Kings' Courts and Bishops' Administrations in Fourteenth-Century England: A Study in Cooperation

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Behind the rhetoric and theory of crown-church conflict there was much cooperation in the everyday world, where practice and pragmatism often overrode legal and theoretical rules. This article examines the ways in which fourteenth-century English bishops and their clerks responded to the demands made of them by the royal courts. Bishops were bombarded with commands from the crown, with a resulting impact on diocesan records. The crown sought historic information about finance and rights, and commanded bishops to collect clerics' debts and to enforce their attendance before the lay courts in both civil and criminal cases. Enquiries about the current status of individuals, whether professed in religious orders or legitimate, made considerable work for bishops. How enthusiastically and efficiently these orders were carried out is also evaluated and discussed.

Cooperation between the church and secular legal authority may lack the drama of church-state power contests or the intellectual excitement of theoretical conflicts of jurisdictions, yet investigation of normality and cooperation still has much to teach us, and can yield rich and surprising rewards.[1] The interaction between English royal law courts and episcopal administrations in the long fourteenth century, moreover, is a subject with abundant sources; yet it has received comparatively little attention.[2] The year 1300 is a good starting

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[1] In Lincoln, Lincolnshire Archives (hereafter: LA), register 12B, the present writer discovered a new document about John Wyclif ('John Wycliffe's Mission to Bruges: A Financial Footnote', *JThS* n.s. 24 [1973], 521–2) and an unsuspected nest of Lollards: 'Bishop Buckingham and the Lollards of Lincoln Diocese', in Derek Baker, ed., *Schism, Heresy and Religious Protest*, SCH 9 (Cambridge, 1972), 131–45.

[2] Brief exceptions are Irene Josephine Churchill, *Canterbury Administration*, 2 vols (London, 1933), 1: 520–1; R. H. Helmholz, 'Canon Law and English Common Law', in idem, *Canon Law and the Law of England* (London, 1987), 1–19, at 5–8. W. R. Jones, 'Relations of the Two Jurisdictions: Conflict and Cooperation in England during the

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point for investigation because under Edward I there was a great leap forward in all aspects of crown record-keeping as clerks strove to make a copy of every letter they sent out, and to note every transaction they conducted. Bishops' registrars followed suit, and in the early fourteenth century some at least recorded enthusiastically and extensively the letters their bishops received from the king. Bishop Roger Martival of Salisbury (1315–30) was one whose clerks tried to make copies of every writ he received. They recorded 875 from July 1315 to February 1330,[3] an average of nearly sixty a year. The writ register of his contemporary Henry Burghersh of the huge diocese of Lincoln (1320–40) remains unpublished, but sampling of writs of his first six years suggests he received about 145 a year.[4] The register of their contemporary Walter Stapeldon of Exeter (1308–26) contains a similarly rich collection.[5] By contrast, Walter Reynolds at the much smaller diocese of Worcester (1308–13) averaged about two dozen writs annually.[6]

Writs issued by the royal courts were not, of course, the only commands sent to bishops by the crown; orders to attend parliament, organize prayers for national causes, provide lists of foreign benefice-holders, swear in local officials and even array their clergy for home defence all came to English bishops. In addition, they had to appoint the collectors of clerical taxes and to provide information about (sometimes distant) defaulters and to gather overdue sums. Those subjects lie outside the scope of this article. Writs commanded bishops to undertake many tasks on behalf of the king's courts, of

Thirteenth and Fourteenth Centuries', *Studies in Medieval and Renaissance History* 7 (1970), 79–210, is an overview which does not examine the evidence presented here.

[3] *The Register of Roger Martival Bishop of Salisbury 1315–1330*, 3: *Royal Writs*, ed. Susan Reynolds, CYS 59 (Torquay, 1965). On Martival's enthusiasm for recording all writs, see Kathleen Edwards, 'General Introduction to the Registers', in *The Register of Roger Martival Bishop of Salisbury 1315–1330*, 4: *The Register of Inhibitions and Acts*, ed. Dorothy M. Owen, CYS 68 (Torquay, 1975), vii-lvi, at x.

[4] LA, Reg. 5B. MCD 997 is a calendar of the first 700 writs, using Susan Reynolds's model, made by Judith Cripps, a former assistant archivist.

[5] *The Register of Walter de Stapeldon, Bishop of Exeter*, ed. F. C. Hingeston-Randolph (London and Exeter, 1892), 413–44, lists 412 writs addressed to the bishop or his vicar-general.

[6] *The Register of Walter Reynolds, Bishop of Worcester 1308–1313*, ed. Rowland A. Wilson, Dugdale Society 9 (London, 1928), 159–80.

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Chancery, Exchequer, Common Pleas, King's Bench or Assize. Bishop Martival received forty-nine types of writ, not including writs of *sicut alias* or *sicut pluries*, that is, the reiterations of previous commands. By far the biggest class of business concerned debts, and came from the court of Common Pleas; these were generally writs of *venire faciatis* ordering the bishop to cause a defendant to answer one of several types of plea in cases of private debts owed by clerics. In executing these writs, bishops were, strictly speaking, violating canon law, which did not recognize lay jurisdiction over the clergy in civil matters. This, however, was widely disregarded.[7] The exchequer also issued writs of debt, but these were *fieri faciatis*, telling the bishop himself to raise money from clerics in debt to the crown, which might have resulted from their service as king's clerks.[8] The widespread use of clergy as executors also resulted in many actions for debt.[9] The King's Bench writs essentially told the bishop to make clerical defendants appear in court (*venire faciatis* and variations).[10] The pattern is similar in Burghersh's writ register: the overwhelming majority are Common Pleas writs about private debts owed by clerics. There is also an element, some ten per cent, of writs issued by the court of King's Bench concerning crimes of various kinds, including violent assault allegedly perpetrated by clerics. It looks as though the royal courts were using church administrations – accessed through the bishops – as debt collectors, gatherers of evidence and general enforcers. It should be said that using diocesan machinery for collecting money was often the courts' second choice, since

[7] Richard H. Helmholz, *OHLE*, 1: *The Canon Law and Ecclesiastical Jurisdiction from 597 to the 1640s* (Oxford, 2004), 315.

[8] For example, John de Berwick, keeper of the queen's gold (1285–90) and of the queen's wardrobe (1286–90), left office and died owing the crown £863 8*s* 4½*d*: *Reynolds Register*, ed. Wilson, writ nos 94, 110; T. F. Tout, *Chapters in the Administrative History of Mediaeval England*, 6 vols (Manchester, 1920–33), 2: 42 n. 2; 5: 238, 272. Adam de Wycheford, 'lately chamberlain in North Wales' and rector of Wick (Worcestershire), left office owing £211 7*s* 6*d*: Roy Martin Haines, ed., *Calendar of the Register of Simon de Montacute, Bishop of Worcester, 1334–1337*, Worcestershire Historical Society n.s. 15 (Worcester, 1996), no. 1053. In 1316, Martival was ordered to produce £10 which Master Richard Havering owed to Edward I's widow Queen Margaret: *Martival Register*, 3, ed. Reynolds, no. 64. For his career, see A. B. Emden, *A Biographical Register of the University of Oxford*, 3 vols (Oxford, 1957–9), 3: 2181–2.

[9] For example, *Stapeldon Register*, ed. Hingeston-Randolph, writ nos 55, 74.

[10] *Martival Register*, 3, ed. Reynolds, xii–xxxiv, is a formulary of all the types of writs received.

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many writs included the information that a sheriff had made a return of 'no lay fee' in respect of clerical debtors.

There were, however, some questions to which only churchmen could supply an answer. A number of writs wanted information in connection with advowson disputes or disputes about the rights of, and financial burdens on, a benefice; these orders were writs of *certiorari*. These were Chancery writs, and a subgroup specifically ordered a bishop to consult registers. The wording is: *mandamus quod scrutatis registris de eo quod inde inveneritis* ('look in the registers and tell us what you find'). Variations ordered the registers of the bishop's predecessors to be consulted, and sometimes the see's other archives as well.

How far back did these enquiries want to go? Demands addressed to Bishop Buckingham of Lincoln (1363–98) furnish some interesting examples.[11] Most dramatic (or unreasonable) is a writ of 1386 concerning half the church of Milton Major and Collingtree, Northamptonshire, which wanted to know about the benefice from 'the first year of the lord king H. father of the lord John formerly king of England'. This takes us back to 1154, and the wording is so deliberate that it can hardly be an error.[12] Two other writs, one in 1372, the other in 1392, wanted information from Richard I's coronation, 3 September 1189, the limit of legal memory.[13] More realistic was the enquiry about incumbents of Marston Moretaine 'since the coronation of Henry son of King John'.[14] In the return to another writ about the same Bedfordshire benefice, dated early in 1395, the bishop reported that he had caused the registers of his predecessors to be scrutinized from the time of Hugh II, that is, Hugh of Wells (1209–35), when Gilbert de W. [*sic*] was instituted, and he sent a full list of incumbents.[15] Indeed, Gilbert de Wyville's institution can be found in the rolls of Hugh of Wells. [16] Perhaps this return

[11] Alison K. McHardy, ed., *Royal Writs addressed to John Buckingham, Bishop of Lincoln, 1363–1398. Lincoln Register 12B: A Calendar*, CYS 86 (Woodbridge, 1997). This register was omitted from David M. Smith, *Guide to Bishops' Registers of England and Wales* (London, 1981).
[12] McHardy, ed., *Lincoln Writs*, no. 314.
[13] Ibid., Appendix A, nos 5 (Churchill, Oxfordshire, 1372), 400 (Olney, Buckinghamshire, 1392).
[14] Ibid., nos 449, 454.
[15] Ibid., no. 455.
[16] *Rotuli Hugonis de Welles, Episcopi Lincolniensis, A.D. MCCIX–MCCXXXV*, 3, ed. F. N. Davis, CYS 4 (London, 1908), 29.

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improved Chancery knowledge of Lincoln episcopal archives, because a flurry of writs, all from 1395, about several benefices, wanted information dating from the episcopate of Hugh of Wells; he was the first bishop of Lincoln to keep systematic records of his rule.[17]

No later writ wanted information from so far back, and only two asked for data from the thirteenth century. One concerned Armston hospital, Northamptonshire, and wanted to know about the form of its foundation and ordination, 'made in the time of Robert Grosseteste, it is said'. The return was: 'We made diligent search among the register of Robert Grosseteste but could not find anything about the foundation of the hospital in his time. However, we did find an *inspeximus* of two charters, one of Hugh of Wells and the other of Lady Alice de Trublevile … and we send you their wording'. Hugh of Wells's charter remains at Boughton House, near Kettering, and the *inspeximus* of Alice's charter is in Grosseteste's rolls.[18] Clearly someone, either in Northamptonshire or in the royal Chancery, knew that Grosseteste's records would contain useful information.

The most remarkable command of this type ordered the bishop of Lincoln to send in his entire register to the royal Chancery. This came in June 1391 and was occasioned by a dispute over the archdeaconry of Buckingham.[19] Two writs in quick succession told the bishop to send 'the complete register which you have had made since your consecration, in the care of some of your staff in whom you have confidence'. The return was: 'We have scrutinized our register and send a full copy of the relevant matter, but we are not able to send our whole register'.[20] Clearly compliance with the law's demands had its limitations, which were overstepped by this order. The bishop's return is not surprising, for not only was any current register a work in

[17] McHardy, ed., *Lincoln Writs*, nos 463–5 (Thornton, Leicestershire), 467 (Brackley, Northamptonshire), 470–1 (three churches in Leicester, St Mary de Castro, St Leonard and St Martin).

[18] *Robert Grosseteste as Bishop of Lincoln: The Episcopal Rolls, 1235–1253*, ed. Philippa M. Hoskin, Lincoln Record Society, Kathleen Major Series 1 (Woodbridge, 2015), no. 950; see also *The Acta of Hugh of Wells Bishop of Lincoln 1209–1235*, ed. David M. Smith, Lincoln Record Society 88 (Woodbridge, 2000), no. 370, for Wells's confirmation in 1232 of the arrangement between the hospital's founders and the patron and rector of nearby Polebrook church.

[19] The archdeaconry of Buckingham was contested for much of the fourteenth century: John Le Neve, *Fasti Ecclesiae Anglicanae 1300–1541*, 1: *Lincoln Diocese*, ed. H. P. F. King (London, 1962), 15.

[20] McHardy, ed., *Lincoln Writs*, nos 390, 391.

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progress, to be consulted and constantly added to, but until the episcopate ended it was not a bound volume but remained a loose collection of parchment sheets.

Some writs directed a bishop to discover the true status of an individual, subjects which only church authorities could answer. Such queries had two points in common: they arose from property disputes being held in either Common Pleas or King's Bench, and all apparently arose late in the proceedings. It looks as though the party which was about to lose the case made the allegation of defective legal status as a way of deferring judgment in the hope that their opponent would die, abandon the case or agree to compromise.[21] Two such enquiries are especially interesting: 'Is X a nun?', and 'Is Y legitimate or a bastard?'

It is perhaps not surprising that the question of whether a particular woman was a nun should arise, for many nunneries included residents who were neither professed, novices or *conversae*: girls being educated, widows as paying guests or even political prisoners. The problem of identifying nuns had occupied the English church since the primacy of Archbishop Lanfranc, and during the Angevin period a series of cases before the *curia regis* concerned the disputed religious status of a number of individuals, most, but not all, of whom were women.[22] At the root of the problem was the well-established doctrine of 'civil death', which prohibited the religious from pleading in lay courts, making wills or inheriting property, which thus passed to their next heirs as though they were already deceased.[23] The result was that the taking of religious vows became entwined with the transmission of property, and sometimes with the wish to remove individual family members from the possibility of inheritance, and thus to benefit others. This certainly seems to have been the case with Alice de Everingham, from a landed family of Yorkshire, Nottinghamshire and Lincolnshire, who was caught up in a family

[21] W. Holdsworth, *A History of English Law*, 3rd edn, 3 vols (London, 1923), 3: 624–5. For this and the following two notes, thanks are due to John Hudson.

[22] For Lanfranc's pronouncement on the subject, see *The Letters of Lanfranc, Archbishop of Canterbury*, ed. and transl. Helen Glover and Margaret Gibson (Oxford, 1979), 166–7 (no. 53); Cyril T. Flower, *Introduction to the Curia Regis Rolls 1199–1230*, SelS 62 (London, 1944), 107–211.

[23] Frederick Pollock and F. W. Maitland, *The History of English Law before the Time of Edward I*, 2nd edn, 2 vols (Cambridge, 1968), 1: 433–8. Banishment and abjuring the realm were the other causes of this disqualification.

dispute and was signified as a religious apostate from Haverholme Priory (Lincolnshire) in 1366 by William Prestwold, master of the Gilbertine order.[24] The bishop's commission, convened in response to two Chancery writs the following year, examined Alice herself and the brothers and sisters of Haverholme, and reported that she was not a nun.[25] This seems to have closed the case.[26] Conversely, Maud Huntercombe apparently *was* a nun but Giles French, a king's serjeant, spotted an opportunity to gain some property from her Buckinghamshire gentry family after it suffered two key deaths in 1390 and 1391, so he abducted Maud from Burnham Abbey (Buckinghamshire). She too was signified as a religious apostate on 10 July 1391, by the abbess who described Maud as a vagabond in secular habit.[27] By then two writs had already been sent to the bishop to enquire into her status, although stay of their execution was ordered that November.[28] Soon a flurry of writs restarted the enquiry process,[29] but Bishop Buckingham had already set up a commission of enquiry in the previous July, and returned its findings on 20 April 1393. Having made diligent enquiry, 'at great trouble and expense', as he grumbled, he concluded that Maud was indeed a nun, had been so for many years, and had entered religion at the age of discretion.[30] She was to be returned to Burnham Abbey and the plaintiffs in the case, her aunts, were restored to their property.[31]

Yet more complicated was the question, 'Is X legitimate or a bastard?' This might involve not only questions of marriage but also of divorce.[32] Problems here included the fact that canon law and

[24] Kew, TNA, Warrants for the Great Seal: Religious Apostates, C 81/1791/2, 17 November 1366. For the order for her arrest, see *CPR 1364–67*, 369.
[25] McHardy, ed., *Lincoln Writs*, nos 43, 44; the original writ and return of no. 44 is in TNA, Certiori: Ecclesiastical, C 269/4/29.
[26] She may have been the Alice de Everingham, widow of Thomas de Normanvile, who petitioned parliament in 1395: TNA, Ancient Petitions, SC 8/312E1.
[27] TNA, C 81/1789/3, 20 April 1393. She was likely to be found in London, Buckinghamshire or elsewhere.
[28] McHardy, ed., *Lincoln Writs*, nos 416, 417; *CCR 1389–92*, 363.
[29] McHardy, ed., *Lincoln Writs*, nos 418–20, 13 November 1392, 18 January and 12 February 1393.
[30] Return to TNA, C 269/8/18, piece 1, writ of 12 February 1393.
[31] *CCR 1392–96*, 70–1. Buckingham's commission was to five doctors of law: McHardy, ed., *Lincoln Writs*, no. 417.
[32] 'The canon law proclaimed the exclusive jurisdiction of its courts over substantive matrimonial questions, and the English royal courts did not contest this claim': Helmholz, *OHLE*, 1: 522.

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common law had slightly different rules for making the judgment, and that common law, being case law, tended to change its definition.[33] Whilst marriage law was church law, 'there was some skirmishing at the edges', as Helmholz puts it, over disputes about the inheritance of land.[34] In every case discovered in the writ collections, the allegation of bastardy was rejected by episcopal enquiry. All involved property, mostly of small amounts, for example 'an acre of land with appurtenances' in Gloucestershire, in a case to Reynolds of Worcester in 1310.[35] The cases coming to Martival were also comparatively modest: a messuage and two carucates of land in 1316 and an acre of land in 1327.[36] The lands in question whose heirs' status was in doubt under Stapeldon were similar. In November 1309 they concerned three messuages and four acres of land in Whitestone (Cornwall) and Nether Exe (Devon), and after some delay he reported that the plaintiff was legitimate and not a bastard.[37] In 1312 a similar enquiry arose from a dispute over two acres of land in Shillingford (Devon), to which the return gave the details that the couple in question were Adam Pynde and Rose de Holerigge whose marriage had been publicly solemnized in the face of the church, and that they had subsequently lived together as man and wife.[38]

Much higher stakes occurred in a case which came to Buckingham of Lincoln. It concerned the first marriage of Sir Bernard Brocas, soldier, courtier, friend of William of Wykeham and long-serving master of the royal buckhounds.[39] The Common Pleas writ of *inquiratis de bastardia*, dated 15 May 1385, concerned Sir Bernard's namesake and the son of his first marriage. This had taken place in 1344 or

[33] R. H. Helmholz, 'Bastardy Litigation in Medieval England', *AJLH* 13 (1969), 360–83, especially for changes during the fourteenth century; J. L. Barton, 'Nullity of Marriage and Illegitimacy in the England of the Middle Ages', in Dafydd Jenkins, ed., *Legal History Studies 1972* (Cardiff, 1975), 28–49.

[34] R. H. Helmholz, *Marriage Litigation in Medieval England* (Cambridge, 1974), 3.

[35] *Reynolds Register*, ed. Wilson, no. 48.

[36] *Martival Register*, 3, ed. Reynolds, nos 61, 690, 692.

[37] The common pleas writ of *inquiratis de bastardia* was dated 20 November 1309, received on 27 November, and the reply dated the following 30 April: *Stapeldon Register*, ed. Hingeston-Randolph, writ no. 64.

[38] Writ dated 24 November 1312, return 20 January 1313: ibid., no. 181.

[39] For Brocas, see Linda Clarke's biography in J. S. Roskell, Linda Clark and Carole Rawcliffe, eds, *The History of Parliament. House of Commons, 1386–1421*, 2: *Members A–D* (Stroud, 1992), 359–62.

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1345, to Agnes Vavasour, heiress to five Yorkshire manors and one (Weekley) in Northamptonshire. The marriage was dissolved in 1360 but unusually both parties were given leave to remarry, which they did. Agnes married Henry Langfield, and the dispute was about her Northamptonshire land and was sparked by the felling of trees there. It looks as though Henry Langfield, following his wife's death in January 1385, was trying desperately to hold on to her Northamptonshire manor which had been inherited by his stepson, Bernard Brocas junior.[40] This was also a complicated investigation for the bishop because the Brocas family was based in Hampshire and Sir Bernard's first marriage had taken place in Berkshire, but the long and detailed enquiry was held in London. There were four witnesses: one had been born in the year of the wedding, and two only echoed the second witness. He, however, compensated by his precise and detailed recollection of the marriage, the wedding liturgy and the names of the guests.[41]

These examples showed crown-church or legal-canonical cooperation working effectively. But they were high-profile: Alice's case came before Chancery and Maud's before parliament,[42] while Brocas senior was a courtier and MP. When we ask how efficiently this cooperative mechanism usually worked, the answer is not clear-cut. In some episcopates, the rate of effective execution is impressive. Walter Reynolds at Worcester was able to execute, either wholly or in part, nearly half (sixty-five) the royal commands, although no return was recorded to a further twenty-five, while attempts to raise money were thwarted in seventeen other cases in which no buyer of the sequestered goods could be found. This was in a comparatively small diocese at a time of domestic peace. Yet the problems these writs posed are illustrated by a writ addressed to Reynolds in 1309. This exchequer *fieri faciatis de bonis ecclesiasticis* was against William de Persore, rector of Powick (Worcestershire), Reginald le Porter, rector of 'Burghton',

[40] *Calendar of Inquisitions Post Mortem and other Analogous Documents preserved in the Public Record Office*, 16: *7–15 Richard II* (London, 1974), no. 155, for Agnes's property. Nothing is listed for Northamptonshire.

[41] Beaurepaire and Sherborne St John (Hampshire), Clewer (Berkshire) and St Olave, Silver Street, London, on 19 June 1365. The enquiry is printed from Buckingham's *memoranda* register: LA, Lincoln Register 12, fols 306^{r}–308^{v}; McHardy, ed., *Lincoln Writs*, nos 90–4.

[42] TNA, Ancient Petitions, SC 8/97/4804; SC 8/97/4802B; SC 8/97/4802A; SC 8/13/647A.

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and Adam de Herewynton, executors of Reginald le Porter 'sometime sheriff of Worcestershire'. To this the return was: 'Adam de H. is not beneficed in the diocese, William le P. is dead and nothing of his goods can be found; goods of the rector of B. to the value of 40*s* have been sequestered, but no buyer for them could be found'.[43] In larger dioceses, the successful rate of return was much lower, and the answer to very many writs was that it had arrived too late for execution to take place by the date of its return to the issuing court.[44] This was not surprising, given that bishops travelled widely within their sees and further afield, and must often have been elusive. Roger Martival of Salisbury, for example, would visit his family home of Noseley, in Leicestershire,[45] as well as travelling to parliament at Lincoln in 1316,[46] while Henry Burghersh of Lincoln spent long periods near York in the summer of 1322. As well as late arrival, other common returns were that property had been seized but no buyer could be found; there was no such person in the diocese,[47] the person was unknown unless designated by his benefice,[48] the wanted man had died,[49] the debtor was not an executor of the will in question,[50] there would be no money until after harvest,[51] or the harvest had been sold and the money already dispersed.[52] An unusual reply came in January 1408 from Bishop Repingdon of Lincoln: the rector of Clipston (Northamptonshire) could not be

[43] *Reynolds Register*, ed. Wilson, writ no. 14. 'Boughton' is probably Bourton on the Hill, Gloucestershire.

[44] A rare example of precision is given in Burghersh's writ register where a writ of 6 July 1321 was received on 7 October: LA, MCD 997, no. 46.

[45] For details of Martival's visits to Noseley, see Edwards, 'Introduction', to *Martival Register*, 4, ed. Owen, xxxviii–xliii. Burghersh's clerks usually recorded the place and date of receipt.

[46] One writ could not be executed because he was about to set out for parliament at Lincoln: *Martival Register*, 3, ed. Reynolds, no. 25.

[47] *Stapeldon Register*, ed. Hingeston-Randolph, no. 218; McHardy, ed., *Lincoln Writs*, no. 36.

[48] LA, MCD 997, no. 106.

[49] Ibid., no. 158; *Stapeldon Register*, ed. Hingeston-Randolph, nos 126, 196, 218; McHardy, ed., *Lincoln Writs*, no. 2.

[50] LA, MCD 997, no. 27.

[51] *Reynolds Register*, ed. Wilson, no. 91; *Martival Register*, 3, ed. Reynolds, no. 52.

[52] Burghersh reported of one rector that 'before Lammas he sold to his parishioners the harvest tithes and other offerings … for which fraud and transgression we are proceeding against him in accordance with the canons': LA, MCD 997, no. 216; *Martival Register*, 3, ed. Reynolds, no. 83.

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brought to the exchequer because he had departed for the Roman court.[53] Attempts made by the royal courts to penalize bishops by making them responsible for debts were only partly successful. Debtors were made to swear that they would save their bishop unharmed by appearing in lay courts or paying debts, but did not always keep their word, and bishops complained when they suffered for the misdeeds of their clergy. It is usually impossible to detect the dividing line between incompetence[54] (on both sides) and obstructiveness.[55] But obstructiveness on the part of bishops and their clerks there certainly was. An egregious example is the return to a Common Pleas *fieri faciatis de bonis ecclesiasticis* against Richard Ravenser for forty marks, to which the bishop of Lincoln replied: 'We have made diligent enquiry in our diocese about the ecclesiastical goods of Richard de Ravenser, but we can find none by which the 40 marks can be distrained', even though Ravenser was then archdeacon of Lincoln and prebendary of Empingham.[56] This, however, should not necessarily be seen as an example of crown-church antagonism, more as the stuff of perpetual and continuing legal sparring.[57] Responses to episcopal ineffectiveness included the issuing of writs of *sicut alias* (for the second time), *sicut pluries* (further orders), threats to the bishop[58] and sometimes professions of astonishment at a bishop's previous failures to comply, with increasing irritation at episcopal inaction.[59]

[53] This was Gryffyth Damport, formerly chancellor of Thomas (Holand), earl of Kent: LA, Register 15B (Philip Repingdon, Writs), fol. 1.

[54] For example, a series of writs to the bishop of Worcester against the rector of 'Bedyndon' elicited the return that there was no such church in the diocese. Beddington is in Winchester diocese: Roy Martin Haines, ed., *A Calendar of the Register of Wolstan de Bransford 1339–1349*, Worcestershire Historical Society 4 (London, 1966), no. 1114.

[55] Between March 1308 and midsummer 1315, the bishop of Exeter received sixty-two writs about the various debts of Nicholas de Lovetot, to one of which he made the return that 'all his ecclesiastical goods in the diocese had, long before the receipt of this writ, been sequestered by order of the Holy See', *Stapeldon Register*, ed. Hingeston-Randolph, no. 241.

[56] McHardy, ed., *Lincoln Writs*, no. 231 and n. See also Buckingham's assertion in 1363 that he could find no ecclesiastical goods of the dean of Lincoln: ibid., no. 7B.

[57] The point made by Helmholz in reviewing McHardy, ed., *Lincoln Writs*: *Legal History* 20 (1999), 137–8.

[58] McHardy, ed., *Lincoln Writs*, nos 49, 51, 75, 84.

[59] *Stapeldon Register*, ed. Hingeston-Randolph, nos 4, 5, 337; *Reynolds Register*, ed. Wilson, writ no. 91.

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Another obstacle to detecting efficiency is that enthusiasm for recording the writs waned in the course of the fourteenth century, as bishops' chanceries became much more selective, and writs about private debt and crime were no longer copied. In dioceses where successive writ collections can be identified, such as Salisbury, Worcester and Lincoln, the rate of recording declined during the second half of the fourteenth century, although to some extent enthusiasm for recording writs depended upon individual bishops. Thus in Worcester diocese Adam de Ordeton's register (1327–33) contains seventeen scattered writs, or references, none arising from the types of cases discussed here, while the well-organized register of his successor Simon de Montacute (1332–7) has around fifty, with dates and places of receipt and details of returns meticulously entered. Montacute, young, aristocratic and a new-minted graduate, was a stickler for many aspects of his office.[60] The trend was generally downwards, though, and all diocesan traditions of keeping writ sections disappeared during the second quarter of the fifteenth century.[61] It is likely that practicality, rather than principle, dictated the change, for the cost in time and materials of copying every writ was surely considerable. Moreover, as the fourteenth century progressed, the impact of warfare imposed new burdens on bishops, in particular the collection of current clerical taxes and the gathering of sometimes long-standing arrears. English bishops were thus more likely to respond to immediate pressures rather than to decisions in the distant papal court.[62]

This article has examined an area of crown-church cooperation in which pragmatism, rather than principle, prevailed. It was, of course, only one part of crown-church legal interaction, and one chronological segment, albeit one which lasted over a hundred years. Previously, the two great areas of legal friction had been the jurisdiction over disputes about the rights of patronage of ecclesiastical benefices, which the crown won (and so advowsons were a lay plea), and benefit of clergy, which the church won (at least in theory). In practice, the boundaries were often blurred; both clergy and laymen sometimes

[60] Haines, ed., *Calendar of the Register of Simon de Montacute*; Emden, *Biographical Register*, 3: 1295–6, *s.n.* Montagu.

[61] See Smith, *Guide to Bishops' Registers*; McHardy, ed., *Lincoln Writs*, xii-xvi.

[62] In the 1370s the auditors of the *Rota* 'determined that the English custom of hearing civil cases involving clerical defendants before secular courts was a wholly invalid custom under the canon law. But nothing changed in consequence': Helmholz, *OHLE*, 1: 315.

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claimed (or denied) that a case belonged to one particular jurisdiction in order to have proceedings moved from, or into, church courts, while from the early fourteenth century examples can be found of obvious laymen successfully claiming benefit of clergy. At the national level, the clergy made a series of protests and complaints from the early thirteenth century and throughout the fourteenth about infringement of their rights, usually when the crown was weak or political tension high,[63] and the laity in parliament on occasion made counter-claims.[64] At the national, international and theoretical levels, therefore, high claims might be made on both sides of the ecclesiastical-secular power divide, but at the local level cooperation was much more evident, as this article has striven to show. Also, while the crown enlisted the church to exert the authority of the royal courts, ecclesiastical authorities, for their part, turned to the secular power in order to enforce discipline by imprisoning persistent excommunicates and capturing religious runaways.[65] None of this is the stuff of heroics or drama, but in complying, however inefficiently, with commands from the crown's courts, the bishops of England during the long fourteenth century were going to considerable trouble. In acting as the crown's bailiffs, sheriffs and detective agencies they were expending time, money, ink and parchment in their cooperation with legal authority to ensure that rights were respected, fraud was unmasked and debts were paid, efforts which contributed towards making England a land where the rule of law, and laws, prevailed.

[63] W. R. Jones, 'Bishops, Politics and the Two Laws: The *Gravamina* of the English Clergy, 1237–1399', *Speculum* 41 (1966), 20–45; J. H. Denton, 'The Making of the "*Articuli Cleri*" of 1316', *EHR* 101 (1986), 564–89. See also Matthew Phillips, 'Bishops, Parliament and Trial by Peers: Clerical Opposition to the Confiscation of Episcopal Temporalities in the Fourteenth Century', *JEH* 67 (2016), 288–304.

[64] W. Mark Ormrod, Helen Killick and Phil Bradford, eds, *Early Common Petitions in the English Parliament,* c.*1290*–c.*1420*, Camden 5th series 52 (London, 2017), 47–8.

[65] F. D. Logan, *Excommunication and the Secular Arm in Medieval England* (Toronto, ON, 1968); idem, *Runaway Religious in Medieval England,* c.*1240–1540* (Cambridge, 1996).

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