demonstrated in chapter one, the bishop still interacted with royal government on a frequent basis. In September 1307, Swinfield wrote to Edward II to ask that the bishop of London be permitted to proceed in his canonization inquiry concerning Thomas de Cantilupe rather than attend parliament.<sup>10</sup> It is a simple letter, and simple request, but one that demonstrates Swinfield's prioritization of the inquiry over meeting the obligations of a magnate. These royal records also afford insight into Pontoise's activities as a royal diplomat in France and at the papal curia. This includes records of the royal commissions that empowered Pontoise to act, the missives he wrote to the king reporting his work, and the peace treaties that he helped to forge.<sup>11</sup> Such records help to provide a rounded perspective on Pontoise's and Swinfield's careers, on their attitudes towards royal government and on working away from their dioceses.

Papal registers function in much the same way with regards to capturing interactions between bishops and papal government. Again it is Pontoise's career that is illuminated to a greater extent, owing in no small part to his intermittent presence at the papal curia over a thirty-year period. Perhaps the most important contribution papal records can make is to give some account of Pontoise's activities between January 1296 and around April 1299, time he spent in and around Rome (especially Orvieto) with Boniface VIII.<sup>12</sup> Swinfield, on the other hand, is largely absent from the papal records, although this serves to render more valuable those few records in which the bishop and diocese of Hereford are the focus of business. This might be on a small scale, such as the papal mandate directing Swinfield to inquire into the consanguinity of two laypersons in his diocese in 1286, or something larger, such as a papal dispensation issued in 1313 permitting Swinfield's official to conduct visitations in Hereford while the bishop continued to claim procurations.<sup>13</sup> This second record, in particular, reveals a great deal about a reduction in Swinfield's government of Hereford, given that it coincides with a period when Swinfield spent more time at his palace at Bosbury, and when, as shown in the introduction to the thesis, less episcopal business was recorded in

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<sup>10</sup> TNA SC 1/34/188.

<sup>11</sup> For instance, see the king's commission of Pontoise as a diplomat in 1300 in *Foedera, Conventiones, Litterae et Cuiuscunque Generis Acta Publica*, T. Rymer (ed.), 10 vols (The Hague, 1739-45), ii, 920.

<sup>12</sup> For instance, see *Reg. Boniface VIII* i, 396-97.

<sup>13</sup> TNA SC 7/51/2; *Cal. Pap. Reg.* ii, 119.

his register.<sup>14</sup> Like royal records, their papal equivalent lay the foundation for a rounded study of the two bishops' personal experiences and the factors shaping their approaches to episcopacy.

There is at least one more group of sources beyond the two registers that shed further light on the two bishops' careers: other bishops' records. For Pontoise's and Swinfield's ecclesiastical training, the registers kept by their mentors, Bronescombe and Cantilupe, are a valuable starting point for understanding the cultures in which they learned diocesan administration, as well as the duties with which they were entrusted. The registers kept by Peckham and Winchelsey, the metropolitans under whom the two bishops served, play an important role in illuminating Pontoise's and Swinfield's time as bishops. These registers captured two particular types of interactions between archbishop and suffragans. The first was personal, such as the archiepiscopal mandate, dating to March 1284, recording Peckham's order for Pontoise to carry out an inquiry into the unlawful execution of a cleric in Winchester diocese.<sup>15</sup> The second was more general. An archiepiscopal mandate recorded in Winchelsey's register captures the mood among the English episcopate in December 1296. At a parliament in November 1296, Winchelsey had rejected the king's demands for further taxation from England's clerics in line with the papal decretal, *Clericis laicos* (Feb. 1296). However, the archbishop was aware that some bishops were less inclined to observe the proscriptions contained in the decretal, and were set to defy his decision.<sup>16</sup> In December 1296, Winchelsey mandated the prior of Canterbury cathedral to bring the professions of obedience made by every suffragan bishop to the next provincial council,<sup>17</sup> indicating Winchelsey's intention to use the professions to bind bishops into following his agenda. The mandate captures the extent to which some Canterbury suffragans mistrusted their archbishop and his supporters, but also the forceful nature of Winchelsey's leadership. To that end, the two archbishops' registers record some of the pressures, or expectations, to which Pontoise and Swinfield were required to respond during their time as bishops. Other bishops' registers can thus do two things where Pontoise's and Swinfield's careers are concerned. First, they reveal certain features of the two bishops' formative years and so some of the early influences on their careers. Second, they help

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<sup>14</sup> See Introduction, 22-23.

<sup>15</sup> *Reg. Peckham* ii (RS), 699-700.

<sup>16</sup> For more on this episode, see Denton, *Winchelsey*, 98-101.

<sup>17</sup> *Reg. Winchelsey* ii, 1317.



to paint a picture of the milieu in which Pontoise and Swinfield forged their careers as bishops.

These records, produced by distinct authorities, begin to give shape to different aspects of Pontoise's and Swinfield's careers but the two bishops' own registers also have the potential to do the same. These collections of records are rarely thought of as biographical or 'self-conscious document[s]' owing to the common perception that formulaic, routine records, such as records of institution, were the 'staple' of registers.<sup>18</sup> It is also a commonplace that registers contained only ecclesiastical records relating to local, diocesan affairs, or that the range of material within them was limited by their use as formularies for training scribes.<sup>19</sup> These interpretations often do not allow for the full range of material contained in bishops' registers and the purpose behind its selection. The remainder of this section lays the foundation for such an investigation by examining the available material, especially the less routine material, and demonstrating its value to historical research.

Despite ostensibly being a record of current episcopal business, the two registers serve some purpose in shedding light on Pontoise's and Swinfield's early careers. One important aspect of those early careers was evident in Pontoise's and Swinfield's respective households, namely the relationships they made with other clerics before becoming bishops, as argued in chapter one (and as shown in Appendix One). It is not necessary to repeat the extensive treatment given to this matter earlier in the thesis, but it is possible to add that in the networks that the two bishops constructed, captured in various records in their registers, there is a sense of progression, from an individual who was one small part of a network, to one who was in a position to patronize his former peers. There is also an indication of the types of relationships that could shape diocesan governance. Besides that more general point, there are also specific records in each register that do much to bring to light on Pontoise's and Swinfield's early lives. In Pontoise's register is a copy of a charter dated before 1282, which names him, *Mgr* John de Pontoise and his mother, Lady Joan, as owners of the manor of Eastington.<sup>20</sup> There is no immediately apparent context for the entry of the charter, but, as discussed in more detail below, it does form the basis for an investigation into Pontoise's family and national background. In Swinfield's register, there is a copy of letters of postulation sent

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<sup>18</sup> Davis, *The Holy Bureaucrat*, 1; McHardy, 'Patterns of Ecclesiastical Patronage', 20; Smith, *Guide to Bishops' Registers*, ix.

<sup>19</sup> Hamilton Thompson, 'The Registers of the Archbishops of York', 259-60.

<sup>20</sup> *Reg. Pontissara* ii, 446-48.

by the bishop to the papal curia petitioning for an inquiry into Thomas de Cantilupe's sanctity. The letter is, in a sense, partly biographical. Swinfield informs the pope of his time spent in Cantilupe's household, of his close observation and knowledge of his mentor's piety, and the platonic intimacy between the two.<sup>21</sup> As much can be gleaned from the letter about Swinfield and his reverence of Cantilupe as there can about the saint. This type of material does not conform to the expected pattern of register records. They are not records of diocesan governance but are more personal in nature, and as such have an autobiographical quality.

In a study such as that undertaken in this thesis, it is easy to fall into the trap of only exploring the ecclesiastical aspects of the office of a bishop (such as in chapters one to four), but these two registers contain records that reveal a multifaceted version of episcopacy. There are certain records, often royal writs or forms of correspondence (especially requests) or memoranda, which pertain to the bishop's role as a magnate. An argument presented in chapter one does have some bearing here. Records of institution in Pontoise's register demonstrate his use of his rights of ecclesiastical patronage to offer his benefices to Crown clerks, and so to negotiate with the king to win royal favour. To that end, such records serve some purpose for shedding light on the bishops' political activities. Other records go much further. Swinfield's register contains several records relating to his secular duties, such as a 1315 writ that prohibited the sheriff of Hereford from claiming further scutage from Swinfield, who had already paid his dues.<sup>22</sup> A royal writ in Pontoise's register paints a vivid picture of the bishop. Although the writ, dated to March 1295, was addressed to the sheriff of Hampshire, it was entered into Pontoise's register because it exempted the bishop from paying anything further for the defence of the realm. The king stressed that Pontoise was already 'standing guard of the sea-coast in Hampshire (the county of Southampton), at our mandate, holding with horses and arms on these days'.<sup>23</sup> It was an expensive task: in a letter addressed to the bishop of London, Pontoise called in a loan of £100 to meet the expenses of keeping a standing army because, being engaged in the defence of the realm, he could not claim the rents from his properties.<sup>24</sup> In that moment in 1295, Pontoise took on all the responsibilities of a temporal magnate. This type of material pertained to Pontoise's and

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<sup>21</sup> *Reg. Swinfield*, 234-35.

<sup>22</sup> *ibid.*, 385, 517, 518.

<sup>23</sup> *Reg. Pontissara* ii, 506-7: 'Quia venerabilis pater J. Wyntoniensis episcopus custodie costere maris in partibus Comitatus Suthampton ad mandatum nostrum intendit cum equis et armis hiis diebus, tibi precipimus quod demande quas eidem episcopo fieri facis pro custodia costere maris in balliva vestra omnino supersedeas. Et distriktionem si quam ei ea occasione feceris sine dilacione relaxes.'

<sup>24</sup> *ibid.*, 765-66.

Swinfield's government of the realm and the duties they were expected to undertake. It has particular relevance to this fifth chapter as it opens up a study of the work beyond diocesan governance that had the potential to shape each bishop's mode of episcopacy.

Counter to expectations, Pontoise's register also contains a broad range of material relating to his service as a royal diplomat that afford a key perspective on his work and career beyond Winchester. There are twenty-five diplomatic papers copied into Pontoise's register of *temporalia*. These range from Pontoise's 1303 Crown commission as peace broker between England and France, to Philip of France's gravamina presented to Edward that laid out the French reasons for war in 1295, to a letter dispatched to the papal curia in c.1291-92 by al-Malik al-Ashraf Khalil, conqueror of Acre.<sup>25</sup> Such items have no immediate bearing on diocesan affairs but were preserved alongside routine business. They are particular to Pontoise's diplomatic work, to his interests, and to his register, and shed light on his work away from Winchester diocese. Rather than a restricted focus on recording the business of the diocese and diocesan government, the two registers offer a wide perspective on Pontoise's and Swinfield's work, but also on the various roles they assumed over the course of their careers.

Without their academic writings or other texts such as *summulae*, the material concerning the two bishops' approach to episcopacy, or philosophies, is the most difficult to identify, but bishops' registers do serve a purpose in this context. To some extent, earlier chapters light the way here. When closely examined and put together with other material in the registers, the visitation records encountered in chapter four reveal distinct episcopal agendas that, to some degree, demonstrate Pontoise's and Swinfield's views on diocesan leadership and authority. The episcopal mandates encountered in chapter three likewise shed light on the two bishops' designs for the reform of their dioceses, thereby affording insight into their modes of government. Letters entered into Pontoise's and Swinfield's registers also provide an important basis for this present study of episcopacy.<sup>26</sup> In a letter sent by Pontoise to the chancellor of the university of Oxford in 1295, the bishop stated that in order to maintain peace at the university, he would ensure that:

if any clerks beneficed in our Diocese are found by day or night to the disturbance of your peace bearing arms, or disturbing in any way the tranquillity of your University,

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<sup>25</sup> *Reg. Pontissara* i, lxxxiii; *Reg. Pontissara* ii, 474-79; 490-91; 548-49.

<sup>26</sup> For more on late-thirteenth century letter writing and the study of those who wrote them, see K. Neal, 'Words as weapons in the correspondence of Edward I with Llywelyn ap Gruffydd', *Parergon* 30 (2013), 51-71.

and have been duly convicted of this...we will cause their benefices to be sequestrated, until by the receipt of the fruits of the benefices...satisfaction has been lawfully made.<sup>27</sup>

The bishop added that unbeneficed clerics who were also proven guilty would be prohibited from future institutions.<sup>28</sup> The letter reveals Pontoise's harsh line on clerics who broke the law. This by no means indicates he was an authoritarian, more that he saw his powers to sequester, deprive, and prohibit institutions as a means of curbing poor behavioural standards among the clerics of his diocese, as he also did with those clerics who failed to observe the terms of *Licet canon*.<sup>29</sup> Letters such as the one in Pontoise's register are far from casual exchanges between friends or the trading of ideas. They record matters of business with which the bishops were concerned and engaged, whether that was diocesan, ecclesiastical, or otherwise. To that end, such letters record the two bishops' attitudes towards and philosophies on diocesan governance and, more generally, episcopacy, as expressed to their peers and their staff in terms of the course of action the bishops planned to undertake.

The presence of such non-routine material in the two registers provides the basis for this chapter. Alongside a range of other administrative records, it allows us to think more widely about the purpose of registration (why were these records selected when they did not pertain to diocesan business?), about the record and study of episcopal careers, and about the multifarious nature of episcopacy in the late thirteenth century than has been the case in the previous four chapters. The two registers might not be autobiographical or entirely self-conscious, but some records do at least have a more personal nature that affords insight into Pontoise's and Swinfield's careers.

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<sup>27</sup> *Reg. Pontissara* i, 205-6: 'volentes insuper tranquillitati vestre uberius providere, ut vestra communitas in futurum in statu prospero et tranquillo valeat gubernari, tenore presentium vobis concedimus, et quantum ad nos attinet ordinamus, ut si qui clerici in nostra diocesi beneficiati die aut nocte inventi fuerint in pacis vestre perturbacionem arma deferentes vel tranquillitatem ipsius Universitatis per modum alium perturbantes et super hoc convicti fuerint legitime aut rite seu per eorum fugam presumptive confessi quod eorum beneficia in manibus nostris ad denunciacionem Cancellarii facienda nobis sub ipsius Universitatis sigillo communi faciemus tanto tempore sequestrari, donec de fructibus beneficiorum hujusmodi percipiendis interim vel perceptis leso aut lesis per convictos vel confesses aut fugitives hujusmodi denunciacione super hoc unica nobis facta legitime satisfiat.'

<sup>28</sup> *ibid.*, 206.

<sup>29</sup> Chapter Three, 171-75.

## II. Pontoise's and Swinfield's careers and their approaches to episcopacy

Sections II and III will explore Pontoise's and Swinfield's careers and will consider the various factors shaping their approaches to episcopacy. Until now, the two bishops have received little attention. Any focus on Swinfield is largely given over to his work in securing the papal inquiry into St Thomas de Cantilupe's sanctity. In such studies as Robert Bartlett's *The Hanged Man*, Swinfield is a bit player; the real focus is on the matters of canonization, sainthood and the miraculous in the late thirteenth and early fourteenth centuries.<sup>30</sup> Pontoise likewise only has a bit part, usually in scholarship on medieval diplomacy, such as J.G. Black's study of Anglo-French relations in c.1300.<sup>31</sup> In order to shed light on the two bishops' careers, this section turns to the long career approach used by Davis, Sheehan, and Thompson in their studies of archbishops.<sup>32</sup> The section examines the non-routine material in the two registers, along with other administrative records from the period, and considers how far episcopal careers were something pursued within and beyond the diocese, and the impact this had on episcopacy. The section is by no means an exhaustive investigation into the careers of the two bishops (given the available space), but it does aim to demonstrate some of the methodologies that can be adopted in order to use the two bishops' registers for this type of study.

### John de Pontoise

This section investigates Pontoise's career from his early years, especially his origins and education, through his various career experiences, such as his training in diocesan administration, and later his career as proctor, royal agent, and bishop.

William Capes and Jeffrey Denton both noted that Pontoise probably had origins in England, despite his surname,<sup>33</sup> but a range of material in the bishop's register points towards a much stronger French connection. Capes and Denton based their assumption

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<sup>30</sup> Bartlett, *The Hanged Man*, 117-23.

<sup>31</sup> J.G. Black, 'Edward I and Gascony in 1300', *EHR* 17 (1902), 518-27; M.C.L. Salt, 'List of English Embassies to France, 1272-1307', *EHR* 44 (1929), 263-78 at pp. 271, 272, 273, 274.

<sup>32</sup> Davis, *The Holy Bureaucrat*, esp. 12-48; Sheehan, 'Pecham's Perception of the Papacy', 299-320; Thompson, 'The Academic and Active Vocations: Pecham', 1-24.

<sup>33</sup> Capes, 'Introduction', *Reg. Pontissara* i, vi; Denton, 'Pontoise, John de', *Oxford Dictionary of National Biography* (Oxford, 2004), accessed at <http://www.oxforddnb.com.ezproxy.york.ac.uk/view/article/37609>.

on Pontoise's origins on the basis that his career was forged in England, beginning with his service to Henry III in the 1260s and that he held a manor at Eastington, Dorset, along with his mother, Joan, in the 1270s.<sup>34</sup> Pontoise's ties to England were, it would seem, slight.

By comparison Pontoise's connections to the Île-de-France, especially around Paris, are more substantial. A record of institution in Pontoise's register informs that Philip Panon, a citizen of Paris, was Pontoise's godson (*filiolus domini*).<sup>35</sup> A letter patent in the register dated 29 March 1287 record Pontoise's remission of a fine of ten thousand Parisian *livres* for damages perpetrated by the citizens of Pontoise 'on us [the bishop] and ours', although he still demanded payment of one thousand Parisian *livres*.<sup>36</sup> There is no clear indication of what was damaged, but the considerable fine implies high-value property and goods. Pontoise also held French properties outside of Pontoise. In July 1298, Boniface VIII ordered Philip IV to restore to Pontoise the bishop's 'manors and other possessions in France, gold and silver vessels, books, vestments, jewels, and money' stored in three monasteries and the house of the Templars, all in Paris, that the king had seized.<sup>37</sup> One final record, a charter recording Pontoise's grant of his French properties to Hugh le Despenser in September 1304, lists Pontoise's manors at Arcueil, Gentilly, and Vitry, all within five miles of Paris, plus a house at the gate of St Marcel, Paris.<sup>38</sup> The date that Pontoise acquired these properties, goods, and treasures is unclear, but his connections to France might add some context to his early career in royal service. When Pontoise entered Henry III's service in 1262, the king commissioned him as a proctor to the French *parlement*.<sup>39</sup> It is possible that Pontoise was a native of the Île-de-France and that he was selected as part of a six-strong delegation, five of which were English, because of his local knowledge.<sup>40</sup>

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<sup>34</sup> The charter confirming Pontoise's right to hold Eastington was entered into his register. It is undated but because William, prior of Twynham (1276-87) issued it to *Mgr* John de Pontoise, not the lord bishop, it would seem to date from the late 1270s. *CPR 1258-66*, 198; *Reg. Pontissara* ii, 446-48, 448-49; *Heads of Religious Houses* ii, 366.

<sup>35</sup> *Reg. Pontissara* i, 29, 315.

<sup>36</sup> *ibid.*, 182: 'Cum major et pares et communitas Pontisserie nobis tenentur in x milibus Parisiensium nomine emende nobis facte per dictos majores et pares nomine suo et communitatis predictae in presencia excellentissime domine Margarete Regine Francie et concilio ejusdem pro quibusdam dampnis et injuriis nobis et nostris olim illatis per dictos majores et pares et communitatem.'

<sup>37</sup> The three monasteries were St Denis, St Genevieve, and St Victor. *Cal. Pap. Reg.* i, 577.

<sup>38</sup> TNA E30/1675.

<sup>39</sup> *CPR 1258-66*, 198.

<sup>40</sup> The other members of the delegation were: Simon de Bridport, archdeacon of Dorset (1258-Oct 1262), Hugh de Cantilupe, archdeacon of Gloucester (c.1255-c.74), Richard de Malmesbury, archdeacon of Meath, Richard de Meopham, archdeacon of Stafford (until 1263), and Godfrey Giffard, future bishop of Worcester. *Fasti Ecclesiae 1066-1300*: ii, Monastic Cathedrals, 108; iii, Lincoln, 37-38; iv, Salisbury, 27.

Pontoise intermittently continued in his role as royal proctor in France until at least 1275.<sup>41</sup> Pontoise's long-term connection to the region around Paris was such that it is perhaps better to think of him as Anglo-French than simply English.

Pontoise's ecclesiastical career did not begin until the early 1270s, but there is some evidence that he owed his advancement to the type of proportional patronage he used during his time as bishop. Pontoise obtained his first rectory at Welwick (£26 13s 4d), York archdiocese, by 1264, although it is unclear who presented him to the benefice.<sup>42</sup> His clerical career after 1272 was centred on Exeter diocese, under the patronage of Bishop Walter de Bronescombe. Although it is not clear how and when Pontoise entered Bronescombe's service, the bishop collated an unnamed canonry at Exeter cathedral to Pontoise in May 1274; collation of the archdeaconry of Exeter came in December of the same year.<sup>43</sup> In 1275, Bronescombe collated the rectory of Tawstock (£20) to Pontoise.<sup>44</sup> There are parallels here with Swinfield's patronage of William de Kingescote.<sup>45</sup> Pontoise was already beneficed before his arrival in Exeter but as a highly trained lawyer, he was a valuable asset for Bronescombe's regime. As such, the bishop immediately collated a canonry to Pontoise and, when available, an archdeaconry, matching his specialist skills with a suitable office. The collation of Tawstock brought further reward: Pontoise's possession of a papal dispensation meant he held Welwick and Tawstock in conjunction, claiming upwards of £46 in revenues.<sup>46</sup> This level of patronage, and career advancement, indicates Pontoise's central place in Bronescombe's network. Pontoise's prominent position in Exeter from 1274 provides further context to his own methods of patronage after 1282, to his recruitment of Exeter men for his household, and, as argued in chapter three, to Bronescombe's influence on Pontoise's reform agenda. This method of proportional patronage in Exeter, Hereford, and Winchester suggests that there was a nurturing culture among bishops' households in the late thirteenth century. Bishops selected particular men, usually with a certain skillset, whose careers they would foster.

Despite Pontoise's career advancement through Bronescombe's patronage, his engagement in work other than diocesan administration before 1282 seems to indicate that he was not aiming for promotion to a bishopric. After 1276, Pontoise again took up

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<sup>41</sup> *CPR 1258-66*, 212, 241, 258; *CPR 1272-81*, 79; Salt, 'List of embassies', 263-78, 266.

<sup>42</sup> The canons of Beverley held the advowson to Welwick, but there is no clear connection between them and Pontoise. *Cal. Pap. Reg.* i, 451; *Taxatio*: Welwick.

<sup>43</sup> *Reg. Bronescombe* ii, 66; 73; see also a confirmation of Pontoise's title, 76.

<sup>44</sup> *Cal. Pap. Reg.* i, 451; *Taxatio*: Tawstock.

<sup>45</sup> Chapter Two, 107-8.

<sup>46</sup> *Cal. Pap. Reg.* i, 451.

work as a proctor. In the first half of 1276, Robert Kilwardby, archbishop of Canterbury (1272-78), commissioned Pontoise as the proctor at the papal curia for all the suffragans and clerics of Canterbury province.<sup>47</sup> Pontoise's direct service to Bronescombe also continued during the late 1270s when he managed the bishop's curial business.<sup>48</sup> In November 1279, Peckham, the new archbishop of Canterbury, also acquired Pontoise's services:

By the tenor of these present things we make known to you our *Mgr* John de Pontoise, archdeacon of Exeter...[whom] we make our proctor, bearer of business, and special nuncio to manage and promote all our and our church's business at the Roman curia, granting to the same complete and free power to manage, administer and to promote our aforesaid business to the same effect in the presence of our highest lord, the pope, as well as others...<sup>49</sup>

In that moment in the late 1270s, Pontoise's services were in high demand. Brentano identified John de Bitterley and Adam Fileby as two of the most prominent proctors with English clients during this period.<sup>50</sup> Given the commissions that Pontoise received after 1276, he too should be ranked as an influential proctor working for English bishops.

This type of proctorial work suited Pontoise's educational background. James Brundage argues that the medieval legal profession became more professionalized over the course of the thirteenth century, indicated by the increasing number of proctors who held degrees in civil and/or canon law.<sup>51</sup> Pontoise fits into this model. He had been incepted as a doctor of civil law at the university of Bologna at some time in the late 1260s and in c.1270x71, the *podesta* of Modena invited Pontoise to lecture in the city for a year, addressing Pontoise as 'the very finest (*subtilissimus*) professor of civil law'.<sup>52</sup> From the *podesta*'s request, it would seem that Pontoise had a reputation for his knowledge of the law. It would also seem that before 1282, Pontoise's career was

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<sup>47</sup> *Reg. W. Giffard*, 314.

<sup>48</sup> *Reg. Bronescombe* ii, 105; 114.

<sup>49</sup> *Reg. Peckham* (RS) i, 80: 'Universitati vestrae tenore praesentium innotescat non magistrum Johannem de Pontisara archidiaconum Exoniensem, licet absentem, tanquam praesentem, nostrum fecisse procuratorem, negotiorum gestorem et nuncium specialem ad omnia nostra et ecclesiae nostrae negotia in Romana curia exercenda et promovenda, dantes eidem plenam et liberam potestatem procurandi, exercendi et promovendi negotia nostra praedicta tam in praesentia domini nostri summi pontificis quam alibi...'

<sup>50</sup> Brentano, *Two Churches*, 41-48.

<sup>51</sup> Brundage, *The Medieval Origins of the Legal Profession: canonists, civilians, and courts* (Chicago, 2008), 291.

<sup>52</sup> *Reg. W. Giffard*, 246; *Bio. Reg. Oxford* iii, 1498-99.



geared towards legal practice. Pontoise was in Rome serving as a proctor in 1282 when Martin IV provided him to Winchester as a means of settling a two-year dispute over the right to the diocese. There is a sense that his promotion to Winchester was a matter of serendipity: although Pontoise possessed the prerequisite experience and skills to be a bishop, his career path until 1282 suggests that was not his goal.

This sense that episcopacy was not the highest priority for Pontoise is evident over the course of his episcopate, demonstrated by the nature of the work he undertook beyond the diocese after 1285. As shown in chapters two and four, Pontoise spent the first few years of his episcopate, 1282 to 1285, establishing his regime in Winchester, which included recruiting men to his household and consolidating his powers over the chapter. After 1285, however, Pontoise received several royal commissions that turned his attention away from diocesan government. These commissions included diplomatic work, as shown in Table Ten (below). First, Pontoise was the lead diplomat on a mission to meet the king of France, Philip III, in 1285.<sup>53</sup> Pontoise's diplomatic commissions increased in frequency and responsibility after 1294, following the outbreak of war between England and France over Edward's right to hold Gascony.<sup>54</sup> In 1296, Pontoise led an English delegation to meet with French delegates, with Pope Boniface VIII and his cardinals acting as mediators.<sup>55</sup> In 1299, Edward commissioned Pontoise, along with the royal courtiers Henry de Lacy, Amadeus de Savoy, and Otto de Grandson, to forge a marriage treaty for himself and his son, resulting in the 1299 treaty of Montreuil and Edward's betrothal to the king of France's sister, Margaret.<sup>56</sup> In April 1300, Edward again dispatched Pontoise to the papal curia to continue peace negotiations.<sup>57</sup> One final attempt to establish peace was made in 1303.<sup>58</sup> The king again commissioned Pontoise, Amadeus de Savoy, Henry de Lacy and Otto de Grandson to act as 'proctors and special nuncios' with 'general, full and free power by special

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<sup>53</sup> Pontoise also spent time in Gascony during that period. *Reg. Pontissara* ii, 455; 455-56; *Rôles Gascons, 1273-90*, vol. 2, C. Bémont (ed.) (Paris, 1900), 389, 441, 525.

<sup>54</sup> For more on the war between England and France, see Ormrod, 'Love and War in 1294', *TCE* VIII (2001), 143-52; Prestwich, *Edward I*, 376-400; H. Rothwell, 'Edward I's case against Philip the Fair over Gascony in 1298', *EHR* 42 (1927), 572-82.

<sup>55</sup> *CPR 1292-1301*, 179; *Foedera* ii, 834.

<sup>56</sup> Edward de Caernarvon was betrothed to the king's daughter, Isabelle. Salt, 'List of embassies', 273; Rothwell, 'Edward I's case against Philip the Fair', 573; E. A. R. Brown, 'The political repercussions of family ties in the early fourteenth century, the marriage of Edward II and Isabelle of France', *Speculum* 63 (1988), 573-95, esp. 573-78.

<sup>57</sup> Pontoise's report to Edward concerning proceedings of the August 1300 conference at Anagni still survives. TNA C 47/29/4/15-17. For more on the proceedings, see Black, 'Edward I and Gascony in 1300', 518-27; Chaplais, *English Diplomatic Practice*, 214-15.

<sup>58</sup> This mission resulted in the signing of the 1303 Treaty of Paris. TNA C 47/29/5/5; C 47/31/17/1. See also, Rothwell, 'Edward I's case against Philip the Fair', 572-82.

mandate for treating on the reformation of peace' with Philip IV.<sup>59</sup> These commissions reveal several significant points about Pontoise's career. First, that he assumed an increasingly more central role in Anglo-French relations between 1285 and 1303. Second, that Pontoise served as a diplomat alongside some of the most influential men in Edward's court,<sup>60</sup> possibly indicating his status as a high-ranking courtier. Third, that Pontoise's diplomatic work after 1285 was in a sense a progression from his earlier career, marking his move from proctor to royal diplomat.

<b>Table Ten.</b> Table showing Pontoise's commissions as a royal diplomat.		
<b>Date</b>	<b>Mission</b>	<b>Location</b>
June 1285	Unclear	Paris
January 1296	Peace with France	Rome/Anagni
May 1299	Marriage treaty	Rome/Anagni
April 1300	Peace with France	Rome/Anagni
March 1303	Peace with France	Paris

The king also called on Pontoise's legal expertise for matters relating to royal government in England, again requiring the bishop to leave his diocese. In October 1289, Edward commissioned Pontoise to lead an inquest into abuses of power committed by royal officials during Edward's absence in Gascony between 1286 and 1289.<sup>61</sup> Pontoise worked alongside Burnell, the chancellor, Henry de Lacy and John de St John, two of the king's confidants, William Louth, keeper of the royal wardrobe and his clerk, William March.<sup>62</sup> These were some of the king's closest advisors and among the most powerful political figures in England. Pontoise remained in his role as lead judge until 1291.<sup>63</sup> The bishop's legal expertise was called on again in 1292 during the

<sup>59</sup> *Reg. Pontissara* ii, 548-49: 'Noverit universitas vestra quod nos de fidelitate et circumspectione venerabilis patris Johannis Wyntoniensis episcopi et dilectorum et fidelium nostrorum nobilium virorum Amadei Sabaudie, et Henrici de Lacy Lincolnie, Comitum Consanguineorum nostrorum et Ottonis de Grandisono Militis, plenam fiduciam obtinentes, ipsos nostros facimus, ordinamus et constituimus veros et legitimos procuratores et nuncios speciales, dantes eisdem, tribus et duobus ipsorum, si omnes insimul non concurrant, generalem plenam et liberam potestatem ac speciale mandatum tractandi de reformatione pacis et concordie inter nos et excellentissimum principem Philippum Regem Francie illustrem...'

<sup>60</sup> For more on Amadeus, Henry, and Otto, see Powicke, *The Thirteenth Century*, 283, 514; Prestwich, *Edward I*, 22, 54, 121, 298, 389.

<sup>61</sup> Transcripts of the trials are given in *State Trials of the Reign of Edward the First, 1289-93*, Tout (ed.) (London, 1906), 100-253. For more on the trials, see . Brand, 'Edward I and the Judges: the "state trials": of 1289-93', *TCE I* (1985), 31-52; A. Musson, 'Rehabilitation and Reconstruction? Legal Professionals in the 1290s', *TCE IX* (2003), 71-88.

<sup>62</sup> William Louth later became bishop of Ely (1290-98) and William March succeeded Burnell as bishop of Bath and Wells (1293-1302). *CCR 1288-96*, 55; *Fasti Ecclesiae 1066-1300*: ii, Monastic Cathedrals, 47; vii, Bath & Wells, 6.

<sup>63</sup> *State Trials*, xxi-xxiii.

process of Norham, the inquiry to settle the rightful claim to the Scottish crown.<sup>64</sup>

Pontoise received permission to travel to Scotland in August 1292 as one of the judges who would rule on the claim.<sup>65</sup> Although Pontoise was rarely a feature of late thirteenth-century chronicles, he was present at, or involved in, some of the most significant events during the reign of Edward I.

Pontoise's work beyond Winchester had a direct impact on his approach to episcopacy after 1285, which was characterized by absence from his diocese (see Table Eleven below) and by the men in his extensive network.<sup>66</sup> In total, Pontoise was absent from his diocese for at least seven years and four months, plus the time he intermittently spent as a judge in the state trials between 1289 and 1291. This amounted to just over a third of his twenty-two year episcopate.

Date	Where	Reason for absence
Mar – Oct 1285	Gascony/Paris	Diplomacy
Oct 1289 – 1291	London	Judge in state trials
Dec 1286 – Jun 1289	Gascony	With the king
Aug – Nov 1292	Berwick/Norham	Process of Norham
Jan 1296 – Feb 1299	Anagni/Rome	Diplomacy
Apr 1300 – May 1301	Anagni/Rome	Diplomacy
Apr – Jul 1303	Paris	Diplomacy

To an extent, the type of work Pontoise undertook in his diocese was shaped by aspects of his multifaceted career, especially his network. The bishop's consolidation of his powers over St Swithun's priory, including the separation of the two *mensae*, would not have been possible without the support of the king; Pontoise's enactment of *Periculoso* in Winchester after 1301 was likely a product of his relationship with Boniface VIII.<sup>67</sup> Pontoise's bond with Boniface also afforded the bishop of Winchester an opportunity to secure a papal exemption for his diocese.<sup>68</sup> As Pontoise reminded the abbot of Westminster in a letter in 1299, that meant:

<sup>64</sup> For a full account of the process, see A.A.M. Duncan, 'The Process of Norham, 1291', *Thirteenth-Century England V* (1995), 207-30.

<sup>65</sup> *Calendar of Documents relating to Scotland, preserved in Her Majesty's Public Record Office, London* vol. ii, J. Bain (ed.) (London, 1884), 148; *Willelmi Rishanger, quondam monachi S. Albani, et quorundam anonymorum chronica et annales*, H.T. Riley (ed.) (London, 1865), 253-54, 260, 357, 363;

<sup>66</sup> For Pontoise's time in Gascony in 1286 to 1289, see *Rôles Gascons* ii, 441, 525. See also Deedes' itinerary of Pontoise's movements in *Reg. Pontissara* ii, 840, 841, 842, 843.

<sup>67</sup> Chapter Four, 191-97.

<sup>68</sup> *Reg. Boniface VIII* i, 635; *Reg. Boniface VIII* ii, 148.

We, our church of Winchester, our chapter or college and all actual persons in our city and diocese of Winchester, and all our subordinate religious and seculars in the same...are exempt from the ordinary jurisdiction of the archbishop of Canterbury, bishops, archdeacons and officials of the said province...<sup>69</sup>

Pontoise's letter was sent in response to the prior of Westminster's and the abbot of St Edmund's involvement in unspecified litigation brought against the prior and convent of St Mary's, Southwark, as well as the abbot of Westminster's involvement in a case against Pontoise's vicar of Witney and citizens of that town.<sup>70</sup> Although the nature of the litigation is unspecified, Pontoise's statement, rooted as it was in the terms of the papal exemption, served to reinforce the bishop's jurisdiction over all spiritual matters in his diocese. In effect, the exemption was an extension of the authority of the diocesan court, and Pontoise recognized that. Through deference to his two masters, king and pope, and the privileges bestowed on him, aspects of Pontoise's government of Winchester diocese were shaped by his work beyond the diocese.

Pontoise's absences also shaped the way in which he was able to govern Winchester. Records of institution in Pontoise's register indicate that the bishop was able to conduct some diocesan business during his stay in Gascony and France in 1286 to 1289: he made ten collations, one custody, and one admission during this period.<sup>71</sup> Pontoise held the advowsons to all the benefices he collated, as well as the one custody, and his continued jurisdiction over collations was a product of his own designs for absentee government.<sup>72</sup> In October 1286, the bishop commissioned six vicars-general to oversee institutions, 'except the power to confer benefices, parsonages, and certain dignities at our collation in our diocese...'<sup>73</sup> This commission afforded Pontoise some direct control over one aspect of diocesan government while in Gascony, but one of the bishop's letters, dated 2 November 1289, preserved in his register indicates his vicars-general encountered difficulties. In the letter, the bishop chided the abbot of Hyde for presenting an unsuitable candidate for institution to Stoneham, in effect attempting to

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<sup>69</sup> *Reg. Pontissara* ii, 544-45: 'Cum nos, ecclesia nostra Wyntonie, Capitulum nostrum seu Collegium et persone ipsius ac Civitas et Diocesis nostra Wyntonie omnesque subditi nostri Religiosi et Seculares in eadem Civitate et Diocesi... a jurisdictione ordinaria Archiepiscopi Cantuariensis, Episcoporum, Archidiaconorum et Officialium dicte Provincie... exempti'.

<sup>70</sup> Although it was situated in Lincoln diocese, the bishop of Winchester held the advowson to Witney, as well as the rights to the manor and borough. *Reg. Pontissara* ii, 465; *Taxatio*: Witney.

<sup>71</sup> *Reg. Pontissara* i, 28-32.

<sup>72</sup> The one exception to this was the admission Pontoise made to the rectory of Bradley: the advowson holder was Hugh de Roches, who presented his own son and was supported by the men of the royal court, in whose presence was Pontoise. *Reg. Pontissara* i, 29-30; *History of Hants*, vol. 4, 205.

<sup>73</sup> *Reg. Pontissara* i, 329: 'excepta potestate conferendi beneficia, parsonatus ac etiam dignitates ad nostram collacionem in nostra diocesi...'

take advantage of Pontoise's absence for the gain of the house (the candidate had experience in administering monastic properties).<sup>74</sup> Pontoise's powers were restricted and he was reliant on long-distance communications to intervene where necessary. This logistical difficulty perhaps influenced the preparations Pontoise made when he left again in 1296. As demonstrated in chapter two, these preparations extended to the appointment of Pontoise's official, Philip de Barton, and several other household clerks as vicars-general with responsibility over all spiritualities, including collations, and temporalities, including the bishop's legal affairs and estate management; as argued in chapter three, they also included the re-promulgation of diocesan statutes and the recall of all clerics to take residence in Winchester.<sup>75</sup> Pontoise repeated the comprehensive commission of vicars-general in 1299 and in 1303, led by his new official, Michael de Helstone.<sup>76</sup> With greater experience of time away from the diocese came greater preparedness, although his frequent and lengthy absences meant that Pontoise was reliant on others, especially the men of his household, to govern in his stead. There were long periods, then, when Pontoise gave over direct rule in Winchester while he attended to affairs of state.

Because the bishop needed a strong, absentee government consisting of men connected to and invested in the administration of Winchester, further light is shed on Pontoise's use of ecclesiastical patronage to establish his network. This relates, in particular, to the bishop's support of the men whom he left behind in Winchester during his absences. In 1295, 1299, and 1303, Pontoise appointed his officials as the leading vicar-general: first Philip de Barton, who took on the ordinary powers of the bishop, and then Michael de Helstone.<sup>77</sup> As argued in chapter two, Pontoise fostered the careers of both men, advancing them from minor clerical status to assume the role of bishop's official, before collating archdeaconries to them. Both men were some of Pontoise's most trusted lieutenants, as was Payne de Liskeard, the bishop's treasurer. Payne served as one of the bishop's vicars-general in 1285, 1286 and in 1295, and like Philip and Michael, received Pontoise's patronage.<sup>78</sup> The bishop placed, in some part, emphasis on those men who could govern Winchester in his absence, building trust with those responsible for the diocese while Pontoise undertook his diplomatic duties.

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<sup>74</sup> *ibid.*, 183.

<sup>75</sup> Chapter Three, 150-54.

<sup>76</sup> *Reg. Pontissara* i, 87-88, 152-53.

<sup>77</sup> *Reg. Pontissara* i, 152; *Reg. Pontissara* ii, 780-81; Appendix One, 274-75, 277.

<sup>78</sup> *CPR 1281-92*, 167, 291; *Reg. Pontissara* i, 152; *Reg. Pontissara* ii, 778-79, 779; Appendix One, 278.

By using register material alongside other administrative records, this section has given substance to several aspects of Pontoise's career for the first time, and it is possible to draw some conclusions regarding his attitude to episcopacy. To a certain extent, being a bishop for Pontoise meant progress in his legal career. As a magnate and one of the king's counsellors, Pontoise had Edward's favour and received the type of royal commissions that furthered his legal career. Diplomacy and legal practice were among his highest priorities, to the point that episcopacy almost became a secondary concern: Pontoise developed means of governing Winchester by proxy, fostering the careers of men who could govern in his stead and creating systems of absentee rule. However, the bishop did not neglect his duties as a governor of the church and, as argued in chapter three, he enacted ecclesiastical reform in Winchester on a wide scale, perhaps further indicating the extent of a culture in the church of the late thirteenth century that prioritized the enactment of papal reform agendas. It is possibly for Pontoise's pursuits beyond the diocese that, after the bishop's death in 1304, a complainant to the papal curia accused Pontoise of reducing Winchester's woods for his own gain, of allowing the bishopric's castles and manors to become dilapidated through neglect, and of extortion. Pontoise's personal fortune was said to reach fifty thousand English marks, with a further twelve thousand Florentine florins discovered buried near his bed.<sup>79</sup> It is difficult to substantiate such charges. But one thing is clear concerning Pontoise: he was a well-connected individual who, once becoming bishop, used the available tools to cement himself as a prominent political figure of the English realm. Perhaps Pontoise was more of a lightning rod than previously thought.

### III. Richard de Swinfield

This section will investigate Swinfield's career by using material in his register, as well as other administrative records from the period. Other than those recording his life-long connections to Kent and his doctorate in theology from an unknown university,<sup>80</sup> few records survive concerning Swinfield's origins and education. This section thus turns to

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<sup>79</sup> Denton, 'Complaints to the Apostolic See in an early fourteenth-century memorandum from England', *Archivum Historiae Pontificiae* 20 (1982), 389-402; Woolgar, 'Treasure, Material Possessions and the Bishops of Late Medieval England' in M. Heale (ed.), *The Prelate in England and Europe 1300-1560* (Woodbridge, 2014), 173-90, esp. p. 177.

<sup>80</sup> *Swinfield's Household Roll*, lvii, lix, cxii; *Testamentary Records*, 230-31; Denton, *Winchelsey*, 39; Edwards, 'The Political Importance of the English Bishops', 347.

Swinfield's formative years in St Thomas de Cantilupe's household from the 1260s to the 1280s, before moving on to explore his episcopacy from March 1283 to March 1317, but especially his involvement in some of the major political events of the late-thirteenth century. Like section II, the aim is to shed light on some of Swinfield's experiences and the members of his network over the course of his career that shaped his approach to episcopacy. Due to the previous treatment given to Swinfield's involvement in Cantilupe's canonization, this aspect of his career will only be touched on where it is relevant to this present study of his mode of episcopacy.

The impact that Cantilupe had on Swinfield's career is identifiable in the patronage that he extended between 1264 and 1282. In Swinfield's own words in his 1290 letter of postulation, recorded in his register, he 'had been in the *familia* of the said servant of God (Cantilupe) for around eighteen years', or from 1264; one witness who appeared before an inquiry into Cantilupe's sanctity in 1307 stated that Swinfield was one of the leading men of Cantilupe's household.<sup>81</sup> Owing to a lack of records in Cantilupe's register, Swinfield's precise role in the household is unclear but Cantilupe's patronage of Swinfield was substantial. In December 1277, Cantilupe collated Hampton prebend at Hereford cathedral (£1 7s 6d) to Swinfield.<sup>82</sup> Cantilupe then collated an unidentified prebend to Swinfield in May 1279.<sup>83</sup> In both instances, Cantilupe secured Swinfield's place in Hereford cathedral chapter and, in April 1280, attempted to offer further preferment through the collation of the archdeaconry of Shropshire. This collation came to nothing when Jacques de Aigueblanche managed to appeal Cantilupe's sentence of deprivation at the papal curia.<sup>84</sup> However, it is possible that Cantilupe had a hand in the collation of the archdeaconry of London to Swinfield in 1281.<sup>85</sup> Cantilupe had been a canon of St Paul's, London, between 1263 and 1275.<sup>86</sup> At the time of Swinfield's collation, Richard de Gravesend was bishop of London (1280-1303).<sup>87</sup> Gravesend was the nephew of Richard de Gravesend, bishop of Lincoln (1258-79), one of Thomas de Cantilupe's close associates in the Montfortian government of the 1260s. Cantilupe shared the same connection with Henry de Sandwich, the bishop of London (1263-73) who likely collated a canonry at St Paul's to Cantilupe and, along

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<sup>81</sup> *Reg. Swinfield*, 234-35: 'Hec, pater sanctissime, securiori consciencia vobis scribo, quia fui de familia servi Dei predicti circiter decem et octo annos...', *Acta Sanctorum* (Antwerp-Brussels, 1643), Octobris i, 541,

<sup>82</sup> *Fasti Ecclesiae 1066-1300*: viii, Hereford, 40-41; *Taxatio*: Hampton.

<sup>83</sup> *Fasti Ecclesiae 1066-1300*: viii, Hereford, 85, 87.

<sup>84</sup> *Reg. Cantilupe*, 63; *Fasti Ecclesiae 1066-1300*: viii, Hereford, 28-29.

<sup>85</sup> *Fasti Ecclesiae 1066-1300*: i, London, 12.

<sup>86</sup> *ibid.*, 95.

<sup>87</sup> *ibid.*, 4.

with the elder Gravesend, patronized the younger Richard de Gravesend's career during the 1270s.<sup>88</sup> Although there are no definitive records indicating Cantilupe's influence in Swinfield's collation, the connections that could facilitate such influence were in place. In either case, Swinfield owed the advancement in his ecclesiastical career to Cantilupe.

Swinfield's time in Cantilupe's household was time spent in a particular milieu shaped by Cantilupe's political activities, which brought with it experiences that had the potential to influence Swinfield's approach to episcopacy. Around the time that Swinfield entered into Cantilupe's service, the latter was a key part of the revolt against Henry III headed by Simon de Montfort. Alongside several leading ecclesiastics, including his uncle, Walter de Cantilupe, bishop of Worcester (1236-66), Thomas de Cantilupe was an outspoken advocate of royal government by council.<sup>89</sup> Cantilupe was nominated to the council of nine appointed to advise Henry III in May 1264 in the aftermath of the battle of Lewes, and served as chancellor of the Montfortian regime from February to May 1265.<sup>90</sup> Cantilupe was a key advocate of the principles behind the Montfortian revolt, especially restrained kingship. It is possible that Swinfield entered Cantilupe's service on the basis that both shared such ideals. Between 1279 and 1282, Cantilupe became embroiled in a dispute with Peckham over the archbishop's reforms of the court of Arches. Peckham extended the dean of the court's jurisdiction to include testamentary litigation, a move Cantilupe and his supporters deemed prejudicial to diocesan rights;<sup>91</sup> until Peckham's arrival, all cases involving wills were heard in bishops' courts. Cantilupe was in the midst of an appeal to the papal curia when he died in 1282. Cantilupe was an outspoken critic of the overextension of royal and archiepiscopal authority and sought, above all, to defend his own rights as a diocesan. Serving Cantilupe brought Swinfield to the heart of certain political affairs during the 1260s and 1270s. His early work remains obscure but Swinfield's exposure to powerful political ideals is clear.

Several aspects of Swinfield's political activity between 1283 and 1317 indicate these ideals informed the bishop's actions in the English political arena, including the networks that he forged. In the most extensive biography of Swinfield to date, Hoskin notes that the bishop 'seems to have had little political interest'.<sup>92</sup> Material preserved in

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<sup>88</sup> *Fasti Ecclesiae 1066-1300*: i, London, 3; *Fasti Ecclesiae 1066-1300*: iii, Lincoln, 4; Ambler, 'The Montfortian Bishops', 195.

<sup>89</sup> Ambler, 'The Montfortian bishops', 193-209.

<sup>90</sup> Carpenter, 'Cantilupe's political career', 63-70.

<sup>91</sup> Douie, *Pecham*, 192; Finucane, 'The Pecham-Cantilupe Controversy', 110.

<sup>92</sup> Hoskin, 'Richard Swinfield', <http://www.oxforddnb.com/view/article/26843>.



Swinfield's register points in a different direction. Denton and Edwards point to Swinfield's membership of a group of eminent scholar-bishops active during the 1290s and the first quarter of the fourteenth century. The group included Winchelsey, Simon de Ghent, bishop of Salisbury (1297-1315), John Dalderby, bishop of Lincoln (1300-20), and Ralph Walpole, bishop of Norwich (1288-99) and later Ely (1299-1302). The members were united through their goals of reforming the church and protecting ecclesiastical liberties from encroachments made by lay authorities.<sup>93</sup> Swinfield's connections went further. An exchange of letters in 1287 records the bishop's relationship with Oliver Sutton, bishop of Lincoln. Sutton was embroiled in a legal battle with the dean of the court of Arches over the probate of *Mgr* Geoffrey de Aspal's will, and wrote to Swinfield to ask for his advice.<sup>94</sup> On 11 December 1287, Swinfield replied:

We believe that he (Peckham, who directed the court of Arches to assume the case) also has one document, in which is manifestly contained certain revoked gravamina...but, it seems to us, if you can [discover what these are], you can know clearly what ought to be conceded or denied.<sup>95</sup>

Swinfield's reply is somewhat cryptic – and conspiratorial – but it also indicates Swinfield's and Sutton's continued attempts to resist Peckham's reforms of the court of Arches, some five years after Cantilupe's death. From the nature of the exchange, it would seem that Sutton held Swinfield's counsel in high regard. To that end, Swinfield was tapped into influential circles that were dedicated to ecclesiastical and political reform and to upholding diocesan rights.

A range of material in Swinfield's register records his involvement in several political protests, as a member of these networks, that attempted to realize the ideals he was exposed to between the 1260s and early 1280s, including the campaign against Peckham's reforms of the court of Arches. Douie recognized that Swinfield had a role in this particular protest, especially in 1288,<sup>96</sup> but it serves this chapter to look more closely at what that exact role was in order to give context to Swinfield's other activities as bishop of Hereford. A continuous run of nine records in the register, each dating from

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<sup>93</sup> Denton, *Winchelsey*, 39-43; Edwards, 'The Political Importance of the English Bishops', 347.

<sup>94</sup> *Reg. Swinfield*, 33.

<sup>95</sup> *ibid.*, 33-34: 'Unam eciam cedula[m] secum habet, ut credimus, in qua manifestissime continentur quodam gravamina revocata, quorum revocacionis forma vel modus vestram discrecionem latere non poterit, cum inspexeritis cedula[m] memoratam, set ex contentis in illa, ut nobis videtur, perpendi poterit evidenter quid domino quem novistis concedi debeat vel negari.'

<sup>96</sup> Douie, *Peckham*, 224.

April to August 1288, relate to the Peckham-suffragan dispute, which arose in the aftermath of testamentary litigation involving Geoffrey de Aspal. The very first record is a copy of a letter that Swinfield sent to the papal curia on 30 April. Swinfield informed curial officials that Peckham had circulated a letter to all bishops of Canterbury province that had left them ‘fearing for themselves and their churches over its contents, from its verisimilitude and what can be inferred’.<sup>97</sup> That fear was based on Peckham’s statement that that he was unimpeachable and had the right to ‘suspend, excommunicate, denounce, issue sentences of interdiction or warnings, inhibit, sequester or coerce’ as he saw necessary.<sup>98</sup> Speaking on behalf of his peers, Swinfield communicated to papal authorities the climate of resentment and suspicion in Canterbury province in April 1288, a sentiment that the bishops of London, Lincoln, Hereford, Exeter and Ely jointly expressed in a second appeal, again recorded in Swinfield’s register, sent on 3 May 1288 before a council of bishops was held at Lambeth.<sup>99</sup> The exchange between Sutton and Swinfield in 1287, Swinfield’s April 1288 appeal to the curia and his part in the May 1288 appeal point towards the bishop of Hereford’s role in orchestrating the campaign against Peckham.

That sense that Swinfield led the campaign against Peckham is furthered by one additional register record. This was a copy of a letter drawn up by Swinfield’s scribes for circulation throughout Canterbury province. In it, Swinfield addressed his co-suffragans and stressed that they ‘had an unfailing constancy, and that without prejudice to our churches, of publicly defending the perpetual rights and liberties of the holy church of Canterbury’, but beseeched his fellow bishops to unite against Peckham’s usurpation of diocesan rights.<sup>100</sup> There is no certainty over whether the circular was issued because it is found in no other place but Swinfield’s register. The circular was also rendered unnecessary by Peckham’s concession that he would cease all reforms until these could be discussed at the next synod, doing so in recognition of the ‘discord

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<sup>97</sup> *Reg. Swinfield*, 173-74: ‘Ricardus, etc., quendam litteram reverendi patris, domini Johannis, Cantuariensis archiepiscopi, etc., sibi ac ceteris omnibus episcopis Cantuariensis provincie directam, cujus tenor de verbo ad verbum superius continetur, receperit et inspexerit, ac ex contentis in ipsa ex verisimilibus aliis conjecturis timens sibi et ecclesie sue...’

<sup>98</sup> *ibid.*, 173-75: ‘...suspensionis, excommunicacionis, denunciacionis, aut interdicti sentencias eumonicionis, inhibicionis, sequestracionis, aut cohercionis alterius cujuscumque exercent quoquo modo...’

<sup>99</sup> *ibid.*, 176-79.

<sup>100</sup> *ibid.*, 182-84, quote at p. 182: ‘Ricardus, etc., licet sub quante devocionis obediencia uberi nos una cum omnibus nostris consuffragancis Cantuariensis provincie eidem sacre sedi, et archiepiscopis qui pro tempore fuerint, paruisse hactenus innocenter actus detexerint successivi, quod eciam indeficienti constancia nos facturos, et quatinus sine nostrarum ecclesiarum prejudicio poterimus, pretacte sancte ecclesie Cantuariensis libertates et jura perpetuo defensuros publice protestamur...’

aroused among his suffragans' over the execution of wills.<sup>101</sup> In addition, a papal mandate sent in late 1288, addressed to the bishop of Rochester, Thomas de Ingoldisthorpe (1283-91), ordered- him to prevent Sutton, in particular, from 'busying himself to usurp' (*satagens usurpare*) Peckham's reforms.<sup>102</sup> Nevertheless, it would appear that Swinfield was an integral part of the episcopal movement that openly challenged metropolitan authority and, moreover, the bishop recorded the extent of his activism in his register.

Swinfield's political activism extended beyond the ecclesiastical sphere and included his involvement in affairs of state between 1296 and 1297 and again in the 1310s. Swinfield was at the centre of affairs revolving around the constitutional crisis of 1297.<sup>103</sup> In February 1296, Boniface VIII promulgated the decretal, *Clericis laicos*, which prohibited lay authorities from levying taxes from clerics.<sup>104</sup> When Edward levied a tenth from English clerics at parliament in November 1296, they, including Swinfield, refused in line with the terms of the decretal, which they saw as a necessary defence of the ecclesiastical liberties that Edward and the royal government had failed to preserve.<sup>105</sup> When the king made a second demand in January 1297, it fell to a deputation consisting of Swinfield, the bishops of Exeter and Norwich, and three other ecclesiastics to deliver articles again refusing to pay taxation.<sup>106</sup> Swinfield was also among the bishops who, on 24 March 1297, gathered at a clerical assembly to discuss their outlawry a month earlier for refusing to pay royal taxes, and to whom Edward addressed a procuration prohibiting any actions that might prejudice him, including contact with the papal curia over the matter of taxation.<sup>107</sup> In 1313, Swinfield was again among the outspoken ecclesiastical magnates who refused Edward II's request for taxation.<sup>108</sup> Contrary to the perception of Swinfield as apolitical, he defied royal authority on several occasions and participated in a campaign to end a version of

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<sup>101</sup> *ibid.*, 184-85.

<sup>102</sup> *ibid.*, 201: '...verum venerabilis frater noster, Lincolniensis episcopus, ipsius archiepiscopi jurisdictionem in predictis sibi satagens usurpare, eandem jurisdictionem ad se spectare minus veraciter pretendendo, archiepiscopum ipsum quominus premissa juxta prescriptam consuetudinem libere valeat exercere contra justiciam impedire presumit, in ejusdem archiepiscopi et Cantuariensis ecclesio non modicum prejudicium et gravamen. Quare dictus archiepiscopus nobis humiliter supplicavit ut providere super hoc sibi et eidem ecclesie de oportuno remedio curaremus.'

<sup>103</sup> For more on the 1297 crisis, see esp. J.G. Edwards, 'Confirmatio Cartarum and baronial grievances in 1297', *EHR* 58 (1943), 147-71, 273-300; Denton, *Winchelsea*, 80-176.

<sup>104</sup> For the full text of *Clericis laicos*, see *Foedera* ii, 836.

<sup>105</sup> For this episode, see Denton, *Winchelsea*, 100-27.

<sup>106</sup> Bartholomew Cotton, *Historia Anglicana A.D. 449-1298*, H.R. Luard (ed.) (London, 1859), 318.

<sup>107</sup> *Documents Illustrating the Crisis of 1297-98*, M. Prestwich (ed.) (London, 1980), 55-58.

<sup>108</sup> Heath, *Church and Realm*, 83.

unrestrained kingship that led to frequent royal encroachments on ecclesiastical liberties.

Swinfield's defence of the ideals that were forged during his formative years, and were expressed through his political activity, also filtered through into his diocesan governance. His reaction against royal encroachments on ecclesiastical affairs is made clear in several register records. It is particularly evident in Swinfield's refusal to appropriate the rectory of Lindridge, situated in his diocese, to the monastic chapter at Worcester. At some date in late 1305, Edward wrote to Swinfield to request the bishop make the appropriation; the king's initial request does not survive, but in a repeat request made in 1307 Edward cited his need to 'satisfy our promise to St Wulfstan, Worcester, and our beloved in Christ, the prior and convent of that place'.<sup>109</sup> Swinfield refused on two occasions, once in 1305 and once in 1307, citing that over the course of his twenty-three years as bishop, he had experienced the dangers of such appropriations, as well as the losses to the living and the dead, 'especially in our diocese'.<sup>110</sup> On the surface, the dispute appears minor. However, the Worcester monks already held the advowson to Lindridge, and, in a church without a vicarage, an appropriation meant they did not have to present a vicar to the bishop for institution.<sup>111</sup> Swinfield expressed his fears of the consequences this would have in a further letter to Edward, dated 3 May 1307.<sup>112</sup> To that end, Swinfield was set to lose a significant degree of control over the rectory, all for a promise made by the king, and tried on several occasions to resist those particular encroachments on diocesan affairs. But perhaps Swinfield's most significant reaction against royal encroachments in his diocese was in the routine matter of ecclesiastical patronage. Chapter one argued that Swinfield made it a policy to refuse Crown requests to support its clerks with benefices in Hereford diocese. Besides the cases outlined in the chapter, there are four further refusals recorded in Swinfield's register, ranging between 1283 and 1308.<sup>113</sup> In terms of his defence of benefices, Swinfield was an avid opponent of royal encroachments into the diocese for the duration of his episcopate.

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<sup>109</sup> *Reg. Swinfield*, 432: 'ad complendum promissum nostrum sancto Wolstano, Wigornie, et dilectis nobis in Christo, priori et conventui ejusdem loci...'

<sup>110</sup> *ibid.*, 421, 432: 'Verum, ut jam fere viginti et tribus annis sumus experti, tot periculis et dispendiis vivorum et mortuorum sunt plene appropriationes hujusmodi ecclesiarum parochialium, precipue nostre diocesis...'

<sup>111</sup> *Taxatio*: Lindridge.

<sup>112</sup> *Reg. Swinfield*, 435.

<sup>113</sup> *Reg. Swinfield*, 1, 8, 286, 443.

Swinfield's defence of diocesan rights, such as during the campaign against Peckham, also influenced his routine work in the diocese, but especially the work of the bishop's court. The royal writ *Circumspecte agatis* (1285) confirmed the jurisdiction of ecclesiastical courts on matters concerning matrimony, probate, usury, tithes, and clerical misconduct, although, as Helmholz argues, these matters 'did not escape a brush with...secular intervention'.<sup>114</sup> Such brushes on the Hereford diocesan court occurred in 1283. In this instance, the noblewoman, Maud de Mortimer, imprisoned William de Ingleraund, a cleric, at her castle at Radnor. Swinfield wrote to Maud requesting that she release William on the grounds that her actions were 'in prejudice of ecclesiastical liberties and the benefit of ecclesiastical persons', namely the right of clerics to be tried in an ecclesiastical court.<sup>115</sup> In such a case, Swinfield made it clear that Hereford's clerics were subject to his jurisdiction, and not those of secular authorities, such as local barons. It was a simple expression of his rights as diocesan, but an expression nonetheless.

Whether he was defending against royal encroachments, or upholding diocesan rights, Swinfield worked towards protecting Hereford diocese from the interference of aggressive authorities, something that is evident in his policies towards his Welsh episcopal neighbours. Chapter four argued that Swinfield undertook an extensive campaign to secure his rights to the territory of Y Gorrddwr in the face of encroachments from the bishop of St Asaph. The bishop was equally fierce in his defence of the abbey of Dore. In 1284, Thomas Bek, the bishop of St Davids (1280-93), challenged the notion that the Cistercian abbey of Dore was situated in Hereford rather than his own diocese.<sup>116</sup> In Swinfield's words, Bek influenced (*ad instanciam... Menevensis episcopi*) William de Hereford, abbot of Dore (1174-94), to launch an inquiry on the matter. William appointed two abbots of Welsh Cistercian houses, Neath and Strata Marcella, to lead proceedings.<sup>117</sup> Swinfield took exception to this act and, in a letter dated to 2 August 1284, protested to the abbot of Dore:

we do not wish you to ignore that the lord bishop John, now by the grace of God  
archbishop of Canterbury, who visited our diocese by right of metropolitan visitation,

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<sup>114</sup> Helmholz, *Canon Law and Ecclesiastical Jurisdiction*, 169-70.

<sup>115</sup> *Reg. Swinfield*, 7: 'in prejudicium ecclesiastice libei tatis et ecclesiasticis personis concessa'.

<sup>116</sup> *Fasti Ecclesiae 1066-1300*: ix, the Welsh cathedrals, 49.

<sup>117</sup> Thomas de Carmarthen was abbot of Neath in 1284 and the abbot of Strata Marcella is known only as *C. Heads of Religious Houses* ii, 259; 295; 313.

and likewise in the said house of Dore situated in our diocese, as have the predecessors of the same by the same right, and collected procurations.<sup>118</sup>

The protest was a clear assertion of the bishop of Hereford's jurisdiction over the house. The inquiry ultimately found that the abbey was within the limits of Hereford diocese and so, 'it was decreed with the consent of the whole chapter [of the Cistercian order in England] that the abbot of Dore obey he who was *de jure* diocesan in possession of the location of the abbey'.<sup>119</sup> This decision was also recorded in Swinfield's register below his initial protest. When it came to expanding the borders of the diocese, an opportunity rarely afforded to an English bishop, and to protecting his jurisdiction, Swinfield adopted a combative, even manipulative mode of episcopacy.

Records in his register, and administrative records from other English sources, fundamentally alter current perceptions of Swinfield and paint him as a politically-active, politically-astute individual who spent much of his episcopate engaged in the defence and promotion of his diocese. The work he carried out in Hereford was informed by the very ideals he exhibited in his participation in two of the most significant protests involving English clerics in the late thirteenth century, the first against Peckham, the second against the king. To that end, Swinfield's episcopate was a lesson in diocesan leadership, at once protecting and promoting the rights of the clerics in his charge. Some scholars might read the records in his register as evidence of Swinfield's self-interested policies, aggrandizing the diocese for his own gain during his expansion into Welsh territory, or in protecting his own rights as a patron. But far more than Pontoise, Swinfield was dedicated to his diocese and to executing the episcopal office.

Sections II and III have shown that Pontoise's and Swinfield's careers were not just centred on the diocese, as might be expected from workaday bishops. The two bishops each had multifaceted careers that brought them varied experiences, which in turn shaped, and impacted on, the way in which they governed their respective dioceses. Pontoise's and Swinfield's modes of episcopacy were distinct owing to the varied

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<sup>118</sup> *Reg. Swinfield*, 58-61: 'Preterea vos nolumus ignorare quod dominus Johannes, nunc Dei gracia Cantuariensis archiepiscopus, qui nostram diocesim jure metropolitano visitavit, in dicta domo de Dore velud in nostra diocesi situata, sicut et predecessores ejusdem eodem jure, ibidem fuerat procuratus.'

<sup>119</sup> *ibid.*, 61: 'Lecta inquisitione super querela domini Menevensis episcopi in capitulo Cisterciensi, lectis eciam litteris superius in hoc filo contentis, respondit dominus abbas Cisterciensis in ipso capitulo in audientia coram cunctis quod non fuit capituli diffinire de limitibus diocesum, et idem decrevit ex consensu totius capituli generalis quod abbas Dorensis obediret illi qui est in possessione loci abbacie jure diocesano et non alteri.'

influences on their development and on their career advancement, from the networks they were part of, to the ways in which they interacted with major authorities such as pope, king, and archbishop, as well as their participation in English political life. This sheds further light on the motives behind the aspects of episcopacy encountered in chapters one to four, insofar as it reinforces the sense that these were two distinct bishops and that diocesan governance in Hereford and Winchester as recorded in the two registers was, by-and-large, dependent upon the individual bishop and his approach to leadership. At least in terms of Pontoise and Swinfield, episcopacy was something of a personal enterprise, something to be pursued both within and beyond the diocese. This raises further questions regarding the use of bishops' registers, then and now, and the implications this has for reading this material and studying this period.

#### **IV. Bishops' registers and their uses**

This section will explore what relationship Pontoise and Swinfield had with their respective registers, in terms of how they used them, and what implications this has for how the material is read and used in historical research. Current scholarship is clear on two matters regarding the way bishops used registers and registration. First, as Smith argues, registers were by-and-large a bureaucratic tool used for keeping a record of diocesan business; Hamilton Thompson adds a secondary use of registers as formularies for training scribes.<sup>120</sup> Second, that there are no obvious connections between bishops and the act of registration, insofar as it remains unclear who influenced the selection of material for registration.<sup>121</sup> This section looks to advance our current understanding of registers/registration by drawing on the findings in each of the five chapters, and asking how Pontoise and Swinfield shaped their respective registers, both in their use of them and in influencing their production. The aim is to rethink the way in which registration/record-keeping was a distinct activity in the two dioceses by considering how registers served as tools for each bishop.

Arguments raised in this present study indicate that even the most basic way Pontoise and Swinfield used registers, to collect records, was more complex than previously thought, especially where the bishop attached legal value to records.

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<sup>120</sup> Hamilton Thompson, 'The Registers of the Archbishops of York', 249-50; Smith, 'The Rolls of Hugh of Wells', 156-58.

<sup>121</sup> Burger, *Bishops, Clerks, Diocesan Governance*, 151; Haines, *Administration of Worcester*, 6.

Swanson argues that the growing powers of English ecclesiastical and secular courts brought increased demand for proofs of ownership (including precedent) and status.<sup>122</sup> Material in Pontoise's and Swinfield's register demonstrates that bishops also kept records that provided the foundation for prosecution. Chapter three argued that legal conditions attached to records of institution, especially the Lyons II clause referring to *Licet canon*, provided the basis for deprivation in a diocesan court. In that sense, such records were actionable.<sup>123</sup> Other types of records in each register served a similar purpose. This includes the four licences in Pontoise's register that record the bishop's permission for certain laypersons to construct chapels or oratories at their homes.<sup>124</sup> Pontoise also attached conditions to these licences, such as in the grant made to John de Randolph in late 1294 for an oratory on his manor at Ashe:<sup>125</sup>

we license you to celebrate the divine offices by means of a suitable priest until the feast of St Michael next, provided that you pay oblations to the mother church and avoid other legal ruin or damages...<sup>126</sup>

The condition was simple: continue to support the local parish church at Oakley. But in John's failure to do so were Pontoise's grounds for revoking the licence. Three of the four licences have added relevance in that each related to chapels/oratories on a manor held from the bishop or in a parish where the bishop held the advowson to the local church.<sup>127</sup> As such, there is a clear selection of material that reflected Pontoise's interests in protecting his property rights. This same protection of rights is evident in Swinfield's registration of commissions for his proctors at the papal curia. Chapter one

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<sup>122</sup> Swanson, 'the Church and its Records', 153-54, 157-58.

<sup>123</sup> See also the case involving William de Crick, rector of Laverstoke, whom Pontoise deprived in 2 June 1293 on the grounds that William had failed to advance to the priesthood within one year. *Reg. Pontissara* i, 38.

<sup>124</sup> For the growing trend of lay construction of private chapels and oratories over the course of the thirteenth century, see A.D. Brown, *Popular Piety in Late Medieval England: the diocese of Salisbury 1250-1550* (Oxford, 1995), 204-5, 209-11; Dohar, 'The Sheep as Shepherds: lay leadership and pastoral care in late medieval England' in Stansbury (ed.), *A Companion to Pastoral Care*, 147-71; N. Orme, 'The Other Parish Churches: chapels in late-medieval England' in C. Burgess and Duffy (eds), *The Parish in Late-Medieval England* (Donington, 2006), 78-94.

<sup>125</sup> The licence as it is recorded in the register states that he held the manor of Oakley. John in fact held the manor of Ashe within the parish of Oakley. *CPR 1301-7*, 85; *VCH Hampshire, vol. 4*, 198-202, at p. 199.

<sup>126</sup> *Reg. Pontissara* i, 68: '...usque ad festum Sancti Michaelis proxime venturum divina liceat officia celebrare per ydeoneum sacerdotum dummodo matris ecclesie in oblacionibus et aliis iuribus conservetur indempnitas...'

<sup>127</sup> This included the manor of Ashe (in the liberty of Overton), an advowson to the church of Cheriton, and both the manor of Wydindon and the advowson to the local church at West Wycombe. *Reg. Pontissara* i, 68, 116-17, 354; *Taxatio*: Cheriton; West Wycombe; *A History of the County of Buckinghamshire, volume three*, W. Page (ed.) (London, 1925), 135-40, at p. 137; *History of Hants, vol. 4*, 198-202.



argued that Swinfield was able to deprive his proctor, Richard de Pudleston, of a papal provision on the basis that Richard had broken his oath to the bishop, prompting the creation of a second, more stringent commission to limit Richard's powers in the future. The only commissions recorded in the register are those for Swinfield's proctors, circumscribing the extent of their powers of representation.<sup>128</sup> This limited selection points towards their use, as in the Pudleston case, as oaths between lord and man that the bishop could use in order to prosecute wayward proctors, those agents who were away from the diocese and furthest from the bishop's direct oversight. To that end, certain records in Pontoise's and Swinfield's registers were entered for the roles that they could serve for providing the basis for opening litigation: not as proof, but as forms of contract that if broken were actionable.

Other routine forms of record in Pontoise's and Swinfield's registers indicate that accountability for performing acts of government in both the ecclesiastical and secular spheres stimulated certain registration practices. As Sabapathy argues, a culture of accountability was prevalent in most systems of thirteenth-century government, whether that was manorial, royal, or ecclesiastical.<sup>129</sup> This culture of accountability is evident in Pontoise's and Swinfield's registers. As chapter three argues, both bishops made some attempt to evidence their commitment to ecclesiastical reform through reference to Lyons II in records of institution, licences to study, and episcopal mandates, thereby demonstrating that their work conformed to papal expectations should they come under scrutiny. Pontoise responded to the same impulse in his registration of the records of visitations to houses of women religious between 1301 and 1302, each of which evidenced his enforcement of *Periculoso*. This effort to provide evidence for accountability extended to the two bishops' secular work for royal government, such as the four royal writs in Swinfield's register.<sup>130</sup> This includes a writ directing Swinfield to inquire into whether the marriage between Roger le Waleys and Johanna was legal because a property dispute hinged on the matter; both the original writ and the bishop's reply were entered into the register.<sup>131</sup> The two records worked together to demonstrate that Swinfield had received the writ and carried out its directive, as did the entries of the royal writ in Pontoise's register directing him to defend the

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<sup>128</sup> This list includes changes in the terms of commissions, such as renewals, the bishop's grant of new business or withdrawal of his commission. *Reg. Swinfield*, 12, 45, 66, 67, 98, 101, 127, 157, 219, 362, 379, 385, 477.

<sup>129</sup> Sabapathy, *Officers and Accountability*.

<sup>130</sup> *Reg. Swinfield*, 47, 143, 144.

<sup>131</sup> *ibid.*, 43.

south coast of England and the accompanying royal letters proving he carried out his duties.<sup>132</sup> In keeping such records, both bishops acknowledged that their work could be scrutinized by either of their two masters, king or pope. To that end, these two registers served to ensure Pontoise and Swinfield were accountable for certain actions being taken. The registers had a potential that extended beyond their immediate uses for diocesan administration.

Moving beyond the routine, in terms of the work bishops undertook and the records this generated, towards non-routine serves to draw out several other ways Pontoise and Swinfield used their registers, including as a means of advancing their claims to certain rights, privileges or lands. Forrest argues that the Roman law concept, *fama*, pervaded aspects of ecclesiastical government from the thirteenth century onwards, especially visitations.<sup>133</sup> As Chris Wickham shows, individuals or corporations used *fama* to argue their claims to land or property. In this context, *fama* was public knowledge of use of the land or property in question that provided indisputable grounds for ownership.<sup>134</sup> Pontoise, in particular, would have been aware of the concept owing to his training in civil law, and there are several examples in Swinfield's register where *fidedignos*, or trusted men, were called on to provide evidence in a court setting.<sup>135</sup> Chapter four argued that Swinfield used his register as a means of recording his claim to the territory of Y Gorddwr.<sup>136</sup> Influenced by this Roman law concept, Swinfield's register served as the written counterpart to the bishop's repetitive public displays of governing the region, namely by repeatedly recording his government in Y Gorddwr through the selective registration of visitation records and in his correspondence to and charters benefitting the canons of Chirbury priory. In that respect, Swinfield's claim was both public and written knowledge. This same usage is evident in Pontoise's use of records, such as the terms of the separation of the *mensae* in 1284 and the two versions of a monastic customary, in conjunction with his actions, in this case visitation, to assert his authority over the Winchester cathedral chapter. These are the two clearest cases in each register where *fama* influenced registration practices, even if the legal concept was not directly referenced. In each case, Pontoise and Swinfield used their registers to fuel their particular agendas.

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<sup>132</sup> *Reg. Pontissara* ii, 506, 524, 526.

<sup>133</sup> See esp. Forrest, 'The Transformation of Visitation', 3-38.

<sup>134</sup> Wickham, 'Fama and the law', 15-26.

<sup>135</sup> *Reg. Swinfield*, 344, 363-64, 415, 491.

<sup>136</sup> See also the various memorandum pertaining to Swinfield's litigation against the bishop of St Asaph concerning Y Gorddwr, *Reg. Swinfield*, 8, 67, 68, 89, 194, 211.

Pontoise and Swinfield also turned to their registers as a place to record events and impulses that had the potential to affect their episcopacy, as well as reflecting their particular concerns at a given moment in their episcopates. Pontoise's register contains the papal bull through which Boniface VIII promulgated the sentences of excommunication against the cardinals Giacomo and Pietro Colonna in 1297.<sup>137</sup> The bull was entered into the register in 1299, after Pontoise's return to Winchester, at the very end of a run of eight folios containing records of the bishop's business in Rome between January 1296 and February 1299.<sup>138</sup> Thereafter normal registration practice resumes.<sup>139</sup> By registering the bull, Pontoise captured the moment when his episcopacy fundamentally changed: it was due to the excommunication that Pontoise cemented his place in Boniface's network, obtained several papal privileges, and had the papal provision to Middleton rectory revoked.<sup>140</sup> The bull marked a new phase of Pontoise's episcopacy and the start of a new phase of registration; the bishop could draw authority from its contents, knowing that his new status was protected by the excommunication. The record appears superfluous, obscure, but through an understanding of Pontoise's career and of the record's context, it is possible to elicit its value to the bishop and the role it served in the register.

This usage of the register as something to draw authority from is clearer in Swinfield's register. In 1294, a full copy of the 1265 Magna Carta was made in Swinfield's register. The witness list is abridged but otherwise it contains Henry III's 1265 *inspeximus* of the charter.<sup>141</sup> When the charter was entered into the register is significant. Judging by the dates of the records next to it, the copy was likely made in late (October to December) 1294 or early 1295, several months after the king's men invaded all ecclesiastical treasuries in England and scrutinized the value of monies and treasures kept there, and shortly after Edward's demand of a moiety in taxation.<sup>142</sup> Swinfield's act of registering the charter was a reaction to this royal attack on ecclesiastical liberties, and to that end the bishop's use of the 1265 charter is revealing of his attitude towards the king in the late 1290s. This was the version of Magna Carta promulgated under the influence of Simon de Montfort in the 1265 parliament, which likely came to Hereford through St Thomas de Cantilupe, who was chancellor at the

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<sup>137</sup> *Reg. Pontissara* ii, 579-84.

<sup>138</sup> *ibid.*, 556-84.

<sup>139</sup> At folio 225v, all records pertaining to Middleton rectory provision were entered in a single run (at the back of the register). *ibid.*, 830-36.

<sup>140</sup> Chapter One, 70-75.

<sup>141</sup> Heref RO AL/19/2, 105r-106r.

<sup>142</sup> Denton, *Winchelsey*, 67-73, 91.

time.<sup>143</sup> The charter carried a deeper value in its connection to a mode of government by a council of magnates of the realm, with the king serving as something close to a figurehead. Swinfield was a leading voice in the opposition to Edward I in 1296 and 1297, but he demonstrated his intent to take action in late 1294/early 1295 by using his register as a place to protest royal government policies. Swinfield's copy of the charter provided the basis for the bishop to resist further royal attacks on ecclesiastical liberties, namely through an emphasis on the charter's first clause, as did his copy of the papal bull containing *Clericis laicos*, entered into the register in April 1296, just two months after its promulgation and some eight months before Winchelsey ordered the decretal to be circulated in England.<sup>144</sup> These types of records in the two registers reflected Pontoise's and Swinfield's concerns about the impact particular events would have on their episcopacies, but were selected for the authority they gave to the bishops' actions.

Perhaps the most unusual records in Pontoise's and Swinfield's registers are those that do not pertain to diocesan government in any way, but concern other aspects of their careers, and it these records that are most revealing of the connection between bishop and register. Swinfield's register contains ten records, nine letters and one commission, concerning his attempt to have his predecessor, St Thomas de Cantilupe canonized. The types of records, and their content, shed light on the selection of material for registration. Of the nine letters, five were sent by Swinfield or other bishops to curial officials urging them to consider the canonization, including Swinfield's original letter of postulation and his letter to the Englishman Thomas Jorz, cardinal-priest of Santa Sabina (1305-10), asking for his support in the case, along with three separate appeals from English bishops in support of the bid.<sup>145</sup> This is just a small sample of the thirty-five letters of appeal sent by laypeople and ecclesiastics between 1290 and 1320.<sup>146</sup> However, when the appeal letters were sent, and copied into the register, is significant. Swinfield's letter of postulation was sent in April 1290 during Nicholas IV's pontificate (1288-92), English bishops sent a joint appeal in November 1294 (as well as an appeal by the bishop of Bath and Wells in the same year) during Celestine V's pontificate (July to December 1294),<sup>147</sup> and another joint appeal was sent

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<sup>143</sup> For more on the 1265 Magna Carta and its context, see Ambler, 'Magna Carta: its confirmation of Simon de Montfort's parliament of 1265', *EHR* 130 (2015), 801-30; Maddicott, *The Origins of Parliament*, 257-60.

<sup>144</sup> Heref RO AL19/2, fo. 117r. Winchelsey's circular is also entered into Swinfield register, *Reg. Swinfield*, 342-43.

<sup>145</sup> *Reg. Swinfield*, 234, 281, 358, 369, 428.

<sup>146</sup> Bartlett, *The Hanged Man*, 119; Daly, 'The Process of Canonization', 127.

<sup>147</sup> Bishop Sutton of Lincoln also sent a letter of appeal in 1294. Bartlett, *The Hanged Man*, 119.

in 1298 during Boniface VIII's pontificate (1294-1303). Each letter, entered into the register at the time it was sent, represented an attempt to appeal to curial officials under a new papal regime. It is also possible to add Swinfield's letter to Cardinal Jorz in April 1306, which came during Clement V's pontificate (1305-14).<sup>148</sup> There was thus selectivity in the material chosen for registration, insofar as only a small number of letters were selected for their role as records of renewed appeals. To that end, these records capture Swinfield's long-term exertions to secure the canonization and his personal investment in the suit.

Pontoise's register likewise contains records relating to his personal (as opposed to diocesan) business, which demonstrate his use of the register for other aspects of his career. This includes twenty-five records concerning his diplomatic work, especially his involvement in the Anglo-French peace negotiations.<sup>149</sup> More significant, however, are the letters and papal bulls pertaining to the contest over the crown of Sicily in the 1280s and 1290s.<sup>150</sup> As Prestwich observes, 'the 1280s was dominated to a considerable extent, as far as English diplomatic activity was concerned, by the problems presented by the house of Anjou', not least settling the matter of Sicily.<sup>151</sup> English diplomatic missions headed to Aragon in 1282 and to France in 1283, 1285 and 1286.<sup>152</sup> Pontoise was part of the 1285 and 1286 missions. The records in his register include two letters exchanged between the rival claimants, Charles d'Anjou (1254-1309) and Pedro III of Aragon (1276-85), sent shortly after Pedro's invasion of Sicily in 1282, each laying out their respective claims to the crown.<sup>153</sup> From the dates of the records next to them, they were likely entered into the register between March and May 1284. Pontoise was acquainted with Anthony Bek, who was part of the diplomatic mission to France in 1283, which later moved on to Aragon, to discuss the matter of the Sicilian crown.<sup>154</sup> It is possible that Pontoise obtained these documents from Bek in preparation for his own mission in 1285. There were also copies, entered into the register after Pontoise's return to Winchester in 1299, of a 27 June 1295 bull of Boniface VIII bull that threatened excommunication to any who broke the peace between Charles, then king of Sicily and Pedro's sons, James, king of Aragon (1285-1327) and Frederick (1272-1337), and

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<sup>148</sup> *Reg. Swinfield*, 428.

<sup>149</sup> *Reg. Pontissara* ii, 484-88, 509, 547, 778.

<sup>150</sup> For more on this contest, see S. Runciman, *Sicilian Vespers: a history of the Mediterranean world in the later thirteenth century* (Cambridge, 1958).

<sup>151</sup> Prestwich, *Edward I*, 318. See also Powicke, *The Thirteenth Century*, 252-66.

<sup>152</sup> Prestwich, *Edward I*, 321, 322, 323; Salt, 'List of embassies', 269.

<sup>153</sup> *Reg. Pontissara* ii, 406, 406-7.

<sup>154</sup> Salt, 'List of embassies', 269.

Boniface's 1296 bull excommunicating Frederick, thereby formally handing the crown of Sicily to the Angevins.<sup>155</sup> Pontoise was present in Rome when Boniface promulgated the sentence of excommunication against Frederick, and could have obtained the 1295 bull during his stay there. Each record entered into Pontoise's register concerned the nature of each party's claims, the type of document he would need to discuss the matter during negotiations. This points both to Pontoise's involvement in the English diplomatic intervention in the affair and to his use of his register to record the information he needed to support him in his diplomatic work.

These records, Pontoise's diplomatic records and Swinfield's appeal letters, are some of the most the personal in each register. They carried greatest value to Pontoise and Swinfield as individuals, but not necessarily in their capacities as bishops. To that end, they demonstrate the input that Pontoise and Swinfield had into the selection of material for registration. Swinfield used his register as a place to keep all records concerning his personal enterprise, Cantilupe's canonization, reflecting Swinfield's veneration of his mentor. Pontoise used his register to support his work as a diplomat, again demonstrating the significance he lent to his work beyond the diocese, so much so that it intruded on his record of episcopal business. In that respect, there were strong connections between each bishop and their register, as well as a deeper meaning to the keeping of certain records.

The clearest evidence of the input or influence the two bishops had into registration was in the way each register was produced, and when. The notion was raised in the thesis introduction that fewer records were entered into Swinfield's register after 1310 when he became less involved in diocesan government, and more reliant on his officials.<sup>156</sup> This pattern points to a correlation between the bishop's input into the act of registration and his absence. The full impact of a bishop's presence or absence on registration is clearer in Pontoise's register. The first indication that Pontoise's time away from Winchester shaped registration practice came after the bishop spent three years in Gascony (see Table Eleven, above). A run of sixteen records of institution was entered in folios 6r to 7r in chronological order; each one recorded a collation or custody (plus one grant of tithes) made by Pontoise between December 1286 and June 1289 at a location in France, per the terms of his commission of his vicars-general in late 1286.<sup>157</sup> There is a blank space at the top of folio 7r before records of institution

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<sup>155</sup> *Reg. Pontissara* ii, 522-23, 562-68.

<sup>156</sup> Introduction, 22-23.

<sup>157</sup> *Reg. Pontissara* i, 28-32. See above, 244-45.

made after the bishop's return were entered, beginning September 1289, creating a divide between the business conducted overseas and that in Winchester. A similar pattern emerges in other types of material. Several letters and memoranda, each relating to diocesan business but produced in France, take up two entire folios, 48r to 49v, and are the only records on those two folios.<sup>158</sup> The folios appear to be an insert into section one of the register: they are placed after records of institution and memoranda dated to 1304, the same records that were entered in section one due to a lack of space in section two, and are written in a different hand to those later records; the remaining material in the section (folios 50r to 59v) all dates to 1294 and 1295.<sup>159</sup> Several royal writs addressed to various royal officials, which Pontoise likely obtained during his stay in Gascony, are entered into his register of *temporalia*, likewise gathered together in a single run.<sup>160</sup> These are the only records produced between December 1286 and June 1289 that were entered into the register and, from the way in which they were registered on new folios and gathered together, it would appear they were entered on the bishop's return. Such a pattern indicates that there was a hiatus in registration during the bishop's absence, only for it to begin again on his return.

Pontoise's second lengthy absence between January 1296 and February 1299 likewise affected the act of registration in Winchester diocese. First and foremost, Pontoise's probable registrar/lead scribe, Robert de Maidstone, accompanied the bishop to Rome for the entire three years, during which time no further records were entered into the register. Robert's new role as keeper of St Cross after 1299 meant responsibility for the register fell to someone else, and a new registrar, or at least a new scribe, began work on the register in 1299.<sup>161</sup> The only record of institution entered into the register during Pontoise's period of absence was a letter he sent to his vicars-general, dated November 1296, informing them that he had collated the archdeaconry of Surrey to Thomas de Scarning.<sup>162</sup> Only two other records produced during this period, one a record of a collation made in 1296, the other a memorandum recording Pontoise's acquittance of John de Shelton, the comptroller of his wardrobe, were entered into the first two sections of the register. These were entered in the same style as records dated to 1299 that occur on the same folio (fo. 18v), each without headings and in a new type

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<sup>158</sup> *ibid.*, 182-89.

<sup>159</sup> Hants RO 21M65/A1/1, fos 48r-49v.

<sup>160</sup> *Reg. Pontissara* ii, 464-471.

<sup>161</sup> Appendix One, 279.

<sup>162</sup> *Reg. Pontissara* i, 80.

of script.<sup>163</sup> This would seem to indicate that it was only after the bishop's return that they were registered. Further records, including Pontoise's diplomatic papers and other business he conducted in Rome, are entered into the register of *temporalia* in a distinct section. The first occupied folios 144r to 151v: folio 143v was left blank but the last entry made during Pontoise's episcopate on folio 143r dates to 1303 (the actual last entry was a later insertion made in 1325); the first record on 152r is a copy of a Magna Carta issued by Henry III, likely made in c.1292 given the date of the next record.<sup>164</sup> This points towards the insertion of a quire containing all of Pontoise's business between 1296 and 1299 on his return to Winchester, not unlike the one made after 1289. These patterns in registration would suggest that the register remained in Winchester when the bishop was absent but was only used when he was present. The records that were registered after Pontoise's return were those pertaining to the business he conducted during his absence, such as diplomatic documents, royal writs, or the records of his collations. The nature of the records and the effect of his absence/presence point towards Pontoise's direct hand in registration in Winchester, from deciding when the register would be used, to what material would be registered. To that end, Pontoise's register, and to some extent Swinfield's, indicates the strong connection between the two bishops and registration in their respective dioceses.

This section has argued that Pontoise and Swinfield each had some input into, and influence on, the act of registration in their respective dioceses. Davis stressed that Archbishop's Rigaud's register was not a 'self-conscious document' because it did not reflect any personal aspects of the archbishop.<sup>165</sup> Although there is no suggestion that Pontoise's and Swinfield's registers were autobiographical in any way, it would seem that their respective careers, their concerns, their experiences are reflected in the full range of records that were entered into their registers. This is due to their role in the production of their registers, including the selection of material for registration. There was some commonality in the ways the two bishops used their registers, whether this was for reasons of accountability or to inform their personal enterprises. However, there is clear distinctiveness between the registers caused by Pontoise's and Swinfield's variations in what material was selected. To that end, there is little uniformity in the two registers; there was nothing robotic, nothing routine about producing them. The marks that Pontoise and Swinfield left on their registers ensure they reflect the changing

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<sup>163</sup> Hants RO 21M65/A1/1, fo. 18v.

<sup>164</sup> Hants RO 21M65/A1/1, fos 144r-151v. See *Reg. Pontissara* ii, 557-84.

<sup>165</sup> Davis, *The Holy Bureaucrat*, 1.



demands of episcopal government and careers, of the changing interests and concerns of two individuals over the course of several decades, especially because Pontoise and Swinfield purposed, and repurposed, their registers according to their needs at any one given moment.

## **Conclusion**

This chapter has argued that the material in Pontoise's and Swinfield's registers is a vital resource for shedding light on their respective careers, bringing to the fore the distinctiveness in their experiences and their approaches to episcopacy. It has shown, for the first time, that Pontoise's diplomatic work had a direct impact on his episcopacy; it also reassessed Swinfield's career and personality and revealed him to be a bishop engaged in political activity for the duration of his career. The chapter also argued that the two bishops had input into the act of registration in their respective dioceses, both on the selection of material for registration and influencing the production of their registers. Pontoise and Swinfield each had strong connections with their respective registers, which in turn reflected the ebb and flow of their careers. Just as Pontoise's and Swinfield's careers were multifaceted, so too were their registers; these vast, diverse collections of records were shaped by the multitude of ways the bishops used them according to their needs in a particular moment. This particular conclusion has implications for how we read the material. It is ultimately difficult to grasp the multivalent qualities, the full complexities of each register without first understanding the bishops who were influential in their production, which in turn affords greater insight into the context of particular records and how records worked in conjunction.

## Conclusion

Using two registers kept by workaday bishops in Hereford and Winchester dioceses, this study set out to explore what light the two registers can shed on the potential uses of these registers for historical research, and on episcopacy in those two dioceses in the late-thirteenth century. Through a study of specific types of register records in the first four chapters, which afforded the opportunity to fully examine the records and uncover their content, context, and role in the registers, and through an exploration of the two bishops' careers as something pursued both within and beyond the diocese in chapter five, as well as the relationship each bishop had with their registers, it is hoped that this thesis has opened up new ways of reading the two bishops' registers and has developed methodologies for using this material. This method of organizing the thesis around particular records, each of which related to a particular aspect of Pontoise's and Swinfield's episcopacies, brought to the fore the notions that diocesan administration, reform, and leadership in late-thirteenth century Hereford and Winchester dioceses were significant and in need of further interrogation, even in their more routine forms.

The research for this present study has uncovered several key points regarding episcopacy in Hereford and Winchester dioceses in the late thirteenth century. Forrest argues that it is essential to remember that diocesan government was variable because it was undertaken by human beings and shaped by local circumstances, and not something that was dependent upon bureaucratic machineries.<sup>1</sup> This study extends that argument to include all aspects of episcopacy, not just diocesan governance, and has shown that even for two ordinary bishops, Pontoise and Swinfield, diocesan administration, reform, and leadership during this period was multifaceted and protean. The registers provide no

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<sup>1</sup> Forrest, 'The official of Stow', 12-13.

sense that there were bureaucratic or governmental machineries in place in either diocese; there were few routine ways of approaching the multitude of tasks and problems that the two bishops faced over the course of their episcopates. Rather, this thesis has argued that episcopacy was shaped by three intertwining factors. First, several key, but often unexplored, late-thirteenth century movements and agendas that impacted the diocese far more than has previously been appreciated, including the papal reform agenda promulgated at Lyons II and the politics of the papal court. Second, the two bishops. Pontoise and Swinfield both developed distinct approaches to their roles as bishops: whether they were conducting visitations at religious houses, or acting in their capacities as magnates, the two men set about their tasks in different ways, sometimes dependent upon the specific situations that they needed to navigate at different points in their episcopates. Second, the human behaviours and knowledge particular to each individual, as well as the interactions they had with other people. Pontoise's and Swinfield's concerns, agendas, and career ambitions, as well as their networks, all shaped the way they perceived and managed their work. The next few paragraphs outline the extent and implications of these findings.

A significant product of this study is the extent to which it reveals the impact that previously understudied movements and agendas had on Pontoise's and Swinfield's approaches to episcopacy. This is especially the case with the reform agenda launched by Gregory X at Lyons II in 1274. Other than Leonard Boyle's argument that *Licet canon* had a negative impact on clerical education until the promulgation of *Cum ex eo* in 1298, there have been no extensive studies of the impact of the Lyons II agenda in England.<sup>2</sup> Even in his comparison of the thirteenth-century churches in England and Italy, Brentano identified responses made by Italian bishops to the council, but did not uncover an equivalent movement in England.<sup>3</sup> This present study has brought to light the strong responses to the Lyons II agenda made by English bishops in the period immediately after the council; it also demonstrated the extensive influence the Lyons II canons had on the next generation of bishops, forming the foundation for Pontoise's and Swinfield's reform movements in their respective dioceses. Such responses point to the two bishops' concerns over episcopal accountability for enacting the papal reform agenda in their dioceses. This study also identified the impact that curial politics had on the diocese, even in matters as routine as ecclesiastical patronage. Swinfield's move to deprive Richard de Pudleston in 1291 was rooted in the bishop's concerns over the

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<sup>2</sup> Boyle, "The Constitution "*Cum ex eo*", 263-302.

<sup>3</sup> Brentano, *Two Churches*, 127, 190-91.

curia's future manipulation of ecclesiastical patronage in Hereford. Pontoise was forced to defend his official's right to hold Middleton rectory in 1295 in the face of intrigue propagated by two Colonna cardinals, which only came to an end with the Colonna's collapse after 1297. Such implications of curial power speaks to Barraclough's and Morris' (among others) arguments concerning the rise of the papal monarchy over the course of the thirteenth century,<sup>4</sup> at least in terms of the reach of curial power during the pontificate of Boniface VIII. The impact of both the Lyons II agenda and curial politics in the two dioceses points to a greater connectedness between English ecclesiastical affairs during this period and those further afield than previously acknowledged.

Agendas personal to each bishop, often formulated to advance their own causes, also underpinned the work that Pontoise and Swinfield conducted in their two dioceses. Swinfield's visitations to Chirbury priory, as well as his government in Y Gorrddwr, were motivated by his effort to bring that territory under his control. Pontoise's visitation to St Swithun's priory was part of his agenda to assert his authority in Winchester within the first few years of his arrival. These were long-term designs that prompted a range of actions in each diocese. In a field that has, until recently, given greater focus to administrative machineries and to archiepiscopal leadership in the late thirteenth century, there has been a tendency to assume that bishops governed because that is what they were expected to do. This notion that Pontoise and Swinfield were often motivated by personal agendas, or by formulating responses to other agendas, points towards the two bishops' independence in thought and deed. It is a simple conclusion and one that has been made for bishops in other periods but not, oddly, for those in the late thirteenth century.<sup>5</sup>

That Pontoise and Swinfield were both tapped into extensive, evolving networks is clear from several aspects of this thesis, as is the role those networks had in moulding the two bishops' outlooks and facilitating their activities. Pontoise's membership of Bronescombe's network during the 1270s brought with it patronage and advancement in his ecclesiastical career, as well as some of his first commissions as a proctor at the papal curia. After 1282, Pontoise also recruited members of that network, men with whom he was familiar, to join him in his new regime in Winchester. Swinfield likewise called on the members of Cantilupe's network, to which he had belonged between 1264 and 1282, to form his earliest household and to establish his regime in Hereford. This

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<sup>4</sup> Barraclough; Morris, *The Papal Monarchy*.

<sup>5</sup> See especially the essays in J.S. Ott and A. Trumbore (eds), *The Bishop Reformed: studies of episcopal power and culture in the Central Middle Ages* (Aldershot, 2007).

notion that bishops selected clerks to join their new households on the basis of personal connections adds an alternative perspective on Hoskin's argument that bishops selected clerks for continuing service for their administrative expertise.<sup>6</sup> Swinfield's part in Cantilupe's network also forged his outlook on ecclesiastical liberties and diocesan rights, leading to his role in protests against Peckham and the king alongside several other members of the Canterbury episcopate. It could also be said that Pontoise's part in Edward I's and Boniface VIII's respective networks propelled his career to new heights. Ambler and Ysebaert demonstrate that episcopal networks were prominent features of politics in twelfth-century France and mid-thirteenth century England.<sup>7</sup> This thesis shows the extent to which personal relationships, often played out in networks, and bonds between people created by patronage were key factors in all aspects of Pontoise's and Swinfield's episcopacies in the later thirteenth century, not just their political activities. In doing so, this study adds another dimension to Burger's argument that episcopal patronage, especially benefice-giving, was a significant component of diocesan governance,<sup>8</sup> namely by demonstrating the importance of networks, patronage, and human relationships/interactions for providing the basis for a wide range of episcopal activities.

The sense that Pontoise and Swinfield were career-minded emerged over the course of the research for this thesis. Barrow and Hugh Thomas both argue that secular clerics in the eleventh to the early thirteenth centuries were career-minded and identify the pivotal role of patrons in advancing clerical careers.<sup>9</sup> This present study shows that those arguments also apply to late-thirteenth century clerics, including bishops, by identifying the progression and development in the courses that Pontoise and Swinfield followed. Pontoise and Swinfield owed much of their development to their respective mentors, Bronescombe and Cantilupe, and the patronage that both bishops extended to Pontoise and Swinfield during the 1270s, moving them between benefices and, later, ecclesiastical offices. It was the same model of proportional patronage that Pontoise and Swinfield used over the course of their episcopates for clerks in their households. Pontoise also owed much to his relationship with the king for progression in his legal career, advancing from a proctor at the French *parlement* and papal curia to a royal diplomat. The impact this second aspect of his career had on Pontoise's approach to

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<sup>6</sup> Hoskin, 'Continuing Service', 124-38.

<sup>7</sup> Ambler, 'The Montfortian bishops', 193-209; Ysebaert, 'The Power of Personal Networks', 165-83.

<sup>8</sup> Burger, *Bishops, Clerks, Diocesan Governance*.

<sup>9</sup> Barrow, *The Clergy in the Medieval World*; Thomas, *Secular Clergy in England*.

episcopacy was profound, especially in terms of his reliance on his vicars-general to govern Winchester owing to his extended absences and, through offering benefices to royal clerks, in bringing his diocese in close alignment to the royal court. Swinfield, on the other hand, was more focussed on his ecclesiastical career and mirrored Cantilupe in his dedication to Hereford, adopting several politicized agendas that aimed to protect or aggrandize the diocese. This points to the role that both mentoring and ambition, two common features associated with careers, played in shaping Pontoise's and Swinfield's approaches to episcopacy.

By shedding light on these motivations, practices and relationships captured in the records of Pontoise's and Swinfield's registers, this thesis has argued that there was distinction between the two bishops' modes of episcopacy. The study advances Forrest's argument concerning the changing nature of diocesan government, and adds a new perspective to Burger's research on the roles played by people, and interactions between people, in ecclesiastical government, especially in Lincoln and Worcester dioceses.<sup>10</sup> It does so through its recognition that episcopacy in two dioceses, Hereford and Winchester, was fundamentally different due to the distinct ways that two bishops performed their roles as lords and leaders. The result was the creation of two equally distinct, albeit constantly shifting, diocesan cultures. There are certain limitations to the argument presented in this study in that it creates a bishop-centric view of each diocese. This is due to the nature of the material used in this study, which affords greater focus to the work of the bishop than it does to members of his household or, at an even lower level, the households of archdeacons and rural deans. However, this present study does add a new perspective on the field in that repaints the current picture of late-thirteenth century episcopacy, with its focus on lightning rods and saint-bishops, by revealing the extent of Pontoise's and Swinfield's agency, both within their dioceses and beyond them.

At the heart of this study were Pontoise's and Swinfield's registers and perhaps the most important conclusion to be drawn is that both are complex, multivalent collections of records that require significant attention in order to realize their full potential as historical material. It is difficult to determine much about these registers by focusing on one type of record, a commonplace approach to this material. This thesis offered a close examination of a range of register material, from ubiquitous records of institution to rare

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<sup>10</sup> Burger, 'Bishops, Archdeacons and Communication', 195-206 and 'Peter of Leicester, Bishop Giffard of Worcester, and the Problem of Benefices', 453-73.

visitation records, and from that examination emerges several conclusions concerning the content of the registers, especially in terms of the activity of registration in the two dioceses, and their uses in historical research.

Over the course of this thesis, it has become clear that Pontoise and Swinfield had strong connections with their respective registers. This includes input into their production, from the selection of material for registration to when material was entered in the registers, as chapter five demonstrates. This answers, to some extent, questions over who was responsible for choosing material for registration and what form certain records would take (although it by no means applies to all records in the two registers). This input into the act of registration is perhaps why Robert de Maidstone held such a prominent position in Pontoise's household: by keeping Robert close, the bishop could easily relay what material he wanted entering into the register. This close relationship between bishop and registrar is also seen with John de Beccles, Peckham's registrar, and John de Shelby, the man responsible for keeping Sutton's register.<sup>11</sup> It is due to this input that a great deal of the content in each register reflects different moments in their careers, of Pontoise's and Swinfield's changing concerns, agendas, and relationships, which made this study of episcopacy possible.

Although it was not possible in this thesis to cover every type of record in these two registers or to identify meaning/value in every record examined, this study shows that Pontoise's and Swinfield's registers were working collections of records. A large amount of the content in the two registers was selected because it served a particular purpose for each bishop (and sometimes his household). As chapter five shows, the two bishops put register material to use in a number of ways, which varied according to their needs at different points in their episcopates. It is this variable usage that gives the registers their multivalent and complex qualities: one record could serve more than one purpose at different times. This is clearest in Swinfield's visitation records for Leominster priory. The records acted as a full account of Swinfield's visitation procedure and his findings; in that sense they were normal visitation records used for oversight of a religious house. But when placed in the register alongside other material relating to the same case, the records served as an overarching argument for Swinfield's oversight at the priory. To that end, the meaning and value invested in the record changed according to its use. Both the purpose/uses of certain material and the input Pontoise and Swinfield had into registration, as well as various aspects of their

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<sup>11</sup> Brentano, *Two Churches*, 296-97; Finucane, 'The Registers of Archbishop John Peckham', 406-36;

production (especially the means of organizing material), makes these two registers seem less of a disparate collection of records than they do at first glance, and instead lends the impression that they were intentionally designed and thus valuable resources to the two bishops. These are qualities that have been hinted at in previous research into the origins of registers in the early thirteenth century,<sup>12</sup> but this thesis clearly identifies them in these two registers from the late thirteenth century.

The overarching aim of this present study was to develop new ways of using registers and register material for historical research. Over the course of the thesis, four methodologies were developed that help to tap into the potential of this material:

- One) Appreciate the formulaic/routine records. There has been a tendency in previous studies to neglect the most formulaic records in bishops' registers, especially records of institution. However, this study has shown that close examination of such records can reveal changes in the language or particular aspects of the content that can shed light on their context and their roles in the register. They can be as valuable a resource for research as records with a more expansive range of information.
- Two) Working with particular types of record. The core methodology in the first four chapters was to closely examine one particular type of record and, in doing so, explore how these records related to activities (such as records of institution and bishops acting as gatekeepers). Working so closely with a single type of record revealed the two bishops' priorities, agendas, tactics and procedures. Moving beyond particular records, by considering how records worked in conjunction, it was possible to identify overarching purposes in record-keeping over an extended period of time. This helped to add much needed context to seemingly disparate records.
- Three) Look to the original. A thorough study of the original manuscript served two significant purposes. First, it helped to correct any errors in the printed editions. Second, it revealed a great deal about the registers as objects and about their production. Changes in the type of scripts, in the hands that entered records, breaks between types of records and

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<sup>12</sup> Frankforter, 'The Origin of Episcopal Registration Procedures', 67-89; Smith, 'The Rolls of Hugh of Wells', 155-95.



intentional spaces on folios all shed light on the humans who produced them and on the shifting responsibilities for production. Understanding production serves to enhance an understanding of the material within the register.

- Four) Look beyond the registers. As important as it was to understand what records were entered into the registers, it was also important to consider what material was left out, to what records those in a register correspond, and the influences on the language of register records. This particular methodology opens up the study of registration as an activity, and also shed lights on the particular arguments the bishop wanted to present or the uses he had for material.

These methodologies mean that far more of each register was examined than was previously the case, affording greater insight into context, production, and function. To that end, these methodologies might have a wider application for the study of bishops' registers from this period, a time when registration was perhaps at its most experimental and organic, leading to the collection of a diverse range of records in each register. As it is hoped this present study shows, there is much potential in using such methodologies for opening up new perspectives on England and further afield in the late thirteenth century.

A recurring point that emerged from this thesis is the changeability of the three objects at its heart: the bishop, his diocese, his register. Pontoise and Swinfield constantly adapted or altered their outlooks and approaches to episcopacy, and this in turn shaped, and re-shaped, their dioceses and their registers. It serves as a reminder that this thesis was as much a study of human beings and their impact on the world around them as it was a study of the records that they produced. To that end it is worth reiterating the point raised in chapter five that it is difficult to read or even understand the register without first understanding the bishop. This awareness of such complexities, such varied qualities and characteristics should not deter from the use of bishops' registers. It should instead emphasize the vibrancy of previously overlooked material and, it is hoped, prompt a realization that further study of bishops' registers is both possible and necessary.

## **Appendix One. A Biographical Index of Pontoise's and Swinfield's household clerks**

This appendix serves as a biographical index for the members of Pontoise's and Swinfield's households. The index only includes clerks whose service to the bishop is clear, either due to certain descriptors (e.g. *clerico suo/nostro*) or because they appear in records on more than one occasion. The principal sources for both bishops' households are Pontoise's and Swinfield's registers due to diverse range of records relating to clerical records in each of them, including records of institution and memoranda recording the nature of their work. Other useful material includes Swinfield's *Household Roll* for the years 1289 to 1290, which contains payment details to specific clerks, and material kept by the two cathedral chapters. Beyond the two dioceses, royal records provide an important source for identifying clerks who travelled with the bishops (in protections for travelling overseas).

### **Pontoise's household clerks, 1282-1304**

#### **Philip de Barton**

Possibly originated from Barton-on-Humber, Lincolnshire; held rectory of Ulceby, Lincoln diocese by 1274 (*Rotuli Ricardi Gravesend, episcopi Lincolniensis A.D. MCCLVIII-MCCLXXIX*, F.N. Davis et al. (eds) (Lincoln Record Society 20, 1925), 57); obtained Masters degree from Oxford in the same year (*Bio. Reg. Oxon.* i, 122); first occurs in Pontoise's service as the bishop's official in July 1292 on his institution to the rectory of Meonstoke (*Reg. Pontissara* i, 53); canon of Lichfield by June 1293 until 1313 (*Reg. Pontissara* i, 351; *Fasti Ecclesiae 1300-1541*, vol. x, 49); papal chaplain by 1295 (*Reg. Pontissara* ii, 780); rector of Middleton after 1297 (Chapter One, 70-75); served as Pontoise's official between 1292 and March 1301; accompanied Pontoise

overseas in 1300 (*CPR 1292-1301*, 415); archdeacon of Surrey in March 1301 (held until 1320) (*Reg. Pontissara* i, 105); papal provision to canonry at Lincoln from March 1301 until 1307 (*Fasti Ecclesiae 1300-1541*: i, 83); accompanied bishop to France in 1303 (*CPR 1301-7*, 127); executor of Pontoise's will (*Reg. Woodlock* ii, 902, 906, 909, 912, 913, 914, 925).

### **Thomas de Bridport**

Likely originated from Bridport, Dorset; canon of Salisbury cathedral by June 1282 (*Fasti Ecclesiae 1066-1300*: iv, 91); identified as doctor/professor of canon law by 1290 (*Reg. Pontissara* i, 42); Thomas first appears in Pontoise's service in Rome in June 1282 and was likely part of Pontoise's proctorial staff before his provision to Winchester (*Reg. Pontissara* ii, 382); occasional service between 1285 and 1290, when Pontoise appointed him custodian of the rectory of Grateley (Winchester diocese) (*Reg. Pontissara* i, 42, 311, 343; *Reg. Pontissara* ii, 453); accompanied Pontoise to Gascony in 1286 (*CPR 1281-92*, 253); was bishop's official in Salisbury in May 1288 (*Reg. Swinfield*, 160).

### **William de Combe**

Executor of Nicholas de Ely's will (*Reg. Pontissara* ii, 733); briefly served Pontoise as a clerk/chaplain until c.1285 (*Reg. Pontissara* i, 14; *Reg. Pontissara* ii, 453).

### **William de Essex**

Likely from county of Essex; little known about his career before 1289, when he is first identified as a clerk in Pontoise's service (*Reg. Pontissara* i, 31); identified as a *magister* but his degree and alma mater are unknown (*CPR 1292-1301*, 179-80; *Reg. Pontissara* ii, 770); involved in Pontoise's collection of the crusading tenth after 1291 (*Reg. Pontissara* i, 109); instituted to Compton in April 1289 (*Reg. Pontissara* i, 31); instituted to Chilcomb (Winchester diocese) in April 1290 (*Reg. Pontissara* i, 14).

### **Simon de Fareham**

Likely from Fareham, Hants; career unknown before joining Pontoise's household in c.1291 (*Reg. Pontissara* ii, 480); predominantly managed business pertaining to the episcopal estate, often as the accountancy clerk who accompanied the steward (*Chartulary Winch. Cath.*, 186; *Pipe Roll of Winch. 1301-2*, 213, 215); served as one of Pontoise's vicars-general in 1296 and 1303 (*Reg. Pontissara* i, 152-53; *Reg. Pontissara* ii, 779); identified as rector of Hinton Ampner (Winchester diocese), by 1294 (no surviving record of institution, *Reg. Pontissara* ii, 496); instituted to St Mary's, Southampton (Winchester diocese) in September 1304 (*Reg. Pontissara* i, 176).

### **Geoffrey de Farnham**

Likely from Farnham, Hants, where the bishop had a palace; career unknown before July 1283, when he was instituted to East Woodhay (Winchester diocese) and identified as the bishop's clerk at Wolvesey (*Reg. Pontissara* i, 6-7); to be identified with Geoffrey de Wolvesey named as the bishop's treasurer (at Wolvesey) by January 1293

(*Reg. Pontissara* i, 59; *Reg. Pontissara* ii, 801); was treasurer during the king's scrutiny of all ecclesiastical treasure/monies in England (*Reg. Pontissara* ii, 495); rendered his accounts in 1299 (*Reg. Pontissara* i, 91); held role as treasurer until at least 1302 (*Pipe Roll of Winch. 1301-2*, 164, 246, 273); served as one of Pontoise's vicars-generals in 1295, 1300 and 1303 (*Reg. Pontissara* i, 87, 152-53; *Reg. Pontissara* ii, 779, 782); possibly the vicar of Stokenham (Exeter diocese) (*CPR 1292-1301*, 275).

### **Giacomo de Sinibaldi de Firenze**

Florentine native; rector of Kemsing in Ireland (Ross diocese) by 1291 (*Reg. Nicholas IV* ii, 854); active in England by 1294 (*CPR 1292-1301*, 121, 129); first occurs in Pontoise's service in 1297 while the bishop was in Rome but did not travel with Pontoise from England (*CPR 1292-1301*, 179-80; *Reg. Pontissara* ii, 569); accompanied Pontoise on a diplomatic mission to Rome in 1300 (*CPR 1292-1301*, 420); Pontoise presented him to Brightwell (Salisbury diocese) in March 1299 (*Reg. Pontissara* i, 54); instituted to Brightwell in the same month (*Reg. Gandavo* ii, 589-90); instituted to the archdeaconry of Winchester in July 1304, held until 1324 (*Reg. Pontissara* i, 171; *Fasti Ecclesiae 1300-1541*: iv, 50) instituted to prebendal portion at Romsey in Nov. 1304 (*Reg. Pontissara* i, 180).

### **John le Fleming**

Probably a native of Hampshire; brother of Walter le Fleming (*Reg. Pontissara* i, 15-16); identified as *magister* but degree unclear by c.1282 (*Reg. Pontissara* i, 240); previously served as a proctor at the papal curia for Nicholas de Ely but entered Pontoise's service as a clerk by 1283 (*Reg. Pontissara* i, 8, 271); rector of Nutley (Winchester diocese) by 1280 (confirmed in 1283) (*Reg. Pontissara* i, 8); failed attempted at collation of mastership of hospital of St Denys, Southampton, in 1286 (*PROME* Ed I Roll 1, mem. 2; *Reg. Pontissara* i, 20); had left Pontoise's service by 1291 (last occurrence *Reg. Pontissara* i, 47).

### **Walter le Fleming**

Probably a native of Hampshire; a layman and brother of John le Fleming (*Reg. Pontissara* i, 15-16); was in Rome with Pontoise before his papal provision to Winchester in June 1282 (*Reg. Pontissara* ii, 382); instituted as lay rector of North Stoneham (Winchester diocese) in August 1284 (*Reg. Pontissara* i, 15-16); d. November 1285 (*Reg. Pontissara* i, 19).

### **Geoffrey de la Flood**

Layman and, with his wife Alice le Hood, owner of the manor of West Tisted, Hants, from at least 1281 (*History of Hants*, vol iii, 58-62); served as Pontoise's attorney in 1282 and his bailiff in 1290 (*Reg. Pontissara* ii, 393, 453, 470). Last occurs in 1290.

### **William Frobury**

Layman, and with his wife Johanna held land/property in Puttenham, Surrey from at least 1296 (*Pedes finium or fines relating to the county of Surrey*, F.B. Lewis (ed.)

(1894), 64); served as Pontoise's constable at Farnham between 1285 and (*Reg. Pontissara* ii, 453, 782); served as one of Pontoise's vicars-general between January 1296 and February 1299 (*Reg. Pontissara* ii, 770).

### **Robert Harwedon**

Attorney for Hugh le Despenser the elder from 1294 (*CPR 1292-1301*, 73, 170, 224, 306, 535, 561; *CCR 1302-7*, 293, 302); bishops' steward by 1301 (*Chertsey Abbey Cartularies* ii:i, H. Jenkinson (ed.) (Surrey Record Society 12, 1958), 353; *Pipe Roll of Winch. 1301-2*, 140-41, 197-98, 347-48); served as one of Pontoise's vicars-general in 1303 (*CPR 1301-7*, 127; *Reg. Pontissara* i, 152-53); presented to Wroughton (Salisbury diocese) in September 1303 (no record of institution, *Reg. Pontissara* i, 156); given custody of the sequestered fruits of Kimpton in June 1304 (*Reg. Pontissara* i, 167); presented to Downton (Salisbury diocese) in November 1304 and instituted shortly after (*Reg. Gandavo* ii, 639; *Reg. Pontissara* i, 181); later a royal justice (*CPR 1301-7*, 106, 156, 354, 400, 544); keeper of the temporalities during the vacancy at Winchester in 1305 (*CCR 1302-7*, 236; *CPR 1301-7*, 316).

### **Michael de Helstone**

Little known about his career before 1289 but possibly started in Helstone-in-Trigg where another of Pontoise's clerks, Payne de Liskeard, held the local parish church of Michaelstow (see Payne de Liskeard); identified as a *magister* (no known degree) and clerk of Edmund de Mortimer in 1289 when he was given custody of Martyr-Worthy (*Reg. Pontissara* i, 32); first served Pontoise as a clerk/proctor relating to business of collecting the 1291 papal tenth in c.1295/96 (*Reg. Pontissara* ii, 801, 803); commissioned as bishop's official in June 1299 (*Reg. Pontissara* i, 88); served as one of Pontoise's vicars-general in 1300 and 1303 (*Reg. Pontissara* i, 87, 152-53); instituted as archdeacon of Winchester in June 1304 (*Reg. Pontissara* i, 167-68); instituted to Meonstoke (Winchester diocese) in August 1304 (*Reg. Pontissara* i, 172); acted as an executor of Pontoise's will (*Reg. Woodlock* ii, 909).

### **Sir Philip de Hoyville**

Local landowner in Oxfordshire from at least the 1270s (*History of the County of Oxford* vii, 3); sheriff of Hampshire in 1280-82 and again in 1305-6 (*Chertsey Cartularies* ii:i, 176); entered Pontoise's service as the bishop's steward on 9 October 1282 (*Reg. Pontissara* i, 261); served in that capacity until at least 1300; served as one of Pontoise's vicars-general in 1288 and 1296-99 (*Reg. Pontissara* ii, 469, 779); continued to serve Pontoise even after leaving stewardship (*Pipe Roll of Winch. 1301-2*, 347-48).

### **Henry de Liskeard**

Unknown origins (Liskeard, Cornwall?) but possibly began career in diocese of Bath and Wells: identified as rector of Sparkford, Somerset, in 1297 (*CPR 1292-1301*, 281); entry into the bishop's service as a clerk by May 1301 when Pontoise presented him to Bleadon (Bath and Wells diocese) (*Reg. Pontissara* i, 110-11); accompanied Pontoise

on a diplomatic mission to France in 1303 (*CPR 1301-7*, 127); instituted to Woodhay (Winchester diocese) in March 1302; still in Pontoise's service as a clerk in December 1304 (TNA E30/1675).

### **Payne de Liskeard**

Originated in Cornwall; probably in the service of successive earls of Cornwall (Richard (d.1272) then Edmund (1272-1300)) in 1260s and 1270s, from whom he received benefices at Michaelstow and St Stephen-in-Brannel, before collation of a canonry at Glasney in 1270 (all Exeter diocese) (*Reg. Bronescombe* ii, 2, 52, 57, 98); first appears as bishop's treasurer at Wolvesey in January 1283 (*Reg. Pontissara* i, 245-46, 246); instituted to Hursley (Winchester diocese) in December 1284 (*Reg. Pontissara* i, 16); served as vicar-general in 1288 (*CPR 1281-1292*, 164; *Reg. Pontissara* ii, 469-70); replaced as treasurer by Geoffrey de Farnham (above) by 1293x94 but still in Pontoise's service in 1295 when he served as one of the bishop's vicars-general (*Reg. Pontissara* ii, 779); possibly died in October 1296 when Hursley was collated to another clerk (*Reg. Pontissara* i, 93).

### **Chace de Maidstone**

Likely from Maidstone, Kent; witness to one episcopal ruling in the diocesan court in 1293 (*Chartulary Winch. Cath.*, 17).

### **Edmund de Maidstone**

Little known about his career before 1284 but presumably from Maidstone, Kent; bishop's clerk by September 1284 when instituted to Lasham (Winchester diocese) (*Reg. Pontissara* i, 16); instituted to Bishop's Waltham in March 1289, having first resigned his benefices of Lasham and North Waltham (*Reg. Pontissara* i, 31); described as the bishop's chaplain by 1289 (n.b. described as 'our chaplain, clerk of our household' (*Reg. Pontissara* i, 185); instituted to Adderbury (Lincoln diocese) at Pontoise's presentation in 1292 (*Reg. Oliver Sutton* viii, 177); accompanied Pontoise to Rome in 1296 (*CPR 1292-1301*, 179-80); d.1297 (*Reg. Oliver Sutton* viii, 199).

### **Henry de Maidstone**

Likely from Maidstone, Kent; accompanied Pontoise during his time at the papal curia between January 1296 and February 1299 (*CPR 1292-1301*, 179-80).

### **Hugh de Maidstone**

Likely from Maidstone, Kent; accompanied Pontoise during his time at the papal curia between January 1296 and February 1299 (*CPR 1292-1301*, 179-80).

### **John de Maidstone**

Likely from Maidstone, Kent; accompanied Pontoise during his time at the papal curia between January 1296 and February 1299 (*CPR 1292-1301*, 179-80).

### **Robert de Maidstone**

Presumably from Maidstone, Kent; first occurs in Pontoise's service in c.June or July 1282 while the bishop was still in Orvieto before returning to England (*Reg. Pontissara* i, 252-53); was given custody of Niton (Winchester diocese) in April 1285 (*Reg. Pontissara* i, 17); instituted to Michelmersh (Winchester diocese) in July 1286 (*Reg. Pontissara* i, 25); given custody of Oxted (Winchester diocese) in March 1295, when he was described as bishop's chaplain (*Reg. Pontissara* i, 70-71); possibly the bishop's registrar by 1294 (*Reg. Pontissara* ii, 496); accompanied Pontoise to Rome in 1296 (*CPR 1292-1301*, 179-80); instituted to Adderbury (Lincoln diocese) in 1297 (*Reg. Oliver Sutton* viii, 199); appointed master of the hospital of St Cross, Winchester, by May 1299 (*CPR 1292-1301*, 420); accompanied Pontoise to Rome in 1300 (*CPR 1291-1301*, 420); accompanied bishop to France in 1303 (*CPR 1301-7*, 127); was at the centre of a scandal over St Cross in 1305 when Pontoise's successor, Henry de Woodlock, attempted to deprive Robert (*Reg. Woodlock* i, 60-61).

### **Thomas (de Pores) de Maidstone**

Indication that he had a clerical career in Canterbury diocese before 1292 where he was instituted to Ham-by-Sandwich in 1289 (*Reg. Peckham* (CYS) i, 86.); in Pontoise's service as a clerk by December 1292 when he was instituted to Esher (*Reg. Pontissara* i, 56-57); possibly a *magister* by 1294 (*CPR 1292-1301*, 120); comptroller of the bishop's wardrobe by May 1299 but not earlier than May 1297 when the position was held by John de Shelton (*Reg. Pontissara* i, 81, 85-86); accompanied Pontoise overseas in 1300 (*CPR 1292-1301*, 415).

### **David de Pontoise**

Possibly the bishop's relative and served Pontoise before 1282 (*Reg. Pontissara* ii, 382); identified as a *magister* by 1283 (*Reg. Pontissara* i, 254); served as the bishop's chaplain (*Reg. Pontissara* i, 15); given custody of Ellisfield St Martin (Winchester diocese) in 1284 (*Reg. Pontissara* i, 293); identified as the rector of Bishopstoke by August 1285 (*Reg. Pontissara* i, 290, 311); commissioned as the bishop's proctor in France in August 1285 when he disappears from record (*Reg. Pontissara* i, 315).

### **Henry de Rowadon**

Career before 1284 unknown; described as a *magister* by August 1284 (degree/alma mater unknown) when he first appears as bishop's clerk (*Reg. Pontissara* i, 290); instituted to Chilcomb (Winchester diocese) in April 1285 (*Reg. Pontissara* i, 18-19); instituted to Easton (Winchester diocese) in April 1290 (*Reg. Pontissara* i, 36-37); accompanied Pontoise to Rome in 1296, (*CPR 1292-1301*, 179-80); last appears in 1297 (*Reg. Pontissara* i, 569).

### **Philip de St Austell (aka de Cornwall)**

Philip originated from Cornwall and began his career in Bronescombe's service by 1266, who in March 1274, commissioned him as proctor at the papal curia alongside Pontoise, and instituted him to the archdeaconry of Barnstaple on 28 August 1279 (*Reg.*

*Bronescombe* ii, 19, 56, 65, 66, 84, 130, 135); Peckham commissioned Philip and Pontoise as his proctors at the curia from 1280 to 1282 (*Reg. Peckham* (CYS) ii, 38-9); was with Pontoise in Orvieto in June/July 1282 (*Reg. Pontissara* i, 252-53); commissioned as bishop's official by September 1282 (*Reg. Pontissara* ii, 382); left for Rome shortly after April 1285, when he was still described as a clerk; instituted to Westmeon (Winchester diocese) in April 1294 when he first occurs as archdeacon of Winchester (*Reg. Pontissara* i, 61); accompanied Pontoise overseas in 1286, 1296, and 1303 (*CPR 1281-92*, 253; *CPR 1282-1301*, 179; *CPR 1301-7*, 127); d. in 1304 (*Reg. Pontissara* i, 172).

### **Thomas de Scarning**

Presumably from Scarning, Norfolk; held the archdeaconry of Norwich from at least January 1273 (*Fasti Ecclesiae 1066-1300*, ii, 64); possibly the chancellor of University of Cambridge in 1286 (A.B. Emden, *A Biographical Register of the University of Cambridge to A.D. 1500* (Cambridge, 1963), 531); first occurs in Pontoise's service (as Thomas de Norwich) in October 1289 as a commissary (*Reg. Pontissara* i, 33-34); accompanied Pontoise to Rome in 1296 (*CPR 1292-1301*, 179); instituted to archdeaconry of Surrey in November 1296 (*Reg. Pontissara* i, 80); d. 1301 (*Reg. Pontissara* i, 105).

### **Henry de Sempringham**

Probably originated in Sempringham, Lincolnshire but career before 1282 unknown; first occurs in October 1286 as bishop's official (*Reg. Pontissara* i, 329); instituted to Compton (Winchester diocese) in July 1288 (*Reg. Pontissara* i, 30); still official in October 1289 but referred to as a clerk in 1291 (around the time of Philip de Barton's arrival) (*Reg. Pontissara* i, 33-34, 44); resigned Ellisfield St Martin (Winchester diocese) in September 1295, still described as 'our most devoted clerk' (*Reg. Pontissara* i, 79); still in Pontoise's service in 1303 (*Reg. Pontissara* i, 155).

### **Hugh de Welwick**

Likely from Welwick-in-Holderness, East Riding of Yorkshire, where Pontoise held a rectory before 1282; first occurs as bishop's clerk in October 1296 when instituted to Hursley (Winchester diocese) while in Rome with the bishop (*Reg. Pontissara* i, 93; *Reg. Pontissara* ii, 640); accompanied Pontoise to the papal curia in 1300 (*CPR 1292-1301*, 511).

### **John de Welwick**

Likely from Welwick-in-Holderness, East Riding of Yorkshire, where Pontoise held a rectory before 1282; brother of William de Welwick (*Reg. Pontissara* ii, 770); instituted to Alverstoke (Winchester diocese) in April 1290 (*Reg. Pontissara* i, 38); instituted to Brighstone (Winchester diocese) in June 1290 (*Reg. Pontissara* i, 40); accompanied Pontoise overseas in 1296 (*CPR 1292-1301*, 179-80).



### **William de Welwick**

Likely from Welwick-in-Holderness, East Riding of Yorkshire, where Pontoise held a rectory before 1282; brother of John de Welwick (*Reg. Pontissara* ii, 770); instituted to Brighstone (Winchester diocese) in April 1290 (*Reg. Pontissara* i, 37); first occurs as bishop's clerk in 1292 on his instituted to Cheriton (Winchester diocese) (*Reg. Pontissara* i, 55); accompanied Pontoise overseas in 1296 and 1300 (*CPR 1292-1301*, 179-80, 415, 420).

### **William de Welling**

Career unknown before 1282 but first occurs in Pontoise's service in c. June or July 1282 while the bishop was still in Orvieto before returning to England (also identified as a *magister*) (*Reg. Pontissara* i, 252-53); given custody of Easton (Winchester diocese) in August 1287 (*Reg. Pontissara* i, 29); given custody of Burghclere (Winchester diocese) in April 1290 (*Reg. Pontissara* i, 36); accompanied Pontoise overseas in 1296 (*CPR 1292-1301*, 179-80); instituted to mastership of hospital of St Cross, Winchester in November 1296 (*Reg. Pontissara* i, 80); no further record after January 1297 (*Reg. Pontissara* ii, 569).

## **Swinfield's Household Clerks, 1283-1317**

### **Adam de Aylton**

Public notary possibly in Swinfield's service from at least November 1306 when instituted to Willersley (Hereford diocese) (*Reg. Swinfield*, 477-76, 511-12, 537); instituted to Deuxhill and Middleton (Hereford diocese) in November 1316 (*Reg. Swinfield*, 544); bequeathed ten marks and four silver spoons in Swinfield's will (HCA 1011, 1030).

### **John de Bestan**

Earliest career centres around Canterbury diocese where he held the rectory of Smarden (Canterbury diocese) before resigning it in 1279 (*Reg. Peckham* (RS) iii, 1014); doctor of canon law from Oxford (*Bio. Reg. Oxon.* iii, 2151-52); first appears in Swinfield's service as a proctor in April 1287 (*Reg. Swinfield*, 137); instituted to the archdeaconry of Shropshire (Hereford diocese) in September 1287 (*Reg. Swinfield*, 526); instituted to Westcliffe (Canterbury diocese) by 10 February 1289 when he is first identified as being in Archbishop Peckham's service (*Reg. Peckham* iii, 961; *Reg. Swinfield*, 228); went to Rome on Swinfield's business in July 1289 (*Reg. Swinfield*, 219); resigned archdeaconry of Shropshire before Peckham on his return to England in August 1289 (*Reg. Swinfield*, 227); instituted to prebend of Hinton (Hereford diocese) in February 1295, void, followed by institution to Huntington prebend (Hereford diocese) in August the same year (*Reg. Swinfield*, 530); d. 1304 (*Reg. Swinfield*, 536 fn. 2).

### **Roger de Canterbury**

Presumably originated in Kent; identified as a *magister* but career before 1290 unknown; first occurs as clerk in Swinfield's service in May 1290 (*Reg. Swinfield*, 238); instituted to archdeaconry of Shropshire in March 1293 (*Reg. Swinfield*, 529); instituted to prebend of Hinton (Hereford diocese) in August 1299 (*Reg. Swinfield*, 531); instituted to treasurership at Hereford cathedral in January 1300 (*Reg. Swinfield*, 531); notable absence from cathedral mass pence rolls of 1301, pointing to continuing service with bishop (HCA R390); d. June 1303 (*Reg. Swinfield*, 534).

### **William de Caple**

Little known about his career before 1296 but he is identified as a *magister* (*Reg. Swinfield*, 338); first clear occurrence in Swinfield's service in November 1303 as the bishop's official (*Reg. Swinfield*, 394-95); instituted to Moreton Minor prebend in November 1303 (*Reg. Swinfield*, 535); still active in Hereford diocese in 1310 (HCA 2596).

### **Adam Carbonel**

Probably originated in Herefordshire where he is identified as the rector of Humber after July 1302 (*Reg. Swinfield*, 534); first identified in Swinfield's service in August 1308 when he was commissioned to assume the role of the absent official (*Reg. Swinfield*, 442); appears as the bishop's commissary (*commissarius*) in April 1309 (*Reg. Swinfield*, 451); commissioned as the bishop's official in August 1309 (*Reg. Swinfield*, 453); instituted to an unidentified prebend at the cathedral in February 1313 (*Reg. Swinfield*, 542); still a canon in Hereford in July 1330 (HCA 2089).

### **Thomas de la Dean**

First appears in Swinfield's service in April 1283 when he is identified as a layman (*Reg. Swinfield*, 14-15); instituted to Hampton Bishop (Hereford diocese) on December 1288 (*Reg. Swinfield*, 527); appears on the bishop's business in London in 1289 and 1290 (*Swinfield's Household Roll*, 43, 92, 112); identified as bishop's chaplain in September 1290 (*Reg. Swinfield*, 242); last appears in August 1292 (*Reg. Swinfield*, 282).

### **Robert (de Wych) de Gloucester**

Formerly Thomas de Cantilupe's official (*Reg. Cantilupe*, lxix; see Finucane, 'The Cantilupe-Pecham Controversy' in Jancey (ed.), *St Thomas Cantilupe*, 103-23, esp. pp. 104-11); first occurs in Swinfield's service in April 1283 when a canon of Hereford (*Reg. Swinfield*, 14-15); commissioned as one of the bishop's proctors at the papal curia in September 1283 (*Reg. Swinfield*, 66); still serving in that capacity in April 1285 (*Reg. Swinfield*, 96, 99); instituted to the chancellorship of Hereford cathedral in September 1299 (*Reg. Swinfield*, 531); fewer connections with the episcopal household thereafter.

### **Richard de Hammish**

First occurs in Hereford diocese in March 1313, identified as a *magister* but degree/alma mater unknown (*Reg. Swinfield*, 484-85); commissioned as the bishop's official in September 1314 (*Reg. Swinfield*, 495); instituted to Ewithington prebend in August 1316 (*Reg. Swinfield*, 544); Swinfield bequeathed him twelve shillings for his servants to have (HCA 1023).

### **Adam Harpin**

Served as Cantilupe's falconer and took on the same role in Swinfield's household (*Reg. Cantilupe*, 26; *Swinfield's Household Roll*, 4); witness to several episcopal *acta* (*Reg. Swinfield*, 128, 248-49).

### **James de Henley**

Career before 1291 unknown; first occurs in Pontoise's service as a clerk in October 1291 (*Reg. Swinfield*, 276); instituted to Eaton Bishop (Hereford diocese) in 1324 (*Reg. Swinfield*, 533); instituted to Ross (Hereford diocese) in April 1308 (*Reg. Swinfield*, 538); canon of Hereford by March 1313 (*Reg. Swinfield*, 486); still in the bishop's service in April 1316 (*Reg. Swinfield*, 508); still active in Hereford diocese in October 1326 (*Reg. Charlton*, 1-2).

### **Richard de Hertford**

Career before 1285 unknown but appears as a clerk in Swinfield's service in early 1285 (also identified as a *magister*) (*Reg. Swinfield*, 93); instituted to archdeaconry of Hereford in November 1287 (*Reg. Swinfield*, 527); instituted to prebend of Pratum Minus in December 1288 (*Reg. Swinfield*, 527); instituted to Warham prebend in March 1293 (*Reg. Swinfield*, 529); d. June 1303 (*Reg. Swinfield*, 535).

### **John de Kempsey**

Served Cantilupe from at least September 1275 (*Reg. Cantilupe*, 16); first appears in Swinfield's service in April 1283 (*Reg. Swinfield*, 14-15); instituted to Colwall (Hereford diocese) in October 1283 (*Reg. Swinfield*, 524); frequently appears as a witness to episcopal *acta*; served as comptroller of bishop's wardrobe from at least Michaelmas 1289 (*Swinfield's Household Roll*, 3); instituted to Ross (Hereford diocese) in July 1295 (*Reg. Swinfield*, 530); instituted to Morton Minor prebend attached to Hereford cathedral in September 1302 (*Reg. Swinfield*, 534); instituted to Bartonsham prebend in November 1303 (*Reg. Swinfield*, 535); instituted to cathedral treasurership in April 1308 (*Reg. Swinfield*, 838); served as one of Swinfield's executors (HCA 1024); Swinfield bequeathed him one gilded silver cup embossed with a fleur-de-lis, with a base and plated cover, worth forty shillings, six silver spoons, worth six shillings, ten bench-covers, three scarlet cushions embroidered with vines and shields, worth twenty shillings (HCA 1028); see Chapter Two, 100-5.

### **William de Kingscote**

Professor of canon law and chancellor of Oxford in c.1289 (*Bio. Reg. Oxon.* i, 1074); instituted to Westbury-in-Forest in September 1284 (*Reg. Swinfield*, 528); first occurs in Swinfield's service in January 1291 as bishop's official (*Reg. Swinfield*, 249); instituted to Pratum Minus prebend at Hereford cathedral in March 1293 (*Reg. Swinfield*, 529); instituted to prebend of Preston at Hereford cathedral in May 1303 (*Reg. Swinfield*, 534); dean of Exeter cathedral in 1309 (*Fasti Ecclesiae 1300-1541* ix, 3); d. 1310 (*Reg. Swinfield*, 540 fn. 5).

### **Ralph de la Lea**

Swinfield curial proctor in the late 1290s/ early 1300s (*Reg. Swinfield*, 362, 379, 385).

### **William Mortimer**

Presumably belonged to the local Mortimer Marcher family; to be identified with the William Mortimer who held the custody of a portion at Burford in March 1277 (*Reg. Cantilupe*, 120); first occurs in Swinfield's service in 1283 as the bishop's steward (*Reg. Swinfield*, 15); instituted to Fownhope prebend at Hereford cathedral in June 1287 (*Reg. Swinfield*, 526); instituted to Madley prebend at Hereford cathedral in January 1300 (*Reg. Swinfield*, 531); still held the role in at least May 1305 (*Reg. Swinfield*, 418); d. September 1316 (*Reg. Swinfield*, 544).

### **William de Morton**

Career unknown before 1286; first occurs in Pontoise's service in June 1286 as a clerk (*Reg. Swinfield*, 112); often appears alongside John de Kempsey, the comptroller of the bishop's wardrobe, perhaps pointing to William's work in a similar role (*Reg. Swinfield*, 182, 223); instituted to Fownhope rectory in June 1286 (*Reg. Swinfield*, 526); last occurs in 1298 (*Reg. Swinfield*, 358).

### **Nicholas de Oxford**

Served in Cantilupe's household from at least January 1276 (*Reg. Cantilupe*, 116-17); institution to Hughley (Hereford diocese) in March 1279 (*Reg. Cantilupe*, 202); first occurs in Swinfield's service, presumably as a clerk, in January 1291 (*Reg. Swinfield*, 248-49); occurs as bishop's chaplain in October 1291 (*Reg. Swinfield*, 276).

### **Nicholas de Reigate**

Career unknown before 1285 when instituted to Coreley (Hereford diocese) in February 1285 (*Reg. Swinfield*, 525); instituted to Coddington (Hereford diocese) in October 1286 (*Reg. Swinfield*, 526); audited Swinfield's household roll for the years 1289 to 1290 (*Swinfield's Household Roll*, 161); given custody of Byford (Hereford diocese) in August 1296 and instituted in February 1299 (*Reg. Swinfield*, 530, 531); instituted to a prebendal portion at Bromyard in August 1299 (*Reg. Swinfield*, 531); instituted to Wellington prebend in June 1303 (*Reg. Swinfield*, 534); instituted to treasurership of Hereford cathedral in March 1304 (*Reg. Swinfield*, 535); d. March 1308 (*Reg. Swinfield*, 538).

### **John de Ross**

Doctor of civil law obtained from Oxford (*Bio. Reg. Oxon.* iii, 1590-91); possibly also the John de Ross, the subdean of Hereford, who witnessed two of Swinfield's *acta* in 1289 (*Reg. Swinfield*, 215, 222-23); first occurs as one of Swinfield's proctors at the papal curia in May 1291 (*Reg. Swinfield*, 254-55, 277); obtained a papal provision to a canonry at Hereford cathedral in April 1306 (*Reg. Swinfield*, 428); archdeacon of Shropshire by April 1309 (*Reg. Swinfield*, 450); instituted to the prebend of Moreton Minor in November 1310 (*Reg. Swinfield*, 540); founded a chantry at Ross by 1313 (*Reg. Swinfield*, 507, 541); elected as bishop of Carlisle in January 1325 (*Fasti Ecclesiae 1300-1541* vi, 97).

### **Cursius de San Gimignano**

One of Swinfield's proctors at the papal curia from 1283 to 1299 (*Reg. Swinfield*, 8, 66, 67, 379).

### **Hamo de Sandwich**

Career unknown before 1295 when he was instituted to Deuxhill and Middleton (Hereford diocese) in October of that year (*Reg. Swinfield*, 530); first occurs as a clerk in Swinfield's service in April 1296 (*Reg. Swinfield*, 338); instituted to Turnaston (Hereford diocese) in March 1299 (*Reg. Swinfield*, 531); instituted to Stretton (Hereford diocese) in November 1300 (*Reg. Swinfield*, 532); instituted to Whitbourne (Hereford diocese) in September 1306 (*Reg. Swinfield*, 537); instituted to Moreton and Whaddon prebend at Hereford cathedral in February 1310 (*Reg. Swinfield*, 540); instituted to Putson prebend at Hereford cathedral in March 1312 (*Reg. Swinfield*, 541); last occurs in March 1313 (*Reg. Swinfield*, 484-85).

### **Roger de Sevenoaks**

Served in Cantilupe's household from at least August 1276 (*Reg. Cantilupe*, 88); briefly served as Cantilupe's official in 1280 when he was also instituted to a cathedral prebend (*Reg. Cantilupe*, 63); first occurs in Swinfield's service in April 1283 as bishop's official (*Reg. Swinfield*, 13, 15); instituted to Hampton Bishop (Hereford diocese) in April 1287 (*Reg. Swinfield*, 526); given custody of archdeaconry of Hereford in May 1287 until November of the same year (*Reg. Swinfield*, 526); instituted to a prebendal portion at Bromyard in January 1288 (*Reg. Swinfield*, 527); instituted to the treasurership of Hereford cathedral in September 1294 and instituted to the prebend of Inkberrow shortly after (*Reg. Swinfield*, 529); continued to serve Swinfield even after becoming treasurer (*Reg. Swinfield*, 315, 328, 331); d. January 1300 (*Reg. Swinfield*, 531 fn. 12).

### **John de Swinfield**

Nephew of the bishop; given custody of Hampton Bishop (Hereford diocese) in October 1283 (*Reg. Swinfield*, 524); first occurs in Swinfield's service in July 1285 (*Reg. Swinfield*, 94-95); instituted to Withington parva prebend at Hereford cathedral in August 1285 (*Reg. Swinfield*, 525); instituted to Hampton Bishop in October 1285 (*Reg.*

*Swinfield*, 525); instituted to Fownhope prebend in January 1287 (*Reg. Swinfield*, 526); instituted to the archdeaconry of Shropshire (Hereford diocese) in October 1289 (*Reg. Swinfield*, 528); continued to serve his uncle even after institution to a canonry and the archdeaconry (*Reg. Swinfield*, 223, 299); instituted to the treasurership at Hereford cathedral in March 1293 (*Reg. Swinfield*, 529); instituted to the precentorship at Hereford cathedral on 21 September 1291 and instituted to a prebend at Ledbury on the same day (*Reg. Swinfield*, 529).

### **Gilbert de Swinfield**

Nephew of the bishop; first appears in Swinfield's service in April 1283 (*Reg. Swinfield*, 14-15); instituted to the prebend of Woolhope at Hereford cathedral in September 1287 (*Reg. Swinfield*, 524); instituted to the chancellorship at Hereford cathedral in January 1287 (*Reg. Swinfield*, 526); instituted to Bartonsham prebend in June 1287 (*Reg. Swinfield*, 526); drew expenses from the bishop's wardrobe in 1289 to 1290 (*Swinfield's Household Roll*, 129-30); headed to Orléans for study after August 1290 (*CPR 1281-92*, 38; *Swinfield's Household Roll*, 119); continued to serve the bishop while chancellor (*Reg. Swinfield*, 240); instituted to prebendal portion at Bromyard in October 1297 (*Reg. Swinfield*, 531); d. August 1299 (*Reg. Swinfield*, 531).

### **Richard de Swinfield**

One of the bishop's nephews and probably the son of Stephen de Swinfield (*Swinfield's Household Roll*, 192); instituted to prebendal portion at Bromyard in January 1294 (*Reg. Swinfield*, 529); instituted to Hinton prebend at Hereford cathedral in October 1297 (*Reg. Swinfield*, 531); instituted to the prebend of Bartonsham at Hereford cathedral in August 1299 (*Reg. Swinfield*, 531).

### **Stephen de Swinfield**

Identified as the bishop's brother when Bishop Swinfield granted the guardianship of Chilton manor and the wardship (incl. marriage rights) of the heirs of Walter de Dinedor in September 1287 (*Reg. Swinfield*, 154, 328).

### **Fr Thomas de Swinfield**

Thomas appears as a witness to two of Swinfield's *acta*, in 1289 and 1291, when he is described as the master of the house of Friars Minor in Bristol (*Reg. Swinfield*, 226, 276); Bishop Swinfield identified as a patron of the friars minor (*A Collectanea relating to the Bristol Friars Minor and their Convent*, 46).

### **Stephen de Thanet**

Career unknown before 1289 unknown but appears as an accountant in Swinfield's household in that year (*Swinfield's Household Roll*, 119); occurs as a clerk in October 1291 (*Reg. Swinfield*, 276); freq. appears alongside James de Henley (*Reg. Swinfield*, 282, 337-38); instituted to King's Pyon in October 1301 (*Reg. Swinfield*, 533).

## Abbreviations

<b>BL</b>	British Library, London
<b>Canterbury &amp; York Soc.</b>	CYS
<b>CCR</b>	<i>Calendar of the Close Rolls preserved in the Public Record Office, 1272-1307</i> , ed. H.C. Maxwell Lyte, 5 volumes (London, 1900-8)
<b>CPR</b>	<i>Calendar of the Patent Rolls preserved in the Public record Office, 1272-1307</i> , ed. H.C. Maxwell Lyte, 4 vols (London, 1893-1901)
<b>Councils &amp; Synods ii</b>	<i>Councils &amp; Synods, with other documents relating to the English church: volume two (A.D. 1205-1313)</i> , ed. F.M. Powicke and C.R. Cheney, 2 parts (Oxford, 1964)
<b>EEA</b>	<i>English Episcopal Acta</i> (British Academy)
<b>EHR</b>	<i>English Historical Review</i>
<b>Fasti Ecclesiae</b>	<i>Fasti Ecclesiae Anglicanae 1066-1300</i> , 10 volumes (London, 1968-2005); <i>Fasti Ecclesiae Anglicanae 1300-1541</i> , 10 vols (London, 1962-67)
<b>Hants RO</b>	Hampshire Record Office, Winchester
<b>Heref RO</b>	Herefordshire Record Office, Hereford
<b>HCA</b>	Hereford Cathedral Library and Archive
<b>Reg. Cantilupe</b>	<i>The Register of Thomas of Cantilupe, bishop of Hereford (A.D. 1275-1282)</i> , transcribed by R. G. Griffiths, intro. by W.W. Capes (Cantilupe Society, 1906)

<b>Reg. Peckham (CYS)</b>	<i>The Register of John Pecham, Archbishop of Canterbury 1279-1292</i> , ed. F.N. Davis et al., 2 vols (Canterbury & York Society, 1908-69)
<b>Reg. Peckham (RS)</b>	<i>Registrum Epistolarum Fratris Johannis Peckham Archiepiscopi Cantuariensis</i> , ed. C.T. Martin, 3 vols (Rolls Series, 1882-85)
<b>Reg. Pontissara i and ii</b>	<i>Registrum Johannis de Pontissara, episcopi Wyntoniensis 1282-1304</i> , ed. C. Deedes, 2 vols (CYS 1915-24)
<b>Reg. Swinfield</b>	<i>Registrum Ricardi de Swinfield 1283-1317</i> , ed. W. W. Capes (CYS, 1909)
<b>Swinfield's Household Roll</b>	<i>Roll of the Household Expenses of Richard de Swinfield, bishop of Hereford, 1289-90</i> , ed. J Webb (Camden Society, 1854-55)
<b>Taxatio</b>	<i>The Taxatio Database</i> , ed. J.H. Denton et al., accessed at <a href="http://www.hrionline.ac.uk/taxatio/index.html">http://www.hrionline.ac.uk/taxatio/index.html</a> . Each footnote also includes the relevant search term e.g. <i>Taxatio</i> : Doncaster
<b>TCE</b>	<i>Thirteenth-Century England</i>
<b>TNA</b>	The National Archives, Kew



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### **Unpublished PhD theses**

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